

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

TOYER EDWARDS

S.C. CASE NO. 82639

Appellant,

Electronically Filed
Dec 10 2021 04:40 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

APPEAL FROM JUDGMENT OF CONVICTION
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE CARLI KIERNY, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME I  
~~~~~

ATTORNEY FOR APPELLANT
CHRISTOPHER R. ORAM, ESQ.
Attorney at Law
Nevada Bar No. 004349
520 S. Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
Telephone: (702) 384-5563

ATTORNEY FOR RESPONDENT
STEVE WOLFSON
District Attorney
Nevada Bar No. 001565
200 Lewis Avenue
Las Vegas, Nevada 89101

AARON FORD
Nevada Attorney General
Nevada Bar No. 0003926
100 North Carson Street
Carson City, Nevada 89701-4717

IN THE SUPREME COURT OF NEVADA

TOYER EDWARDS

CASE NO. 82639

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

OPENING BRIEF APPENDIX

<u>VOLUME</u>	<u>PLEADING</u>	<u>PAGE NO</u>
5	AMENDED ORDER GRANTING PETITIONER'S WRIT OF HABEAS CORPUS (FILED MARCH 12, 2021)	836-839
5	CLERK'S CERTIFICATE (FILED DECEMBER 14, 2018)	805-808
1	DEFENDANT'S PROPOSED JURY INSTRUCTIONS (FILED FEBRUARY 23, 2018)	7-25
5	DEFENDANT'S SENTENCING MEMORANDUM (FILED MAY 04, 2018)	773-778
4	DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS (FILED MARCH 02, 2018)	652-658
4	DEFENDANT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS (FILED MARCH 02, 2018)	659-665
1	INFORMATION (FILED JULY 06, 2017)	1-3
4	INSTRUCTIONS TO THE JURY (FILED MARCH 02, 2018)	666-700
5	JUDGMENT OF CONVICTION (FILED MAY 22, 2018)	795-796
5	NOTICE OF APPEAL (FILED OCTOBER 29, 2018)	797-802
5	NOTICE OF APPEAL (FILED MARCH 17, 2021)	840-841
5	NOTICE OF ENTRY OF ORDER (FILED DECEMBER 13, 2019)	842-846

1	5	NOTICE OF ENTRY OF ORDER (FILED MARCH 17, 2021)	842-846
2			
3	5	ORDER DISMISSING APPEAL (FILED NOVEMBER 16, 2018)	803-804
4	5	ORDER GRANTING PETITIONER'S WRIT OF HABEAS CORPUS (FILED DECEMBER 11, 2019)	829-831
5			
6	5	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (FILED APRIL 25, 2019)	812-823
7			
8	5	REMITTITUR (FILED DECEMBER 31, 2018)	809-811
9			
10	1	STATE'S NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL CRIMINAL (FILED AUGUST 02, 2017)	4-6
11			
12	5	STATE'S RESPONSE TO DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (FILED OCTOBER 02, 2019)	824-828
13			
14	5	STATE'S SENTENCING MEMORANDUM (FILED APRIL 24, 2018)	703-772
15	1	STIPULATION AND ORDER (FILED FEBRUARY 26, 2018)	26-28
16			
17	1	TRANSCRIPT OF PROCEEDINGS RE: JURY TRIAL – DAY 1 of 5 FEBRUARY 26, 2018 (FILED APRIL 14, 2021)	29-200
18			
19	2	TRANSCRIPT OF PROCEEDINGS RE: JURY TRIAL – DAY 2 of 5 FEBRUARY 27, 2018 (FILED APRIL 14, 2021)	201-317
20			
21			
22	3	TRANSCRIPT OF PROCEEDINGS RE: JURY TRIAL – DAY 3 of 5 FEBRUARY 28, 2018 (FILED APRIL 14, 2021)	318-457
23			
24	4	TRANSCRIPT OF PROCEEDINGS RE: JURY TRIAL – DAY 4 of 5 MARCH 01, 2018 (FILED APRIL 14, 2021)	458-545
25			
26			
27	4	TRANSCRIPT OF PROCEEDINGS RE: JURY TRIAL – DAY 5 of 5 MARCH 02, 2015 (FILED APRIL 14, 2021)	546-651
28			

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TRANSCRIPT OF PROCEEDINGS RE:
SENTENCING MAY 10, 2018
(FILED APRIL 14, 2021)

779-794

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VERDICT
(FILED MARCH 02, 2018)

701-702

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court 10th day of December, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

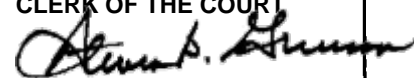
AARON FORD
Nevada Attorney General

STEVE WOLFSON
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

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



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
EKATERINA DERJAVINA
Deputy District Attorney
Nevada Bar #14047
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 07/07/17
10:00 AM
PD-ODEH

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-17-324805-1

-vs-

DEPT NO: II

TOYER EDWARDS, aka,
Toyer Fidel Edwards, #0878456
Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That TOYER EDWARDS, aka, Toyer Fidel Edwards, the Defendant(s) above named, having committed the crime of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226)**, on or about the 18th day of June, 2017, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1


did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: WILLIAM ALLISON, with use of a deadly weapon, to wit: a knife, by stabbing and/or cutting the said WILLIAM ALLISON with said knife, resulting in substantial

1 bodily harm to WILLIAM ALLISON.

2 COUNT 2

3 did willfully, unlawfully, and feloniously use force or violence upon the person of
4 another, to wit: CHASE LOVATO, with use of a deadly weapon, to wit: a knife, by stabbing
5 and/or cutting the said CHASE LOVATO with said knife, resulting in substantial bodily harm
6 to CHASE LOVATO.

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

9 BY 
10 EKATERINA DERJAVINA
11 Deputy District Attorney
 Nevada Bar #14047

12
13
14 Names of witnesses known to the District Attorney's Office at the time of filing this
15 Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
ALLISON, WILLIAM	C/O DISTRICT ATTORNEY'S OFFICE
BERGER, DEREK	LVMPD P#15347
CAVARICCI, ANTHONY	LVMPD P#9024
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD – DISPATCH
CUSTODIAN OF RECORDS	LVMPD – RECORDS
DRIVER, JUSTIN	LVMPD P#9790
HALM, SAMANTHA	LVMPD P#15289
LASTER, GEORGE	LVMPD P#5658
LOVATO, CHASE	C/O DISTRICT ATTORNEY'S OFFICE
MANN, DAVID	LVMPD P#13020
MCINTYRE, MORETTA	LVMPD P#13207

1	MEADS, BRANDON	LVMPD P#14011
2	MILDEBRANDT, BRIAN	LVMPD P#5449
3	SHAMIRZA, ALFRED	DA INVESTIGATOR AND/OR DESIGNEE
4	SIMMS, JOSHUA	LVMPD P#15111

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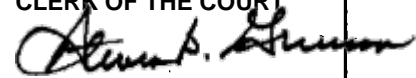
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28 LVMPD EV#1706181158
(TK8)



NOTC
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ERIKA MENDOZA
Chief Deputy District Attorney
Nevada Bar #012520
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-17-324805-1

TOYER EDWARDS, aka,
Toyer Fidel Edwards, #0878456

DEPT NO: II

Defendant.

**STATE'S NOTICE OF INTENT TO SEEK PUNISHMENT AS
A HABITUAL CRIMINAL**

TO: TOYER EDWARDS, aka, Toyer Fidel Edwards, Defendant; and

TO: ELAINE ODEH, Deputy Public Defender, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS 207.010, the STATE OF NEVADA will seek punishment of Defendant TOYER EDWARDS, aka, Toyer Fidel Edwards, as a habitual criminal in the event of a felony conviction in the above-entitled action.

That in the event of a felony conviction in the above-entitled action, the STATE OF NEVADA will ask the court to sentence Defendant TOYER EDWARDS, aka, Toyer Fidel Edwards, as a habitual criminal based upon the following felony convictions, to-wit:

1. That on or about 1991, the Defendant was convicted in the Hennepin County District Court, State of Minnesota, for the crime of Robbery (Felony) in Case No. 91258270.

0004

1 2. That on or about 1992, the Defendant was convicted in the Hennepin
2 County District Court, State of Minnesota, for the crime of Theft (Felony) in Case No.
3 92039227.

4 3. That on or about 1992, the Defendant was convicted in the Hennepin
5 County District Court, State of Minnesota, for the crime of Theft (Felony) in Case No.
6 92331522.

7 4. That on or about 1994, the Defendant was convicted in the District Court,
8 Clark County, Nevada, for the crime of Attempt Grand Larceny (Felony) in Case No.
9 C117388.


10 5. That on or about 1999, the Defendant was convicted in the District Court,
11 Clark County, Nevada, for the crime of Attempt Burglary (Felony) in Case No. C158661.

12 6. That on or about 2008, the Defendant was convicted in the District Court,
13 Clark County, Nevada, for the crime of Burglary (Category B Felony) in Case No. C248058.

14 7. That on or about 2010, the Defendant was convicted in the District Court,
15 Clark County, Nevada, for the crime of Assault with Deadly Weapon (Category B Felony) in
16 Case No. C264910.

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

20 BY


21 ERIKA MENDOZA
22 Chief Deputy District Attorney
23 Nevada Bar #012520
24
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of NOTICE OF INTENT TO SEEK PUNISHMENT AS A
HABITUAL CRIMINAL made this 2ND day of August, 2017, by facsimile transmission
to:

ALEXANDER J. HUBERT
DEPUTY PUBLIC DEFENDER
FAX#702-366-9684

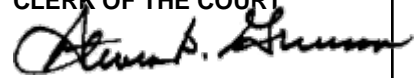
BY:

P. Manis

P. Manis

Secretary for the District Attorney's Office

pm/L-2



PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
ELAINE ODEH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14099
SHANA S. BROUWERS, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 12337
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
elaine.odeh@clarkcountynv.gov
shana.brouwers@clarkcountynv.gov
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-17-324805-1
)	
v.)	DEPT. NO. XVIII
)	
TOYER EDWARDS,)	
)	
Defendant,)	
_____)	

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

COMES NOW, the Defendant, TOYER EDWARDS, by and through his attorneys, ELAINE ODEH and SHANA BROUWERS, Deputy Public Defenders, and hereby submits the following proposed jury instructions and verdict form.

DATED this 23rd day of February, 2018.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Elaine Odeh
ELAINE ODEH, #14099
Deputy Public Defender

0007

INSTRUCTION NO.: _____

The Defendant is presumed innocent unless the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based in reason. It is not a mere possible doubt, but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

In order to find the Defendant guilty of the crime charged, you must reach a subjective state of near certitude regarding the facts in issue. Where there is a reasonable doubt as to whether the Defendant's guilt is satisfactorily shown, the Defendant is entitled to a verdict of "Not Guilty."

NRS 175.191; NRS 175.211; Randolph v. State, 117 Nev. 970, 980-81 (2000) (*citing* McCullough v. State, 99 Nev. 72, 75 (1983) (*quoting* Jackson v. Virginia, 443 U.S. 307, 315 (1979)) ("[T]he reasonable doubt instruction should impress on the jury the need to reach a subjective state of near certitude of the facts in issue." (internal quotation marks omitted)); Holmes v. Nevada, 114 Nev. 1357, 972 P.2d 337 (1998).

If the evidence in this case is subject to two constructions or interpretations, each of which appears to be reasonable, and one of which points to the guilt of the Defendant, and the other to his innocence, it is the jury's duty to adopt the interpretation which will admit the Defendant's innocence and reject that which points to guilt.

Crane v. State, 88 Nev. 684 (1972); Bails v. State, 92 Nev. 95, 98, 545 P.2d 1155, 1156 (1976).

INSTRUCTION NO.: _____

The crime of Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm requires the State to prove beyond a reasonable doubt that Defendant improperly used force or violence against the named victims by using a deadly weapon, and which resulted in substantial bodily harm to the named victims.

NRS 200.481.

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Battery means any willful and unlawful use of force or violence upon the person of another.

NRS 200.481.

INSTRUCTION NO.: _____

A deadly weapon is any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death, or any weapon, device, instrument, material, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing substantial bodily harm or death.

NRS 193.165(a)-(b).

INSTRUCTION NO.: _____

In order to find that a deadly weapon was used, you must find that the instrumentality, or weapon, was put into action or service in conscious furtherance of a criminal objective.

Buschauer v. State, 106 Nev. 890 (1990); Brooks v. State, 124 Nev. 203 (2008).

INSTRUCTION NO.: _____

Substantial bodily harm is a bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or prolonged physical pain.

NRS 0.060.

INSTRUCTION NO.: _____

If evidence of self-defense is present, the State of Nevada must prove beyond a reasonable doubt the Defendant did not act in self-defense. If you find the State of Nevada has failed to prove beyond a reasonable doubt the Defendant did not act in self-defense, you must find the Defendant “Not Guilty.”

Runion v. State, 116 Nev. 1041 (2000).

INSTRUCTION NO.: _____

The right of self-defense is not available to an original aggressor, that is, a person who has sought a quarrel with the design to force a dangerous issue and this through his fraud, contrivance or fault, to create a real or apparent necessity for making a felonious assault.

However, where a person without voluntarily seeking, provoking, inviting, or willingly engaging in a difficulty of his own free will, is attacked by an assailant, he has the right to stand his ground and need not retreat when faced with the threat of dangerous force.

INSTRUCTION NO.: _____

Lawful resistance to the commission of a public offense may be made by a party about to be injured. Resistance sufficient to prevent the offense may be made by the person about to be injured.

The law does not justify the use of a greater degree of force than is reasonably necessary, nor does it justify a person who has been acting in self-defense in the infliction of further injuries upon his assailant after there is no longer any apparent danger.

NRS 193.230

INSTRUCTION NO.: _____

The use of force in self-defense is justified and not unlawful when the person who uses such force actually and reasonably believes:

1. That there is imminent danger that the assailant will cause him great bodily injury; and
2. That it is absolutely necessary under the circumstances for him to use in self-defense force or means for the purpose of avoiding great bodily injury to himself.

INSTRUCTION NO.: _____

Actual danger is not necessary to justify an act in self-defense. A person has a right to defend himself from apparent danger to the same extent as he would from actual danger.

The person is justified in acts of self-defense if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to suffer great bodily injury; and
2. He acts solely upon these appearances and his fear and actual beliefs; and
3. A reasonable person in a similar situation would believe himself to be in like danger.

The acts of self-defense are justified even if it develops afterwards that the person was mistaken about the extent of the danger.

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INSTRUCTION NO. _____

If the State fails to prove beyond a reasonable doubt that Defendant committed each and every element of the offense of Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, you must find the Defendant “Not Guilty.”

Crawford v. State, 121 Nev. 744, 753 (2005). (“...this court [Supreme Court of Nevada] has consistently recognized that specific jury instructions that remind the jurors that they may not convict the defendant if proof of a particular element is lacking should be given upon request.”)

1
2 It is a constitutional right of a defendant in a criminal trial that he may not be
3 compelled to testify. Thus, the decision as to whether he should testify is left to the
4 defendant on the advice and counsel of his attorney. You must not draw any inference of
5 guilt from the fact that he does not testify nor should this fact be discussed by you or enter
6 into your deliberations in any way.
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27 U.S. Const. Amend. V; Carter v. KY, 450 U.S. 288 (holding it is error not to give this instruction if
28 requested); NRS 171.191.

1 The State has the burden of proving beyond a reasonable doubt every material
2
3 element of the crime charged. The defendant does not have to prove his innocence.
4
5 Accordingly, the defendant does not have to call witnesses to testify on his behalf. If the
6 Defendant does not call witnesses on his behalf, you are instructed not to discuss this fact
7 or permit it to influence your deliberations in any way.
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Crawford v. State, 121 Nev. 744, 121 P.3d 582 (2005).

INSTRUCTION NO.: _____

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

INSTRUCTION NO.: _____

You have heard evidence that, at some point, the Defendant was in custody at the Clark County Detention Center. You must not draw any inference of guilt from this fact, nor should this fact be discussed by you or enter into your deliberations in any way.

1 VER

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,)
6 Plaintiff,) CASE NO. C-17-324805-1
7 v.) DEPT. NO. XVIII
8 TOYER EDWARDS,)
9 Defendant.)
10 _____)

11 **VERDICT**

12
13 We, the jury in the above-captioned case, find the Defendant, TOYER EDWARDS,
14 as follows:

15 **COUNT 1 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN**
16 **SUBSTANTIAL BODILY HARM (as to William Allison)**

17 *(Please check the appropriate box, select only one)*

- 18 ☐ Not Guilty
19 ☐ Guilty of BATTERY WITH USE OF A DEADLY WEAPON
20 RESULTING IN SUBSTANTIAL BODILY HARM

21 **COUNT 2 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN**
22 **SUBSTANTIAL BODILY HARM (as to Chase Lovato)**

23 *(Please check the appropriate box, select only one)*

- 24 ☐ Not Guilty
25 ☐ Guilty of BATTERY WITH USE OF A DEADLY WEAPON
26 RESULTING IN SUBSTANTIAL BODILY HARM

27 Dated this _____ day of February, 2018.

28 _____
FOREPERSON

ORDR
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
ELAINE ODEH, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 14099
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-3966
elaine.odeh@clarkcountynv.gov
Attorneys for Defendant

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

FEB 26 2018

BY 
ALAN PAUL CASTLE, SR, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
v.)
)
TOYER EDWARDS,)
)
Defendant,)
_____)

CASE NO. C-17-324805-1
DEPT. NO. XVIII

STIPULATION AND ORDER

THIS MATTER having come before the Court on November 21, 2017 on the Defendant's Motion to Suppress Statements, IT IS HEREBY STIPULATED AND AGREED by and between the above named parties, through their undersigned counsel of record, and IT IS HEREBY ORDERED that that any statements by the Defendant, TOYER EDWARDS, about the offenses charged in this case, made on June 18, 2017 after Detective Mildebrand began communicating with the defendant, shown as the 12 minute 45 second mark of Officer Berger's body camera video which began at 7:36 am, shall not be admitted at the trial of this matter, unless the defense opens the door to such admission.

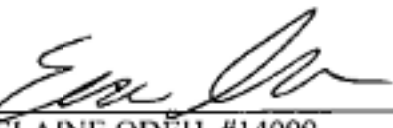
DATED this 22nd day of November, 2017.

C-17-324805-1
SAO
Stipulation and Order
4723779



1 PHILIP J. KOHN
2 CLARK COUNTY PUBLIC DEFENDER
3 ATTORNEY

STEVEN B. WOLFSON
CLARK COUNTY DISTRICT

4 By 
5 ELAINE ODEH, #14099
6 Deputy Public Defender

By: 
ERIKA MENDOZA #12520
Deputy District Attorney

7
8
9 DATED: 12/15/17


DISTRICT COURT JUDGE

10
11 Submitted by:

12 PHILIP J. KOHN
13 CLARK COUNTY PUBLIC DEFENDER

14
15 By /s/ Elaine Odeh
16 ELAINE ODEH, #14099
17 Deputy Public Defender

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of the above and forgoing COURT ORDER was served via electronic e-filing to the Clark County District Attorney's Office at motions@clarkcountynyda.com on this ____ day of November, 2017.

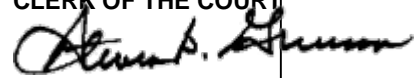
By: /s/ Elaine Odeh - PD

An employee of the
Clark County Public Defender's Office

Case Name: Toyer Edwards

Case No.: C-17-324805-1

Dept. No.: XVIII



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff(s),

vs.

TOYER EDWARDS,

Defendant(s).

Case No. C-17-324805-1

Department XXI

BEFORE THE HONORABLE MARK B. BAILUS,
DISTRICT COURT JUDGE

MONDAY, FEBRUARY 26, 2018

TRANSCRIPT OF PROCEEDINGS RE:
JURY TRIAL – DAY 1 of 5

APPEARANCES:

For the Plaintiff(s):

EKATERINA DERJAVINA, ESQ.
MICHAEL DICKERSON, ESQ.
Deputy District Attorneys

For the Defendant(s):

ELAINE ODEH, ESQ.
SHANA S. BROUWERS, ESQ.
Deputy Public Defenders

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **LAS VEGAS, NEVADA, MONDAY, FEBRUARY 26, 2018**

2 [Proceeding commenced at 1:06 p.m.]

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

5 THE COURT: This is Case Number C-17-324805, State of
6 Nevada versus Troyer Edwards. Let the record reflect the present
7 of -- shucks, the presence of counsel for the State, counsel for the
8 defense, and Mr. Edwards.

9 Is there any housekeeping matters that we need to take up
10 before we begin jury selection?

11 MS. DERJAVINA: I don't believe so, Your Honor.

12 MS. BROUWERS: I have just kind of a quick kind of
13 procedural question. Your staff is helping me out. I've, obviously,
14 never tried a trial in front of Your Honor, and I know every
15 department does it a little bit different.

16 For jury selection, is it all right if we both ask questions or
17 do you want just one person asking questions? What's your
18 preference?

19 THE COURT: My preference is one person. But if there's
20 some question that one person -- let's say you're doing the jury
21 questioning and you forget to ask a question, and Ms. Odeh wants
22 to ask a question, that's fine. But my preference is that one person
23 does the questioning.

24 MS. BROUWERS: Okay. And then for peremptories, is
25 it -- for our fifth, are we limited to just the alternate as a preempt or

1 can the -- any -- can the five be used anywhere?

2 THE COURT: We're going to do four plus one.

3 MS. BROUWERS: Okay.

4 THE COURT: Okay. And I'll go through my little spiel with
5 everybody before we get started. I noticed that there was a Motion
6 to Correct the witness list.

7 MS. ODEH: Yes.

8 THE COURT: Is there any opposition to that?

9 MS. DERJAVINA: No, Your Honor.

10 THE COURT: Okay. That'll be granted.

11 MS. ODEH: Thank you.

12 MS. BROUWERS: Thank you.

13 THE COURT: And also, just as a housekeeping, I know it
14 was put on the record that calendar call, but just to there's no
15 confusion, it's my understanding that negotiations were offered in
16 this case and the defendant has rejected them; is that correct?

17 MS. ODEH: Correct.

18 THE COURT: Can you restate the negotiations for the
19 record, please.

20 MS. DERJAVINA: And, Your Honor, it was for the
21 defendant to plead guilty to battery with a deadly weapon, resulting
22 in substantial bodily harm, full right to argue, but the State would
23 not seek habitual. He is large habitual eligible, and there was no
24 counter offer.

25 THE COURT: Okay. And Mr. Edwards, that offer was

1 conveyed to you?

2 THE DEFENDANT: Yes, it was.

3 THE COURT: And you have rejected that offer; is that
4 correct? Is that correct?

5 THE DEFENDANT: That's correct.

6 THE COURT: Okay. Counsel, I use the modified Arizona
7 method. After general questions to the venire, I will seat 24 in the
8 box from the jury list. Seats 1 through 12 will be for the jurors, and
9 Seats 13 and 14 for the alternates. We will not inform the alternate
10 jurors of the fact they are alternates.

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

14 After you both pass that group for cause, you may then
15 execute four plus one peremptory challenges for the alternates on
16 the sheet provided. Please do not make any speaking objections.
17 Your objections should be -- should only include the legal basis for
18 your objection. If I need additional argument, I request you
19 approach the bench.

20 Because we're using a court recorder, please identify
21 yourself when speaking and pay attention to where the microphone
22 is.

23 Before I begin the voir dire, I'll ask each of you to make a
24 brief factual statement regarding the nature of the allegations,
25 identify any witnesses that you intend to call. I permit the jurors to

1 ask questions. Any questions about -- are there any questions
2 about that procedure or objections?

3 MS. DERJAVINA: No, Your Honor.

4 THE COURT: Counsel?

5 MS. ODEH: No.

6 MS. BROUWERS: No, Your Honor.

7 THE COURT: If you're using a PowerPoint as part of an
8 opening or closing, please place it on a portable electronic storage
9 device or print it and give it to the clerk so it can be placed -- so he
10 can place it in a sealed envelope and mark it as a court exhibit.

11 If anyone wants dailies or any portions of the testimony,
12 you will need -- it will need to be sent out for transcription, because
13 I use a court recorder.

14 Counsel ready for me to bring the potential jury panel in?

15 MS. DERJAVINA: Yes, Your Honor.

16 MS. ODEH: Yes.

17 MS. BROUWERS: Yes, Your Honor.

18 THE COURT: Okay.

19 [Pause in proceedings.]

20 THE COURT: Jury instructions, one copy with citations.
21 Did you exchange between yourselves your proposed jury
22 instructions?

23 MS. DERJAVINA: And, Your Honor, the State actually
24 included Defense in the e-mail that I sent to chambers, and I believe
25 Defense filed theirs.

1 THE COURT: And they also provided me with a courtesy
2 copy. So thank you.

3 [Pause in proceedings.]

4 [Court recessed at 1:26 p.m., until 1:36 p.m.]

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

6 THE COURT: This is continuation of Case Number
7 C-17-324805, State of Nevada versus Troyer Edwards. The record
8 will reflect the presence of counsel and the presence of the
9 defendant.

10 Are the parties ready to proceed?

11 MS. DERJAVINA: Yes, Your Honor.

12 MS. BROUWERS: Yes.

13 THE COURT: I'm going to have the potential jury panel
14 brought in.

15 [Prospective jury panel convened at 1:37 p.m.]

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

19 You've been summoned here today to serve as possible
20 jurors in a criminal lawsuit alleging battery with use of a deadly
21 weapon resulting in substantial bodily harm, two counts. This trial
22 may take four to five days.

23 In a few minutes, I'll give you a chance to talk about your
24 ability to serve as jurors in this case, but first let me take this
25 opportunity to introduce the court staff.

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

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

6 Randy Stevenson is the marshal who maintains security
7 and who will be the person to escort you into and from the
8 courtroom. Also, if you need to contact the Court for any reason
9 when you are not sitting in court, you should do so through the
10 marshal. During deliberation, the marshal will look after you and
11 maintain your privacy.

12 Allen Bolton is the law clerk who assists in legal matters,
13 and Shannon Fagen is my judicial executive assistant who also will
14 be present from time to time to assist me with various things
15 during the course of the trial.

16 If you have a cell phone, now is the time it make sure it is
17 turned off. While court is in session, you must not use any cell
18 phones, smartphone, iPad, tablet, computer, or other possible -- I'm
19 sorry, or other portable electronic device capable of making or
20 accepting calls or sending or receiving information.

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

25 The clerk will now call the roll of the panel of potential

1 jurors. When your name is called, please answer, Present, or Here.

2 [Prospective jury roll called.]

3 THE COURT: Is there anyone here whose name was not
4 called? No hands being raise in response to the question.

5 At this time I'll allow the attorneys to make brief remarks
6 to the potential jurors.

7 Counsel, you may introduce yourself, who you represent,
8 the nature of the case, and potential witnesses.

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

13 Counsel for the State, you may address the potential
14 jurors.

15 MS. DERJAVINA: Thank you, Your Honor.

16 Good afternoon, everyone. My name is Katie Derjavina,
17 and with me is my co-counsel Mike Dickerson. And we represent
18 the State of Nevada.

19 Now, in this case, as you heard, the defendant is charged
20 with two counts of battery with a deadly weapon resulting in
21 substantial bodily harm. The incident occurred on June 18th
22 of 2017 at the Hawaiian Marketplace, which is located on Las Vegas
23 Strip at 3743 Las Vegas Boulevard. The two named victims in this
24 case are Global Security officers. The first victim is Lieutenant
25 William Allison and Officer Chase Lovato.

1 In addition to those two witnesses, the State also plans to
2 call Officer Shaun Bareng from Global Security; Dr. Coates from
3 Universal Medical Center; and the following Las Vegas Metropolitan
4 police officers: Anthony Cavaricci, Justin Driver, Kevin Garcia,
5 Samantha Halm Bennick [phonetic], George Laster, David Mann,
6 Moretta McIntyre, Brandon Meads, Raymond Richardson, Cory
7 Rogers, Gabriel Simmons, Isaac Simmons, Joshua Simms, and
8 Matthew Zucker.

9 Thank you.

10 THE COURT: Counsel for the defendant, you may now
11 address the potential jurors.

12 MS. BROUWERS: Thank you, Your Honor.

13 Good afternoon, everyone. My name is Shana Brouwers.
14 This is my co-counsel Elaine Odeh. And today and for this trial we
15 have the privilege and the pleasure of representing Mr. Toyer
16 Edwards.

17 At the conclusion of this trial -- you've heard the State's
18 statement of their case, at the conclusion of this trial, we'll be
19 asking you to find him not guilty. In the event that we call
20 witnesses, we'll be calling Robert Mattox [phonetic], Eli Shultz
21 [phonetic] with Global Security Concepts, Vanessa Lovato, Nicholas
22 Lovato, and Las Vegas Metropolitan Police Officer Jay Saab
23 [phonetic].

24 Thank you.

25 THE COURT: Thank you, counsel.

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

8 In this trial, we will also need two alternate jurors to listen
9 to all the proceedings and be prepared to take over as a juror in the
10 event a sitting juror is excused. In order to accomplish this, it is
11 necessary for me to ask some questions. The attorneys will then be
12 given an opportunity to ask questions. Although some of the
13 questions made at times seem quite personal, our only objective is
14 to determine whether there is any reason why any of you cannot sit
15 as fair and impartial jurors in this case. If a question seems too
16 personal to you, you can raise your hand and ask us to talk to you
17 privately. But understand that your answers will have to be on the
18 record.

19 It is very important that you give full, complete, and
20 honest answers to all of the questions we are about to ask you. I
21 caution you not to try to hide or withhold anything which might
22 indicate bias or prejudice of any sort by any of you.

23 Should you fail to answer truthfully or if you hide or
24 withhold anything touching upon your qualifications, that fact may
25 tend to contaminate the verdict and subject you to further inquiry

1 even after you're discharged as a juror. Your decision should be
2 based upon all the evidence presented during the trial and not
3 based upon preconceived prejudice or bias.

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

10 The questioning of potential jurors at the beginning of the
11 case is done under oath. But before the clerk issues the oath to
12 you, I need to know if any of you are not citizens of the United
13 States or if any of you are convicted felons, your civil rights have
14 not been restored. If you qualify to serve as a juror, one must be a
15 citizen and not be convicted -- and not be a convicted felon whose
16 rights have not been restored.

17 Please raise your hand if you are not a citizen or if you are
18 a convicted felon whose rights have not been restored.

19 Sir, can you please state your name and badge number.

20 PROSPECTIVE JUROR NO. 788: Richard Osgerby,
21 104432135. Oh, 17-0788.

22 THE COURT: Okay. Thank you, sir.

23 And my question was are you a -- are you not a United
24 States citizen or are you a convicted felon whose rights have not
25 been restored? And you raised your hand.

1 PROSPECTIVE JUROR NO. 788: Yes.
2 THE COURT: And which is it, sir?
3 PROSPECTIVE JUROR NO. 788: I was convicted in Iowa of
4 a drug charge 13 years ago.
5 THE COURT: And that was a felony?
6 PROSPECTIVE JUROR NO. 788: Yes, sir.
7 THE COURT: Anything else, sir?
8 PROSPECTIVE JUROR NO. 788: No, sir.
9 THE COURT: And I believe the gentleman next to you also
10 raised his hand.
11 Could you state your name and badge number, please.
12 PROSPECTIVE JUROR NO. 790: Efekan Gurel, 170790,
13 permanent resident. Not a citizen.
14 THE COURT: You are not a United States citizen?
15 PROSPECTIVE JUROR NO. 790: No.
16 THE COURT: Counsel approach.
17 [Bench conference transcribed as follows:]
18 THE COURT: I don't know how they made it --
19 MS. DERJAVINA: Yeah.
20 THE COURT: -- through the system. But I'm going to
21 excuse both of them.
22 MS. DERJAVINA: That's fine.
23 MS. BROUWERS: Okay. Thank you.
24 THE COURT: Okay. Thank you.
25 [End of bench conference.]

1 THE COURT: At this time I'm going to excuse Roger [sic]
2 Osgerby, Badge Number 17-0788, and Efekan Gurel, Badge
3 Number 17-0790.

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

9 MS. DERJAVINA: Yes, Your Honor.

10 MS. ODEH: Yes, Your Honor.

11 THE COURT: At this time, would you all stand, raise your
12 right hands to be sworn in.

13 [Prospective jury panel sworn.]

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

20 Are any of you acquainted with any of the court personnel
21 that I have mentioned? No hands being raised in response to that
22 question.

23 Are any of you acquainted with the prosecutors or the
24 defense attorneys or other law officers or other staff? No hands
25 being raised in response to that question.

1 Are any of you acquainted with the defendant or his
2 attorneys? No hands being raised in response to that question.

3 Are any of you acquainted with the anticipated witnesses
4 in this case whose names were mentioned by the attorneys? No
5 hands being raised in response to that question.

6 Have any of you heard or read anything about this case
7 before coming to court today? No hands being raised in response
8 to that question.

9 Does anyone know anything about this case other than
10 what has been stated in the courtroom today? No hands being
11 raised in response to that question.

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

15 Sir, if you could state your name and badge number.

16 PROSPECTIVE JUROR NO. 049: Jacob Henn, 171049.

17 THE COURT: And what's your response in answer to that
18 question, sir?

19 PROSPECTIVE JUROR NO. 049: I have -- I don't think I'm a
20 good candidate to say anything. I have two son, which the cops in
21 Henderson, and I'm obviously not going to be --

22 THE COURT: Okay. I need you to speak into the
23 microphone, sir.

24 PROSPECTIVE JUROR NO. 049: I have two son cops in
25 Henderson. And I probably going to be [indiscernible]. So that's

1 what it is.

2 THE COURT: Okay. And my question was --

3 PROSPECTIVE JUROR NO. 049: For me, it's a guilty. Put
4 it that way, sir.

5 THE COURT: Okay. Listen to my question, sir.

6 PROSPECTIVE JUROR NO. 049: Yeah.

7 THE COURT: Is there anyone who has such strong
8 opinions relating to age, religion, race, gender, or national origin
9 that they feel would affect their ability to be open-minded, fair, and
10 impartial? Does any of those factors affect you in any way to be
11 open-minded, fair, and an impartial juror?

12 PROSPECTIVE JUROR NO. 049: So no.

13 THE COURT: Okay. Thank you, sir.

14 Is anybody here seriously ill?

15 PROSPECTIVE JUROR NO. 794: My name is Tatjana
16 Ristani, the badge number is 170794.

17 THE COURT: Could you say your badge number over
18 please?

19 PROSPECTIVE JUROR NO. 794: 170794.

20 THE COURT: And what is your illness, ma'am?

21 PROSPECTIVE JUROR NO. 794: I have heart problem.
22 And two weeks ago I have a procedure that put a monitor on my
23 heart. And I have a app on my phone. I have to have my phone all
24 the time to record and tell if I have symptoms, I have to record, and
25 it goes straight to the doctor. I have this one and you can check the

1 app that I have on my phone. I keep --

2 THE COURT: Is there anything else, ma'am?

3 PROSPECTIVE JUROR NO. 794: No. This is -- I have to
4 keep the phone always open.

5 THE COURT: Thank you.

6 If you could hand the microphone to the gentleman next
7 to you.

8 PROSPECTIVE JUROR NO. 730: My name is Edgar Demis
9 Gibson, Jr. My badge number is 17-0730. This is personal, so I
10 don't know if I want to --

11 THE COURT: Okay. If you want to approach the bench.

12 [Bench conference transcribed as follows.]

13 THE COURT: And what is your illness? And there's a
14 microphone right there.

15 PROSPECTIVE JUROR NO. 730: Oh. I'm a disabled
16 veteran and I suffer from PTSD. And I submitted a letter to my
17 Veterans Administration doctor and they gave me the letter, but
18 they didn't notify me until Friday, and it was too late for me to pick
19 the letter up before I had to report.

20 THE COURT: And is the letter essentially a letter from
21 your doctor verifying that you have Posttraumatic Stress Disorder?

22 PROSPECTIVE JUROR NO. 730: Yes, Your Honor.

23 THE COURT: Okay. And that was from the Veterans
24 Administration?

25 PROSPECTIVE JUROR NO. 730: Yes.

1 THE COURT: Okay. Is there anything else, sir?

2 PROSPECTIVE JUROR NO. 730: Well, I have other
3 problems besides PTSD. But --

4 THE COURT: Okay. But that's the one that you're
5 concerned about that will prevent you from acting as a juror in this
6 case?

7 PROSPECTIVE JUROR NO. 730: Yes.

8 THE COURT: And is the post-traumatic stress syndrome,
9 you have difficulty concentrating and things of that nature and
10 processing information?

11 PROSPECTIVE JUROR NO. 730: Yes, Your Honor.

12 THE COURT: Okay. Anything else, sir? Is that it?

13 PROSPECTIVE JUROR NO. 730: I can't -- I'm hard of
14 hearing.

15 THE COURT: I'm sorry, I'm -- I apologize. I'm trying to
16 keep my voice a little low. Is there anything else that you would like
17 to advise the Court of?

18 PROSPECTIVE JUROR NO. 730: No.

19 THE COURT: All right. Thank you, sir.

20 Thank you.

21 [End of bench conference.]

22 THE COURT: Is there anybody here who has difficulty
23 hearing?

24 And the gentleman -- sir, I just -- let the record reflect that
25 the gentleman that just sat down also advised that he has --

1 You have difficulty hearing, sir?

2 PROSPECTIVE JUROR NO. 730: Yes, Your Honor.

3 THE COURT: Thank you.

4 Did you get his badge number, counsel?

5 MS. DERJAVINA: Yes, Your Honor.

6 PROSPECTIVE JUROR NO. 068: My name is Joey

7 Acedillo, Badge Number 17-1068. And I've been merchant marine

8 working down [indiscernible]. And all that noises, and it hampered

9 my -- or have a difficulty in hearing. And I went through a

10 [indiscernible]. I'm ear specialist by the name of Dr. Tobin.

11 THE COURT: Okay. And we have headsets I'm going to

12 provide you. And I'm going to need to know if you cannot hear

13 once you have the headsets.

14 PROSPECTIVE JUROR NO. 068: Sure. Thank you.

15 THE COURT: Thank you.

16 And I believe there's another gentleman that also raised

17 his hand.

18 PROSPECTIVE JUROR NO. 049: This is Jacob, 171049. I

19 need the hearing set to put in.

20 THE COURT: Okay. And you -- you --

21 PROSPECTIVE JUROR NO. 049: Otherwise, I can't hear

22 you well.

23 THE COURT: You have difficulty hearing, sir?

24 PROSPECTIVE JUROR NO. 049: Yes.

25 THE COURT: And have you been diagnosed with any --

1 PROSPECTIVE JUROR NO. 049: Absolutely. I have a
2 hearing set, I've got to put them on.

3 THE COURT: You have hearing aids? And do you have
4 them in?

5 PROSPECTIVE JUROR NO. 049: No, I don't.

6 THE COURT: Why not?

7 PROSPECTIVE JUROR NO. 049: Because they bother my
8 ears. I listen too closely I can hear you. So that far, I cannot hear
9 you.

10 THE COURT: Okay. You have hearing aids, but you didn't
11 put them in?

12 PROSPECTIVE JUROR NO. 049: Yes, correct.

13 THE COURT: Okay. But you can hear me okay right now?

14 PROSPECTIVE JUROR NO. 049: Yeah.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 049: Speak slow, I understand
17 first.

18 THE COURT: All right. Thank you, sir.

19 [Pause in proceedings.]

20 THE COURT: Sir, I'm going to give you a headset and see
21 if this assists you in hearing.

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

24 PROSPECTIVE JUROR NO. 687: Hi. My name is Diana.
25 My number is --

1 THE COURT: Diana, what's your last name?
2 PROSPECTIVE JUROR NO. 687: Santoya.
3 THE COURT: Okay. You don't have to stand up, I just
4 needed your last name on the record.
5 PROSPECTIVE JUROR NO. 687: Okay.
6 THE COURT: And what is your badge number?
7 PROSPECTIVE JUROR NO. 687: My number is 170687.
8 THE COURT: And you have difficulty understanding or
9 reading the English language?
10 PROSPECTIVE JUROR NO. 687: Yeah, I no speak English.
11 My English is no good.
12 THE COURT: Okay. What is your native language?
13 PROSPECTIVE JUROR NO. 687: I'm sorry?
14 THE COURT: What is your native language?
15 PROSPECTIVE JUROR NO. 687: Spanish.
16 THE COURT: And English is a second language?
17 PROSPECTIVE JUROR NO. 687: Yes.
18 THE COURT: Do you have a job?
19 PROSPECTIVE JUROR NO. 687: Yeah.
20 THE COURT: Do you have to read English for purposes of
21 your job?
22 PROSPECTIVE JUROR NO. 687: Yeah. I no speak only on
23 the -- for my job. Is -- I no [indiscernible] too much for the
24 customers.
25 THE COURT: Okay. But do you read English for your job?

1 PROSPECTIVE JUROR NO. 687: No.
2 THE COURT: So you never have to read English as it
3 pertains to --
4 PROSPECTIVE JUROR NO. 687: Sometimes.
5 THE COURT: Okay. But you do converse in English with
6 customers?
7 PROSPECTIVE JUROR NO. 687: Sometimes. Because my
8 job is only in the kitchen.
9 THE COURT: And what kind of teacher are you?
10 PROSPECTIVE JUROR NO. 687: I'm sorry?
11 THE COURT: What kind of -- oh, I'm sorry, you're a cook?
12 PROSPECTIVE JUROR NO. 687: Yeah.
13 THE COURT: Okay. But you do speak English at your job?
14 PROSPECTIVE JUROR NO. 687: Yeah.
15 THE COURT: And you do read English at your job?
16 PROSPECTIVE JUROR NO. 687: I'm sorry, I no --
17 THE COURT: And you do read English at your job?
18 PROSPECTIVE JUROR NO. 687: Jail?
19 THE COURT: Okay. Could you pass the microphone,
20 please.
21 PROSPECTIVE JUROR NO. 850: My name is Phisamai
22 Keovorabouth, 0850. My --
23 THE COURT: And you don't -- you have difficulty
24 understanding or reading the English language; is that correct?
25 PROSPECTIVE JUROR NO. 850: Yes.

1 THE COURT: And what is your native language?
2 PROSPECTIVE JUROR NO. 850: Thai.
3 THE COURT: And how long have you lived in -- are you --
4 PROSPECTIVE JUROR NO. 850: Citizen?
5 THE COURT: How long have you spoken English? I
6 assume you can speak English as a second language?
7 PROSPECTIVE JUROR NO. 850: I can't speak English real
8 bad, but I don't understand, like, when we talking about, it's
9 difficult --
10 THE COURT: You don't understand the words I'm saying
11 when I'm talking?
12 PROSPECTIVE JUROR NO. 850: Understand a little bit,
13 but I cannot stand, like, when you talking about what's going on or
14 something like that. But I basic --
15 THE COURT: Do you then understand what I was saying --
16 PROSPECTIVE JUROR NO. 850: Yes.
17 THE COURT: -- of why you're here today?
18 PROSPECTIVE JUROR NO. 850: I get the number.
19 THE COURT: Okay. Why do you think you're here today?
20 PROSPECTIVE JUROR NO. 850: It's why they call -- I try to
21 call last night, but I want to get excuse, but I cannot connect it. The
22 phone have the problem. That's why I need to come and then meet
23 me.
24 THE COURT: Because I'll be honest with you, you're
25 conversing very well in English. So do you -- I mean, I understand

1 everything you're telling me. Do you understand everything I'm
2 telling you?

3 PROSPECTIVE JUROR NO. 850: Just little bit. Yeah.

4 THE COURT: What don't you understand, ma'am?

5 PROSPECTIVE JUROR NO. 850: No, that -- I don't
6 understand what -- like, the law, when you guys talking about, and I
7 never hear about this -- what's going on, everything.

8 THE COURT: Okay. Do you read English?

9 PROSPECTIVE JUROR NO. 850: I can read some word,
10 but sometime I don't know that mean.

11 THE COURT: You don't know --

12 PROSPECTIVE JUROR NO. 850: Yeah.

13 THE COURT: You can read some words, but you don't
14 know what they mean?

15 PROSPECTIVE JUROR NO. 850: Uh-huh. Because my
16 English is busy. When I talk to customer, we just busy. Hi, how are
17 you, that's it.

18 THE COURT: Okay. And what do you do for a living,
19 ma'am?

20 PROSPECTIVE JUROR NO. 850: Oh, I work at the dealer.

21 THE COURT: You work as a dealer?

22 PROSPECTIVE JUROR NO. 850: Uh-huh.

23 THE COURT: At one of the casinos?

24 PROSPECTIVE JUROR NO. 850: The casino, California
25 Hotel.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 850: Uh-huh.

3 THE COURT: And at work, do you speak to customers in

4 English?

5 PROSPECTIVE JUROR NO. 850: Yeah. Just say hi, how

6 are you, that's it.

7 THE COURT: And do they speak back in English?

8 PROSPECTIVE JUROR NO. 850: Yeah, I'm fine, thank you,

9 that's it.

10 THE COURT: Okay. Ma'am, pass the microphone, please.

11 PROSPECTIVE JUROR NO. 948: Yeah. My name is Angel

12 Monrroy-Sanchez, my last number is 0948.

13 THE COURT: And you don't -- you have difficulty

14 understanding or reading the English language?

15 PROSPECTIVE JUROR NO. 948: Yeah. I speak little bit

16 and then understand and -- but I can read it and writing. I write a

17 little.

18 THE COURT: You cannot read English?

19 PROSPECTIVE JUROR NO. 948: No.

20 THE COURT: At all?

21 PROSPECTIVE JUROR NO. 948: No.

22 THE COURT: Okay. Did you have to fill out anything to be

23 a juror?

24 PROSPECTIVE JUROR NO. 948: No.

25 THE COURT: They just asked you questions?

1 PROSPECTIVE JUROR NO. 948: Yeah. Uh-huh.
2 THE COURT: Okay. What do you do for a living, sir?
3 PROSPECTIVE JUROR NO. 948: I work in the casino too.
4 THE COURT: And what do you do in the casinos?
5 PROSPECTIVE JUROR NO. 948: Dealer.
6 THE COURT: Okay. When you filled out an application,
7 was it in English?
8 PROSPECTIVE JUROR NO. 948: Yeah, but I had
9 somebody else to help me.
10 THE COURT: Okay. And you don't speak English?
11 PROSPECTIVE JUROR NO. 948: Yeah, I speak in -- I
12 understand [indiscernible]. I don't know.
13 THE COURT: Okay. Do you interact with customers as a
14 dealer?
15 PROSPECTIVE JUROR NO. 948: No.
16 THE COURT: You don't talk to them at all?
17 PROSPECTIVE JUROR NO. 948: Yeah, I talk, but not a lot,
18 you know. It's -- over there, you want to come.
19 THE COURT: Okay. And what kind of a dealer are you,
20 sir?
21 PROSPECTIVE JUROR NO. 948: Blackjack.
22 THE COURT: And what casino do you work in?
23 PROSPECTIVE JUROR NO. 948: Mirage.
24 THE COURT: Okay. Anything else, sir?
25 PROSPECTIVE JUROR NO. 948: No, that's it.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR NO. 033: My name is Dela

3 Munoz, 171033.

4 THE COURT: And you don't -- you have difficulty

5 understanding or reading the English language?

6 PROSPECTIVE JUROR NO. 033: Yes, I don't understand

7 very well.

8 THE COURT: And what's your native language?

9 PROSPECTIVE JUROR NO. 033: Spanish.

10 THE COURT: I'm sorry?

11 PROSPECTIVE JUROR NO. 033: Spanish.

12 THE COURT: Okay. And English is your second

13 language?

14 PROSPECTIVE JUROR NO. 033: Yes.

15 THE COURT: And when did you learn English? How

16 many years ago did you learn English?

17 PROSPECTIVE JUROR NO. 033: I went to school for many

18 hours before --

19 THE COURT: How many years ago did you learn it?

20 PROSPECTIVE JUROR NO. 033: About 10.

21 THE COURT: 10 years ago?

22 PROSPECTIVE JUROR NO. 033: Yes, 10 years ago.

23 THE COURT: Okay. Do you have a job?

24 PROSPECTIVE JUROR NO. 033: Yes.

25 THE COURT: And what do you do?

1 PROSPECTIVE JUROR NO. 033: I'm working in a school,
2 in the cafeteria.

3 THE COURT: I didn't hear the last part of your answer,
4 ma'am. Could you say it again?

5 PROSPECTIVE JUROR NO. 033: I'm working in a school in
6 the cafeteria.

7 THE COURT: Okay. And you -- do you have to read
8 anything in English as part of your job?

9 PROSPECTIVE JUROR NO. 033: Yes.

10 THE COURT: And you were able to understand it?

11 PROSPECTIVE JUROR NO. 033: Yes.

12 THE COURT: Okay. And do you converse, do you talk in
13 English as part of your job?

14 PROSPECTIVE JUROR NO. 033: Yes. In Spanish and in
15 English too.

16 THE COURT: Okay. Could you hand the microphone back
17 to the marshal, please.

18 Can you -- I'm sorry, there's one more.

19 Could you state your name and badge number, please.

20 PROSPECTIVE JUROR NO. 999: My name is Patricia
21 Pinela, 17099.

22 THE COURT: And you have difficulty understanding and
23 reading English?

24 PROSPECTIVE JUROR NO. 999: Sometime I -- it's hard to
25 understanding. But I can read English.

1 THE COURT: Okay. And are you having any difficulty
2 understanding what I'm asking you?

3 PROSPECTIVE JUROR NO. 999: Oh, no.

4 THE COURT: All right. Thank you.

5 PROSPECTIVE JUROR NO. 999: Welcome.

6 THE COURT: And Mr. Marshal, if you could hand it back
7 to the gentleman, I did want to -- I have one follow-up question for
8 him.

9 And could you restate your name and badge number,
10 please.

11 PROSPECTIVE JUROR NO. 948: My name is Angel
12 Monrroy-Sanchez. My badge number is 170948.

13 THE COURT: And what is your native language, sir?

14 PROSPECTIVE JUROR NO. 948: Spanish.

15 THE COURT: And when did you first learn English? How
16 many years ago?

17 PROSPECTIVE JUROR NO. 948: Well, I learn in the street.
18 I never go to school.

19 THE COURT: I'm sorry, I didn't hear -- how many years
20 ago did you learn English?

21 PROSPECTIVE JUROR NO. 948: About 30 years.

22 THE COURT: 30 years ago?

23 PROSPECTIVE JUROR NO. 948: Yeah.

24 THE COURT: All right. Thank you, sir.

25 Is there anyone who has any type of language barrier?

1 Okay. Hand it to the gentleman, please.
2 PROSPECTIVE JUROR NO. 049: Jacob Henn, 17-1049.
3 THE COURT: And what is your language barrier, sir?
4 PROSPECTIVE JUROR NO. 049: I speak in Hebrew, Israel.
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NO. 049: I have a problem
7 understanding. Definitely, I can speak pretty good. But when I
8 read, yeah, I get different meaning. It doesn't mean I understand
9 what I'm reading completely.
10 THE COURT: Okay.
11 PROSPECTIVE JUROR NO. 049: So it different things.
12 THE COURT: How long -- and what is your native
13 language?
14 PROSPECTIVE JUROR NO. 049: Hebrew.
15 THE COURT: And English is a second language?
16 PROSPECTIVE JUROR NO. 049: Yes, sir.
17 THE COURT: And how long ago did you learn English?
18 PROSPECTIVE JUROR NO. 049: 30 years.
19 THE COURT: 30 years ago?
20 PROSPECTIVE JUROR NO. 049: 30 years.
21 THE COURT: Okay. And do you work?
22 PROSPECTIVE JUROR NO. 049: No.
23 THE COURT: Did you work?
24 PROSPECTIVE JUROR NO. 049: I did work. I'm retired.
25 THE COURT: When you worked, did you have to read

1 English?

2 PROSPECTIVE JUROR NO. 049: As I said, professional
3 language, I better -- I understand it.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 049: If I open your books, I'm
6 not understand any word.

7 THE COURT: Okay. If I read things to you, though, you'll
8 understand it; is that correct?

9 PROSPECTIVE JUROR NO. 049: If you read it to me, I
10 partly understand it.

11 THE COURT: Okay. If you don't understand something,
12 let me know.

13 PROSPECTIVE JUROR NO. 049: Absolutely.

14 THE COURT: Thank you, sir.

15 PROSPECTIVE JUROR NO. 049: Thank you.

16 THE COURT: Is there anybody here who is
17 sight-impaired? No hands being raised in response to that
18 question.

19 And just to verify it, there's nobody here convicted of a
20 felony; is that correct? No hands being raised in response to that
21 question.

22 This case is expected to last four to five days. The Court
23 may excuse you from serving if doing so would be an undue
24 hardship. Example, things that are -- hardships are that you live
25 paycheck to paycheck and can't afford to miss time off from work,

1 you are the sole healthcare provider of somebody who needs
2 constant care, you have sole custody of children under 16 years of
3 age and nobody to watch them, you are a student who would miss
4 several classes or tests, or you have surgery scheduled and -- you
5 have surgery and it cannot be rescheduled.

6 Example of things that are not hardships include a doctor
7 or dentist appointment that can be rescheduled, your employer or
8 boss doesn't want you to be here, you have too much work to do.

9 Please raise your hand is serving as a juror during that
10 period of time would present an extreme hardship of any of you.

11 If you could state your name and badge number, please.

12 PROSPECTIVE JUROR NO. 812: Jerome Dickey, last four
13 numbers 0812.

14 THE COURT: And what is your extreme hardship, sir?

15 PROSPECTIVE JUROR NO. 812: Right now I'm check to
16 check, and I have two children under 16, and my wife is not there to
17 keep them right now.

18 THE COURT: And -- I didn't hear the last part of your
19 answer, sir.

20 PROSPECTIVE JUROR NO. 812: I have two children
21 under 16 and they're -- be home alone sometimes.

22 THE COURT: Okay. Are you married?

23 PROSPECTIVE JUROR NO. 812: Yes.

24 THE COURT: And what does your wife do?

25 PROSPECTIVE JUROR NO. 812: Well, she works at a

1 pawn shop.

2 THE COURT: Okay. So you have two paychecks coming
3 into the house?

4 PROSPECTIVE JUROR NO. 812: Yes.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 812: She's part-time.

7 THE COURT: She's part-time?

8 PROSPECTIVE JUROR NO. 812: Yeah.

9 THE COURT: And you're full time?

10 PROSPECTIVE JUROR NO. 812: Yeah.

11 THE COURT: And what do you do, sir?

12 PROSPECTIVE JUROR NO. 812: I drive a truck, delivery
13 truck to 7-Elevens.

14 THE COURT: All right. And when you say you have
15 children under the age of 16, how old are your children?

16 PROSPECTIVE JUROR NO. 812: 14, 15.

17 THE COURT: All right. And do they go to school?

18 PROSPECTIVE JUROR NO. 812: They're home school
19 right now.

20 THE COURT: Okay. I would advise you, sir, that because
21 of my scheduling, I can only go in the afternoons. We'll only have
22 court on most days from 1:00 in the afternoon till 5:00 in the
23 afternoon. Is there anybody that's available to be with your
24 children in the mornings?

25 PROSPECTIVE JUROR NO. 812: Her schedule is --

1 THE COURT: I'm sorry, in the afternoons. I apologize.
2 PROSPECTIVE JUROR NO. 812: In the afternoons is when
3 I get ready to leave sometimes.
4 THE COURT: Okay. When do you go -- when do you
5 work, sir?
6 PROSPECTIVE JUROR NO. 812: Well, I got in about -- I
7 leave the house about 3:00 in the afternoon.
8 THE COURT: Okay. And when does your wife return
9 home?
10 PROSPECTIVE JUROR NO. 812: Her schedule changes all
11 the time, so we kind of up in the air right now.
12 THE COURT: Okay. Is she working right now?
13 PROSPECTIVE JUROR NO. 812: Yeah. And --
14 THE COURT: What's your schedule right now?
15 PROSPECTIVE JUROR NO. 812: My schedule?
16 THE COURT: No, her schedule.
17 PROSPECTIVE JUROR NO. 812: I don't know her
18 schedule.
19 THE COURT: You don't know --
20 PROSPECTIVE JUROR NO. 812: No.
21 THE COURT: If she's home --
22 PROSPECTIVE JUROR NO. 812: It changes.
23 THE COURT: -- when you leave?
24 PROSPECTIVE JUROR NO. 812: It changes sometimes.
25 THE COURT: Okay. But right now, what's your schedule

1 for the next couple of days?

2 PROSPECTIVE JUROR NO. 812: Well, I go back to work
3 Wednesday. I'm off tomorrow.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 812: Today and tomorrow.

6 THE COURT: All right. But I'm asking what is her
7 schedule right now? You said she works part-time. Is she
8 scheduled to work this week?

9 PROSPECTIVE JUROR NO. 812: Yes, she works
10 Wednesday, she works Tuesday, she works tomorrow.

11 THE COURT: What time?

12 PROSPECTIVE JUROR NO. 812: She goes in in the
13 morning and she gets off about 6:00 in the evening.

14 THE COURT: Okay. Anything else you'd like to tell me,
15 sir?

16 PROSPECTIVE JUROR NO. 812: No.

17 THE COURT: Thank you.

18 Anybody else in response to whether you have an
19 extreme hardship?

20 PROSPECTIVE JUROR NO. 862: Cierra Buntz, Badge
21 Number 0862.

22 THE COURT: And, ma'am, what is your extreme
23 hardship?

24 PROSPECTIVE JUROR NO. 862: I'm a college student. It's
25 my last week of college. And I missed an exam this morning and I

1 have exams through -- for the rest of the week.

2 THE COURT: And where are you a student at, ma'am?

3 PROSPECTIVE JUROR NO. 862: Pima Medical Institute.

4 THE COURT: Okay. Anything else?

5 PROSPECTIVE JUROR NO. 862: That was it.

6 THE COURT: All right. Thank you.

7 PROSPECTIVE JUROR NO. 861: Sylvia Young, Badge

8 Number 0861. I just started a new position, so I'm still on

9 probation. But I'm also a student.

10 THE COURT: And what is the extreme hardship, though?

11 I'm not quite clear.

12 PROSPECTIVE JUROR NO. 861: That I have -- this is,

13 again, as she said, the last week of classes, and we're doing the

14 projects.

15 THE COURT: All right.

16 PROSPECTIVE JUROR NO. 861: So being in court would

17 take me away from the school work.

18 THE COURT: Is there anything else, ma'am, you'd like to

19 tell the Court?

20 PROSPECTIVE JUROR NO. 861: No.

21 THE COURT: All right. Thank you.

22 Anyone else?

23 PROSPECTIVE JUROR NO. 829: My name is Alejandra

24 Cortes. My badge number is 17-0829.

25 THE COURT: And, ma'am, what is your extreme

1 hardship?

2 PROSPECTIVE JUROR NO. 829: I have a [indiscernible] -- I
3 don't know the name on March 1st, this Thursday. They are going
4 to do colonoscopy, and I wait for that for around three months ago.

5 THE COURT: And I apologize, I didn't hear, you have a --
6 what scheduled on March 1st?

7 PROSPECTIVE JUROR NO. 829: Colonoscopy.

8 THE COURT: A coloscopy? Okay. I apologize. All right.
9 Thank you, ma'am.

10 Anyone else? All right. Thank you.

11 Under our system, certain basic principles of law apply in
12 every criminal trial. They are that the defendant is presumed
13 innocent, the State has the burden of proving beyond a reasonable
14 doubt the defendant is guilty. Does anyone not believe in these
15 basic principles of American justice? No hands being raised.

16 UNIDENTIFIED SPEAKER: [Indiscernible.]

17 THE COURT: Okay. I'll repeat the question. Okay.

18 Why don't you come forward and I'll have you sit a little
19 bit closer. Okay. And advise me -- why don't you keep the
20 headsets on. But you advise me you have hearing aids, but you
21 don't want to use them?

22 PROSPECTIVE JUROR NO. 049: I didn't say [indiscernible]
23 both me, if I -- I don't know [indiscernible].

24 THE COURT: Okay. But you do have hearings aids; is that
25 correct?

1 PROSPECTIVE JUROR NO. 049: Yeah.

2 THE COURT: Okay. You just don't want to use them?

3 PROSPECTIVE JUROR NO. 049: They bother my ear.

4 They're very dirty.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 049: They're new and it's

7 bother. That's all.

8 THE COURT: Okay. I'm going to ask the question again.

9 PROSPECTIVE JUROR NO. 049: Yes, sir.

10 THE COURT: Under our system, certain basic principles of

11 law apply in every criminal trial. They are:

12 1. That the defendant is presumed innocent.

13 2. The State has the burden of proving beyond a

14 reasonable doubt that the defendant is guilty.

15 Does anyone not believe in these basic principles of

16 American justice?

17 PROSPECTIVE JUROR NO. 049: The problem is me, it's

18 not them. It's not the system. It's me.

19 THE COURT: Okay. It's a question. Do you not believe

20 that --

21 PROSPECTIVE JUROR NO. 049: I believe it's guilty, sir.

22 Guilty. I have two cops, my sons, anything else with a gun, he's

23 sitting here, it's guilty for me. I don't mind to stay here. I'll be

24 through the process. But right now that's my answer.

25 THE COURT: Okay.

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PROSPECTIVE JUROR NO. 049: Guilty.

THE COURT: That's not my question, though.

PROSPECTIVE JUROR NO. 049: No reason, doesn't matter. But go ahead.

THE COURT: Okay. Under our system, certain basic principles of law in every criminal case. They are that the defendant is presumed innocent, and the State has the burden of proving beyond a reasonable doubt the defendant is guilty.

Do not believe that these -- do you not believe in these basic principles of American justice?

PROSPECTIVE JUROR NO. 049: I do believe.

THE COURT: Okay. Thank you.

There is one more thing I need to mention to everybody as a group. Under the law, if you are selected to serve as a juror, you'll be required to decide the facts of the case. In making your decision, however, you must be guided by the law as it applies to the facts. It would be my duty to instruct you on what the law is.

So my question to all of you is this: Is there anybody who will not be able to follow the law if you believe the law should be different than what I tell you? Seeing no hands in response to that question.

Ladies and gentlemen, I'm now going to confer with counsel for a couple of minutes. We're going to take a short recess. During this recess, do not talk or converse among yourselves or with anyone else on any subject connected with this trial, or read,

1 watch, or listen to any report of or commentary on the trial or any
2 person connected with this trial by any medium of information,
3 including, without limitation, newspapers, television, radio,
4 Internet, or form or express any opinion on any subject connected
5 with the trial until the case is finally submitted to you.

6 We'll be in a probably about 15-minute recess.

7 [Prospective jury panel recessed at 2:23 p.m.]

8 THE COURT: All right. Counsel, did you need to confer
9 for a few minutes?

10 MS. DERJAVINA: If we can, Your Honor.

11 THE COURT: All right. Just let me know when you're
12 prepared to go back on the record.

13 MS. DERJAVINA: Thank you.

14 [Court recessed at 2:25 p.m., until 2:40 p.m.]

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

16 THE COURT: This is the continuation of Case Number
17 C-17-3240 -- I'm sorry, C-17-324805, State of Nevada versus Troyer
18 Edwards.

19 Did the counsel have an opportunity to confer regarding
20 extreme hardships?

21 MR. DICKERSON: We did, Your Honor.

22 MS. DERJAVINA: Yes, Your Honor.

23 THE COURT: Is there any hardships the parties agree
24 upon?

25 MR. DICKERSON: There's several. First one is going to be

1 Badge Number 730, Edgar Gibson. He's the veteran with --

2 THE COURT: Gentleman with the PTSD?

3 MR. DICKERSON: -- with PTSD --

4 MS. DERJAVINA: Yes, Your Honor.

5 MR. DICKERSON: -- for that reason, we are jointly
6 requesting that he be removed from the jury venire.

7 The next one's going to be Andrea Cortes, that's Badge
8 Number 829. She has a colonoscopy scheduled on the 1st. We are
9 also jointly requesting her removal.

10 MS. BROUWERS: But I believe her first name was
11 Alejandra. Sorry.

12 MS. DERJAVINA: That's correct.

13 MR. DICKERSON: What did I say?

14 MS. BROUWERS: Something else.

15 MR. DICKERSON: Alejandra, Your Honor.

16 Next one is going to be Cierra Buntz, Badge Number 862.
17 Jointly requesting that she also be released from this jury panel
18 given the fact that she has exams this week at the Pima Medical
19 Institute.

20 Additionally, we're not opposing and I think we're
21 probably jointly requesting, actually, the removal of 1049, Jacob
22 Henn. I don't know if that's going to come now or later, Your
23 Honor. But I think --

24 THE COURT: We discussed that. Obviously, he's
25 combative and he doesn't want to be on this jury. He has hearing

1 aids that he doesn't want to use. In response to a question that was
2 a yes-or-no, he was I don't want to say combative, but he,
3 obviously, does not want to be on this jury. I was going to excuse --
4 I was going to inquire of counsel, he's going to be disruptive. You
5 know, some of the questions I'm going to ask, he's going to raise
6 his hand and --

7 MR. DICKERSON: Yeah.

8 THE COURT: -- he'll probably say he won't follow the law
9 or he doesn't agree with it.

10 MS. BROUWERS: And he --

11 THE COURT: So I was going to just, if the parties don't
12 have a problem, just because I believe he'll be disruptive and he is
13 somewhat combative, I was going to excuse him.

14 MS. BROUWERS: Thank you, Your Honor.

15 And just for the record, he also stated on several
16 occasions something along the lines of, "For me, it's a guilty." "It's
17 a guilty for me." That kind of stuff. And so we were --

18 THE COURT: And if you heard my questions, that's going
19 to be some of the questions we'll get into later --

20 MS. BROUWERS: Right.

21 THE COURT: -- regarding challenges for cause. So if the
22 parties don't have any opposition, I was going to excuse him.

23 MR. DICKERSON: Yeah.

24 THE COURT: Is there any other --

25 MR. DICKERSON: The State --

1 THE COURT: -- potential jurors that the --

2 MR. DICKERSON: The State moves for Badge
3 Number 812, Jerome Dickey. His removal, given his hardship, he
4 did indicate that he's paycheck to paycheck. I think that's, without a
5 doubt, a hardship, something that's going to be distracting for him.
6 And it's just something that is based -- the true basis of an undue
7 hardship.

8 I think that that's juxtaposed with -- I looked at Sylvia
9 Young. But we're not moving for her, given the fact that she did
10 not indicate she was paycheck to paycheck, though she did have a
11 new job. So given --

12 THE COURT: She's -- Sylvia Young, Badge Number 861,
13 my notes indicate that she was on probation with a new job and as
14 a student, had a project due.

15 MR. DICKERSON: That's correct, Your Honor. And I think
16 that for me, I would move for her under the fact that she's a student
17 with projects due. But not under the fact that she has a new job.
18 She didn't indicate one way or the other that that was going to be
19 an extreme hardship for her.

20 So I will move for both those. Jerome Dickey, 812, the
21 hardship of his having -- being paycheck to paycheck, and Sylvia
22 Young, the hardship being that she's a student with projects this
23 week and she's going to miss out on those.

24 MS. ODEH: So, Judge, if I could just speak to those.

25 THE COURT: What about the -- I'm sorry, I apologize.

1 MS. ODEH: Unless there's another one first, but I can -- I
2 want to address both of those.

3 THE COURT: Okay.

4 MS. ODEH: Regarding Jerome Dickey, he did indicate his
5 kids are 14 and 15 years old, old enough to be home alone, I would
6 submit, and then -- just for the afternoon. He did say he lives
7 paycheck to paycheck, but his wife does work, and he also indicated
8 he's off today and tomorrow. So, I mean, we're looking at
9 potentially finishing Thursday. He might miss two, maybe three
10 days of work.

11 THE COURT: Okay.

12 MS. ODEH: I don't think that's an extreme hardship where
13 he's not going to be able --

14 THE COURT: So you didn't -- I was able to observe his
15 demeanor. And when I questioned him regarding his wife's
16 schedule, he didn't seem to remember it. But, again, his demeanor
17 seemed to indicate that -- just my impression was that she may or
18 may not be working during that timeframe.

19 There is a couple of -- what about --

20 MS. BROUWERS: Your Honor, I apologize. Just because
21 Mr. Dickerson had raised Ms. Young during that same argument,
22 we're certainly not submitting on that. I will point out he's now
23 tried to strike two African-American jurors. She indicated she was
24 on probation for a new job, however, she's only -- this is only -- this
25 isn't preventing her from completing her projects. It just said -- all

1 she said was it was interfering with her time to do her projects. So I
2 don't believe that either of those have demonstrated an extreme
3 hardship such that would warrant them being removed from the
4 venire.

5 THE COURT: What about --

6 MR. DICKERSON: If I may respond?

7 THE COURT: Sure, go ahead.

8 MR. DICKERSON: Your Honor, these are the two
9 individuals who've indicated they have hardships. This has nothing
10 to do with them being African-Americans. This is solely based on
11 what they've indicated to this Court in the Court's questioning.

12 THE COURT: And I understand, and, obviously, counsel's
13 not making any type of *Batson* argument. She's just opposing the
14 extreme hardship.

15 Anything else, counselor? Is there -- I'm sorry.
16 Mr. Dickerson, is there any other extreme hardships?

17 MR. DICKERSON: No, Your Honor. It's my understanding
18 that -- just practicing in this courtroom, that the English-speaking
19 issues will be for-cause challenges that we'll deal with at a later
20 time?

21 THE COURT: That's correct.

22 MR. DICKERSON: Okay.

23 THE COURT: What about the -- I'm sorry, Defense, is
24 there any --

25 MS. BROUWERS: No, Your Honor, I'm sorry. I was just

1 still standing from last time.

2 THE COURT: Okay. What about Badge Number 794,
3 Tatjana Ristani? I thought she said that she has a heart monitor.
4 She recently had -- she was the woman that had the phone that has
5 to go directly to the --

6 MR. DICKERSON: It sounds like as long as she has her
7 phone, it should be fine. So I don't know if you want inquiry
8 further, as if -- as long as she has service or is allowed to have her
9 phone on her, that everything will be okay. Because it sounds like
10 it's just transmitting that data to her doctor.

11 MS. BROUWERS: And the -- I mean, also, then, it's Your
12 Honor's discretion. The concern I had with her was how constant --
13 and maybe we can get this with further inquiry, but how constant
14 her attention to the phone needs to be versus her attention to
15 what's happening. And it sounded to me --

16 THE COURT: Well, quite frankly --

17 MS. BROUWERS: -- like it had to be a real-time thing.

18 THE COURT: -- on my list, she was one of the ones that I
19 thought had an extreme hardship.

20 MS. BROUWERS: We'll submit it, Your Honor.

21 THE COURT: Because she recently had surgery, and
22 obviously -- and correct me if I'm wrong, if my notes are wrong, but
23 she had it -- was having it monitored. And --

24 MR. DICKERSON: It sounded to me that her only concern
25 in raising that hardship with Your Honor is the fact that she should

1 be able to have that phone on her, so that the phone would be able
2 to connect with her device, and then send that information. It didn't
3 sound like there was any actual hardship from sitting as a juror or
4 being in this room; simply that she was worried about having the
5 ability to have that phone.

6 MS. BROUWERS: However, if the phone has to be on in
7 order for her to be able to transmit that thing, whatever information
8 needs to be transmitted, I do have a level of concern that her
9 attention could potentially be on the phone. And if the phone's on
10 or text messages coming in or other things happening -- but, again,
11 I will submit it. I don't know if that's stuff that we can inquire of her
12 further when she's in front of us again, but --

13 THE COURT: Do you want -- I was going to excuse her for
14 extreme hardship based on my list.

15 MR. DICKERSON: We would just oppose it.

16 THE COURT: Okay. Do you want further inquiry?

17 MR. DICKERSON: Yes, Your Honor.

18 THE COURT: Okay. When I bring them back in, I will
19 bring her up to the bench.

20 MS. BROUWERS: Thank you.

21 THE COURT: And we can have further inquiry.

22 What about Badge Number 850, and I'm not going to
23 attempt to say her name. But she had a language barrier, but she
24 also knows related to --

25 MR. DICKERSON: I think that's -- as far as her being

1 related to the corrections officer, I think that's something that
2 should be addressed. She should be questioned about it.

3 THE COURT: Well, I think you can address it when you do
4 individual voir dire.

5 MR. DICKERSON: Okay.

6 THE COURT: I mean, no different than when we
7 address -- when I ask, Are you related to law enforcement officers. I
8 just wanted to make sure you both were aware of that situation.

9 MS. BROUWERS: And I do appreciate that. The concern I
10 have with that is -- and perhaps this is something that needs to be
11 inquired outside the presence of the rest of the venire, but if she's
12 familiar with her niece, if she's familiar with her niece's work, as a
13 transport officer, then she could be more likely to make
14 assumptions and inferences about his custody status or that he,
15 you know, or kind of the posture of the case.

16 THE COURT: You know, that's a good point, counsel.

17 MR. DICKERSON: I think that's something that we have to
18 ask her about.

19 THE COURT: Well, my concern is if -- here's my concern.
20 The jury instruction was submitted to me about Mr. Edwards'
21 custody status. I'm not sure in what context you're concerned of
22 his custody status.

23 MS. BROUWERS: That's something that I -- that's an
24 instruction that I generally submit when my client is in custody or
25 has at some point been in custody. It's not always one that I

1 request at the closure of evidence to be given. Obviously, if they
2 have not heard anything indicating that he's been in custody, then I
3 request that to be withdrawn, as it would just be confusing to the
4 jury. But in the event that they're to learn at any point that he is or
5 was in custody, the concern that the Defense has is that they could
6 potentially have a nugget of inference. They assume people who
7 are in jail are in jail for a reason.

8 THE COURT: Right. Badge Number 850, I think I have a
9 concern regarding her making comments. Even though I instruct
10 them during the admonition not to discuss this with their fellow
11 potential jurors, that she may make a comment. I'd rather be overly
12 cautious on something like this, quite frankly. It's her -- it's -- I
13 believe it's her aunt?

14 MS. ODEH: Yes.

15 THE COURT: And I know there's some questions you can
16 ask for cause, challenges for cause. My concern is between now
17 and the time we get there, there may be some off-the-cuff remark
18 made that would somehow contaminate this jury. So I believe I'm
19 going to excuse her. I am going to excuse her, I apologize.

20 MS. BROUWERS: Thank you, Your Honor.

21 THE COURT: Here's who I'm going to excuse -- is there
22 any other argument?

23 MR. DICKERSON: None from the State, Your Honor.

24 MS. DERJAVINA: No, Your Honor.

25 MS. BROUWERS: No.

1 THE COURT: I'm going to excuse Badge Number 794,
2 Badge Number 730, Badge Number 829, Badge Number 862, Badge
3 Number 850, and Badge Number 1049.

4 MS. DERJAVINA: And, Your Honor, I apologize. Is there
5 any way you can repeat them? They were out of order, so I think
6 we had a hard time.

7 THE COURT: I know, because I have a sure list and a --

8 MS. DERJAVINA: Yeah.

9 THE COURT: -- maybe list.

10 MR. DICKERSON: Okay.

11 THE COURT: You know, I -- so let me do them in order.
12 Unless -- again, on Badge Number 850, only because I just want the
13 record to be clear, her aunt -- her aunt is the corrections officer
14 present in the courtroom. And so my concern is I'm being overly
15 cautious in this situation.

16 So I'm going to excuse Badge Number 7 -- let's do it in
17 order. Badge Number 730, Badge Number 794, Badge Number 829,
18 Badge Number 850, Badge Number 862 -- 861 -- I'm sorry, 862 --
19 Badge Number 862, and then Badge Number 1049. I believe there's
20 six.

21 MS. BROUWERS: Yes, Your Honor.

22 MS. DERJAVINA: Six, yep.

23 THE COURT: Okay.

24 [Pause in proceedings.]

25 THE COURT: Yeah, you can bring them in. Thank you.

1 [Prospective jury panel reconvened at 2:55 p.m.]
2 THE COURT: Let the record reflect the presence of
3 counsel, the defendant, and the potential jury panel.
4 The following persons may be excused from the court and
5 leave with our thanks for your appearing today: Badge
6 Number 730, Edgar Gibson; Badge Number 794, Tatjana Ristani;
7 Badge Number 829, Alejandra Cortes; Badge Number 850, Phisamai
8 Keovorabouth, and I apologize for mispronouncing your name;
9 Badge Number 862, Cierra Buntz; and Badge Number 1049, Jacob
10 Henn.
11 MS. DERJAVINA: Your Honor --
12 MS. BROUWERS: I believe someone may have --
13 MS. DERJAVINA: Ms. Santoya.
14 THE MARSHAL: Who's that?
15 MS. DERJAVINA: Ms. Santoya, I don't believe her name
16 was called, Your Honor. Thank you.
17 THE COURT: Where's my list?
18 Just so the record's clear, it's Badge Numbers 730, 794,
19 829, 850, 862, and 1049. Thank you.
20 We will now proceed with the next phase of jury selection.
21 The clerk, please call 24 people to the jury box, beginning with the
22 lowest badge number and proceeding sequentially.
23 THE COURT CLERK: Badge Number 0664, Cynthia
24 Eldridge; Badge Number 0669, Brenda Stallworth; Badge
25 Number 0675, Brigitte Saunders; Badge Number 0677, Sun An;

1 Badge Number 0680, Damian Gurule; Badge Number 0687, Diana
2 Santoya; Badge Number 0707, John Lindaman; Badge
3 Number 0712, Michael Diebel; Badge Number 0722, Dana
4 Hammontree; Badge Number 0732, Ray Virgen; Badge
5 Number 0741, Teri Emory; Badge Number 0748, Martina Barraza;
6 Badge Number 0765, Joshua Jaehn; Badge Number 0771,
7 Christopher Misa; Badge Number 0787, Tamara Ouellette.

8 THE COURT: Mr. Castle, there seems to be a -- what is it?

9 THE MARSHAL: 0751.

10 THE COURT CLERK: Timothy Rogan.

11 PROSPECTIVE JUROR NO. 751: Correct.

12 THE MARSHAL: You didn't call him.

13 THE COURT CLERK: Badge Number 0797, Daniel Lemier;
14 Badge Number 0799, Julie Morlacci; Badge Number 0808, Jeffrey
15 Meckley; Badge Number 0809, Kenneth Keene; Badge
16 Number 0812, Jerome Dickey; Badge Number 0817, Chalita Pickett;
17 Badge Number 0821, Ronald Mullins; Badge Number 0830, Camarin
18 Manangan.

19 THE COURT: We will now focus questions on the group
20 of 24 persons comprising the prospective panel of jurors seated and
21 in front of the jury box. I'm going to ask questions to each of you in
22 order before the attorneys ask you their questions. Remember, you
23 are still under oath and required by law to answer questions
24 truthfully.

25 You could pass the microphone. Thank you, ma'am.

1 Could you state your name and your badge number,
2 please.

3 PROSPECTIVE JUROR NO. 664: Cynthia Eldridge, Badge
4 Number 170664.

5 THE COURT: How long have you lived in Clark County,
6 Nevada?

7 PROSPECTIVE JUROR NO. 664: Since '79.

8 THE COURT: How far did you go in school?

9 PROSPECTIVE JUROR NO. 664: High school.

10 THE COURT: What is your occupation?

11 PROSPECTIVE JUROR NO. 664: I'm a food and beverage
12 cashier.

13 THE COURT: What is your marital status?

14 PROSPECTIVE JUROR NO. 664: Married.

15 THE COURT: What is the occupation of your spouse?

16 PROSPECTIVE JUROR NO. 664: He's -- he does inventory
17 for wine at the hotel.

18 THE COURT: Do you have any children?

19 PROSPECTIVE JUROR NO. 664: No.

20 THE COURT: Have you ever served as a juror before?

21 PROSPECTIVE JUROR NO. 664: Yes.

22 THE COURT: Was it a civil or criminal matter?

23 PROSPECTIVE JUROR NO. 664: It was a civil.

24 THE COURT: And where did you sit, what location?

25 PROSPECTIVE JUROR NO. 664: Here in this room,

1 actually, it was.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 664: About three years ago.

4 THE COURT: All right. And without telling me the verdict,
5 did the jury reach a verdict?

6 PROSPECTIVE JUROR NO. 664: Yes.

7 THE COURT: Were you the foreperson?

8 PROSPECTIVE JUROR NO. 664: No.

9 THE COURT: Is there anything about that experience
10 that'll affect your ability to be fair and impartial in this case?

11 PROSPECTIVE JUROR NO. 664: No, but we had
12 experience to where we have been let go early -- first. And at the
13 time, you guys didn't have the thing for validation for parking. So
14 we were trying to figure out where to go to get parking and we got
15 caught by the lawyer and the person that we had -- did the case
16 against, and they cornered us and asked us why we voted the way
17 we did.

18 THE COURT: Okay. Have you ever testified as a witness
19 in a criminal case?

20 PROSPECTIVE JUROR NO. 664: No, I have never. No.

21 THE COURT: Okay. Have you or a close family member
22 ever been convicted of a crime?

23 PROSPECTIVE JUROR NO. 664: No.

24 THE COURT: Have you or a close family member ever
25 been the victim of a crime?

1 PROSPECTIVE JUROR NO. 664: I don't think so.

2 THE COURT: Okay. Do you have any close relatives or

3 friends who have ever been engaged in law enforcement?

4 PROSPECTIVE JUROR NO. 664: Yes.

5 THE COURT: And who is that?

6 PROSPECTIVE JUROR NO. 664: My niece was a cop in

7 Texas and my brother was one in California for a little bit when he

8 was going to college.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 664: Or deputy, I guess you

11 could say. And my dad was military police.

12 THE COURT: All right. As to your niece, how long was

13 she -- I think you said a cop in Texas?

14 PROSPECTIVE JUROR NO. 664: She was in Texas. I'm

15 not sure how long, because she's not no more.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 664: Because of a situation

18 that happened. But --

19 THE COURT: All right.

20 PROSPECTIVE JUROR NO. 664: -- yeah, she's not longer

21 now.

22 THE COURT: And when she was a cop, did you talk to her

23 about her job?

24 PROSPECTIVE JUROR NO. 664: Not really.

25 THE COURT: All right. Were you living here and she was

1 living in Texas at the time?

2 PROSPECTIVE JUROR NO. 664: Yeah. Yeah.

3 THE COURT: And then there was a second person you
4 said was engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 664: My brother. He was a
6 deputy when he was in college.

7 THE COURT: And was that here in Clark County, Nevada?

8 PROSPECTIVE JUROR NO. 664: In -- what was it called?
9 West Coalinga, I think it is or something -- Coalinga, something like
10 that. It was a long time ago, when he was in high -- college,
11 though.

12 THE COURT: How long ago?

13 PROSPECTIVE JUROR NO. 664: Oh, a long time ago.

14 THE COURT: Did you talk to him about his job when he
15 worked in law enforcement?

16 PROSPECTIVE JUROR NO. 664: He always told us about
17 it, because it was, like, a little town, so it was, like, not really all that
18 much. They had, like, one stop light. So it was, like, really small.

19 THE COURT: All right.

20 PROSPECTIVE JUROR NO. 664: My dad was -- as for my
21 dad --

22 THE COURT: And your dad was in the military police?

23 PROSPECTIVE JUROR NO. 664: Yeah, he was K-9. And
24 we actually had the dog. When we lived in Germany, he -- we
25 actually had the K-9 dog live with us.

1 THE COURT: Did you talk to your dad about his job?
2 PROSPECTIVE JUROR NO. 664: Well, yeah, because he
3 used to -- he -- at one point, he had -- they had, like, those little
4 games that they would do, you know. So they always had to look --
5 he always got to play the robber. And I would come home from
6 school, I'm, like, What are you doing at home? He goes, Oh, I'm the
7 robber today, they're looking for me.
8 THE COURT: All right.
9 PROSPECTIVE JUROR NO. 664: You know. I'm, like, okay.
10 THE COURT: And this was -- were you --
11 PROSPECTIVE JUROR NO. 664: I was --
12 THE COURT: -- an adult at the time or a child?
13 PROSPECTIVE JUROR NO. 664: I was 14.
14 THE COURT: All right.
15 PROSPECTIVE JUROR NO. 664: 13-14 years old.
16 THE COURT: And this is in Germany?
17 PROSPECTIVE JUROR NO. 664: Yeah.
18 THE COURT: All right. And is there anything about any of
19 those individuals' jobs that you just described that affects your
20 ability to be fair and impartial in this case?
21 PROSPECTIVE JUROR NO. 664: No.
22 THE COURT: Okay. Do you agree that if you're chosen to
23 serve as a juror in this case, that you will honor your duty to be
24 completely fair and impartial, to listen carefully to all the evidence
25 before you make your decision?

1 PROSPECTIVE JUROR NO. 664: Yes.

2 THE COURT: Could you pass the microphone to the next

3 person, please.

4 Please state your name and your badge number.

5 PROSPECTIVE JUROR NO. 669: Brenda Stallworth, and

6 the badge number is 669.

7 THE COURT: And how long have you lived in Clark

8 County, Nevada?

9 PROSPECTIVE JUROR NO. 669: About 30 years.

10 THE COURT: Okay. How far did you go in school?

11 PROSPECTIVE JUROR NO. 669: I'm a college graduate,

12 bachelor.

13 THE COURT: What is your occupation?

14 PROSPECTIVE JUROR NO. 669: I work for MGM Resorts.

15 I'm manager of marketing.

16 THE COURT: What is your marital status?

17 PROSPECTIVE JUROR NO. 669: Divorced.

18 THE COURT: And what was the occupation of your

19 ex-spouse?

20 PROSPECTIVE JUROR NO. 669: A bodyguard.

21 THE COURT: Was he ever in law enforcement?

22 PROSPECTIVE JUROR NO. 669: Kind of, yeah.

23 THE COURT: What's that mean, kind of?

24 PROSPECTIVE JUROR NO. 669: He went through the

25 academy and he got a big bodyguard job and he stopped going

1 through the academy and went a different route.

2 THE COURT: All right. Do you have any children?

3 PROSPECTIVE JUROR NO. 669: No.

4 THE COURT: Have you ever served as a juror before?

5 PROSPECTIVE JUROR NO. 669: No.

6 THE COURT: Have you ever testified as a witness in a
7 criminal case?

8 PROSPECTIVE JUROR NO. 669: No.

9 THE COURT: Have you or a close family member ever
10 been convicted of a crime?

11 PROSPECTIVE JUROR NO. 669: No.

12 THE COURT: Have you or a close family member ever
13 been the victim of a crime?

14 PROSPECTIVE JUROR NO. 669: No.

15 THE COURT: Do you have any close relatives or friends
16 who ever been engaged in law enforcement?

17 PROSPECTIVE JUROR NO. 669: Yes.

18 THE COURT: And who is that?

19 PROSPECTIVE JUROR NO. 669: My dad was a retired law
20 enforcement years -- 25 years retired.

21 THE COURT: Okay. And what --

22 PROSPECTIVE JUROR NO. 669: And --

23 THE COURT: -- what agency was he with?

24 PROSPECTIVE JUROR NO. 669: Yuma County. Yuma,
25 Arizona.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 669: Law enforcement.

3 THE COURT: And I believe I cut you off; was there

4 another individual you were going to state?

5 PROSPECTIVE JUROR NO. 669: My brother-in-law, same

6 place.

7 THE COURT: And it was in Yuma County?

8 PROSPECTIVE JUROR NO. 669: Uh-huh.

9 THE COURT: And I believe you said your father was in

10 law enforcement for 25 years and he's retired?

11 PROSPECTIVE JUROR NO. 669: Uh-huh. Yep.

12 THE COURT: What about your brother-in-law?

13 PROSPECTIVE JUROR NO. 669: He just retired, homicide.

14 Uh-huh.

15 THE COURT: All right. And I -- did you talk about their

16 job?

17 PROSPECTIVE JUROR NO. 669: All the time.

18 THE COURT: All right.

19 PROSPECTIVE JUROR NO. 669: Of course. Yeah.

20 THE COURT: Does your knowledge about your father and

21 brother-in-law's job affect your ability to be fair and impartial in this

22 case?

23 PROSPECTIVE JUROR NO. 669: I hope not.

24 THE COURT: Okay. Is there anything you're concerned

25 about? You said you hope not.

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PROSPECTIVE JUROR NO. 669: No.

THE COURT: All right. Do you agree that if you're chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make your decision?

PROSPECTIVE JUROR NO. 669: Yes, sir.

THE COURT: Thank you. If you could pass the microphone.

Please state your name and your badge number.

PROSPECTIVE JUROR NO. 675: Brigitte Saunders, 675.

THE COURT: How long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 675: About 48 years.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 675: Some college.

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

PROSPECTIVE JUROR NO. 675: Some college.

THE COURT: Thank you.

What is your occupation?

PROSPECTIVE JUROR NO. 675: I'm retired.

THE COURT: And before you retired, what did you do?

PROSPECTIVE JUROR NO. 675: I was a forklift driver for the post office.

THE COURT: What is your marital status?

PROSPECTIVE JUROR NO. 675: Single.

1 THE COURT: Were you ever married?
2 PROSPECTIVE JUROR NO. 675: No.
3 THE COURT: Okay. Do you have any children?
4 PROSPECTIVE JUROR NO. 675: No.
5 THE COURT: Have you ever served as a juror before?
6 PROSPECTIVE JUROR NO. 675: No.
7 THE COURT: Have you ever testified as a witness in a
8 criminal case?
9 PROSPECTIVE JUROR NO. 675: No.
10 THE COURT: Have you or a close family member ever
11 been convicted of a crime?
12 PROSPECTIVE JUROR NO. 675: No.
13 THE COURT: Have you or a close family member ever
14 been the victim of a crime?
15 PROSPECTIVE JUROR NO. 675: Yes.
16 THE COURT: And who was that, ma'am?
17 PROSPECTIVE JUROR NO. 675: My brother.
18 THE COURT: Could you put the microphone just a little bit
19 closer?
20 PROSPECTIVE JUROR NO. 675: My brother.
21 THE COURT: And what was the crime he was the victim
22 of?
23 PROSPECTIVE JUROR NO. 675: He was assaulted.
24 THE COURT: And was that here in Clark County, Nevada?
25 PROSPECTIVE JUROR NO. 675: No.

1 THE COURT: And where was that at?
2 PROSPECTIVE JUROR NO. 675: Chicago.
3 THE COURT: And how long ago?
4 PROSPECTIVE JUROR NO. 675: Probably about 35 years.
5 THE COURT: Okay. Is there anything about your
6 brother's experience that make it difficult for you to be fair and
7 impartial to both sides in this case?
8 PROSPECTIVE JUROR NO. 675: No.
9 THE COURT: Do you have any -- was that the only person
10 in your family who was a victim, ma'am?
11 PROSPECTIVE JUROR NO. 675: No.
12 THE COURT: All right. Do you have any close relatives or
13 friends who ever been engaged in law enforcement?
14 PROSPECTIVE JUROR NO. 675: No.
15 THE COURT: Do you agree that if you're chosen to serve
16 as a juror in this case, that you will honor your duty to completely
17 fair and impartial and to listen carefully to all the evidence before
18 you make your decision?
19 PROSPECTIVE JUROR NO. 675: Yes.
20 THE COURT: Thank you, ma'am. If you could pass the
21 microphone.
22 PROSPECTIVE JUROR NO. 677: Okay. My name is Sun
23 An, and 170677.
24 THE COURT: How long have you lived in Clark County,
25 Nevada?

1 PROSPECTIVE JUROR NO. 677: 10 years.
2 THE COURT: How far did you go in school?
3 PROSPECTIVE JUROR NO. 677: Some college.
4 THE COURT: What is your occupation?
5 PROSPECTIVE JUROR NO. 677: Homemaker.
6 THE COURT: What is your marital status?
7 PROSPECTIVE JUROR NO. 677: Married.
8 THE COURT: What is the occupation of your spouse?
9 PROSPECTIVE JUROR NO. 677: General contractor.
10 THE COURT: Do you have any children?
11 PROSPECTIVE JUROR NO. 677: Yes.
12 THE COURT: How old are they?
13 PROSPECTIVE JUROR NO. 677: 29.
14 THE COURT: And is your child a son or a daughter?
15 PROSPECTIVE JUROR NO. 677: Daughter.
16 THE COURT: And what does your 29-year-old daughter
17 do?
18 PROSPECTIVE JUROR NO. 677: Homemaker.
19 THE COURT: And what does her spouse do?
20 PROSPECTIVE JUROR NO. 677: She's single.
21 THE COURT: All right. Have you ever served as a juror
22 before?
23 PROSPECTIVE JUROR NO. 677: Yes. But every time
24 dismissed.
25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR NO. 677: Yes.
2 THE COURT: Yes? Was it a civil or criminal matter?
3 PROSPECTIVE JUROR NO. 677: Oh, I did it on a criminal
4 in California.
5 THE COURT: Okay. And when was that?
6 PROSPECTIVE JUROR NO. 677: I don't remember. Long
7 time ago.
8 THE COURT: Without telling me the verdict, did the jury
9 reach a verdict?
10 PROSPECTIVE JUROR NO. 677: Yes.
11 THE COURT: Were you the foreperson?
12 PROSPECTIVE JUROR NO. 677: No.
13 THE COURT: Is there anything about that experience that
14 would affect your ability to be fair and impartial in this case?
15 PROSPECTIVE JUROR NO. 677: No.
16 THE COURT: Have you ever testified as a witness in a
17 criminal case?
18 PROSPECTIVE JUROR NO. 677: No.
19 THE COURT: Have you or a close family member ever
20 been convicted of a crime?
21 PROSPECTIVE JUROR NO. 677: Yes.
22 THE COURT: And who was that, ma'am?
23 PROSPECTIVE JUROR NO. 677: My brother.
24 THE COURT: Was there here in Clark County, Nevada?
25 PROSPECTIVE JUROR NO. 677: No. It's different country.

1 THE COURT: Different country?
2 PROSPECTIVE JUROR NO. 677: Yeah.
3 THE COURT: And how long ago?
4 PROSPECTIVE JUROR NO. 677: That's maybe 30, 35, 40
5 years ago.
6 THE COURT: Okay. Do you remember anything about it,
7 what the crime was or anything like that?
8 PROSPECTIVE JUROR NO. 677: Deadly weapon.
9 THE COURT: All right.
10 PROSPECTIVE JUROR NO. 677: But I don't communicate.
11 THE COURT: Is there anything about your brother's -- is --
12 was it your brother who was convicted?
13 PROSPECTIVE JUROR NO. 677: Yes.
14 THE COURT: Is there anything about your brother's
15 experience that would make it difficult for you to be fair and
16 impartial to both sides in this case?
17 PROSPECTIVE JUROR NO. 677: No.
18 THE COURT: Have you or a close family member ever
19 been the victim of a crime?
20 PROSPECTIVE JUROR NO. 677: No.
21 THE COURT: Do you have any close relatives or friends
22 who ever been engaged in law enforcement?
23 PROSPECTIVE JUROR NO. 677: No.
24 THE COURT: Do you agree that if you are chosen to serve
25 as a juror in this case, that you will honor your duty to be

1 completely fair and impartial and to listen carefully to all the
2 evidence before you make your decision?

3 PROSPECTIVE JUROR NO. 677: I try.

4 THE COURT: All right. If you could pass the microphone.

5 PROSPECTIVE JUROR NO. 680: Damian Gurule, 0680.

6 THE COURT: Just for everybody, there's no surprise
7 questions. It's going to be the same questions for each of you.

8 PROSPECTIVE JUROR NO. 680: Cool.

9 THE COURT: There will be follow-up questions, but so
10 you pretty much can gauge what my questions are going to be.

11 How long have you lived in Clark County, Nevada?

12 PROSPECTIVE JUROR NO. 680: 23 years.

13 THE COURT: How far did you go in school?

14 PROSPECTIVE JUROR NO. 680: Some college.

15 THE COURT: What is your occupation?

16 PROSPECTIVE JUROR NO. 680: Firefighter-paramedic.

17 THE COURT: What is your marital status?

18 PROSPECTIVE JUROR NO. 680: Single.

19 THE COURT: Were you ever married?

20 PROSPECTIVE JUROR NO. 680: No.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 680: No.

23 THE COURT: Have you ever served as a juror before?

24 PROSPECTIVE JUROR NO. 680: No, I have not.

25 THE COURT: Have you ever testified as a witness in a

1 criminal case?

2 PROSPECTIVE JUROR NO. 680: Yes, Your Honor.

3 THE COURT: And was that here in Clark County, Nevada?

4 PROSPECTIVE JUROR NO. 680: For the City of
5 Henderson. I don't know if I -- it means testify as a witness, but a
6 lot of the medical charts I've written for calls I've been on, I've
7 gotten called in to review my chart and then be in the courtroom
8 with them --

9 THE COURT: And so --

10 PROSPECTIVE JUROR NO. 680: -- because a lot of my
11 charts have gone forward as a part of the --

12 THE COURT: Were you -- I'm sorry, I apologize.

13 Were you qualified as an expert witness and that why you
14 had to be in the courtroom?

15 PROSPECTIVE JUROR NO. 680: I don't know if I was
16 qualified as an expert witness. All I know is I had to talk to the city
17 attorney about certain things in my chart that were used in the case,
18 and then just, basically, I had to just sit there and -- I didn't have to
19 talk or anything. I just had to meet with the city attorney before and
20 then stay the whole duration of the case. And that's happened
21 multiple times.

22 THE COURT: All right. Thank you.

23 Have you or a close family member ever been convicted
24 of a crime?

25 PROSPECTIVE JUROR NO. 680: No.

1 THE COURT: Have you or a close family member ever
2 been the victim of a crime?

3 PROSPECTIVE JUROR NO. 680: No.

4 THE COURT: Do you have any close relatives or friends
5 who ever been engaged in law enforcement?

6 PROSPECTIVE JUROR NO. 680: Yes.

7 THE COURT: And who is that, sir?

8 PROSPECTIVE JUROR NO. 680: I have a lot -- I have a
9 couple of family friends that are law enforcement for the City of
10 Henderson. And then from working as a fireman in the city of
11 Henderson, I have a lot of friends that are law enforcement in the
12 city, as well.

13 THE COURT: And you discussed their jobs with your
14 friends who in law enforcement?

15 PROSPECTIVE JUROR NO. 680: Little bit, yeah. With just
16 casual stuff.

17 THE COURT: Does your knowledge about these
18 individuals' job affect your ability to fair and impartial in this case?

19 PROSPECTIVE JUROR NO. 680: I don't think so.

20 THE COURT: Okay. When you say I don't think so, is
21 there anything you're concerned about?

22 PROSPECTIVE JUROR NO. 680: No, not -- not as -- as of
23 right now, no.

24 THE COURT: All right. Thank you.

25 Do you agree that if you are chosen to serve as a juror in

1 this case, that you will honor your duty to be completely fair and
2 impartial and to listen carefully to all the evidence before you make
3 your decision?

4 PROSPECTIVE JUROR NO. 680: Yes, Your Honor.

5 THE COURT: Thank you. If you could pass the
6 microphone.

7 Please state your name and badge number.

8 PROSPECTIVE JUROR NO. 687: My name is Diana
9 Santoya, my badge number is 170687.

10 THE COURT: Thank you. How long have you lived in
11 Clark County, Nevada?

12 PROSPECTIVE JUROR NO. 687: Four years.

13 THE COURT: How far did you go in school?

14 PROSPECTIVE JUROR NO. 687: I know the school here.

15 THE COURT: Did you go to school in some other country?

16 PROSPECTIVE JUROR NO. 687: Yeah, in Mexico.

17 THE COURT: And how far did you go in school?

18 PROSPECTIVE JUROR NO. 687: High school only.

19 THE COURT: What is your occupation? What do you do
20 for a living?

21 PROSPECTIVE JUROR NO. 687: [Indiscernible.] I'm
22 sorry --

23 THE COURT: Do you work?

24 PROSPECTIVE JUROR NO. 687: Yeah, I work.

25 THE COURT: And what is your job?

1 PROSPECTIVE JUROR NO. 687: My job is different. I
2 make a pizza or make a kitchen. So --

3 THE COURT: You're a cook?

4 PROSPECTIVE JUROR NO. 687: Yeah, I'm cook.

5 THE COURT: All right. What is your marital status?

6 PROSPECTIVE JUROR NO. 687: Marry? I'm sorry?

7 THE COURT: Married?

8 PROSPECTIVE JUROR NO. 687: No.

9 THE COURT: You're not married?

10 PROSPECTIVE JUROR NO. 687: Not married.

11 THE COURT: You're single?

12 PROSPECTIVE JUROR NO. 687: Yes.

13 THE COURT: Have you ever been married?

14 PROSPECTIVE JUROR NO. 687: Sorry. I have a nervous.

15 THE COURT: Have you ever been married?

16 PROSPECTIVE JUROR NO. 687: No.

17 THE COURT: Okay. Do you have any children?

18 PROSPECTIVE JUROR NO. 687: No, no childrens.

19 THE COURT: Have you ever served as a juror before?

20 PROSPECTIVE JUROR NO. 687: Sorry?

21 THE COURT: Have you ever served as a juror before?

22 You ever been in a -- as a -- in the jury room as a juror before?

23 PROSPECTIVE JUROR NO. 687: No.

24 THE COURT: No? Have you ever testified as a witness in
25 a criminal case? No.

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PROSPECTIVE JUROR NO. 687: No.

THE COURT: Have you or a close family member ever been convicted of a crime?

PROSPECTIVE JUROR NO. 687: No.

THE COURT: Have you or a close family member ever been the victim of a crime?

PROSPECTIVE JUROR NO. 687: No.

THE COURT: Do you agree that if you are chosen to serve as a juror -- I'm sorry.

Do you have any close relatives or friends who ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 687: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make your decision?

PROSPECTIVE JUROR NO. 687: No.

THE COURT: You can't be fair and impartial?

PROSPECTIVE JUROR NO. 687: I'm sorry.

THE COURT: Okay. Let me state it again.

Do you agree that if you are chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make your decision?

Okay. Do you -- are you not understanding what I'm

1 asking you?

2 PROSPECTIVE JUROR NO. 687: I'm sorry.

3 THE COURT: Okay. Do you understand what I'm asking
4 you?

5 PROSPECTIVE JUROR NO. 687: I'm sorry.

6 THE COURT: Are you okay? Are you nervous? Don't be
7 nervous. It's okay. Do you need to take a break for a second? You
8 okay? Okay. That's all right.

9 Why don't you pass the microphone. Is that okay?

10 PROSPECTIVE JUROR NO. 707: John Lindaman. Oh,
11 sorry.

12 THE COURT: Approach.

13 [Bench conference transcribed as follows.]

14 MS. DERJAVINA: Should we just have her approach?

15 THE COURT: Huh?

16 MS. DERJAVINA: I said should we just have her approach
17 so you can talk to her?

18 THE COURT: All right.

19 MS. DERJAVINA: Because she seems to be nervous.

20 THE COURT: She, obviously --

21 MS. DERJAVINA: I don't -- because I can't tell if she's --

22 MR. DICKERSON: I think she's --

23 MS. DERJAVINA: -- nervous or if she literally is
24 embarrassed and doesn't understand.

25 THE COURT: I think she was one of the ones that had the

1 language barrier.

2 MR. DICKERSON: Yeah.

3 MS. DERJAVINA: Yeah.

4 MS. BROUWERS: Uh-huh.

5 THE COURT: Okay. Why don't we --

6 MR. DICKERSON: We'll move for cause on her after

7 everything.

8 THE COURT: Okay.

9 MR. DICKERSON: I mean --

10 THE COURT: All right. Why don't -- what badge number

11 is she?

12 MR. DICKERSON: She's Badge Number 687.

13 THE COURT: What's her name?

14 MS. DERJAVINA: Diana Santoya.

15 THE COURT: Huh?

16 MS. DERJAVINA: Diana Santoya. She also --

17 THE COURT: Ms. Santoya, can you approach the bench,

18 please. Ms. Santoya, can you approach the bench?

19 MS. BROUWERS: And, Your Honor, she was also the one

20 who went --

21 THE COURT: Huh?

22 MS. BROUWERS: She was also the one who, when the

23 rest of the jurors were getting excused before, she --

24 MS. DERJAVINA: She got --

25 MS. BROUWERS: She got confused. Yeah.

1 THE COURT: Are you not understanding what I'm saying
2 to you?

3 PROSPECTIVE JUROR NO. 687: I'm sorry?

4 THE COURT: Are you not understanding what I am saying
5 to you?

6 PROSPECTIVE JUROR NO. 687: I'm sorry. Is my -- my no
7 speak English and I listen good.

8 MS. BROUWERS: It's okay.

9 THE COURT: So you -- you're telling me you don't speak
10 English well enough to understand the questions I am asking you?

11 PROSPECTIVE JUROR NO. 687: Sometime I missing a
12 good -- no, no everything.

13 THE COURT: Okay. That's fine. Don't -- it's okay. I'm just
14 asking questions and I want your honest answers. Okay.

15 Well, just have a seat and -- is that okay? Can you sit --
16 are you all right?

17 MS. BROUWERS: [Speaking in Spanish.]

18 PROSPECTIVE JUROR NO. 687: [Speaking in Spanish.]

19 MS. BROUWERS: [Speaking in Spanish.]

20 THE COURT: All right. Do you want to wait for challenges
21 for cause, you want --

22 MR. DICKERSON: I have no questions for her.

23 MS. BROUWERS: Yeah, we have -- no.

24 THE COURT: Okay. Because she --

25 MR. DICKERSON: I might as well just challenge with the

1 rest of them, everybody.

2 THE COURT: Okay. Just tell her -- just have a seat for a
3 little bit. We're not going to ask you any more questions. Okay?
4 Just have a seat for a little bit. Okay? Okay.

5 MR. DICKERSON: And, if I could. Just further on that, for
6 the record, Defense counsel was speaking Spanish to -- she
7 proposed her, Ms. Santoya, that seems to be all that she really
8 understood up here at the bench.

9 THE COURT: Okay.

10 MS. BROUWERS: And that's correct.

11 THE COURT: And what did you say to her? Just --

12 MS. BROUWERS: Shannon Brouwers with -- for the
13 defense. For the record, I asked her if she would -- Your Honor
14 asked her if she would take a seat, if she'd be okay sitting. I said, *si,*
15 *siete, por favor.* Which means please have a seat. She started to
16 take off, but I wanted to make sure that was okay with you. And
17 then you indicated you were not going to ask her anymore
18 questions. I said, *No mas preguntas*, which is no more questions,
19 in my very, very broken Spanish.

20 THE COURT: Okay. All right. So we'll just address it
21 when we come to the challenges for cause.

22 MS. BROUWERS: Okay.

23 MR. DICKERSON: I'm sure there'll be more.

24 MS. DERJAVINA: Thank you. Yeah.

25 [End of bench conference.]

1 THE COURT: Sir, can you state your name and your
2 badge number.

3 PROSPECTIVE JUROR NO. 707: John Lindaman, 170707.

4 THE COURT: How long have you lived in Clark County,
5 Nevada?

6 PROSPECTIVE JUROR NO. 707: 16 years.

7 THE COURT: How far did you go in school?

8 PROSPECTIVE JUROR NO. 707: Doctorate.

9 THE COURT: What is your occupation?

10 PROSPECTIVE JUROR NO. 707: Veterinarian.

11 THE COURT: What is your marital status?

12 PROSPECTIVE JUROR NO. 707: Single, three kids.

13 THE COURT: I'm sorry?

14 PROSPECTIVE JUROR NO. 707: Single with three kids.

15 THE COURT: And were you married --

16 PROSPECTIVE JUROR NO. 707: Never married.

17 THE COURT: You never married? Okay.

18 And how old are your children?

19 PROSPECTIVE JUROR NO. 707: 8, 10, and 12.

20 THE COURT: All right. I assume they haven't gone out on
21 their own and got jobs yet?

22 PROSPECTIVE JUROR NO. 707: No.

23 THE COURT: Not yet.

24 PROSPECTIVE JUROR NO. 707: Not yet.

25 THE COURT: Oh, have -- how -- shucks.

1 Have you ever served as a juror before?

2 PROSPECTIVE JUROR NO. 707: No.

3 THE COURT: Have you ever testified as a witness in a
4 criminal case?

5 PROSPECTIVE JUROR NO. 707: No.

6 THE COURT: Have you or a close family member ever
7 been convicted of a crime?

8 PROSPECTIVE JUROR NO. 707: No.

9 THE COURT: Have you or a close family member ever
10 been the victim of a crime?

11 PROSPECTIVE JUROR NO. 707: Yeah.

12 THE COURT: And who was that, sir?

13 PROSPECTIVE JUROR NO. 707: Me.

14 THE COURT: And when did that occur?

15 PROSPECTIVE JUROR NO. 707: Burglary -- home
16 burglary 2006, and a car break-in 2010.

17 THE COURT: And was that here in Clark County, Nevada?

18 PROSPECTIVE JUROR NO. 707: Yes.

19 THE COURT: Is there anything about those experiences
20 that would make it difficult for you to be fair and impartial to both
21 sides in this case?

22 PROSPECTIVE JUROR NO. 707: No.

23 THE COURT: Do you have any close friends -- I'm sorry.

24 Do you have any close relatives or friends who ever been
25 engaged in law enforcement?

1 PROSPECTIVE JUROR NO. 707: Yes.
2 THE COURT: And who is that?
3 PROSPECTIVE JUROR NO. 707: Friends Tom Page,
4 Anthony Longo, Metro PD.
5 THE COURT: Right. And that's here in Clark County,
6 Nevada? Is that a yes, sir?
7 PROSPECTIVE JUROR NO. 707: Yes.
8 THE COURT: Not a yes, sir, is that a yes --
9 PROSPECTIVE JUROR NO. 707: Yes, Your Honor.
10 THE COURT: -- sir?
11 And did you -- do you discuss with your friend his job at
12 all?
13 PROSPECTIVE JUROR NO. 707: Sure.
14 THE COURT: All right. Is there anything about your
15 knowledge about your friends' job which would affect your ability
16 to be fair and impartial in this case?
17 PROSPECTIVE JUROR NO. 707: No.
18 THE COURT: Do you agree that if you are chosen to serve
19 as a juror in this case, that you will honor your duty to be
20 completely fair and impartial and to listen carefully to all of the
21 evidence before you make your decision?
22 PROSPECTIVE JUROR NO. 707: Yes.
23 THE COURT: If you could pass the microphone.
24 Please state your name and badge number.
25 PROSPECTIVE JUROR NO. 712: Mike Diebel, 712.

1 THE COURT: And how long have you lived in Clark
2 County, Nevada?

3 PROSPECTIVE JUROR NO. 712: 14 years.

4 THE COURT: How far did you go in school?

5 PROSPECTIVE JUROR NO. 712: A bachelor's degree.

6 THE COURT: What is your occupation?

7 PROSPECTIVE JUROR NO. 712: Project manager for local
8 general contractor.

9 THE COURT: What is your marital status?

10 PROSPECTIVE JUROR NO. 712: Married.

11 THE COURT: And what is the occupation of your spouse?

12 PROSPECTIVE JUROR NO. 712: Clark County teacher.

13 THE COURT: Do you have any children?

14 PROSPECTIVE JUROR NO. 712: Yes.

15 THE COURT: And how old are your children?

16 PROSPECTIVE JUROR NO. 712: I have one daughter, 10
17 years old.

18 THE COURT: Have you ever served as a juror before?

19 PROSPECTIVE JUROR NO. 712: No, Your Honor.

20 THE COURT: Have you ever testified as a witness in a
21 criminal case?

22 PROSPECTIVE JUROR NO. 712: No, Your Honor.

23 THE COURT: Have you or a close family member ever
24 been convicted of a crime?

25 PROSPECTIVE JUROR NO. 712: No, Your Honor.

1 THE COURT: Have you or a close family member ever
2 been the victim of a crime?

3 PROSPECTIVE JUROR NO. 712: Yes, Your Honor.

4 THE COURT: And who is that?

5 PROSPECTIVE JUROR NO. 712: Myself.

6 THE COURT: And when was that?

7 PROSPECTIVE JUROR NO. 712: 2001.

8 THE COURT: Was that here in Clark County, Nevada?

9 PROSPECTIVE JUROR NO. 712: It was in Memphis,
10 Tennessee.

11 THE COURT: And what happened?

12 PROSPECTIVE JUROR NO. 712: Aggravated burglary and
13 grand theft.

14 THE COURT: And were you home at the time of the
15 burglary?

16 PROSPECTIVE JUROR NO. 712: I was not.

17 THE COURT: And did they ever recover any of your
18 items?

19 PROSPECTIVE JUROR NO. 712: One, yes.

20 THE COURT: Okay. Is there anything about that
21 experience that would make it difficult for you to be fair and
22 impartial to both sides in this case?

23 PROSPECTIVE JUROR NO. 712: No, Your Honor.

24 THE COURT: All right. Do you have any close relatives or
25 friends who ever been engaged in law enforcement?

1 PROSPECTIVE JUROR NO. 712: I do.
2 THE COURT: And who is that?
3 PROSPECTIVE JUROR NO. 712: My best friend from back
4 home.
5 THE COURT: And is that -- was -- that's not here in Clark
6 County, Nevada, though.
7 PROSPECTIVE JUROR NO. 712: It's in Pennsylvania.
8 And -- but I do have a friend in Clark County that's a police officer.
9 THE COURT: And who is that?
10 PROSPECTIVE JUROR NO. 712: Kevin Barker.
11 THE COURT: And is that -- what agency? What law
12 enforcement agency?
13 PROSPECTIVE JUROR NO. 712: Metro PD.
14 THE COURT: Okay. And the friend back home, do you
15 talk to him at all? Is it a male or female friend?
16 PROSPECTIVE JUROR NO. 712: It's a male with the
17 Capital police in Harrisburg.
18 THE COURT: And do you talk to that person at all about
19 their job?
20 PROSPECTIVE JUROR NO. 712: I do, yes.
21 THE COURT: Regularly or?
22 PROSPECTIVE JUROR NO. 712: Fairly regularly.
23 THE COURT: What about your friend who's with Metro?
24 PROSPECTIVE JUROR NO. 712: Not as often, no, sir.
25 THE COURT: All right. Does your knowledge about your

1 friends' job affect your ability to be fair and impartial in this case?
2 PROSPECTIVE JUROR NO. 712: No, Your Honor.
3 THE COURT: Do you agree that if you are chosen to serve
4 as a juror in this case, that you will honor your duty to be
5 completely fair and impartial and to listen carefully to all the
6 evidence before you make your decision?
7 PROSPECTIVE JUROR NO. 712: Yes, Your Honor.
8 THE COURT: Thank you.
9 Hi. If you could --
10 PROSPECTIVE JUROR NO. 722: It's my turn.
11 THE COURT: Hi.
12 PROSPECTIVE JUROR NO. 722: Hi.
13 THE COURT: Could you state your name and badge
14 number, please.
15 PROSPECTIVE JUROR NO. 722: Dana Hammontree. Wait
16 a minute, I've got to take it out. 722.
17 THE COURT: How long have you lived in Clark County,
18 Nevada?
19 PROSPECTIVE JUROR NO. 722: 40 years plus.
20 THE COURT: How far did you go in school?
21 PROSPECTIVE JUROR NO. 722: Some college.
22 THE COURT: What is your occupation?
23 PROSPECTIVE JUROR NO. 722: I'm retired right now, but
24 I was an occupational therapy technician.
25 THE COURT: Thank you.

1 What is your marital status?
2 PROSPECTIVE JUROR NO. 722: Married.
3 THE COURT: And what does your spouse do?
4 PROSPECTIVE JUROR NO. 722: He works for wastewater
5 for Clark County Sanitation.
6 THE COURT: Do you have any children?
7 PROSPECTIVE JUROR NO. 722: Two.
8 THE COURT: And how old are they?
9 PROSPECTIVE JUROR NO. 722: 46 and 43.
10 THE COURT: Is -- are they sons, daughters?
11 PROSPECTIVE JUROR NO. 722: I have a daughter, 43, she
12 lives here in Vegas, and I have a son --
13 THE COURT: What does she do?
14 PROSPECTIVE JUROR NO. 722: She works for retail.
15 THE COURT: And what about your 46-year-old?
16 PROSPECTIVE JUROR NO. 722: He's in the military, he's a
17 lieutenant colonel in Scott Air Force Base, Illinois.
18 THE COURT: All right.
19 PROSPECTIVE JUROR NO. 722: 25 years plus.
20 THE COURT: Very good. You ever served as a juror
21 before?
22 PROSPECTIVE JUROR NO. 722: No.
23 THE COURT: Have you ever testified as a witness in a
24 criminal case?
25 PROSPECTIVE JUROR NO. 722: No.

1 THE COURT: Have you or a close family member ever
2 been convicted of a crime?

3 PROSPECTIVE JUROR NO. 722: Yes. My brother was, I'm
4 ashamed to tell you. It was embezzlement and he was guilty.

5 THE COURT: All right. And what -- when -- shucks.
6 When was he convicted of a crime?

7 PROSPECTIVE JUROR NO. 722: Oh, gee, he's been dead
8 for 10 years. Let's say 25, 30 years ago, and he served prison
9 time --

10 THE COURT: And was --

11 PROSPECTIVE JUROR NO. 722: -- in Washington.

12 THE COURT: Was he convicted here in Clark County,
13 Nevada?

14 PROSPECTIVE JUROR NO. 722: No, in Washington state.

15 THE COURT: Washington?

16 Do you believe that experience regarding your -- is it your
17 brother?

18 PROSPECTIVE JUROR NO. 722: Yes.

19 THE COURT: Do you believe that experience would make
20 it difficult for you to be fair and impartial to both sides in this case?

21 PROSPECTIVE JUROR NO. 722: No. He was guilty all the
22 way. I know he was guilty.

23 THE COURT: I'm not even going to ask. I'll let the -- have
24 you or a close family member ever been the victim of a crime?

25 PROSPECTIVE JUROR NO. 722: Yes. We had a break-in in

1 our home.

2 THE COURT: And was that here in Clark County where
3 that --

4 PROSPECTIVE JUROR NO. 722: Yes. It was about,
5 maybe, 7, 10 years ago.

6 THE COURT: Were you home at the time of the break-in?

7 PROSPECTIVE JUROR NO. 722: No, we was not. No.

8 THE COURT: And was there an investigation by law
9 enforcement?

10 PROSPECTIVE JUROR NO. 722: Yes, there was.

11 THE COURT: And were they able to recover any of the
12 items?

13 PROSPECTIVE JUROR NO. 722: Some of the items.

14 THE COURT: All right. Were you satisfied how law
15 enforcement handled the investigation?

16 PROSPECTIVE JUROR NO. 722: Yes.

17 THE COURT: All right. Is there anything about that
18 experience that would make it difficult for you to be fair and
19 impartial to both sides in this case?

20 PROSPECTIVE JUROR NO. 722: No.

21 THE COURT: Do you have any close relatives or friends
22 who ever been engaged in law enforcement?

23 PROSPECTIVE JUROR NO. 722: No.

24 THE COURT: Do you agree that if you are chosen to serve
25 as a juror in this case, that you will honor your duty to be

1 completely fair and impartial and to listen carefully to all the
2 evidence before you make your decision?

3 PROSPECTIVE JUROR NO. 722: Yes.

4 THE COURT: Thank you, ma'am. If you could pass the
5 microphone.

6 Please state your name and your badge number.

7 PROSPECTIVE JUROR NO. 732: Ray Virgen, 0732.

8 THE COURT: How far -- shucks.

9 How long have you lived in Clark County, Nevada?

10 PROSPECTIVE JUROR NO. 732: 20 years.

11 THE COURT: How far did you go in school?

12 PROSPECTIVE JUROR NO. 732: Some college.

13 THE COURT: What is your occupation?

14 PROSPECTIVE JUROR NO. 732: I don't have one.

15 THE COURT: Have you worked in the past?

16 PROSPECTIVE JUROR NO. 732: No.

17 THE COURT: All right. What is your marital status?

18 PROSPECTIVE JUROR NO. 732: Single.

19 THE COURT: Do you have any children?

20 PROSPECTIVE JUROR NO. 732: No.

21 THE COURT: Have you ever served as a juror before?

22 PROSPECTIVE JUROR NO. 732: No.

23 THE COURT: Have you ever testified as a witness in a
24 criminal case?

25 PROSPECTIVE JUROR NO. 732: No.

1 THE COURT: Have you ever -- have you or a close family
2 member ever been convicted of a crime?

3 PROSPECTIVE JUROR NO. 732: No.

4 THE COURT: Have you or a close family member ever
5 been the victim of a crime?

6 PROSPECTIVE JUROR NO. 732: No.

7 THE COURT: Do you have any close relatives or friends
8 who have ever been engaged in law enforcement?

9 PROSPECTIVE JUROR NO. 732: No.

10 THE COURT: Do you agree that if you are chosen to serve
11 as a juror in this case, that you will honor your duty to be
12 completely fair and impartial and to listen carefully to all the
13 evidence before you make a decision?

14 PROSPECTIVE JUROR NO. 732: Yes.

15 THE COURT: Thank you. If you could pass the
16 microphone.

17 Please state your name and badge number.

18 PROSPECTIVE JUROR NO. 741: Teri Emory, 741.

19 THE COURT: How long have you lived in Clark County,
20 Nevada?

21 PROSPECTIVE JUROR NO. 741: 10 and a half years.

22 THE COURT: All right. How far did you go in school?

23 PROSPECTIVE JUROR NO. 741: Just shy of a Ph.D.

24 THE COURT: Of a -- wow, very good. It's never too late.

25 What is your occupation?

1 PROSPECTIVE JUROR NO. 741: I'm a writer.
2 THE COURT: And what is your marital status?
3 PROSPECTIVE JUROR NO. 741: I'm widowed.
4 THE COURT: And what did your spouse do before they
5 passed?
6 PROSPECTIVE JUROR NO. 741: He was a professional
7 poker player.
8 THE COURT: Do you have any children?
9 PROSPECTIVE JUROR NO. 741: One child, a daughter.
10 THE COURT: And how old is your daughter?
11 PROSPECTIVE JUROR NO. 741: 38.
12 THE COURT: And what does she do for a living?
13 PROSPECTIVE JUROR NO. 741: She's a recruiter for a
14 tech company.
15 THE COURT: And is that here in Clark County, Nevada?
16 PROSPECTIVE JUROR NO. 741: No, it's in Phoenix.
17 THE COURT: Thank you.
18 Have you ever served as a juror before?
19 PROSPECTIVE JUROR NO. 741: No.
20 THE COURT: Have you ever testified as a witness in a
21 criminal case?
22 PROSPECTIVE JUROR NO. 741: No.
23 THE COURT: Have you or a close family member ever
24 been convicted of a crime?
25 PROSPECTIVE JUROR NO. 741: No.

1 THE COURT: Have you or a close family member ever
2 been the victim of a crime?

3 PROSPECTIVE JUROR NO. 741: No.

4 THE COURT: Do you have any close relatives or friends
5 who have ever been engaged in law enforcement?

6 PROSPECTIVE JUROR NO. 741: No.

7 THE COURT: Do you agree that if you are chosen to serve
8 as a juror in this case, that you will honor your duty to be
9 completely fair and impartial and to listen carefully to all the
10 evidence before you make your decision?

11 PROSPECTIVE JUROR NO. 741: Yes.

12 THE COURT: If you could please pass the microphone.

13 PROSPECTIVE JUROR NO. 748: My name is Martina
14 Barraza, my number is 748.

15 THE COURT: How long have you lived in Clark County,
16 Nevada?

17 PROSPECTIVE JUROR NO. 748: About 25 years.

18 THE COURT: And how far did you go in school?

19 PROSPECTIVE JUROR NO. 748: Only eight.

20 THE COURT: What is your occupation?

21 PROSPECTIVE JUROR NO. 741: Work in a casino, like,
22 slots, like, floor person.

23 THE COURT: What is the occupation -- I'm sorry.

24 What is your marital status?

25 PROSPECTIVE JUROR NO. 748: Married.

1 THE COURT: What is the occupation of your spouse?
2 PROSPECTIVE JUROR NO. 748: He's maintenance on the
3 condominiums, like the community.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR NO. 748: Yeah, I have three
6 daughters.
7 THE COURT: And how old are your daughters?
8 PROSPECTIVE JUROR NO. 748: Just 34, 28, and 20.
9 THE COURT: On the 34-year-old daughter, what does she
10 do for a living?
11 PROSPECTIVE JUROR NO. 748: Could you repeat the
12 question? Sorry.
13 THE COURT: As to your oldest daughter, what does she
14 do for a living?
15 PROSPECTIVE JUROR NO. 748: She's in the military, on
16 the base, working. She's working on the Nellis base.
17 THE COURT: And as to your middle daughter, what does
18 she do for a living?
19 PROSPECTIVE JUROR NO. 748: And the second one is
20 in -- living in Phoenix, working on the -- one of the resorts.
21 THE COURT: And that's --
22 PROSPECTIVE JUROR NO. 748: And my --
23 THE COURT: Youngest daughter?
24 PROSPECTIVE JUROR NO. 748: Yeah. My youngest is in
25 the college and working part-time.

1 THE COURT: And what does she do part-time?
2 PROSPECTIVE JUROR NO. 748: In the Home Depot.
3 THE COURT: Thank you.
4 Have you ever served as a juror before?
5 PROSPECTIVE JUROR NO. 748: No, sir.
6 THE COURT: Have you ever testified as a witness in a
7 criminal case?
8 PROSPECTIVE JUROR NO. 748: No, sir.
9 THE COURT: Have you or a close family member ever
10 been convicted of a crime?
11 PROSPECTIVE JUROR NO. 748: Yes.
12 THE COURT: And who was that?
13 PROSPECTIVE JUROR NO. 748: It was my husband,
14 convicted for sex offender.
15 THE COURT: And was that here in Clark County, Nevada?
16 PROSPECTIVE JUROR NO. 748: Yes, sir.
17 THE COURT: Is there anything about that experience that
18 make it difficult for you to be fair and impartial to both sides in this
19 case?
20 PROSPECTIVE JUROR NO. 748: No, sir.
21 THE COURT: Have you or a close family member ever
22 been the victim of a crime?
23 PROSPECTIVE JUROR NO. 748: No.
24 THE COURT: Do you have any close relatives or friends
25 who have ever been engaged in law enforcement?

1 PROSPECTIVE JUROR NO. 748: No, sir.

2 THE COURT: Do you agree that if you're chosen to serve

3 as a juror in this case, that you will honor your duty to be

4 completely fair and impartial and to listen carefully to all the

5 evidence before you make your decision?

6 PROSPECTIVE JUROR NO. 748: Yes, sir.

7 THE COURT: You can pass the microphone.

8 Please state your name and badge number.

9 PROSPECTIVE JUROR NO. 751: Timothy Rogan, 0751.

10 THE COURT: How long have you lived in Clark County,

11 Nevada?

12 PROSPECTIVE JUROR NO. 751: 15 years.

13 THE COURT: How far did you go in school?

14 PROSPECTIVE JUROR NO. 751: Bachelor's degree.

15 THE COURT: What is your occupation?

16 PROSPECTIVE JUROR NO. 751: Software engineer.

17 THE COURT: What is your marital status?

18 PROSPECTIVE JUROR NO. 751: Domestic partnership.

19 THE COURT: What is the occupation of your spouse?

20 PROSPECTIVE JUROR NO. 751: Registered dietician.

21 THE COURT: Do you have any children?

22 PROSPECTIVE JUROR NO. 751: No.

23 THE COURT: Have you ever served as a juror before?

24 PROSPECTIVE JUROR NO. 751: No.

25 THE COURT: Have you ever testified as a witness in a

1 criminal case?

2 PROSPECTIVE JUROR NO. 751: No.

3 THE COURT: Have you or a close family member ever
4 been convicted of a crime?

5 PROSPECTIVE JUROR NO. 751: No.

6 THE COURT: Have you or a close family member ever
7 been the victim of a crime?

8 PROSPECTIVE JUROR NO. 751: Yes.

9 THE COURT: And who was that, sir?

10 PROSPECTIVE JUROR NO. 751: Myself.

11 THE COURT: And when did that occur?

12 PROSPECTIVE JUROR NO. 751: Five years ago.

13 THE COURT: Is -- was that near Clark County -- shucks.

14 PROSPECTIVE JUROR NO. 751: Yes.

15 THE COURT: Was that here in Clark County, Nevada?

16 PROSPECTIVE JUROR NO. 751: It was.

17 THE COURT: And what was the nature of the crime?

18 PROSPECTIVE JUROR NO. 751: Car was stolen. Grand
19 theft auto, my car was stolen.

20 THE COURT: Were you present when the car was stolen?

21 PROSPECTIVE JUROR NO. 751: No.

22 THE COURT: Did they retrieve the car?

23 PROSPECTIVE JUROR NO. 751: Yes.

24 THE COURT: Were you satisfied with how law
25 enforcement handled the investigation?

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PROSPECTIVE JUROR NO. 751: Yes.

THE COURT: Is there anything about that experience that would make it difficult for you to be fair and impartial to both sides in this case?

PROSPECTIVE JUROR NO. 751: Not at all.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 751: No.

THE COURT: Do you agree that if you're chosen to serve as a juror in this case, that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make your decision?

PROSPECTIVE JUROR NO. 751: Yes.

THE COURT: Thank you, sir.
You could state your name and badge number?

PROSPECTIVE JUROR NO. 765: Joshua Jaehn, Badge Number 765.

THE COURT: And how long have you lived in Clark County, Nevada?

PROSPECTIVE JUROR NO. 765: All my life.

THE COURT: How long is that?

PROSPECTIVE JUROR NO. 765: 37.

THE COURT: How far did you go in school?

PROSPECTIVE JUROR NO. 765: Some college.

THE COURT: What is your occupation?

1 PROSPECTIVE JUROR NO. 765: Truck driver.
2 THE COURT: What is your marital status?
3 PROSPECTIVE JUROR NO. 765: Married.
4 THE COURT: What is the occupation of your spouse?
5 PROSPECTIVE JUROR NO. 765: Homemaker.
6 THE COURT: Do you have any children?
7 PROSPECTIVE JUROR NO. 765: I got three boys.
8 THE COURT: How old are they?
9 PROSPECTIVE JUROR NO. 765: 7, 10, 12.
10 THE COURT: Have you ever served as a juror before?
11 PROSPECTIVE JUROR NO. 765: No.
12 THE COURT: Have you ever testified as a witness in a
13 criminal case?
14 PROSPECTIVE JUROR NO. 765: No.
15 THE COURT: Have you or a close family member ever
16 been convicted of a crime?
17 PROSPECTIVE JUROR NO. 765: Yeah, I have. I have.
18 THE COURT: And what was the crime, sir?
19 PROSPECTIVE JUROR NO. 765: Somebody tried to break
20 into my truck about 15 years ago to get my radio out of there.
21 THE COURT: Okay. So I think you answered my next
22 question. I asked if you or close family member ever been
23 convicted of a crime.
24 PROSPECTIVE JUROR NO. 765: Oh, no. No.
25 THE COURT: Okay. So my next question is --

1 PROSPECTIVE JUROR NO. 765: Yeah.

2 THE COURT: -- have you or a close family member ever

3 been the victim of a crime? And the answer is yes?

4 PROSPECTIVE JUROR NO. 765: Yeah.

5 THE COURT: And your truck was broken into about 15

6 years ago?

7 PROSPECTIVE JUROR NO. 765: Yeah.

8 THE COURT: And did they recover the radio?

9 PROSPECTIVE JUROR NO. 765: No, I heard them and I

10 ran out to chase them. And I didn't catch them. They got caught

11 later.

12 THE COURT: Okay. Is there anything about that

13 experience that would make it difficult for you to be fair and

14 impartial to both sides in this case?

15 PROSPECTIVE JUROR NO. 765: No. My sister was

16 assaulted.

17 THE COURT: Okay. So your sister was a victim of a

18 crime?

19 PROSPECTIVE JUROR NO. 765: Yeah.

20 THE COURT: And was that here in Clark County, Nevada?

21 PROSPECTIVE JUROR NO. 765: Yeah.

22 THE COURT: Did they catch the perpetrator?

23 PROSPECTIVE JUROR NO. 765: No.

24 THE COURT: Was law -- did law enforcement do an

25 investigation?

1 PROSPECTIVE JUROR NO. 765: Yeah.

2 THE COURT: Were you satisfied with the investigation

3 that law enforcement did?

4 PROSPECTIVE JUROR NO. 765: No.

5 THE COURT: And who -- what was the agency that did the

6 investigation?

7 PROSPECTIVE JUROR NO. 765: I think it was Metro.

8 THE COURT: Okay. You're not sure though?

9 PROSPECTIVE JUROR NO. 765: No.

10 THE COURT: All right.

11 PROSPECTIVE JUROR NO. 765: I wasn't there. I had

12 nothing to do with it, and I --

13 THE COURT: This is just what your sister told you?

14 PROSPECTIVE JUROR NO. 765: Yeah.

15 THE COURT: That they didn't catch the person who

16 assaulted her?

17 PROSPECTIVE JUROR NO. 765: Yeah, it was her

18 boyfriend.

19 THE COURT: Oh, it was her boyfriend?

20 PROSPECTIVE JUROR NO. 765: Yeah.

21 THE COURT: So she knew who it was.

22 PROSPECTIVE JUROR NO. 765: Yeah.

23 THE COURT: Did they prosecute him?

24 PROSPECTIVE JUROR NO. 765: No. I don't -- I'm not

25 sure.

1 THE COURT: Okay. That's all right. There's no wrong
2 answers. So everything is just what you recall.

3 Is there anything about your -- the -- any of those
4 experience that would make it difficult for you to be fair and
5 impartial in this case?

6 PROSPECTIVE JUROR NO. 765: No.

7 THE COURT: Do you have any close relatives or friends
8 who have ever been engaged in law enforcement?

9 PROSPECTIVE JUROR NO. 765: There's some guys that I
10 go to church with.

11 THE COURT: Okay. Do you --

12 PROSPECTIVE JUROR NO. 765: Friend of mine, Jesse
13 Roybal.

14 THE COURT: All right. With those individuals, do you
15 discuss their job at all?

16 PROSPECTIVE JUROR NO. 765: No. Not really.

17 THE COURT: Is there anything about the fact that they're
18 law enforcement and that you socialize them that would affect your
19 ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR NO. 765: No.

21 THE COURT: Do you agree that if you are chosen to serve
22 as a juror in this case, that you will honor your duty to be
23 completely fair and impartial and to listen carefully to all the
24 evidence before you make a decision?

25 PROSPECTIVE JUROR NO. 765: Yes.

1 THE COURT: Thank you, sir. If you could pass the
2 microphone.

3 Please state your name and badge number.

4 PROSPECTIVE JUROR NO. 771: Christopher Misa, 771.

5 THE COURT: How long have you lived in Clark County,
6 Nevada?

7 PROSPECTIVE JUROR NO. 771: About 14 years.

8 THE COURT: How far did you go in school?

9 PROSPECTIVE JUROR NO. 771: Graduate degree.

10 THE COURT: What is your occupation?

11 PROSPECTIVE JUROR NO. 771: Nurse practitioner.

12 THE COURT: What is your marital status?

13 PROSPECTIVE JUROR NO. 771: Married.

14 THE COURT: What is the occupation of your spouse?

15 PROSPECTIVE JUROR NO. 771: Registered nurse.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR NO. 771: Three.

18 THE COURT: How old are they?

19 PROSPECTIVE JUROR NO. 771: 11, 7, and 6.

20 THE COURT: Thank you.

21 Have you ever served as a juror before?

22 PROSPECTIVE JUROR NO. 771: No.

23 THE COURT: Have you ever testified as a witness in a
24 criminal case?

25 PROSPECTIVE JUROR NO. 771: I was never called up.

1 THE COURT: Okay. So you never actually testified?
2 PROSPECTIVE JUROR NO. 771: No.
3 THE COURT: Were you the witness?
4 PROSPECTIVE JUROR NO. 771: I was a LAPD police
5 officer.
6 THE COURT: I'm sorry?
7 PROSPECTIVE JUROR NO. 771: I was a police officer
8 about 20 years ago.
9 THE COURT: Okay. So before you came to Clark County,
10 Nevada, you were a police officer?
11 PROSPECTIVE JUROR NO. 771: Yes.
12 THE COURT: And how long were you a police officer?
13 PROSPECTIVE JUROR NO. 771: Not long. About a year,
14 year and a half.
15 THE COURT: Okay. And as a police officer, you expected
16 to be a witness in a criminal case and you never had to testify; is
17 that correct?
18 PROSPECTIVE JUROR NO. 771: They never called us up.
19 THE COURT: Okay. Have you or a close family member
20 ever been convicted of a crime?
21 PROSPECTIVE JUROR NO. 771: No.
22 THE COURT: Have you or a close family member ever
23 been the victim of a crime?
24 PROSPECTIVE JUROR NO. 771: Yes. I had my car stolen
25 about 20 years ago.

1 THE COURT: But that wasn't here in Clark County,
2 Nevada?

3 PROSPECTIVE JUROR NO. 771: No.

4 THE COURT: Where was it?

5 PROSPECTIVE JUROR NO. 771: It was in La Palma,
6 California.

7 THE COURT: Did they recover your car?

8 PROSPECTIVE JUROR NO. 771: Yes.

9 THE COURT: Were you satisfied with law enforcement's
10 investigation?

11 PROSPECTIVE JUROR NO. 771: No.

12 THE COURT: Okay. What was -- what were you
13 dissatisfied about?

14 PROSPECTIVE JUROR NO. 771: Well, they just never
15 caught the people that stole the car.

16 THE COURT: Is there anything about that experience that
17 would make it difficult for you to be fair and impartial to both sides
18 in this case?

19 PROSPECTIVE JUROR NO. 771: No.

20 THE COURT: Now, you said you were a law enforcement
21 office in California --

22 PROSPECTIVE JUROR NO. 771: Yes.

23 THE COURT: -- about 20 years ago for about a year and a
24 half; is that correct?

25 PROSPECTIVE JUROR NO. 771: Yes, in Los Angeles.

1 THE COURT: And besides yourself, do you have any -- I'm
2 assuming you had close friends or relatives who were engaged in
3 law enforcement during that timeframe?

4 PROSPECTIVE JUROR NO. 771: Yes, sir.

5 THE COURT: And I'm assuming you talked to them about
6 their job as well as your job; is that correct?

7 PROSPECTIVE JUROR NO. 771: Back in the day, yes.

8 THE COURT: Okay. But have you talked to any of them
9 recently?

10 PROSPECTIVE JUROR NO. 771: No.

11 THE COURT: Do you have anybody in Clark County,
12 Nevada, any close relatives or friends who are engaged in law
13 enforcement?

14 PROSPECTIVE JUROR NO. 771: No.

15 THE COURT: Is there anything about your experience or
16 your fellow police officers when you were in Los Angeles County,
17 regarding the job, that would affect your ability to fair and impartial
18 in this case?

19 PROSPECTIVE JUROR NO. 771: No.

20 THE COURT: Do you agree that if you're chosen to serve
21 as a juror in this case, that you will honor your duty to be
22 completely fair and impartial and to listen carefully to all the
23 evidence before you make a decision?

24 PROSPECTIVE JUROR NO. 771: Yes.

25 THE COURT: Thank you. If you could pass the

1 microphone.

2 Please state your name and badge number.

3 PROSPECTIVE JUROR NO. 787: Tamara Ouellette, 0787.

4 THE COURT: How long have you lived in Clark County,
5 Nevada?

6 PROSPECTIVE JUROR NO. 787: 28 years.

7 THE COURT: How far did you go in school?

8 PROSPECTIVE JUROR NO. 787: I'm one semester away
9 from my master's.

10 THE COURT: You intend to get your master's?

11 PROSPECTIVE JUROR NO. 787: I am.

12 THE COURT: Good for you.

13 PROSPECTIVE JUROR NO. 787: Thank you.

14 THE COURT: What is your occupation?

15 PROSPECTIVE JUROR NO. 787: I'm a teacher.

16 THE COURT: What is your marital status?

17 PROSPECTIVE JUROR NO. 787: Single.

18 THE COURT: Were you ever married?

19 PROSPECTIVE JUROR NO. 787: No.

20 THE COURT: What is your -- I'm sorry.

21 Do you have any children?

22 PROSPECTIVE JUROR NO. 787: No.

23 THE COURT: Have you ever served as a juror before?

24 PROSPECTIVE JUROR NO. 787: No.

25 THE COURT: Have you ever testified as a witness in a

1 criminal case?

2 PROSPECTIVE JUROR NO. 787: No.

3 THE COURT: Have you or a close family member ever
4 been convicted of a crime?

5 PROSPECTIVE JUROR NO. 787: No.

6 THE COURT: Have you or a close family member ever
7 been the victim of a crime?

8 PROSPECTIVE JUROR NO. 787: Yes.

9 THE COURT: And who was that?

10 PROSPECTIVE JUROR NO. 787: My grandmother was
11 shot outside the Meadows Mall.

12 THE COURT: And when was that, ma'am?

13 PROSPECTIVE JUROR NO. 787: '97.

14 THE COURT: And when you say shot --

15 PROSPECTIVE JUROR NO. 787: She was shot in the head.
16 But she survived.

17 THE COURT: Is she -- okay. That was my --

18 PROSPECTIVE JUROR NO. 787: Yeah.

19 THE COURT: I didn't --

20 PROSPECTIVE JUROR NO. 787: Yeah.

21 THE COURT: So she was shot, but she survived?

22 PROSPECTIVE JUROR NO. 787: Yes.

23 THE COURT: And was there a police investigation?

24 PROSPECTIVE JUROR NO. 787: Yes.

25 THE COURT: And did they catch the perpetrator?

1 PROSPECTIVE JUROR NO. 787: No.

2 THE COURT: Were you satisfied with the law

3 enforcement's investigation?

4 PROSPECTIVE JUROR NO. 787: I was 7, I didn't really

5 know.

6 THE COURT: Didn't really know --

7 PROSPECTIVE JUROR NO. 787: Yeah.

8 THE COURT: -- one way or the other?

9 Is there anything about the experience regarding your

10 grandmother that would make it difficult for you to be fair and

11 impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 787: No.

13 THE COURT: Do you have any close relatives or friends

14 who ever been engaged in law enforcement?

15 PROSPECTIVE JUROR NO. 787: No.

16 THE COURT: Do you agree that if you are chosen to serve

17 as a juror in this case, that you will honor your duty to be

18 completely fair and impartial and to listen carefully to all the

19 evidence before you make your decision?

20 PROSPECTIVE JUROR NO. 787: Yes.

21 THE COURT: Thank you, ma'am.

22 How long have you -- I'm sorry. Could you state your

23 name and your badge number, please.

24 PROSPECTIVE JUROR NO. 797: Daniel Lemier, 797.

25 THE COURT: I'm going to try to see right between here.

1 PROSPECTIVE JUROR NO. 797: Want me to stand?
2 THE COURT: How long have you lived in Clark County
3 Nevada?
4 PROSPECTIVE JUROR NO. 797: About seven years.
5 THE COURT: How far did you go in school?
6 PROSPECTIVE JUROR NO. 797: High school graduate.
7 THE COURT: What is your occupation?
8 PROSPECTIVE JUROR NO. 797: Nuclear calibration
9 technician for the Department of Energy.
10 THE COURT: What is your marital status?
11 PROSPECTIVE JUROR NO. 797: Married.
12 THE COURT: What is the occupation of your spouse?
13 PROSPECTIVE JUROR NO. 797: She is a bottle server for
14 Intrigue Night Club.
15 THE COURT: Do you have any children?
16 PROSPECTIVE JUROR NO. 797: Yes. Two daughters.
17 THE COURT: And how old are your children?
18 PROSPECTIVE JUROR NO. 797: 6 and 3.
19 THE COURT: Thank you.
20 Have you ever served as a juror before?
21 PROSPECTIVE JUROR NO. 797: I have not.
22 THE COURT: Have you ever testified as a witness in a
23 criminal case?
24 PROSPECTIVE JUROR NO. 797: No.
25 THE COURT: Have you or a close family member ever

1 been convicted of a crime?

2 PROSPECTIVE JUROR NO. 797: No.

3 THE COURT: Have you or a close family member ever
4 been the victim of a crime?

5 PROSPECTIVE JUROR NO. 797: Yes.

6 THE COURT: And who was that?

7 PROSPECTIVE JUROR NO. 797: That would be me.

8 THE COURT: And when was -- when did that occur?

9 PROSPECTIVE JUROR NO. 797: October of this past
10 year, 2017.

11 THE COURT: And was it in Clark County, Nevada?

12 PROSPECTIVE JUROR NO. 797: Yes.

13 THE COURT: And what were the circumstances?

14 PROSPECTIVE JUROR NO. 797: My vehicle was stolen out
15 of my driveway.

16 THE COURT: And did they ever recover your vehicle?

17 PROSPECTIVE JUROR NO. 797: Yeah. Two weeks ago
18 they recovered it --

19 THE COURT: All right.

20 PROSPECTIVE JUROR NO. 797: -- down in Arizona.

21 THE COURT: And I assume, based on that last answer,
22 law enforcement was -- did -- do an investigation?

23 PROSPECTIVE JUROR NO. 797: Yes.

24 THE COURT: Did they ever catch the perpetrator?

25 PROSPECTIVE JUROR NO. 797: I'm still not exactly sure

1 of the details. I have to go down and talk to them and recover the
2 vehicle still.

3 THE COURT: Is there anything about the fact that your
4 vehicle was stolen that would make it difficult for you to be fair and
5 impartial to both sides in this case?

6 PROSPECTIVE JUROR NO. 797: No.

7 THE COURT: Do you have any close relatives or friends
8 who've ever been engaged in law enforcement?

9 PROSPECTIVE JUROR NO. 797: No.

10 THE COURT: Do you agree that if you are chosen to serve
11 as a juror in this case, that you will honor your duty to be
12 completely fair and impartial and to listen carefully to all the
13 evidence?

14 PROSPECTIVE JUROR NO. 797: Yes.

15 THE COURT: If you could pass the microphone, please.

16 Hi. If you could state your name and badge number.

17 PROSPECTIVE JUROR NO. 799: My name is Julie
18 Morlacci. My juror number is 799.

19 THE COURT: Thank you.

20 How long have you lived in Clark County, Nevada?

21 PROSPECTIVE JUROR NO. 799: About 36 years.

22 THE COURT: How far did you go in school?

23 PROSPECTIVE JUROR NO. 799: I took some college
24 courses.

25 THE COURT: What is your occupation?

1 PROSPECTIVE JUROR NO. 799: I work for -- I'm a
2 secretary for the Clark County School District.

3 THE COURT: What is your marital status?

4 PROSPECTIVE JUROR NO. 799: I'm divorced.

5 THE COURT: And what did your ex-spouse do?

6 PROSPECTIVE JUROR NO. 799: An accountant and Air
7 Force sergeant.

8 THE COURT: Separately, though? He was a Air Force
9 sergeant --

10 PROSPECTIVE JUROR NO. 799: He was in the Reserves.

11 THE COURT: Okay. So he was an Air Force sergeant in
12 the Reserve and his occupation was a job?

13 PROSPECTIVE JUROR NO. 799: Correct.

14 THE COURT: I mean as accountant?

15 PROSPECTIVE JUROR NO. 799: Yes.

16 THE COURT: Thank you.

17 Do you have any children?

18 PROSPECTIVE JUROR NO. 799: We have two -- two kids.

19 THE COURT: How old are they?

20 PROSPECTIVE JUROR NO. 799: I have a daughter
21 who's 26, and my son is 23.

22 THE COURT: As to your daughter, what does she do for a
23 living?

24 PROSPECTIVE JUROR NO. 799: My daughter is a civil
25 engineer, traffic design.

1 THE COURT: And what does your son do?
2 PROSPECTIVE JUROR NO. 799: He's actively serving in
3 the U.S. Marine Corps.
4 THE COURT: Thank you.
5 Have you ever served as a juror before?
6 PROSPECTIVE JUROR NO. 799: I have not.
7 THE COURT: Have you ever testified as a witness in a
8 criminal case?
9 PROSPECTIVE JUROR NO. 799: No, I haven't.
10 THE COURT: Okay. Have you or a close family member
11 ever been convicted of a crime?
12 PROSPECTIVE JUROR NO. 799: No.
13 THE COURT: Have you or a close family member ever
14 been the victim of a crime?
15 PROSPECTIVE JUROR NO. 799: Yes. My brother was --
16 he is a bartender and he was involved with ah armed robbery -- arm
17 robbery at the bar.
18 THE COURT: And was that here in Clark County, Nevada?
19 PROSPECTIVE JUROR NO. 799: It was, yes.
20 THE COURT: And did law enforcement do an
21 investigation?
22 PROSPECTIVE JUROR NO. 799: Yes. He was serving jail
23 time.
24 THE COURT: Okay. So the person, the perpetrator was
25 prosecuted and convicted here --

1 PROSPECTIVE JUROR NO. 799: Correct.
2 THE COURT: -- in Clark County, Nevada?
3 PROSPECTIVE JUROR NO. 799: Yes.
4 THE COURT: Okay. Is there anything about your
5 brother's experience that would make it difficult for you to be fair
6 and impartial to both sides in this case?
7 PROSPECTIVE JUROR NO. 799: No.
8 THE COURT: Do you have any close relatives or friends
9 who ever been engaged in law enforcement?
10 PROSPECTIVE JUROR NO. 799: No.
11 THE COURT: Do you agree that if you are chosen to serve
12 as a juror in this case, that you will honor your duty to be
13 completely fair and impartial and to listen carefully to all the
14 evidence?
15 PROSPECTIVE JUROR NO. 799: Yes.
16 THE COURT: Thank you, ma'am. If you could pass the
17 microphone.
18 If you could state your name and badge number.
19 PROSPECTIVE JUROR NO. 808: My name is Jeff
20 Meckley, 0808.
21 THE COURT: And how long have you lived in Clark
22 County, Nevada?
23 PROSPECTIVE JUROR NO. 808: 39 years.
24 THE COURT: How far did you go in school?
25 PROSPECTIVE JUROR NO. 808: Year and a half of college.

1 THE COURT: What is your occupation?
2 PROSPECTIVE JUROR NO. 808: I'm retired from the
3 Southern Nevada Water Authority.
4 THE COURT: What is your marital status?
5 PROSPECTIVE JUROR NO. 808: I am married.
6 THE COURT: What is the occupation of your spouse?
7 PROSPECTIVE JUROR NO. 808: She is a self-employed
8 horticulturalist.
9 THE COURT: Do you have any children?
10 PROSPECTIVE JUROR NO. 808: I have two. A 31-year-old
11 son who is a service writer at a car dealership and a 26-year-old --
12 28-year-old daughter who is a cosmetologist.
13 THE COURT: And, obviously, you've been listening.
14 PROSPECTIVE JUROR NO. 808: I've been trying, yeah.
15 THE COURT: Have you ever served as a juror before?
16 PROSPECTIVE JUROR NO. 808: I have not.
17 THE COURT: Have you ever testified as a witness in a
18 criminal case?
19 PROSPECTIVE JUROR NO. 808: No, sir.
20 THE COURT: Have you or a close family member ever
21 been convicted of a crime?
22 PROSPECTIVE JUROR NO. 808: No.
23 THE COURT: Have you or a close family member ever
24 been the victim of a crime?
25 PROSPECTIVE JUROR NO. 808: Yes.

1 THE COURT: And who was that, sir?

2 PROSPECTIVE JUROR NO. 808: My wife. Shortly before I

3 met her, she lost her three-year-old son to a drunk driver.

4 THE COURT: Was that here in Clark County, Nevada?

5 PROSPECTIVE JUROR NO. 808: It was at the corner of

6 Flamingo and Rochelle, October 5th, 1991.

7 THE COURT: And did they ever catch the person?

8 PROSPECTIVE JUROR NO. 808: Yes. And he served time.

9 THE COURT: Okay. Is there anything about that

10 experience which would make it difficult for you to be fair or

11 impartial to both sides in this case?

12 PROSPECTIVE JUROR NO. 808: No.

13 THE COURT: Do you have any close relatives or friends

14 who ever been engaged in law enforcement?

15 PROSPECTIVE JUROR NO. 808: I have cousins back in

16 Pennsylvania, they're in law enforcement.

17 THE COURT: Did you ever live back in Pennsylvania.

18 PROSPECTIVE JUROR NO. 808: 39 years ago, yeah.

19 THE COURT: Okay. And were they in law enforcement 39

20 years ago?

21 PROSPECTIVE JUROR NO. 808: No, we were all kids back

22 then.

23 THE COURT: Okay. Do you speak to them regularly, your

24 cousins?

25 PROSPECTIVE JUROR NO. 808: No, not -- no.

1 THE COURT: Do you know -- do you ever talk to them,
2 when you do talk to them, about their job?

3 PROSPECTIVE JUROR NO. 808: No, not about their jobs.

4 THE COURT: All right. Okay. Is there anything about the
5 fact that your cousins are in law enforcement, which would affect
6 your ability to be fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 808: No, sir.

8 THE COURT: Do you agree that if you are chosen to serve
9 as a juror in this case that you will honor your duty to be
10 completely fair and impartial and to listen carefully to all the
11 evidence before you make a decision?

12 PROSPECTIVE JUROR NO. 808: I will.

13 THE COURT: Thank you. If you could pass the
14 microphone.

15 If you could state your name and badge number.

16 PROSPECTIVE JUROR NO. 809: My name's Kenneth
17 Keene, 809.

18 THE COURT: How long have you lived in Clark County,
19 Nevada?

20 PROSPECTIVE JUROR NO. 809: For about 12 years.

21 THE COURT: How far did you go in school?

22 PROSPECTIVE JUROR NO. 809: High school.

23 THE COURT: What is your occupation?

24 PROSPECTIVE JUROR NO. 809: Warehouse manager.

25 THE COURT: What is your marital status?

1 PROSPECTIVE JUROR NO. 809: Married.
2 THE COURT: What is the occupation of your spouse?
3 PROSPECTIVE JUROR NO. 809: Housewife.
4 THE COURT: Do you have any children?
5 PROSPECTIVE JUROR NO. 809: Yes.
6 THE COURT: How old are they?
7 PROSPECTIVE JUROR NO. 809: 40, 38, and 36, all boys.
8 THE COURT: All boys?
9 PROSPECTIVE JUROR NO. 809: Yep.
10 THE COURT: As to your oldest son, what does he do for a
11 living?
12 PROSPECTIVE JUROR NO. 809: He is a general manager
13 for a warehouse. My middle son is a warehouse supervisor. And
14 my youngest son is disabled.
15 THE COURT: Thank you.
16 Have you ever served as a juror before?
17 PROSPECTIVE JUROR NO. 809: No.
18 THE COURT: Have you ever testified as a witness in a
19 criminal case?
20 PROSPECTIVE JUROR NO. 809: No.
21 THE COURT: Have you or a close family member ever
22 been convicted of a crime?
23 PROSPECTIVE JUROR NO. 809: No.
24 THE COURT: Have you or a close family member ever
25 been the victim of a crime?

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PROSPECTIVE JUROR NO. 809: No.

THE COURT: Do you have any close relatives or friends who have ever been engaged in law enforcement?

PROSPECTIVE JUROR NO. 809: My brother-in-law was a MP in the Air Force.

THE COURT: And how long ago was that?

PROSPECTIVE JUROR NO. 809: About 20 years ago.

THE COURT: Have you kept in touch with your brother-in-law?

PROSPECTIVE JUROR NO. 809: Yes.

THE COURT: But I guess I should ask, when he was an MP in the Air Force, did you talk to him about his job?

PROSPECTIVE JUROR NO. 809: No.

THE COURT: All right. Is there anything about the fact that your brother-in-law was in the Air Force, was a military police in the Air Force, affect your ability to be fair and impartial in this case?

PROSPECTIVE JUROR NO. 809: No.

THE COURT: Do you agree that if you are chosen to serve as a juror in this case that you will honor your duty to be completely fair and impartial and to listen carefully to all the evidence before you make a decision?

PROSPECTIVE JUROR NO. 809: Yes.

THE COURT: If you could pass the microphone.

Sir, if you could state your name and badge number.

1 PROSPECTIVE JUROR NO. 812: Jerome Dickey, 812.
2 THE COURT: How long have you lived in Clark County,
3 Nevada?
4 PROSPECTIVE JUROR NO. 812: 22 years.
5 THE COURT: How far did you go in school?
6 PROSPECTIVE JUROR NO. 812: High school.
7 THE COURT: What is your occupation?
8 PROSPECTIVE JUROR NO. 812: Truck driver.
9 THE COURT: What is your marital status?
10 PROSPECTIVE JUROR NO. 812: Married.
11 THE COURT: What is the occupation of your spouse?
12 PROSPECTIVE JUROR NO. 812: Sales clerk.
13 THE COURT: Do you have any children?
14 PROSPECTIVE JUROR NO. 812: Yes.
15 THE COURT: How old are they?
16 PROSPECTIVE JUROR NO. 812: 14, 15, and 16.
17 THE COURT: Okay. And they don't work?
18 PROSPECTIVE JUROR NO. 812: No.
19 THE COURT: I think you said they're home-schooled, if I
20 recall.
21 PROSPECTIVE JUROR NO. 812: Yes.
22 THE COURT: Thank you.
23 Have you ever served as a juror before?
24 PROSPECTIVE JUROR NO. 812: Yes.
25 THE COURT: And when was that?

1 PROSPECTIVE JUROR NO. 812: About 25 years ago.
2 THE COURT: Was it a civil or criminal case?
3 PROSPECTIVE JUROR NO. 812: Criminal case.
4 THE COURT: Without telling me the verdict, did the jury
5 reach a verdict in that case?
6 PROSPECTIVE JUROR NO. 812: Yes.
7 THE COURT: Were you the foreperson?
8 PROSPECTIVE JUROR NO. 812: No.
9 THE COURT: Is there anything about that experience that
10 would affect your ability to be fair and impartial in this case?
11 PROSPECTIVE JUROR NO. 812: No.
12 THE COURT: Have you ever testified as a witness in a
13 criminal case?
14 PROSPECTIVE JUROR NO. 812: No.
15 THE COURT: Have you or a close family member ever
16 been convicted of a crime?
17 PROSPECTIVE JUROR NO. 812: No.
18 THE COURT: Have you or a close family member ever
19 been the victim of a crime?
20 PROSPECTIVE JUROR NO. 812: No.
21 THE COURT: Do you have any close relatives or friends
22 who have ever been engaged in law enforcement?
23 PROSPECTIVE JUROR NO. 812: Yes.
24 THE COURT: And who is that, sir?
25 PROSPECTIVE JUROR NO. 812: My stepfather, retired

1 California Highway Patrol.

2 THE COURT: And how long was he a California Highway
3 Patrolman?

4 PROSPECTIVE JUROR NO. 812: I think he started in
5 about '80 --

6 THE COURT: It was --

7 PROSPECTIVE JUROR NO. 812: I don't know.

8 THE COURT: He's retired, so he --

9 PROSPECTIVE JUROR NO. 812: Yeah, it's been a lot of
10 years.

11 THE COURT: Okay. When he was a highway patrol
12 officer --

13 PROSPECTIVE JUROR NO. 812: 30 years.

14 THE COURT: -- did you discuss his job at all?

15 PROSPECTIVE JUROR NO. 812: Sometimes, but it wasn't
16 in detail. It was --

17 THE COURT: All right. Does your knowledge about your
18 father-in-law's job as a highway patrolman affect your ability to be
19 fair and impartial in this case?

20 PROSPECTIVE JUROR NO. 812: No.

21 THE COURT: Do you agree that if you are chosen to serve
22 as a juror in this case, that you will honor your duty to be
23 completely fair and impartial and to listen carefully to all the
24 evidence before you make a decision?

25 PROSPECTIVE JUROR NO. 812: Yes.

1 THE COURT: Thank you. If you could pass the
2 microphone.

3 Please state your name and badge number.

4 PROSPECTIVE JUROR NO. 817: Chalita Pickett, 817.

5 THE COURT: How long have you lived in Clark County,
6 Nevada?

7 PROSPECTIVE JUROR NO. 817: 25 years.

8 THE COURT: How far did you go in school?

9 PROSPECTIVE JUROR NO. 817: Bachelor's.

10 THE COURT: What do you -- what is your occupation?

11 PROSPECTIVE JUROR NO. 817: I handle personal injury
12 claims for Progressive Auto Insurance.

13 THE COURT: What is your marital status?

14 PROSPECTIVE JUROR NO. 817: Married.

15 THE COURT: What is the occupation of your spouse?

16 PROSPECTIVE JUROR NO. 817: He works for Republic
17 Service.

18 THE COURT: Do you have any children?

19 PROSPECTIVE JUROR NO. 817: Yes.

20 THE COURT: How old are your children?

21 PROSPECTIVE JUROR NO. 817: Six months.

22 THE COURT: Brand new baby.

23 PROSPECTIVE JUROR NO. 817: Uh-huh.

24 THE COURT: Very good.

25 Have you ever served as a juror before?

1 PROSPECTIVE JUROR NO. 817: Yes.
2 THE COURT: And where was that?
3 PROSPECTIVE JUROR NO. 817: It was here.
4 THE COURT: And when was it?
5 PROSPECTIVE JUROR NO. 817: One time it was three
6 years ago, before that, it was, maybe, like, 10 years ago.
7 THE COURT: And the jurors -- the juries that you served
8 on, were they criminal matters or civil matters?
9 PROSPECTIVE JUROR NO. 817: One civil, one criminal.
10 THE COURT: Without telling me the verdicts in either of
11 those cases, did the jury reach a verdict in each of those cases?
12 PROSPECTIVE JUROR NO. 817: Yes.
13 THE COURT: Were you the foreperson in either of those
14 cases?
15 PROSPECTIVE JUROR NO. 817: No.
16 THE COURT: Is there anything about that experience that
17 would affect your ability to be fair and impartial in this case?
18 PROSPECTIVE JUROR NO. 817: No.
19 THE COURT: Have you ever testified as a witness in a
20 criminal case?
21 PROSPECTIVE JUROR NO. 817: No.
22 THE COURT: Have you or a close family member ever
23 been convicted of a crime?
24 PROSPECTIVE JUROR NO. 817: No.
25 THE COURT: Have you or a close family member ever

1 been the victim of a crime?

2 PROSPECTIVE JUROR NO. 817: No.

3 THE COURT: Do you have any close relatives or friends
4 who ever been engaged in law enforcement?

5 PROSPECTIVE JUROR NO. 817: No.

6 THE COURT: Do you agree that if you are chosen to serve
7 as a juror in this case, that you will honor your duty to be
8 completely fair and impartial and to listen carefully to all the
9 evidence before you make a decision?

10 PROSPECTIVE JUROR NO. 817: Yes.

11 THE COURT: Would you please pass the microphone.

12 Sir, if you could state your name and badge number.

13 PROSPECTIVE JUROR NO. 821: Ronald Mullins, Badge
14 Number 0821.

15 THE COURT: How long have you lived in Clark County,
16 Nevada?

17 PROSPECTIVE JUROR NO. 821: 20 years.

18 THE COURT: How far did you go in school?

19 PROSPECTIVE JUROR NO. 821: Pardon me?

20 THE COURT: How far did you go in school?

21 PROSPECTIVE JUROR NO. 821: Bachelor's degree and
22 then we got a law degree.

23 THE COURT: And where did you get your law degree
24 from?

25 PROSPECTIVE JUROR NO. 821: University of Arkansas.

1 THE COURT: And where did you get your undergraduate?

2 PROSPECTIVE JUROR NO. 821: University of Arkansas.

3 THE COURT: Okay. And when was that, sir?

4 PROSPECTIVE JUROR NO. 821: When did I get the
5 degree?

6 THE COURT: When did you get each of your degrees?
7 I'm sorry.

8 PROSPECTIVE JUROR NO. 821: I graduated from law
9 school in '78, and bachelor's degree three years before that.

10 THE COURT: All right. And what is your occupation?

11 PROSPECTIVE JUROR NO. 821: I'm retired now. I've
12 been retired for three years. I was Department of Justice
13 immigration judge here in Las Vegas for 17 years.

14 THE COURT: All right.

15 PROSPECTIVE JUROR NO. 821: And before that, I was a
16 Department of Justice attorney for nine years.

17 THE COURT: And was that here in Las Vegas?

18 PROSPECTIVE JUROR NO. 821: No, that was in Texas,
19 Dallas.

20 THE COURT: Did you try criminal cases when you were
21 with DOJ?

22 PROSPECTIVE JUROR NO. 821: No. Immigration cases
23 sometimes spill over into the criminal realm. And when I was an
24 attorney with the old immigration and naturalization service,
25 sometimes we'd work with federal agencies that had a criminal spin

1 to them, like the FBI, couple of times the CIA.

2 THE COURT: Would it fair to say that most of your
3 involvement as an attorney was in immigration law?

4 PROSPECTIVE JUROR NO. 821: Absolutely.

5 THE COURT: All right. What is your marital status?

6 PROSPECTIVE JUROR NO. 821: Say again?

7 THE COURT: What is your marital status?

8 PROSPECTIVE JUROR NO. 821: Married.

9 THE COURT: What is the occupation of your spouse?

10 PROSPECTIVE JUROR NO. 821: Registered nurse.

11 THE COURT: Do you have any children?

12 PROSPECTIVE JUROR NO. 821: Yes, one.

13 THE COURT: And how old is your child?

14 PROSPECTIVE JUROR NO. 821: 32.

15 THE COURT: And is it male -- a boy or --

16 PROSPECTIVE JUROR NO. 821: It's a man.

17 THE COURT: Son or daughter?

18 PROSPECTIVE JUROR NO. 821: It's a man.

19 THE COURT: Okay. And what does your son do?

20 PROSPECTIVE JUROR NO. 821: He has a business. He
21 drills and maintains water wells here in the Las Vegas area. Well,
22 actually, in southwest Nevada.

23 THE COURT: All over the southwest?

24 PROSPECTIVE JUROR NO. 821: Yes.

25 THE COURT: Does he live here in Las Vegas, Nevada?

1 PROSPECTIVE JUROR NO. 821: Yes, he does.
2 THE COURT: All right. Have you ever served as a juror
3 before?
4 PROSPECTIVE JUROR NO. 821: No.
5 THE COURT: Have you ever testified as a witness in a
6 criminal case?
7 PROSPECTIVE JUROR NO. 821: No.
8 THE COURT: Have you or a close family member ever
9 been convicted of a crime?
10 PROSPECTIVE JUROR NO. 821: No.
11 THE COURT: Have you or a close family member ever
12 been the victim of a crime?
13 PROSPECTIVE JUROR NO. 821: When I was in Dallas 20
14 years ago, I had a couple of different residences that were broken
15 into and items were stolen. Here in Las Vegas more recently, had a
16 couple of vehicles that were broken into. That's all I can think of.
17 Oh, my son, he went to college in Reno and he was randomly
18 attacked about six or seven years ago and his jaw was broken.
19 THE COURT: Is there anything about any of those
20 experiences that would make it difficult for you to be fair and
21 impartial to both sides in this case?
22 PROSPECTIVE JUROR NO. 821: Given my background,
23 I've learned to be impartial, and I think I'm fair minded.
24 THE COURT: Thank you, sir.
25 PROSPECTIVE JUROR NO. 821: And the answer is no.

1 THE COURT: Thank you.

2 Do you have any close relatives or friends who ever been
3 engaged in law enforcement? Obviously, you were with DOJ.

4 PROSPECTIVE JUROR NO. 821: Yeah, I had
5 acquaintances, professional relationships with a variety of attorneys
6 here in Las Vegas for 17 years. And before that, I was associated
7 with DOJ INS staff. But, you know, beyond the everyday, How you
8 doing? relationships of a professional nature, nothing that's really a
9 standout connection.

10 THE COURT: And so I take it from your answer, there's
11 nothing about any of those relationships that would affect your
12 ability to be fair and impartial in this case?

13 PROSPECTIVE JUROR NO. 821: Not at all.

14 THE COURT: Do you agree that if you are chosen to serve
15 as a juror in this case, that you will honor your duty to be
16 completely fair and impartial and to listen carefully to all the
17 evidence?

18 PROSPECTIVE JUROR NO. 821: I certainly will do my
19 best.

20 THE COURT: What do you mean you'll do your best?

21 PROSPECTIVE JUROR NO. 821: Well, I can't foresee that
22 there's any problem. And --

23 THE COURT: Okay. But as you sit here right now, are
24 you --

25 PROSPECTIVE JUROR NO. 821: -- I don't -- I think the

1 answer is no. But I think we're all the product of our environment.

2 THE COURT: Okay. Let me read the question again.

3 PROSPECTIVE JUROR NO. 821: All right.

4 THE COURT: Because you just said you think the
5 answer's no. I just want to make sure you heard the question
6 correctly.

7 PROSPECTIVE JUROR NO. 821: Okay.

8 THE COURT: Do you agree that if you are chosen to serve
9 as a juror in this case, that you will honor your duty to be
10 completely fair and impartial and to listen carefully to all the
11 evidence before you make a decision?

12 PROSPECTIVE JUROR NO. 821: Well, thank you for
13 repeating the question. The answer is yes.

14 THE COURT: Thank you, sir.

15 If you could pass the microphone.

16 If you could state your name and your badge number,
17 please.

18 PROSPECTIVE JUROR NO. 830: Camarin Manangan, 830.

19 THE COURT: Thank you.

20 How long have you lived in Clark County, Nevada?

21 PROSPECTIVE JUROR NO. 830: About seven years.

22 THE COURT: How far did you go in school?

23 PROSPECTIVE JUROR NO. 830: Some college.

24 THE COURT: What is your occupation?

25 PROSPECTIVE JUROR NO. 830: I'm a receptionist and

1 salon manager.

2 THE COURT: What is your marital status?

3 PROSPECTIVE JUROR NO. 830: Domestic partnership.

4 THE COURT: What is the occupation of your spouse?

5 PROSPECTIVE JUROR NO. 830: He's in the academy for
6 Metro.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR NO. 830: The academy for Metro.

9 THE COURT: He's currently in the academy for Metro?

10 PROSPECTIVE JUROR NO. 830: Currently, yes.

11 THE COURT: And when is he scheduled to graduate?

12 PROSPECTIVE JUROR NO. 830: I believe in May.

13 THE COURT: Do you have any children?

14 PROSPECTIVE JUROR NO. 830: No.

15 THE COURT: Have you ever served as a juror before?

16 PROSPECTIVE JUROR NO. 830: No.

17 THE COURT: Have you ever testified as a witness in a
18 criminal case?

19 PROSPECTIVE JUROR NO. 830: No.

20 THE COURT: Have you or a close family member ever
21 been convicted of a crime?

22 PROSPECTIVE JUROR NO. 830: No, sir.

23 THE COURT: Have you or a close family member ever
24 been the victim of a crime?

25 PROSPECTIVE JUROR NO. 830: No.

1 THE COURT: Other than the relationship you already told
2 us, do you have any close relatives or friends who ever been
3 engaged in law enforcement?

4 PROSPECTIVE JUROR NO. 830: Well, his dad's a
5 corrections officer for Henderson. But other than that, no.

6 THE COURT: Do you ever speak to his dad about his job --
7 about his dad's job?

8 PROSPECTIVE JUROR NO. 830: Hardly ever.

9 THE COURT: No?

10 Is there anything about your knowledge about either of
11 those individuals that you've mentioned that would affect your
12 ability to be fair and impartial in this case?

13 PROSPECTIVE JUROR NO. 830: No.

14 THE COURT: Do you agree that if you are chosen to serve
15 as a juror in this case, that you will honor your duty to be
16 completely fair and impartial and to listen carefully to all the
17 evidence?

18 PROSPECTIVE JUROR NO. 830: Yes.

19 THE COURT: I'm just going to take a short five-minute
20 break in case anybody has to use the restroom. So we'll be in
21 recess till about 4:15.

22 During this recess, you're admonished not to talk or
23 converse among yourselves or with anyone else on any subject
24 connected with this trial, or read, watch, or listen to any report of or
25 commentary on the trial or any person connected with this trial by

1 any medium of information, including, without limitation,
2 newspapers, television, radio, or Internet, or to form or express any
3 opinion on any subject connected with the trial until the case is
4 finally submitted to you.

5 We'll be in recess till about 4:15. Thank you.

6 [Court recessed at 4:06 p.m., until 4:16 p.m.]

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

8 THE COURT: I'll advise counsel that we're going to go
9 till 5:00.

10 MR. DICKERSON: Okay. Thank you, Your Honor.

11 THE COURT: This continuation of Case Number
12 C-17-324805, State of Nevada versus Troyer Edwards.

13 Mr. Stevenson, if you can bring the potential jury panel
14 back in.

15 MR. DICKERSON: Can we do the challenge right now on
16 Ms. Santoya?

17 MS. ODEH: Santoya?

18 MS. BROUWERS: Yeah, that's what I was going to
19 suggest, as --

20 THE COURT: I'm sorry?

21 MS. DERJAVINA: I think the parties are -- hold on --
22 jointly --

23 THE COURT: Okay. Why don't -- do you want me to bring
24 her in and excuse her? Because if I do that, then I'm going to have
25 to seat somebody and ask the questions. Is that what you want me

1 to do?

2 MR. DICKERSON: Yeah, I think that would be great.

3 MS. BROUWERS: Exactly. Because then -- and then that
4 way, when we do the panel -- you know, when we start --

5 THE COURT: That's fine.

6 MS. BROUWERS: Open it up.

7 THE COURT: So I'm going to bring her in, excuse her, and
8 then I'll seat another potential panel and ask the --

9 MS. BROUWERS: Thank you so much.

10 MR. DICKERSON: The State stipulates to her excusal.

11 THE COURT: And the parties stipulate that she can be
12 excused for cause?

13 MS. DERJAVINA: Yes.

14 MS. BROUWERS: Yes, Your Honor.

15 THE COURT: Thank you, counsel.

16 [Prospective jury panel reconvened at 4:18 p.m.]

17 THE COURT: Ms. Montoya [sic], Badge Number 0687, I'm
18 going to excuse you at this time, ma'am. You can leave. Thank you
19 for attending today.

20 And if the clerk can call the next potential juror
21 sequentially -- next lowest number.

22 THE COURT CLERK: Badge Number 0838, Anthony
23 Martinez.

24 THE COURT: If you could state your name and badge
25 number, please.

1 PROSPECTIVE JUROR NO. 838: Yeah. My name is
2 Anthony Martinez, Badge Number 0838.

3 THE COURT: How long have you lived in Clark County,
4 Nevada?

5 PROSPECTIVE JUROR NO. 838: Five years.

6 THE COURT: How far did you go in school?

7 PROSPECTIVE JUROR NO. 838: I've got a criminal justice
8 degree, bachelor's.

9 THE COURT: What is your occupation?

10 PROSPECTIVE JUROR NO. 838: I'm a helicopter pilot.

11 THE COURT: I'm sorry?

12 PROSPECTIVE JUROR NO. 838: A helicopter pilot.

13 THE COURT: Thank you.

14 What is your marital status?

15 PROSPECTIVE JUROR NO. 838: Married.

16 THE COURT: What is the occupation of your spouse?

17 PROSPECTIVE JUROR NO. 838: She's a registered nurse.

18 THE COURT: Do you have any children?

19 PROSPECTIVE JUROR NO. 838: No kids.

20 THE COURT: Have you ever served as a juror before?

21 PROSPECTIVE JUROR NO. 838: No, sir.

22 THE COURT: Have you ever testify as a witness in a
23 criminal case?

24 PROSPECTIVE JUROR NO. 838: Just on a hearing for an
25 early release on a case with my brother.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 838: It wasn't the actual initial

3 case, but it was a hearing to see if he was up for early release.

4 THE COURT: Was that here in Clark County, Nevada?

5 PROSPECTIVE JUROR NO. 838: It was in Phoenix.

6 THE COURT: Thank you.

7 Have you or a close family member ever been convicted

8 of a crime?

9 PROSPECTIVE JUROR NO. 838: No, sir.

10 THE COURT: Have you or a close family member ever

11 been the victim of a crime?

12 PROSPECTIVE JUROR NO. 838: Yes. My father and my

13 brother. My father was murdered in 2004, and my brother was a

14 victim of a shooting incident, but he survived.

15 THE COURT: And as to your father, was that here in Clark

16 County, Nevada?

17 PROSPECTIVE JUROR NO. 838: It was actually in Yuma.

18 Yuma County.

19 THE COURT: And you said he was murdered?

20 PROSPECTIVE JUROR NO. 838: Correct. He was stabbed.

21 THE COURT: And did they ever prosecute the

22 perpetrator?

23 PROSPECTIVE JUROR NO. 838: They never found him.

24 THE COURT: And I believe you said your brother was also

25 the victim?

1 PROSPECTIVE JUROR NO. 838: It's a separate incident,
2 but he was also a victim of a shooting incident.

3 THE COURT: Was that here in Clark County, Nevada?

4 PROSPECTIVE JUROR NO. 838: That was in Phoenix.

5 THE COURT: And did they ever prosecute the perpetrator
6 in that case?

7 PROSPECTIVE JUROR NO. 838: Yes.

8 THE COURT: And was the perpetrator convicted?

9 PROSPECTIVE JUROR NO. 838: He was.

10 THE COURT: Is there anything about either of those
11 experiences that would make it difficult for you to be fair and
12 impartial to both sides in this case?

13 PROSPECTIVE JUROR NO. 838: Potentially.

14 THE COURT: I'm sorry?

15 PROSPECTIVE JUROR NO. 838: Potentially.

16 THE COURT: And what do you mean, potentially?

17 PROSPECTIVE JUROR NO. 838: I've got very little
18 sympathy for anyone who can do harm to any other human being,
19 to be honest with you.

20 THE COURT: And that's because you've had two family
21 members that have been victims of crimes?

22 PROSPECTIVE JUROR NO. 838: Yes, sir.

23 THE COURT: Do you have any close relatives or friends
24 who have ever been engaged in law enforcement?

25 PROSPECTIVE JUROR NO. 838: My grandfather. He was

1 a police officer for the Yuma Police Department.

2 THE COURT: And did you -- did he retire?

3 PROSPECTIVE JUROR NO. 838: He was -- he's retired.

4 THE COURT: When he was a police officer, were you just
5 a little kid?

6 PROSPECTIVE JUROR NO. 838: I was.

7 THE COURT: All right. By the time he retired, did you
8 ever talk to him about his job or anything?

9 PROSPECTIVE JUROR NO. 838: A few times, but nothing
10 specific or recent.

11 THE COURT: All right. So there's nothing about the fact
12 that your grandfather was a police officer that would make it
13 difficult for you to be fair and impartial to both sides in this case?

14 PROSPECTIVE JUROR NO. 838: No, sir.

15 THE COURT: Do you agree that if you are chosen to serve
16 as a juror in this case, that you will honor your duty to be
17 completely fair and impartial and to listen carefully to all the
18 evidence before you make a decision?

19 PROSPECTIVE JUROR NO. 838: Yes, sir.

20 THE COURT: At this time I'm going to let -- and just for
21 the record, let the record reflect the presence of counsel, the
22 defendant, and the potential jury panel.

23 At this time I will let the attorneys ask you some
24 questions.

25 State?

1 MR. DICKERSON: Thank you, Your Honor.

2 Greetings, ladies and gentlemen. Once again, my name is
3 Mike Dickerson. I'm a deputy district attorney for the Clark County
4 District Attorney's office. This part of the questioning is going to be
5 myself and then Defense counsel is going to ask you a couple of
6 questions following up on some things.

7 Thanks. There we go. All right.

8 So a lot of the questioning seemed to be focused around
9 and always is focused around whether you could be fair and
10 impartial. Does everybody understand, generally, what that means,
11 being fair and impartial? Seeing nods all over, seeing nobody raise
12 their hand saying they don't understand.

13 So does everybody understand why that's important here
14 in a jury selection process? Does anybody have any question about
15 why it's important to have a fair and impartial jury and every
16 member be fair and impartial? No questions? Okay.

17 With that, ladies and gentlemen, does anybody feel that
18 they are going to have an issue being fair and impartial both to the
19 State of Nevada in prosecuting this case, and trying to prove our
20 burden to you throughout this case, and to the defendant, who sits
21 here accused in this case? Seeing no hands.

22 I see in the back right there, Mr. Martinez, Badge
23 Number 83; is that right?

24 PROSPECTIVE JUROR NO. 838: That's correct.

25 MR. DICKERSON: That's correct? You were the only one,

1 when I looked out here, that your face was kind of like, I'm not sure.
2 So I want to talk to you a little bit about that.

3 You've said, when the judge was questioning you, that
4 you have little sympathy for people who commit violence on other
5 people; is that right?

6 PROSPECTIVE JUROR NO. 838: That's correct.

7 MR. DICKERSON: You'll be instructed by the judge one of
8 the things that you're not to consider, sympathy, to begin with.
9 Okay? But the question really is, are you able to come into this case
10 and just listen to the evidence as it's presented and decide, just
11 based on the evidence in this case?

12 PROSPECTIVE JUROR NO. 838: Yes.

13 MR. DICKERSON: Okay. So -- well, everybody brings with
14 them their own life experiences, and you, no doubt, have life
15 experiences that I have sympathy for, and I'm sure everybody does.
16 That's not something that you are to make your judgments based
17 upon; do you understand that?

18 PROSPECTIVE JUROR NO. 838: I do.

19 MR. DICKERSON: Okay. So sitting here today, can you be
20 fair and impartial today and throughout the rest of this trial?

21 PROSPECTIVE JUROR NO. 838: Yes.

22 MR. DICKERSON: Okay. Does anybody else here have
23 any concerns about that? I didn't see anybody that looked like they
24 had any concerns.

25 Mr. Martinez, 100 percent?

1 PROSPECTIVE JUROR NO. 838: Not 100 percent, to be
2 honest. No.

3 MR. DICKERSON: Okay. So you're not really sure?

4 PROSPECTIVE JUROR NO. 838: There's some anger
5 inside, to be honest with you. I don't like being a part of any of this.
6 So just to be honest.

7 MR. DICKERSON: Okay. So you can't tell me that 100
8 percent unequivocally you can be fair and impartial in this case?

9 PROSPECTIVE JUROR NO. 838: I can do my best.

10 MR. DICKERSON: Okay. You'll do your best. All right.

11 Does anybody in this jury venire have any experience with
12 homeless people? I see two hands, three hands, four hands, five
13 hands. We'll go first to Mr. Gurio?

14 PROSPECTIVE JUROR NO. 680: Gurule.

15 MR. DICKERSON: Gurule.

16 PROSPECTIVE JUROR NO. 680: Yes, sir.

17 MR. DICKERSON: Badge Number 680. You raised your
18 hand on that?

19 PROSPECTIVE JUROR NO. 680: Yes.

20 MR. DICKERSON: So you have experience with folks that
21 maybe don't necessarily have a place to stay at the moment?

22 PROSPECTIVE JUROR NO. 680: Correct.

23 MR. DICKERSON: What's your experience? Just in work?

24 PROSPECTIVE JUROR NO. 680: Yeah. So working for a
25 private ambulance. Before I worked for the fire department, I used

1 to work at AMR, and so I used to run a lot of calls on the homeless
2 population. And then still working for the City of Henderson as a
3 fireman, I run a large amount of calls with homeless population.
4 I've gotten to know a lot of them over the years, it's a lot of the
5 same people.

6 MR. DICKERSON: Okay. Those experiences and taking all
7 that into consideration, is that going to raise any issue for you
8 sitting here in this case? Possibly there would be evidence, maybe,
9 maybe not, of somebody being transient. Does that affect you in
10 any way?

11 PROSPECTIVE JUROR NO. 680: No.

12 MR. DICKERSON: Okay. Anybody else that raised their
13 hand, are they going to be affected? Have sympathies or
14 prejudices?

15 We'll go first to Mr. Diebel, Badge Number 712.

16 Sir, you raised your hand on that?

17 PROSPECTIVE JUROR NO. 712: Just in my line of work in
18 construction, we do a lot of developing up in North Las Vegas. That
19 was a few years ago. But a lot of transient camps.

20 MR. DICKERSON: You indicate that's not going to be an
21 issue for you one way or the other, no sympathy that's going to
22 sway you one way or no prejudice that's going to maybe going to
23 sway you another?

24 PROSPECTIVE JUROR NO. 712: That's correct.

25 MR. DICKERSON: Okay. Thank you, sir.

1 In front of, Ms. Ouellette, did you raise your hand as well?
2 Badge Number 787.

3 PROSPECTIVE JUROR NO. 787: Yes. As -- I teach in North
4 Las Vegas, and a lot of students of mine are homeless students.
5 And when I was in college, I worked for parks and recs at a center
6 on Cambridge, and we had a lot of homeless people come into our
7 center.

8 MR. DICKERSON: Okay. Same thing; any sympathies or
9 prejudices that would affect your ability to sit and hear evidence in
10 a case that may include evidence like that?

11 PROSPECTIVE JUROR NO. 787: No.

12 MR. DICKERSON: Okay. Were you the one that raised
13 your hand, Mr. Masa?

14 PROSPECTIVE JUROR NO. 771: Misa.

15 MR. DICKERSON: Misa? Okay.

16 If you could pass that to him, Badge Number 771.

17 You indicated, as well?

18 PROSPECTIVE JUROR NO. 771: No recent experiences.
19 Just back when law enforcement days, we would have some
20 experiences with transient --

21 MR. DICKERSON: Back in L.A.?

22 PROSPECTIVE JUROR NO. 771: Yes.

23 MR. DICKERSON: So you were a police officer in L.A. for
24 a year and a half?

25 PROSPECTIVE JUROR NO. 771: Approximately.

1 MR. DICKERSON: What year did you start over there?
2 PROSPECTIVE JUROR NO. 771: Probably 2001 to 2003.
3 MR. DICKERSON: Okay.
4 PROSPECTIVE JUROR NO. 771: Around that timeframe.
5 MR. DICKERSON: And then you moved out here shortly
6 after that?
7 PROSPECTIVE JUROR NO. 771: I did.
8 MR. DICKERSON: What caused you to leave your job as a
9 police officer out there?
10 PROSPECTIVE JUROR NO. 771: One, I wanted to relocate
11 with my wife.
12 MR. DICKERSON: Okay.
13 PROSPECTIVE JUROR NO. 771: That was one of the main
14 reasons.
15 MR. DICKERSON: Okay. Anything in particular with law
16 enforcement?
17 PROSPECTIVE JUROR NO. 771: Not necessarily. Well,
18 there was a couple of instances where I didn't agree with some of
19 my colleagues' choices.
20 MR. DICKERSON: Okay.
21 PROSPECTIVE JUROR NO. 771: And kind of raised to my
22 supervisors, which kind of made a little bit of a -- little bit harder life
23 in my work environment.
24 MR. DICKERSON: Okay. So in that short time that you
25 were there, you had concerns about some of the things that had

1 happened?

2 PROSPECTIVE JUROR NO. 771: Exactly.

3 MR. DICKERSON: Okay. Raising those concerns ended
4 up causing you grief at work?

5 PROSPECTIVE JUROR NO. 771: Exactly.

6 MR. DICKERSON: And that is a large reason why you left?

7 PROSPECTIVE JUROR NO. 771: One of the reasons.

8 MR. DICKERSON: One of the reasons? Okay.

9 Those concerns that you had there with law enforcement,
10 is that something to do with the ethics of those police officers that
11 you worked with?

12 PROSPECTIVE JUROR NO. 771: Yes.

13 MR. DICKERSON: Okay. And you were calling out their
14 ethics?

15 PROSPECTIVE JUROR NO. 771: Yes.

16 MR. DICKERSON: Okay. So I take it that you consider
17 yourself a pretty ethical person?

18 PROSPECTIVE JUROR NO. 771: Yes.

19 MR. DICKERSON: Okay. What sort of standard or code do
20 you like to live by?

21 PROSPECTIVE JUROR NO. 771: Treat everyone with
22 respect and as an equal, no matter what skin color or ethnicity,
23 race, religion, things like that.

24 MR. DICKERSON: Great. And you will do that here as a
25 juror in this case?

1 PROSPECTIVE JUROR NO. 771: Of course.

2 MR. DICKERSON: Fantastic. With that, the bad
3 experiences no doubt that you had in L.A., are you going to be able
4 to take those for what they are in your life experiences, but not
5 impute them upon anybody that you may hear evidence from in
6 this case, whether that be a police officer or security officer?

7 PROSPECTIVE JUROR NO. 771: No.

8 MR. DICKERSON: Okay. Just -- you judge the facts for
9 what they are?

10 PROSPECTIVE JUROR NO. 771: I do.

11 MR. DICKERSON: And whatever you hear from the stand
12 is what you hear?

13 PROSPECTIVE JUROR NO. 771: Yes.

14 MR. DICKERSON: As you judge it? Right. Okay.

15 So it's not going to be a problem for you?

16 PROSPECTIVE JUROR NO. 771: No.

17 MR. DICKERSON: I appreciate that.

18 And, ma'am, Ms. Hammontree?

19 PROSPECTIVE JUROR NO. 722: Yes.

20 MR. DICKERSON: Was there anybody else that I missed?

21 Ms. Hammontree, we'll pass it to you, Badge Number 722.

22 PROSPECTIVE JUROR NO. 722: Yes, sir?

23 MR. DICKERSON: Yes, ma'am. So you're -- you raised
24 your hand regarding the question about transient people or
25 homeless folks that you've --

1 PROSPECTIVE JUROR NO. 722: Yeah, we've had several
2 homeless people we've brought to our home and we have a garage
3 that's made into living spaces. They work out of there until they
4 steal us blind and then they kind of walk away.

5 MR. DICKERSON: So --

6 PROSPECTIVE JUROR NO. 722: We've been working with
7 authorities --

8 MR. DICKERSON: -- sound twofold here.

9 PROSPECTIVE JUROR NO. 722: -- and we've never
10 pressed charges.

11 MR. DICKERSON: Okay.

12 PROSPECTIVE JUROR NO. 722: I found a lot of my stuff at
13 the pawn shops. We've turned it over to the police.

14 MR. DICKERSON: Is that the residence burglary that you
15 said that you were a victim of?

16 PROSPECTIVE JUROR NO. 722: No. This was another
17 one.

18 MR. DICKERSON: Okay. So this is another thing. I guess
19 I should make a note more.

20 So sounds like you're giving and you're sympathetic to
21 the issues.

22 PROSPECTIVE JUROR NO. 722: Yeah, I trust you until you
23 prove otherwise.

24 MR. DICKERSON: Okay. And the specifics of those
25 events, those are specific individuals and not the homeless

1 population in general.

2 PROSPECTIVE JUROR NO. 722: Oh, yeah, correct. Yeah.

3 MR. DICKERSON: Okay.

4 PROSPECTIVE JUROR NO. 722: No.

5 MR. DICKERSON: So you're not going to impute any bad
6 feelings or ill will that you may have towards somebody that stole
7 from you on anybody here in this case --

8 PROSPECTIVE JUROR NO. 722: No, no, no, no, no. No.

9 MR. DICKERSON: -- right? So you don't have any
10 prejudices, or sympathies for that matter, that are going to cause
11 you to sway your verdict one way or the other?

12 PROSPECTIVE JUROR NO. 722: Right. You just prove to
13 me that you're a good person.

14 MR. DICKERSON: Okay.

15 PROSPECTIVE JUROR NO. 722: You know.

16 MR. DICKERSON: Great. You know, I'm writing down
17 notes for everybody, wrote down a lot of notes for you. You have,
18 it appears, a lot of life experience.

19 PROSPECTIVE JUROR NO. 722: Oh, yes.

20 MR. DICKERSON: Is that right?

21 PROSPECTIVE JUROR NO. 722: Yes.

22 MR. DICKERSON: So the residential burglary, what was
23 that?

24 PROSPECTIVE JUROR NO. 722: It was a homeless
25 gentleman that we took in. We went on vacation and he was in

1 charge of the yard, but not the house. And he broke into the house.
2 And he stole quite a bit of jewelry, guns, clothes, coins. We had the
3 police, we had ADT come to the house. They just -- security.

4 MR. DICKERSON: What ended up happening with that
5 individual?

6 PROSPECTIVE JUROR NO. 722: Well, we have it on tape
7 that the guy confessed. But police said that we could do that -- that
8 was not evidence. We got some of our stuff back from him, but
9 otherwise, no. Nothing.

10 MR. DICKERSON: That was here in Las Vegas?

11 PROSPECTIVE JUROR NO. 722: Yes.

12 MR. DICKERSON: Do I need to ask, were you satisfied
13 with the way that was handled?

14 PROSPECTIVE JUROR NO. 722: No.

15 MR. DICKERSON: Okay. You were not satisfied, right?

16 PROSPECTIVE JUROR NO. 722: No. Because we had it on
17 tape, you know. But I can see that that's not what -- number one,
18 evidence that he took it. But he said he took it. So.

19 MR. DICKERSON: So as far as the evidence thing, you'll
20 be instructed on what evidence actually is in a criminal case. Sure,
21 tapes can be something that can be evidence and some things that
22 would --

23 PROSPECTIVE JUROR NO. 722: Right.

24 MR. DICKERSON: What a police officer told you that day
25 isn't necessarily the law.

1 PROSPECTIVE JUROR NO. 722: Yeah.
2 MR. DICKERSON: Do you understand that?
3 PROSPECTIVE JUROR NO. 722: True. Yes.
4 MR. DICKERSON: Okay. And, here, you'll be instructed
5 by the judge on what the law is, what evidence you can consider,
6 and how you will actually conduct your deliberations in your
7 analysis of the case as a juror; do you understand that?
8 PROSPECTIVE JUROR NO. 722: Yes.
9 MR. DICKERSON: Is that something that you feel
10 comfortable doing?
11 PROSPECTIVE JUROR NO. 722: Yes.
12 MR. DICKERSON: And, specifically, just like I asked
13 before, but having to do with your, really, lack of satisfaction with
14 what was no doubt just a bad investigation or just a weak one, is
15 are you going to be able to set that aside in what you may feel
16 about that police officer or what had happened in your case with
17 your investigation and --
18 PROSPECTIVE JUROR NO. 722: I think so, yes. Yes.
19 MR. DICKERSON: -- listen to the police officers that may
20 testify in this case --
21 PROSPECTIVE JUROR NO. 722: Right.
22 MR. DICKERSON: -- fairly and impartially?
23 PROSPECTIVE JUROR NO. 722: Yes.
24 MR. DICKERSON: Okay. Thank you, ma'am. I appreciate
25 that.

1 Does anybody have any experience working or having
2 family members working or close friends working as security
3 officers? Seeing no hands. Nobody's ever worked as a security
4 officer? Okay.

5 Mr. Martinez in the back, Mr. Diebel in the back. Anybody
6 else? Okay.

7 And for the record, that was Mr. Martinez, Badge
8 Number 838, indicated, and Mr. Diebel, Badge Number 712,
9 indicated that you both have worked as security officers?

10 PROSPECTIVE JUROR NO. 838: Correct.

11 PROSPECTIVE JUROR NO. 712: [Indiscernible.]

12 MR. DICKERSON: Okay. We'll get to that.

13 Mr. Martinez is -- had indicated that he worked as a
14 security officer, Mr. Diebel indicated that he has a friend or family
15 member that is a security officer. We'll pass that microphone to
16 Mr. Diebel, Badge Number 712.

17 So you, sir, have indicated that you had some friends or
18 family member?

19 PROSPECTIVE JUROR NO. 712: What's your definition of
20 security officer? Like, military police?

21 MR. DICKERSON: What's your definition, sir?

22 PROSPECTIVE JUROR NO. 712: Military police.

23 MR. DICKERSON: Okay. So, like, security forces for the
24 Air Force, something like that?

25 PROSPECTIVE JUROR NO. 712: Army, yeah.

1 MR. DICKERSON: Okay. Great.

2 And anybody specifically have any experience with police
3 officers or -- I'm sorry, security officers for, like, let's say a hotel or a
4 Strip property? Okay. I see both of you ladies; is that right?

5 PROSPECTIVE JUROR NO. 669: Are you asking about
6 friends?

7 MR. DICKERSON: Yeah, friends, family members,
8 yourself, Ms. Stallworth, Badge Number 669.

9 And Ms. Eldridge, did you indicate too? Badge
10 Number 664.

11 All right. We'll go ahead and pass the microphone down
12 to them.

13 So, Ms. Stallworth, Badge Number 669, you said that you
14 had friends or family members?

15 PROSPECTIVE JUROR NO. 669: I work for MGM Resort.
16 So I know a ton of them.

17 MR. DICKERSON: Okay.

18 PROSPECTIVE JUROR NO. 669: And I'm friends with a lot
19 of them. Yeah.

20 MR. DICKERSON: Okay.

21 PROSPECTIVE JUROR NO. 669: And, obviously, I come
22 from a law enforcement family, so.

23 MR. DICKERSON: Right.

24 PROSPECTIVE JUROR NO. 669: I know a billion security
25 officers, law enforcement, all of that.

1 MR. DICKERSON: Do you have occasion to talk with
2 security officers there that work for MGM Resorts about their jobs?

3 PROSPECTIVE JUROR NO. 669: Yeah. Yeah.

4 MR. DICKERSON: On a regular basis?

5 PROSPECTIVE JUROR NO. 669: I don't know about a
6 regular basis, but yeah.

7 MR. DICKERSON: But it happens?

8 PROSPECTIVE JUROR NO. 669: Sure.

9 MR. DICKERSON: Okay. So if you hear that there's
10 security officers involved in this case, you hear testimony from
11 security officers, are you going to be able to listen to their
12 testimony fairly and impartially?

13 PROSPECTIVE JUROR NO. 669: Yes.

14 MR. DICKERSON: Okay. Despite the fact that you have
15 friends from work that are security officers?

16 PROSPECTIVE JUROR NO. 669: Uh-huh.

17 MR. DICKERSON: Yes?

18 PROSPECTIVE JUROR NO. 669: Correct.

19 MR. DICKERSON: Thank you, ma'am.

20 And Ms. Eldridge, Badge Number 664.

21 PROSPECTIVE JUROR NO. 664: Yes, sir.

22 MR. DICKERSON: You've indicated that you also had
23 friends or family members?

24 PROSPECTIVE JUROR NO. 664: My brother was security
25 at Vdara.

1 MR. DICKERSON: Okay. How long did he do that for?
2 PROSPECTIVE JUROR NO. 664: He did it for about a year.
3 He didn't like it too much, so he got out of it.
4 MR. DICKERSON: Is that right?
5 PROSPECTIVE JUROR NO. 664: Yeah.
6 MR. DICKERSON: So --
7 PROSPECTIVE JUROR NO. 664: He didn't --
8 MR. DICKERSON: Did you talk --
9 PROSPECTIVE JUROR NO. 664: He didn't like the way that
10 they did things.
11 MR. DICKERSON: At the Vdara?
12 PROSPECTIVE JUROR NO. 664: Yeah.
13 MR. DICKERSON: Okay.
14 PROSPECTIVE JUROR NO. 664: The security part of it. So
15 he's like, forget that.
16 MR. DICKERSON: Yeah. A year and done.
17 PROSPECTIVE JUROR NO. 664: Yeah.
18 MR. DICKERSON: So you had occasion to talk to him
19 about his job there?
20 PROSPECTIVE JUROR NO. 664: Yeah, some of the stuff
21 that went on there. Yeah.
22 MR. DICKERSON: Okay. So considering all that,
23 especially the fact that probably he didn't like it, are you going to be
24 able to not consider his experiences and just listen to the evidence
25 that may come from security officers --

1 PROSPECTIVE JUROR NO. 664: Oh, yeah. Of course.
2 MR. DICKERSON: -- that testify here?
3 PROSPECTIVE JUROR NO. 664: Of course.
4 MR. DICKERSON: That's not going to be a problem for
5 you?
6 PROSPECTIVE JUROR NO. 664: Nah.
7 MR. DICKERSON: You indicated that your niece was,
8 what, a deputy in Texas?
9 PROSPECTIVE JUROR NO. 664: She was a police officer
10 and then she went into the jails.
11 MR. DICKERSON: Okay.
12 PROSPECTIVE JUROR NO. 664: In Texas.
13 MR. DICKERSON: And --
14 PROSPECTIVE JUROR NO. 664: For a little bit.
15 MR. DICKERSON: -- you also indicated at some point in
16 time, she left that job because there was a -- you called it a
17 situation.
18 PROSPECTIVE JUROR NO. 664: Yeah, it was a situation
19 with her lieutenant.
20 MR. DICKERSON: Okay. And that situation, does that
21 have -- will that have any effect on your ability to listen to evidence
22 here?
23 PROSPECTIVE JUROR NO. 664: No. No, that was
24 between her and her -- that police department.
25 MR. DICKERSON: Okay.

1 PROSPECTIVE JUROR NO. 664: She end up suing them.

2 MR. DICKERSON: Okay.

3 PROSPECTIVE JUROR NO. 664: So.

4 MR. DICKERSON: And we can agree that that has nothing
5 to do with this case?

6 PROSPECTIVE JUROR NO. 664: No. No.

7 MR. DICKERSON: Nothing to do with any police officers
8 that you may hear from here?

9 PROSPECTIVE JUROR NO. 664: No.

10 MR. DICKERSON: Okay. No?

11 PROSPECTIVE JUROR NO. 664: No. It was in Texas.

12 MR. DICKERSON: Okay. And I apologize that I've got to
13 keep asking these questions and get the no after my question,
14 because it all goes onto a piece of paper where your answer comes
15 after my question. All right?

16 PROSPECTIVE JUROR NO. 664: Uh-huh.

17 MR. DICKERSON: I appreciate it. Thank you, ma'am.

18 PROSPECTIVE JUROR NO. 664: Sure.

19 MR. DICKERSON: Let's go to Ms. Saunders, Badge
20 Number 675, right here.

21 Ma'am, when you were talking about family members
22 being victims of crime, the judge had asked you are there more
23 people that have been victims? And you indicated there was; is that
24 right?

25 PROSPECTIVE JUROR NO. 675: Yes.

1 MR. DICKERSON: And there was no follow-up about that,
2 correct?

3 PROSPECTIVE JUROR NO. 675: No.

4 MR. DICKERSON: Okay. Would you please just share that
5 with us? And if it is an issue that you feel uncomfortable about, we
6 can approach.

7 PROSPECTIVE JUROR NO. 675: I choose not to discuss it.
8 I just don't want to discuss it.

9 MR. DICKERSON: Okay. For the purpose of these
10 proceedings, it's especially important that we know -- one of those
11 questions, in particular -- your experience with victims of crime and
12 having family members that are victims of crime. I hope you
13 understand that.

14 Could I ask the Court if we could approach?

15 THE COURT: Sure.

16 [Bench conference transcribed as follows.]

17 THE COURT: Stand just in front of the microphone,
18 please.

19 PROSPECTIVE JUROR NO. 675: Uh-huh.

20 MR. DICKERSON: So --

21 THE COURT: Just move over and just stand in front of
22 Mr. Dickerson. Thank you.

23 MR. DICKERSON: So, ma'am, I apologize that we have to
24 get into it, but it's definitely that we need to talk about. Would you
25 just inform us of what the --

1 PROSPECTIVE JUROR NO. 675: I was raped when I
2 was 15.

3 MR. DICKERSON: Okay. And when you refer -- when the
4 judge asked the question, you were specifically talking about
5 yourself?

6 PROSPECTIVE JUROR NO. 675: Yes.

7 MR. DICKERSON: Okay. Did they catch the individual
8 who did that?

9 PROSPECTIVE JUROR NO. 675: Yes.

10 MR. DICKERSON: And was that individual prosecuted?

11 PROSPECTIVE JUROR NO. 675: Yes.

12 MR. DICKERSON: Okay. And are you satisfied with the
13 way that was handled through the criminal justice system?

14 PROSPECTIVE JUROR NO. 675: Yes.

15 MR. DICKERSON: Okay. Considering that, no doubt, the
16 feelings that you have from that, is that going to at all affect you --

17 PROSPECTIVE JUROR NO. 675: No.

18 MR. DICKERSON: Okay. I appreciate it.

19 PROSPECTIVE JUROR NO. 675: I just don't like discussing
20 my personal business.

21 MR. DICKERSON: Totally understand.

22 MS. BROUWERS: Your Honor, just if we could follow up,
23 just since we have her here, that way we don't have to have
24 another --

25 THE COURT: Sure. [Indiscernible] I'm going to let them

1 ask follow-up questions at this point.

2 MR. DICKERSON: Yeah, yeah.

3 MS. BROUWERS: And I don't [indiscernible].

4 THE COURT: [Indiscernible] and the experiences that
5 you've had.

6 MS. BROUWERS: My follow-up, ma'am, was that is
7 where you went for the [indiscernible] to file or is that
8 [indiscernible] --

9 PROSPECTIVE JUROR NO. 675: No, we didn't -- I didn't
10 have to, because it was more than just myself. It was, like, seven.

11 MS. BROUWERS: So you never had to testify or anything
12 like that?

13 PROSPECTIVE JUROR NO. 675: Uh-uh.

14 MS. BROUWERS: Okay. Thank you.

15 Did he -- if you recall, did he plead guilty [indiscernible]?

16 PROSPECTIVE JUROR NO. 675: I have no idea.

17 MS. BROUWERS: Okay.

18 THE COURT: Any other questions, counsel?

19 MR. DICKERSON: Nothing for the State.

20 MS. BROUWERS: No.

21 THE COURT: Okay. Ma'am, thank you so much.

22 MR. DICKERSON: Thank you, ma'am.

23 [End of bench conference.]

24 MR. DICKERSON: All right. Let's pass the microphone
25 one spot over to Ms. An, Badge Number 677.

1 Ma'am, you had said that you were a juror; is that right?
2 PROSPECTIVE JUROR NO. 677: I think we had a
3 miscommunication on that one.
4 MR. DICKERSON: Okay.
5 PROSPECTIVE JUROR NO. 677: So.
6 MR. DICKERSON: That's what I wanted to clarify.
7 PROSPECTIVE JUROR NO. 677: Sorry. Yep.
8 MR. DICKERSON: So you got to, like, this portion of the
9 jury selection?
10 PROSPECTIVE JUROR NO. 677: Yes.
11 MR. DICKERSON: Did you actually sit and hear evidence
12 in the case?
13 PROSPECTIVE JUROR NO. 677: Did it two days.
14 MR. DICKERSON: You heard evidence?
15 PROSPECTIVE JUROR NO. 677: Some, yes.
16 MR. DICKERSON: Someone testified?
17 PROSPECTIVE JUROR NO. 677: No. But we -- I don't --
18 really, I don't recall much, but I think we had a little
19 miscommunication.
20 MR. DICKERSON: How long ago was that, ma'am?
21 PROSPECTIVE JUROR NO. 677: I don't know. I think
22 maybe 17 years ago. I have no idea.
23 MR. DICKERSON: Okay. So you were there two days?
24 PROSPECTIVE JUROR NO. 677: Yeah.
25 MR. DICKERSON: Do you know whether you ever got sat

1 as a juror in the case?

2 PROSPECTIVE JUROR NO. 677: I think no. Maybe I watch
3 too much TV.

4 MR. DICKERSON: Okay. And you remember --

5 PROSPECTIVE JUROR NO. 677: Sorry.

6 MR. DICKERSON: You remember watching a jury trial --

7 PROSPECTIVE JUROR NO. 677: Yeah, I got --

8 MR. DICKERSON: -- and -- okay.

9 PROSPECTIVE JUROR NO. 677: Yes. Yes, yes.

10 MR. DICKERSON: All right.

11 PROSPECTIVE JUROR NO. 677: All others are true out of
12 the -- I mean, it's -- it was just, you know.

13 MR. DICKERSON: So you were not a juror?

14 PROSPECTIVE JUROR NO. 677: No, I guess. Yeah, no.

15 MR. DICKERSON: Okay. All right.

16 We'll go ahead and, I guess at this point in time, does
17 anybody here work on the Strip? Okay. Same couple of people
18 that I've talked to already; Ms. Eldridge, 664, Ms. Stallworth, 669,
19 and Mr. Diebel, 712; is that right?

20 And Mr. Jaehn?

21 PROSPECTIVE JUROR NO. 765: Yeah.

22 MR. DICKERSON: Badge number 765; is that correct?

23 Anybody else work on the Strip?

24 Anybody visit the Strip on a regular basis?

25 PROSPECTIVE JUROR NO. 677: I used to work there.

1 MR. DICKERSON: Okay. Ms. An, Badge Number 677.
2 Where did you work, ma'am?

3 PROSPECTIVE JUROR NO. 677: I worked there at the
4 Stratosphere.

5 MR. DICKERSON: At the Stratosphere?

6 PROSPECTIVE JUROR NO. 677: Yes.

7 MR. DICKERSON: If -- and, specifically, the folks here that
8 have worked there or -- nobody really indicated that they visit there,
9 but this I open to everybody: Anybody going to be affected by facts
10 that may come out that show that this was a crime that occurred on
11 the Strip, on Las Vegas Boulevard? Nobody's going to have any
12 feelings one way or another, it's not going to affect anything?
13 Okay. That's right, nobody's indicating otherwise? All right.

14 PROSPECTIVE JUROR NO. 722: It could happen anyplace.

15 MR. DICKERSON: Okay. Great. That's Badge
16 Number 722, Ms. Hammontree, saying it can happen anyplace.

17 Is anybody here a veteran?

18 PROSPECTIVE JUROR NO. 677: My husband is veteran.

19 MR. DICKERSON: We'll go ahead and pass the
20 microphone down, Ms. An. Thank you very much. I saw three
21 hands raised.

22 Sir, Mr. Rindman?

23 PROSPECTIVE JUROR NO. 707: Lindaman.

24 MR. DICKERSON: Lindaman. That's my writing, I
25 apologize. Badge Number 707.

1 Also, Mr. Lemur?
2 PROSPECTIVE JUROR NO. 797: Lemier.
3 MR. DICKERSON: Lemier?
4 And Mr. Keene. Got that one right.
5 Mr. Lindaman, you served in the service?
6 PROSPECTIVE JUROR NO. 707: The United States Army.
7 MR. DICKERSON: How long?
8 PROSPECTIVE JUROR NO. 707: Four years.
9 MR. DICKERSON: Did you ever have any interaction with
10 the military justice system?
11 PROSPECTIVE JUROR NO. 707: Yeah.
12 MR. DICKERSON: Okay. In what capacity?
13 PROSPECTIVE JUROR NO. 707: As a defendant.
14 MR. DICKERSON: Okay. And that's not something that
15 you talked about already?
16 PROSPECTIVE JUROR NO. 707: No.
17 MR. DICKERSON: Okay. What were the circumstances of
18 that?
19 PROSPECTIVE JUROR NO. 707: Was the attempted
20 possession of marijuana.
21 MR. DICKERSON: Okay. Attempted possession of
22 marijuana. Interesting. So was that something -- how was that
23 ultimately handled?
24 PROSPECTIVE JUROR NO. 707: Uniform Code of Military
25 Justice. It wasn't handled by civilian. I got an Article 14.

1 MR. DICKERSON: Okay. And what, if any, feelings do you
2 hold as a result of that?

3 PROSPECTIVE JUROR NO. 707: Bad decision.

4 MR. DICKERSON: Okay. No feelings towards any sort of
5 law enforcement or anything like that? No? Okay.

6 PROSPECTIVE JUROR NO. 707: No, sir.

7 MR. DICKERSON: And as you sit here today, you can fair
8 and impartial?

9 PROSPECTIVE JUROR NO. 707: Yes.

10 MR. DICKERSON: Both to the defendant? Yes?

11 PROSPECTIVE JUROR NO. 707: Yes.

12 MR. DICKERSON: And to the State of Nevada?

13 PROSPECTIVE JUROR NO. 707: Yes.

14 MR. DICKERSON: Okay. Thank you, sir. I appreciate it.

15 We'll go ahead and pass it all the way down here to
16 Mr. Keene, Badge Number 809.

17 You're a veteran, sir?

18 PROSPECTIVE JUROR NO. 809: Yes.

19 MR. DICKERSON: And what branch?

20 PROSPECTIVE JUROR NO. 809: Air Force.

21 MR. DICKERSON: How long did you serve?

22 PROSPECTIVE JUROR NO. 809: Three years.

23 MR. DICKERSON: And did you have any interaction with
24 the military justice system?

25 PROSPECTIVE JUROR NO. 809: No.

1 MR. DICKERSON: Okay. Brother-in-law is a military
2 police officer or was?

3 PROSPECTIVE JUROR NO. 809: He was.

4 MR. DICKERSON: And what did you do?

5 PROSPECTIVE JUROR NO. 809: I was a heavy vehicle
6 mechanic.

7 MR. DICKERSON: Great. Thank you, sir.

8 PROSPECTIVE JUROR NO. 809: Okay.

9 MR. DICKERSON: Mr. Lemier?

10 PROSPECTIVE JUROR NO. 797: Yes.

11 MR. DICKERSON: Badge Number 797.

12 PROSPECTIVE JUROR NO. 797: Correct.

13 MR. DICKERSON: You're a veteran as well?

14 PROSPECTIVE JUROR NO. 797: Yes.

15 MR. DICKERSON: What branch?

16 PROSPECTIVE JUROR NO. 797: Air Force.

17 MR. DICKERSON: How long did you serve?

18 PROSPECTIVE JUROR NO. 797: Five years at Nellis Air
19 Force Base.

20 MR. DICKERSON: And did you have any interaction with
21 the military justice system?

22 PROSPECTIVE JUROR NO. 797: I did not.

23 MR. DICKERSON: Okay. Thank you all for your service,
24 gentlemen.

25 As far as your current job, you're a nuclear calibration

1 technician for the Department of Energy?

2 PROSPECTIVE JUROR NO. 797: Correct.

3 MR. DICKERSON: What is that?

4 PROSPECTIVE JUROR NO. 797: Essentially, they perform
5 experiments at the site to be able to see how our nuclear stockpile
6 is aging. So that requires a precision measurement equipment.

7 And we -- my career field, we're the ones that maintain it. So, like,
8 say you have a scale and you step on it, the weight -- it says you
9 weigh 210 pounds, how do you know that's actually 210 pounds?
10 We're the people that have standards that get traced all the way
11 back to NIST, the National Institute of Standards and Technology
12 that has absolute standards that that value doesn't change. So we
13 calibrate the equipment with our equipment that's calibrated with
14 that equipment, so that forms a chain of traceability that ensure that
15 it's operating correctly. Yes, I'm a nerd.

16 MR. DICKERSON: It's cool. Is that a field that you got into
17 through the military?

18 PROSPECTIVE JUROR NO. 797: Yes.

19 MR. DICKERSON: Okay. So your job on a daily basis
20 deals with absolute standards?

21 PROSPECTIVE JUROR NO. 797: Correct.

22 MR. DICKERSON: Here, in the criminal justice system, in
23 this courtroom, we don't necessarily deal with absolute standards;
24 do you understand that?

25 PROSPECTIVE JUROR NO. 797: Yes.

1 MR. DICKERSON: There's not necessarily going to be a
2 machine that we can hook up to tell what the correct answer is; is
3 that right?

4 PROSPECTIVE JUROR NO. 797: Yes.

5 MR. DICKERSON: So you're, as the jurors that potentially
6 get picked in this case, are the judge of what is true and what is not;
7 do you understand that?

8 PROSPECTIVE JUROR NO. 797: Yes.

9 MR. DICKERSON: Now, being that it's going to be
10 evidence that's presented to you from people testifying, no
11 specialized equipment. Is that going to be an issue for you?

12 PROSPECTIVE JUROR NO. 797: Not at all.

13 MR. DICKERSON: Okay. So you'll be able to make a
14 decision just fine, let's say, if we don't have that great piece of *CSI*
15 evidence, where you get to look into a person's cornea and see
16 what they're seeing or something?

17 PROSPECTIVE JUROR NO. 797: Correct.

18 MR. DICKERSON: Okay. Anybody else think that they
19 might have an issue -- obviously, Mr. Lemier doesn't -- but have an
20 issue if there's not a bunch of *CSI* evidence presented to you guys?

21 UNIDENTIFIED JUROR: Too much TV.

22 MR. DICKERSON: Okay. And everybody realizes that you
23 don't need to have forensic evidence in every case; would
24 everybody agree with that? Okay.

25 That evidence comes from, a lot of times, people just

1 testifying on the stand; does everybody agree with that?

2 And our criminal justice system has been around for a
3 very long time. Does everybody here believe in the American
4 criminal justice system?

5 Is there anybody that does not believe in the American
6 criminal justice system? In the -- I'm seeing no hands, no
7 indications.

8 In just the fundamental basis of this system, and the fact
9 that we have a jury by peers that's supposed to be fair and
10 impartial, does everybody agree that that's what is supposed to be,
11 that's what the system's all about?

12 And does everybody agree that jury service is really short
13 of being drafted for the military, the number one piece of civil
14 service that our government asks us to do? Does everybody agree
15 with that?

16 Anybody disagree with that?

17 Now, having said that, is there anybody that just does not
18 want to be here? Okay. I see three hands -- six hands so far. Okay.
19 Mr. Dickey and -- Mr. Dickey, 813 -- 812, Mr. Martinez, 838,
20 Mr. Gurule, 680, Ms. An, 677, Mr. Lindaman, 707,
21 Ms. Hammontree, 722, and Mr. Virgen, 732, and Ms. Saunders, 675.
22 And, Mr. Diebel, I'm not going to miss you, Badge Number 712.

23 So we've made a record of all those people that don't
24 want to be here. Now, having considered that, is there any of you
25 folks that don't want to be here that are actually unable to be here?

1 Nobody's indicating.

2 PROSPECTIVE JUROR NO. 712: Yeah, I'm -- I would like to
3 clarify my --

4 MR. DICKERSON: Yes, sir.

5 PROSPECTIVE JUROR NO. 712: -- response.

6 MR. DICKERSON: If we could pass that microphone up to
7 Mr. Diebel, 712.

8 PROSPECTIVE JUROR NO. 712: It's not that I don't want
9 to be here. I think it's everyone's responsibility to engage in this
10 type of arena. I'm battling flu-like symptoms right now. So it's
11 uncomfortable just to --

12 MR. DICKERSON: How long have you been sick, sir?

13 PROSPECTIVE JUROR NO. 712: Few days.

14 MR. DICKERSON: What are you feeling right now?

15 PROSPECTIVE JUROR NO. 712: Fever, muscle aches,
16 headache, sore throat, sinus.

17 MR. DICKERSON: Have you been to the doctor?

18 PROSPECTIVE JUROR NO. 712: No.

19 MR. DICKERSON: Do you have plans to go to the doctor?
20 Okay. On a scale of 1 to 10, how sick do you feel?

21 PROSPECTIVE JUROR NO. 712: 6.

22 MR. DICKERSON: Okay. Is anybody in your household
23 sick right now?

24 PROSPECTIVE JUROR NO. 712: No, not yet.

25 MR. DICKERSON: Okay. So you believe that you're

1 possibly contagious?

2 PROSPECTIVE JUROR NO. 712: Not sure.

3 MR. DICKERSON: Okay. But you believe you're having
4 flu-like symptoms? Is that a yes?

5 PROSPECTIVE JUROR NO. 712: Correct.

6 MR. DICKERSON: Okay. Noted. Thank you, sir.

7 So everybody else doesn't want to be here, the other
8 people that have not raised their hands too, you're included in this,
9 but do you guys believe that still, even though you don't want to be
10 here, despite that, if you're able to be here and you're chosen, you
11 need to give it your full attention and be able to sit as a fair and
12 impartial juror as your duty as citizens of this state and this
13 country?

14 Anybody disagree with that? Okay. Seeing no hands on
15 that.

16 Finally, ladies and gentlemen, who wants to be here?
17 Great. Mr. Rogan, Badge Number 751, Ms. Ouellette, 787,
18 Mr. Lemur? Lemer?

19 PROSPECTIVE JUROR NO. 797: Lemier.

20 MR. DICKERSON: Lemier. Again, sir, I'm sorry. 797,
21 thank you.

22 And Ms. Morlacci, Badge Number 799, thank you very
23 much.

24 THE COURT: Are you concluded, counsel?

25 MR. DICKERSON: Yes, Your Honor.

1 THE COURT: At this time we're going to take our evening
2 recess.

3 During the recess, you're admonished not to talk or
4 converse among yourselves --

5 MR. DICKERSON: Can we approach real quick, actually,
6 Your Honor?

7 THE COURT: Yes, you can.

8 [Bench conference transcribed as follows.]

9 MR. DICKERSON: I would like to, before you send them
10 home and bring them back tomorrow, make a challenge for cause
11 on Mr. Diebel, 712.

12 MS. BROUWERS: He's the one with the flu-like
13 symptoms.

14 MR. DICKERSON: He's the one with the flu-like
15 symptoms.

16 THE COURT: What's your position on Mr. Diebel?

17 MS. DERJAVINA: Just had the flu before, so if he's
18 contagious.

19 MS. BROUWERS: We're okay with it.

20 MS. ODEH: We'll submit it.

21 THE COURT: I'm sorry?

22 MS. ODEH: We'll submit it.

23 MS. BROUWERS: We'll submit it.

24 MS. ODEH: We will submit it.

25 THE COURT: Okay. You'll submit it.

1 MS. ODEH: We will have --
2 MS. BROUWERS: We're not going to --
3 MS. ODEH: We're not going to argue with you.
4 MS. BROUWERS: So we're not going to -- yeah, we're not
5 saying we're joining the for-cause, but --
6 THE COURT: Okay. Because what I was going to do is
7 have him call, you know. But I -- he -- I think he's being sincere.
8 MS. DERJAVINA: Yeah.
9 MR. DICKERSON: Yeah.
10 THE COURT: He hasn't been one of those jurors that's
11 raised his hand --
12 MS. DERJAVINA: And he's had a cough drop the entire
13 time.
14 THE COURT: -- on anything. So since you submit it, and
15 based on the State's challenge for cause, I am going to allow him to
16 be excused. I'm going to announce it right now.
17 MS. DERJAVINA: Okay.
18 MR. DICKERSON: Thank you, Your Honor.
19 MS. DERJAVINA: Thank you.
20 THE COURT: And then I'm going to admonish them.
21 What's his name and --
22 MR. DICKERSON: Diebel, Badge Number 712.
23 THE COURT: How do you spell his last name?
24 MR. DICKERSON: D-I-E-B-E-L.
25 THE COURT: Okay.

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[End of bench conference.]

THE COURT: Mr. Diebel, you have indicated that you have flu-like symptoms; is that correct? We appreciate you coming in today, but in light of that fact, I'm going to excuse you from these proceedings. You don't have to return tomorrow.

PROSPECTIVE JUROR NO. 712: Thank you, Your Honor.

THE COURT: And for the record, that's Michael Diebel, Badge Number 0712.

Thank you, sir.

I'm sure the jury would appreciate that.

At this time, we're going to take our evening recess. During this recess, you're admonished not to talk or converse among yourselves or with anyone else on any subject connected with this trial, or read, watch, or listen to any report of or commentary on the trial or any person connected with this trial by any medium of information, including, without limitation, newspapers, television, radio, or Internet, or form or express any opinion on any subject connected with the trial until the case is finally submitted to you.

We'll be in recess till 1:00 tomorrow. Please come back to this courtroom, check in with my marshal. And at that point, we'll go forward.

Yes, sir?

UNIDENTIFIED JUROR: Do we park in the same place tomorrow as we did today?

1 THE MARSHAL: Yes.

2 UNIDENTIFIED JUROR: And we come up here?

3 THE MARSHAL: Yes. Right outside the door.

4 UNIDENTIFIED JUROR: Take the badge with us?

5 THE COURT: All right. Just ask my marshal outside and

6 we'll be back tomorrow at 1:00.

7 UNIDENTIFIED JUROR: Well, my bottom appreciates it.

8 [Prospective jury panel recessed at 5:00 p.m.]

9 THE COURT: Counsel, is the door shut? I want to bring

10 something to your attention. My law clerk advises me that when

11 Mr. Dickerson asked, "Does anyone here not believe in the criminal

12 justice system?" The defendant raised his hand.

13 MR. DICKERSON: Oh.

14 MS. DERJAVINA: Oh.

15 THE COURT: I don't think -- I am unaware if any of the

16 jurors saw that. I need you to admonish the defendant that he is

17 not going to do anything disruptive or contaminate this jury. So I

18 would ask you to consult with your client. And I don't want any

19 instances like that in the future.

20 MS. BROUWERS: Thank you, Your Honor.

21 THE COURT: Obviously, if anybody wants to -- I don't

22 know if -- again, I didn't notice. My law -- I was watching the jury.

23 My law clerk brought it to my attention.

24 MR. DICKERSON: Thank you, Your Honor.

25 THE COURT: So I did want to advise counsel. Again, I'm

1 not going to let any party do anything that's going to contaminate
2 or disrupt this jury.

3 MR. DICKERSON: Thank you very much.

4 THE COURT: Thank you.

5 MR. DICKERSON: And thank you for entertaining my
6 Motion for Cause, Your Honor. I do appreciate that.

7 THE COURT: Thank you, counsel.

8 MS. BROUWERS: Thank you.

9 THE COURT: I think the jurors were the most happy.

10 MR. DICKERSON: Yeah. As soon as we started getting
11 into the how he's feeling, yeah.

12 THE COURT: All right. Counsel, we'll be in recess until
13 tomorrow at 1:00.

14 MS. DERJAVINA: Thank you, Your Honor.

15 MS. BROUWERS: Thank you.

16 MS. ODEH: Thank you.

17 THE COURT: Thank you.

18 [Court recessed at 5:03 p.m.]
19
20

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



Shawna Ortega, CET*562