

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 82700

Electronically Filed
Sep 13 2021 03:46 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SHAWN GLOVER JR.

Appellant,

v.

THE STATE OF NEVADA

Respondent.

Appeal from Judgment of Conviction
Eighth Judicial District Court, Clark County
The Honorable Michael P. Villani, District Court Judge
District Court Case No. C-16-312448-1 / A-20-821176-W

APPELLANT'S APPENDIX

VOLUME II

Lucas J. Gaffney, Esq.
Nevada Bar No. 12373
GAFFNEY LAW
1050 Indigo Drive, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 742-2055
Facsimile: (702) 920-8838
lucas@gaffneylawlv.com
Attorney for Appellant

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on September 13, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
Nevada Attorney General

ALEXANDER CHEN
Chief Deputy District Attorney

By: /s/ Lucas Gaffney
An Employee of Gaffney Law

1 me how long you've lived in Clark County?

2 PROSPECTIVE JUROR 916: About 20 years.

3 THE COURT: Your educational background?

4 PROSPECTIVE JUROR 916: College.

5 THE COURT: And are you working?

6 PROSPECTIVE JUROR 916: Yes.

7 THE COURT: What do you do?

8 PROSPECTIVE JUROR 916: Real estate broker.

9 THE COURT: Okay. How long have you done that?

10 PROSPECTIVE JUROR 916: About 10 years.

11 THE COURT: Can you give me a checklist of any other job titles
12 that you've held?

13 PROSPECTIVE JUROR 916: Every position in a restaurant, and also
14 the Marines.

15 THE COURT: Okay. What did you do in the Marines?

16 PROSPECTIVE JUROR 916: Parachute rigger.

17 THE COURT: And what is that? You just --

18 PROSPECTIVE JUROR 916: Pack parachutes and jump out of
19 planes.

20 THE COURT: Sounds hideously awful.

21 PROSPECTIVE JUROR 916: It was actually a lot of fun.

22 THE COURT: Oh, okay. Everybody's, you know, different. Okay.

23 Are you married?

24 PROSPECTIVE JUROR 916: Yes.

25 THE COURT: Does your spouse work?

1 PROSPECTIVE JUROR 916: Yes.

2 THE COURT: And what does your spouse do?

3 PROSPECTIVE JUROR 916: She works real estate, as well. Office
4 administration.

5 THE COURT: Okay. Do you have any kids?

6 PROSPECTIVE JUROR 916: Yes.

7 THE COURT: And how many and how old?

8 PROSPECTIVE JUROR 916: Five.

9 THE COURT: How old are they?

10 PROSPECTIVE JUROR 916: 20, 20, 17, 24, and 24.

11 THE COURT: Okay. What --

12 PROSPECTIVE JUROR 916: There's sets of twins.

13 THE COURT: Okay. What do the working age kids do?

14 PROSPECTIVE JUROR 916: One is married to Air Force and goes
15 to college. The other one works in Bend, Oregon. The other two are in school,
16 one for vet tech, and the other one is going to U Mass studying biology.

17 THE COURT: Okay. And the one that works in Bend, Oregon, what
18 field?

19 PROSPECTIVE JUROR 916: She works in the marijuana field.

20 THE COURT: Okay. Like not in the field itself, but --

21 PROSPECTIVE JUROR 916: Actually, she grows -- yes.

22 THE COURT: Oh, okay.

23 PROSPECTIVE JUROR 916: She actually does work for a grow
24 company --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 916: -- for recreational and medicinal
2 marijuana in Bend, Oregon.

3 THE COURT: Okay. Thank you very much. Mr. Huntsman, can
4 you tell me how long you've lived in Clark County?

5 PROSPECTIVE JUROR 923: Thirty-five years.

6 THE COURT: Your educational background?

7 PROSPECTIVE JUROR 923: Bachelor's Degree.

8 THE COURT: And what was your bachelor's degree in?

9 PROSPECTIVE JUROR 923: Construction management.

10 THE COURT: And what do you do now?

11 PROSPECTIVE JUROR 923: An estimator.

12 THE COURT: And how long have you done that?

13 PROSPECTIVE JUROR 923: Ten years.

14 THE COURT: And can you give me a checklist of any other job
15 titles that you've held?

16 PROSPECTIVE JUROR 923: Assistant estimator, and plasterer, and
17 student.

18 THE COURT: Okay. Are you married?

19 PROSPECTIVE JUROR 923: Yes.

20 THE COURT: Does your spouse work?

21 PROSPECTIVE JUROR 923: Yes.

22 THE COURT: What does your spouse do?

23 PROSPECTIVE JUROR 923: Teacher's aide.

24 THE COURT: And for what age kids?

25 PROSPECTIVE JUROR 923: First and second grade.

1 THE COURT: Okay. And do you have any kids?
2 PROSPECTIVE JUROR 923: Yes, four kids.
3 THE COURT: How old?
4 PROSPECTIVE JUROR 923: Sixteen, 13, 11, and 8.
5 THE COURT: Okay. Thank you very much. Ms. Dwinell, can you
6 tell me how long you've lived in Clark County?
7 PROSPECTIVE JUROR 933: Nineteen years.
8 THE COURT: Your educational background?
9 PROSPECTIVE JUROR 933: High school and some college.
10 THE COURT: Okay. And are you in college currently or working?
11 PROSPECTIVE JUROR 933: Part-time college, part-time working.
12 THE COURT: Okay. And what are you studying?
13 PROSPECTIVE JUROR 933: I'm exploring majors.
14 THE COURT: Okay. And what do you do for work?
15 PROSPECTIVE JUROR 933: Law clerk.
16 THE COURT: Okay. And where are you a law clerk?
17 PROSPECTIVE JUROR 933: Jeffrey Burr, Ltd.
18 THE COURT: Okay. And is that a personal injury firm?
19 PROSPECTIVE JUROR 933: No, it's estate planning.
20 THE COURT: Oh, that's right. And they don't do any criminal
21 work; is that right?
22 PROSPECTIVE JUROR 933: Not to my knowledge.
23 THE COURT: Okay. And so how long have you worked there?
24 PROSPECTIVE JUROR 933: Almost a year.
25 THE COURT: Are you married, or do you have a significant other?

1 PROSPECTIVE JUROR 933: Significant other.
2 THE COURT: And what's your significant other's occupation?
3 PROSPECTIVE JUROR 933: Retail manager.
4 THE COURT: And do you have any kids?
5 PROSPECTIVE JUROR 933: No.
6 THE COURT: Okay. Thank you very much. Ms. Kime, can you tell
7 me how long you've lived in Clark County?
8 PROSPECTIVE JUROR 940: Thirty-five years.
9 THE COURT: Your educational background?
10 PROSPECTIVE JUROR 940: Some college.
11 THE COURT: And are you working?
12 PROSPECTIVE JUROR 940: Unemployed.
13 THE COURT: And what do you do when you're working?
14 PROSPECTIVE JUROR 940: Executive assistant.
15 THE COURT: Okay. And how long have you done that?
16 PROSPECTIVE JUROR 940: Thirty years.
17 THE COURT: Can you give me a checklist of any other job titles
18 that you've held?
19 PROSPECTIVE JUROR 940: Cashier.
20 THE COURT: Okay. Are you married?
21 PROSPECTIVE JUROR 940: Yes.
22 THE COURT: And does your spouse work?
23 PROSPECTIVE JUROR 940: Yes, he does.
24 THE COURT: And what's he doing?
25 PROSPECTIVE JUROR 940: He's a glazer.

1 THE COURT: And how long has he done that?

2 PROSPECTIVE JUROR 940: Thirty years.

3 THE COURT: And do you have any kids?

4 PROSPECTIVE JUROR 940: They're all grown.

5 THE COURT: And so how many and how old?

6 PROSPECTIVE JUROR 940: Oh, geez. That's a hard question. I
7 can't remember. 35 -- no, one is 37, the other one is 35, and the other two are
8 29 and 26.

9 THE COURT: Okay. And what do they all do?

10 PROSPECTIVE JUROR 940: Three of them are not working right
11 now, and -- or I don't think they are, and the other one is a medical assistant --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR 940: -- who lives here in town; yeah.

14 THE COURT: Okay. And the other three live here in town or
15 somewhere else?

16 PROSPECTIVE JUROR 940: They're -- one lives in Utah, and she's
17 unemployed right now.

18 THE COURT: What does she normally do, to your knowledge?

19 PROSPECTIVE JUROR 940: She does a lot of things, Your Honor.

20 THE COURT: Anything in the medical, or legal field, or law
21 enforcement?

22 PROSPECTIVE JUROR 940: No.

23 THE COURT: Okay. What about your other children?

24 PROSPECTIVE JUROR 940: My youngest lives in town, and she is
25 home, a housewife.

1 THE COURT: Okay. And so, just to go through this top row real
2 quick, other than what you've already told me, do any of you have any law
3 enforcement training, experience, or education, or legal, other than what
4 you've, you know -- you have a significant other that works in a law office, or
5 you work in a probate, and estates, and trust office. Anybody?

6 Do any of you in that back row have anyone close to you that
7 works in law enforcement? And I mean close to you meaning a relative, or a
8 very close personal friend. No one indicates on the affirmative. Okay. Thank
9 you very much. Lindell Pierce?

10 PROSPECTIVE JUROR 942: Yeah.

11 THE COURT: Sir, can you tell me how long you've lived in Clark
12 County?

13 PROSPECTIVE JUROR 942: Twenty years.

14 THE COURT: Your educational background?

15 PROSPECTIVE JUROR 942: Construction.

16 THE COURT: And are you working?

17 PROSPECTIVE JUROR 942: Yeah.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR 942: Construction.

20 THE COURT: What do you do in that field?

21 PROSPECTIVE JUROR 942: Everything. Painting, tile, whatever.
22 Kind of like a handyman.

23 THE COURT: Okay. And can you give me a checklist of any other
24 job titles that you've held?

25 PROSPECTIVE JUROR 942: I was a bus boy and a cook.

1 THE COURT: Okay. Are you married?
2 PROSPECTIVE JUROR 942: Divorced.
3 THE COURT: And what did your spouse do when you were
4 married?
5 PROSPECTIVE JUROR 942: She was a laborer, like --
6 THE COURT: Okay.
7 PROSPECTIVE JUROR 942: -- in the Laborer's Union.
8 THE COURT: Okay. And do you have a significant other currently?
9 PROSPECTIVE JUROR 942: No.
10 THE COURT: And do you have any kids?
11 PROSPECTIVE JUROR 942: No children.
12 THE COURT: Okay. Do you have any legal or law enforcement
13 training, background, education, or experience?
14 PROSPECTIVE JUROR 942: No.
15 THE COURT: And do you have anyone close to you -- family
16 member or friend that's very close to you that's in law enforcement?
17 PROSPECTIVE JUROR 942: No.
18 THE COURT: All right. Thank you very much. Mr. Stettler, how
19 long have you lived in Clark County?
20 PROSPECTIVE JUROR 944: Born and raised.
21 THE COURT: Excuse me. And your educational background?
22 PROSPECTIVE JUROR 944: High school.
23 THE COURT: And are you working?
24 PROSPECTIVE JUROR 944: Yes.
25 THE COURT: What do you do?

1 PROSPECTIVE JUROR 944: Bus driver.
2 THE COURT: And how long have you done that?
3 PROSPECTIVE JUROR 944: Eighteen years.
4 THE COURT: Can you give me a checklist of any other job titles
5 that you've held?
6 PROSPECTIVE JUROR 944: Well, I'm a trainer there.
7 THE COURT: Okay.
8 PROSPECTIVE JUROR 944: Previous jobs, I worked for parks and
9 rec.
10 THE COURT: Okay. What'd you do for parks and rec?
11 PROSPECTIVE JUROR 944: Ball field. Just handled the ball fields.
12 THE COURT: Okay.
13 PROSPECTIVE JUROR 944: Yeah.
14 THE COURT: And are you married?
15 PROSPECTIVE JUROR 944: No.
16 THE COURT: And have you previously been married?
17 PROSPECTIVE JUROR 944: No.
18 THE COURT: Do you have a significant other currently?
19 PROSPECTIVE JUROR 944: Yes.
20 THE COURT: And your significant other's occupation?
21 PROSPECTIVE JUROR 944: She does the same thing I do.
22 THE COURT: Okay. And do you have any kids?
23 PROSPECTIVE JUROR 944: No.
24 THE COURT: And you -- so, I didn't hear any law enforcement or
25 legal training in there anywhere for you.

1 PROSPECTIVE JUROR 944: No.

2 THE COURT: And do you -- or anyone close to you in law
3 enforcement? Do you have someone close to you?

4 PROSPECTIVE JUROR 944: No.

5 THE COURT: All right. Thank you very much. Mr. Harris, how
6 long have you lived in Clark County, sir.

7 PROSPECTIVE JUROR 947: Three years.

8 THE COURT: And before that, where'd you live?

9 PROSPECTIVE JUROR 947: Kaiserslautern, Germany.

10 THE COURT: How long did you live there?

11 PROSPECTIVE JUROR 947: Twenty years.

12 THE COURT: Okay. And what brought you to the United States?

13 PROSPECTIVE JUROR 947: I'm from here.

14 THE COURT: But like a change of employment? I don't know, it's
15 cold there. I don't know.

16 PROSPECTIVE JUROR 947: Ten years as an MP, 10 years as a
17 customs agent overseas. Decided to come home and take care of my dead.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR 947: Now, I'm back.

20 THE COURT: All right. So, your educational background?

21 PROSPECTIVE JUROR 947: High school. Some college.

22 THE COURT: And you were an MP for --

23 PROSPECTIVE JUROR 947: Ten years, 11 deployments, it's time to
24 get out.

25 THE COURT: Okay. And which branch?

1 PROSPECTIVE JUROR 947: The army.

2 THE COURT: Okay. And then -- excuse me -- then you said you did
3 customs?

4 PROSPECTIVE JUROR 947: Yes, I was a federal law enforcement
5 agent for DOT.

6 THE COURT: Okay. And you did that how long?

7 PROSPECTIVE JUROR 947: Nine years.

8 THE COURT: Okay. And so, I assume there's certain specialized
9 training that's law enforcementesque type, but it's specialized in its own field,
10 right?

11 PROSPECTIVE JUROR 947: Yes.

12 THE COURT: I mean, for the military they have their own set of
13 codes --

14 PROSPECTIVE JUROR 947: Yes.

15 THE COURT-- agreed? And as far as customs, how much would
16 you say your experience in either of those fields crossed over into state law?

17 PROSPECTIVE JUROR 947: We did black marketing investigations
18 from a criminal level for contractors, people who took money from the U.S.
19 Government. I would even have to come back to the states to be a witness.

20 THE COURT: Okay. But as far as knowing anything about Nevada
21 law associated with the --

22 PROSPECTIVE JUROR 947: I know nothing.

23 THE COURT: Okay. I wasn't going to assume that, I was just
24 waiting for you to tell me. If you were selected to serve as a juror in this case -
25 - excuse me -- you would have to follow the Court's instructions on the law

1 even if you -- even if your opinions about what the law ought to be were
2 different. Would you be able to do that?

3 PROSPECTIVE JUROR 947: Yes.

4 THE COURT: Is there anything about your law enforcement
5 training experience that you have in both of your employments that you think
6 would limit your ability to be fair and impartial here?

7 PROSPECTIVE JUROR 947: No.

8 THE COURT: Do you understand why I ask?

9 PROSPECTIVE JUROR 947: Yes.

10 THE COURT: I'm starting earlier. I don't usually get to it that quick,
11 but because you're here, I'm going to. Do you understand that the State has
12 the burden of proof in this case to prove -- well, the State has the burden of
13 proof in every case, in every court in the country -- to prove whether a
14 defendant is guilty -- whether a crime was committed, and the defendant
15 committed it beyond a reasonable doubt. And that a defendant has no
16 obligation to prove anything whatsoever. Do you understand that?

17 PROSPECTIVE JUROR 947: I do.

18 THE COURT: Do you believe in that basic precept of American
19 justice?

20 PROSPECTIVE JUROR 947: Yes.

21 THE COURT: And so, do you -- when I say that the Defense could
22 sit there during this trial, which they won't, by the way, but they could, do
23 absolutely nothing, stare off into the, you know, ceiling, never ask a question,
24 never do anything, and the jury's job in this case would be to determine
25 whether the State met the burden of proof?

1 PROSPECTIVE JUROR 947: Yes.
2 THE COURT: Do you understand that concept?
3 PROSPECTIVE JUROR 947: I do.
4 THE COURT: And do you have any problem with that?
5 PROSPECTIVE JUROR 947: No.
6 THE COURT: So, if they didn't prove the case beyond a reasonable
7 doubt, based upon your experience, background, education, and training,
8 would you have a difficult time in rendering a verdict --
9 PROSPECTIVE JUROR 947: No.
10 THE COURT: -- in favor of the Defendant
11 PROSPECTIVE JUROR 947: No.
12 THE COURT: Would it bother you at all?
13 PROSPECTIVE JUROR 947: No.
14 THE COURT: Okay. Did I ask you if you had kids?
15 PROSPECTIVE JUROR 947: No. So, right now, I'm a manager for
16 insurance.
17 THE COURT: Okay.
18 PROSPECTIVE JUROR 947: I have two kids. One in Texas with the
19 Air Force, the other one is in Germany doing international nursing.
20 THE COURT: Okay. And did you tell me you're married or not?
21 PROSPECTIVE JUROR 947: Significant other.
22 THE COURT: And what does your significant other --
23 PROSPECTIVE JUROR 947: Works on the Air Base.
24 THE COURT: Okay. Doing?
25 PROSPECTIVE JUROR 947: Defense commissary.

1 THE COURT: Okay. Thank you very much. Ms. Stanek, can you
2 tell me how long you have lived in Clark County?

3 PROSPECTIVE JUROR 948: Nineteen years.

4 THE COURT: And your educational background?

5 PROSPECTIVE JUROR 948: High school and some college.

6 THE COURT: Are you working?

7 PROSPECTIVE JUROR 948: Yes.

8 THE COURT: What do you do?

9 PROSPECTIVE JUROR 948: Cashier.

10 THE COURT: And how long have you done that

11 PROSPECTIVE JUROR 948: Two months.

12 THE COURT: So, it's a new job?

13 PROSPECTIVE JUROR 948: Yeah.

14 THE COURT: And what did they say when you said I have to go to
15 jury duty?

16 PROSPECTIVE JUROR 948: Yeah.

17 THE COURT: They're okay with it?

18 PROSPECTIVE JUROR 948: Yeah.

19 THE COURT: Okay. Is it a big business?

20 PROSPECTIVE JUROR 948: No, not really.

21 THE COURT: So -- but they have someone that can cover you?

22 PROSPECTIVE JUROR 948: They should, yeah.

23 THE COURT: Okay. Can you give me a checklist of any other job
24 titles?

25 PROSPECTIVE JUROR 948: That's it.

1 THE COURT: Okay. And are you married?
2 PROSPECTIVE JUROR 948: No.
3 THE COURT: Do you have a significant other?
4 PROSPECTIVE JUROR 948: No.
5 THE COURT: And do you have any kids?
6 PROSPECTIVE JUROR 948: No.
7 THE COURT: All right. Thank you very much. Ms. Cardoza, can
8 you tell me how long you have lived in Clark County?
9 PROSPECTIVE JUROR 952: Twenty-five years.
10 THE COURT: Your educational background?
11 PROSPECTIVE JUROR 952: Bachelor's degree.
12 THE COURT: In.
13 PROSPECTIVE JUROR 952: Accounting and finance.
14 THE COURT: Okay. And you're working currently?
15 PROSPECTIVE JUROR 952: Yes.
16 THE COURT: What do you do?
17 PROSPECTIVE JUROR 952: Auditor.
18 THE COURT: And how long have you done that?
19 PROSPECTIVE JUROR 952: Current position two weeks, but five
20 years' experience.
21 THE COURT: Okay. Another new job person.
22 PROSPECTIVE JUROR 952: Uh-huh.
23 THE COURT: Yes. Is it for a big company?
24 PROSPECTIVE JUROR 952: For the city.
25 THE COURT: Oh, for the city. They'll live.

1 PROSPECTIVE JUROR 952: Yeah.
2 THE COURT: Okay. So, can you give me a checklist of any other
3 job titles that you held?
4 PROSPECTIVE JUROR 952: Drafter.
5 THE COURT: Drafter, okay. And do you have -- are you married?
6 PROSPECTIVE JUROR 952: No.
7 THE COURT: Have you previously been married?
8 PROSPECTIVE JUROR 952: No.
9 THE COURT: Do you have a significant other currently?
10 PROSPECTIVE JUROR 952: No.
11 THE COURT: And do you have any kids
12 PROSPECTIVE JUROR 952: No.
13 THE COURT: All right. Thank you very much. Mr. Vinluan.
14 PROSPECTIVE JUROR: Yes.
15 THE COURT: Can you tell me how long you have in Clark County?
16 PROSPECTIVE JUROR 961: Sixteen years.
17 THE COURT: Your educational background?
18 PROSPECTIVE JUROR 961: Some college.
19 THE COURT: And are you working?
20 PROSPECTIVE JUROR 961: Yes.
21 THE COURT: What do you do?
22 PROSPECTIVE JUROR 961: Cabana service at the Mirage.
23 THE COURT: Okay. How long have you done that?
24 PROSPECTIVE JUROR 961: About a year.
25 THE COURT: Can you give me a checklist of any other job titles

1 that you've held?

2 PROSPECTIVE JUROR 961: Retail and runner and busser at
3 restaurants.

4 THE COURT: Okay. Are you married?

5 PROSPECTIVE JUROR 961: No.

6 THE COURT: Do you have a significant other?

7 PROSPECTIVE JUROR 961: No.

8 THE COURT: Have you previously been married?

9 PROSPECTIVE JUROR 961: No.

10 THE COURT: Do you have any kids?

11 PROSPECTIVE JUROR 961: No.

12 THE COURT: And so, when you worked Cabana service at the
13 Mirage, you were outside all day long, right?

14 PROSPECTIVE JUROR 961: Yes.

15 THE COURT: Welcome to the RJC. The air conditioning
16 abounding everywhere.

17 PROSPECTIVE JUROR 961: Right.

18 THE COURT: Okay. Thank you very much. Where's Victoria
19 Farfan? All right. Ms. Farfan, how long have you lived in Clark County?

20 PROSPECTIVE JUROR 978: I've been living here for five years.

21 THE COURT: And where did you live before?

22 PROSPECTIVE JUROR 978: Chicago.

23 THE COURT: How long did you live there?

24 PROSPECTIVE JUROR 978: I was born and raised there.

25 THE COURT: Okay. Your educational background?

1 PROSPECTIVE JUROR 978: High school and some college.
2 THE COURT: And are you working?
3 PROSPECTIVE JUROR 978: Yes, ma'am.
4 THE COURT: What do you do?
5 PROSPECTIVE JUROR 978: I'm a nurse's assistant at a nursing
6 home.
7 THE COURT: Okay. And how long have you done that?
8 PROSPECTIVE JUROR 978: I recently graduated college, so I've
9 been doing it for about five months now.
10 THE COURT: Okay. And if you were selected to serve as a juror in
11 this case, it would have to cover your --
12 PROSPECTIVE JUROR 978: Yeah, she already knows --
13 THE COURT: Okay.
14 PROSPECTIVE JUROR 978: -- that that's a possibility, so.
15 THE COURT: And that would be okay?
16 PROSPECTIVE JUROR 978: Uh-huh.
17 THE COURT: Okay. The record should reflect she said uh-huh,
18 which is yes. Okay. So, are you married?
19 PROSPECTIVE JUROR 978: No.
20 THE COURT: Do you have a significant other currently?
21 PROSPECTIVE JUROR 978: Yes.
22 THE COURT: And your significant other's occupation?
23 PROSPECTIVE JUROR 978: Retail.
24 THE COURT: Okay. And do you have any kids?
25 PROSPECTIVE JUROR 978: No.

1 THE COURT: And have you previously been married?
2 PROSPECTIVE JUROR 978: No.
3 THE COURT: Okay. Thank you very much. Benjamin Perri. Sir,
4 can you tell me how long you've lived in Clark County?
5 PROSPECTIVE JUROR 000: Twenty-three years.
6 THE COURT: And your educational background?
7 PROSPECTIVE JUROR 000: High school.
8 THE COURT: And are you working?
9 PROSPECTIVE JUROR 000: Yes.
10 THE COURT: What do you do?
11 PROSPECTIVE JUROR 000: Valet.
12 THE COURT: And how long have you been a valet?
13 PROSPECTIVE JUROR 000: Three years.
14 THE COURT: Can you give me a checklist of any other job titles
15 that you've held?
16 PROSPECTIVE JUROR 000: Landscaping and sales.
17 THE COURT: Okay. And are you married?
18 PROSPECTIVE JUROR 000: No.
19 THE COURT: Do you have a significant other?
20 PROSPECTIVE JUROR 000: No.
21 THE COURT: Have you previously been married?
22 PROSPECTIVE JUROR 000: No.
23 THE COURT: And do you have any kids?
24 PROSPECTIVE JUROR 000: No.
25 THE COURT: Okay. Thank you. Did I go through a whole row

1 without asking the law enforcement thing? Let me ask the second row? I got
2 all caught up with you. Is there anybody else in the second row that I left a
3 minute ago that has you or someone very close to you in law enforcement?
4 Okay. Can you hand that back?

5 PROSPECTIVE JUROR 948: My dad's a juvenile probation officer.

6 THE COURT: Okay. Hold on one second. So, Ms. Stanek, how
7 long?

8 PROSPECTIVE JUROR 948: He's been doing it for like nine or ten
9 years.

10 THE COURT: Okay. And do you live with him, by the way?

11 PROSPECTIVE JUROR 948: Yes.

12 THE COURT: Okay. And so, is there anything about his experience
13 in that -- it's kind of a different part of the justice system. Is there anything
14 about that that you think would limit your ability to be fair and impartial if you
15 were to serve as a juror in this case?

16 PROSPECTIVE JUROR 948: No.

17 THE COURT: So, there would be a really important question I need
18 to ask and have to give a lot of thought to it, because I need a honest answer.
19 If you were selected to serve as a juror in this case, you would not be able to
20 talk to your dad about the details of this case, at all, even a little bit, not -- zero,
21 zilch, nada, by court order, for a week. Would you be able to do that?

22 PROSPECTIVE JUROR 948: Yes.

23 THE COURT: And that would be really important because later I'm
24 going to talk to the jury about the level playing field that both sides are entitled
25 to in this case, where they're not having their case decided by jurors who are

1 out chit-chatting about it with other people. Does that make sense to you?
2 PROSPECTIVE JUROR 948: Yeah.
3 THE COURT: And would you have any problem with that?
4 PROSPECTIVE JUROR 948: No.
5 THE COURT: Okay. Thank you.
6 PROSPECTIVE JUROR 948: Uh-huh.
7 THE COURT: Anybody else know someone in law enforcement,
8 serious close relationship of any kind? About you two?
9 UNIDENTIFIED PROSPECTIVE JUROR: No.
10 THE COURT: Okay. No other jurors indicated in the affirmative.
11 Okay. Moving on to Ms. Mazzei.
12 PROSPECTIVE JUROR 004: Yes.
13 THE COURT: Am I saying it right?
14 PROSPECTIVE JUROR 004: Mazzei.
15 THE COURT: Mazzei, I'm sorry. How long have you lived in Clark
16 County?
17 PROSPECTIVE JUROR 004: Twenty-nine years.
18 THE COURT: And your educational background?
19 PROSPECTIVE JUROR 004: I have a law degree.
20 THE COURT: Okay. And do you practice?
21 PROSPECTIVE JUROR 004: Yes.
22 THE COURT: What do you do?
23 PROSPECTIVE JUROR 004: Civil litigation, insurance defense.
24 THE COURT: And how long have you done that?
25 PROSPECTIVE JUROR 004: Nine years.

1 THE COURT: And can you give me a checklist of any other job
2 titles that you've had?

3 PROSPECTIVE JUROR 004: Childcare provider, mortgage
4 processor, contract administrator, escrow coordinator, law clerk, lawyer.

5 THE COURT: Okay. And where -- what kind of law clerk were you?

6 PROSPECTIVE JUROR 004: It's all been in insurance defense.

7 THE COURT: Okay. So, you have no experience in the criminal
8 justice system?

9 PROSPECTIVE JUROR 004: I do not.

10 THE COURT: And are you married?

11 PROSPECTIVE JUROR 004: No.

12 THE COURT: Have you previously been married?

13 PROSPECTIVE JUROR 004: No.

14 THE COURT: Do you have a significant other currently?

15 PROSPECTIVE JUROR 004: No.

16 THE COURT: And do you have any kids?

17 PROSPECTIVE JUROR 004: No.

18 THE COURT: Okay. Thank you very much. Oh, by the way, do you
19 have anyone very close to you, personal friend or family member in law
20 enforcement?

21 PROSPECTIVE JUROR 004: No.

22 THE COURT: And I'm going to ask you the question about if the
23 Court gave you instructions on the law, you know, obviously, you're a lawyer,
24 at some point you took criminal justice, and criminal procedure, and maybe
25 evidence, those kinds of things. Would you be able to follow the Court's

1 instructions on the law?

2 PROSPECTIVE JUROR 004: Yes.

3 THE COURT: If they differ from your personal beliefs of what the
4 law ought to be?

5 PROSPECTIVE JUROR 004: Yes.

6 THE COURT: And even more importantly is you're sitting in a trial,
7 there's an evidentiary objection, I make a ruling, the witness has already
8 popped out with an answer, normal jurors are told the objection is sustained,
9 you must disregard the witness' answer. And normal jurors who take an oath,
10 and who are chosen because the lawyers believe that they are serious people
11 that will give serious time and attention to all the Court's orders and take this
12 super serious because it is super serious, will disregard the answer.

13 A lawyer, on the other hand, might disagree with the Court's
14 ruling. If you did disagree with my ruling, hypothetically, would you be able to
15 follow the Court's instruction anyway and disregard the answer of the
16 witness?

17 PROSPECTIVE JUROR 004: I believe I would.

18 THE COURT: Okay. And do you understand why that would be
19 really important?

20 PROSPECTIVE JUROR 004: I do.

21 THE COURT: And you would expect it of a juror in any one of your
22 cases that you tried?

23 PROSPECTIVE JUROR 004: I do. I understand.

24 THE COURT: All right. Thank you very much. Ms. Morgan, can
25 you tell me how long you have been in Clark County?

1 PROSPECTIVE JUROR 025: Thirty-nine years.
2 THE COURT: Your educational background?
3 PROSPECTIVE JUROR 025: High school.
4 THE COURT: And are you working?
5 PROSPECTIVE JUROR 025: Yes.
6 THE COURT: What do you do?
7 PROSPECTIVE JUROR 025: I'm a bartender.
8 THE COURT: How long have you done that?
9 PROSPECTIVE JUROR 025: Forty-one years.
10 THE COURT: Can you give me a checklist of any other job titles
11 that you held?
12 PROSPECTIVE JUROR 025: I was a waitress in high school, and I
13 worked on the farm growing up.
14 THE COURT: Okay. Are you married?
15 PROSPECTIVE JUROR 025: No.
16 THE COURT: Have you previously been married?
17 PROSPECTIVE JUROR 025: Yes.
18 THE COURT: What did your previous spouse do when you were
19 married?
20 PROSPECTIVE JUROR 025: He's a waiter.
21 THE COURT: And a significant other currently?
22 PROSPECTIVE JUROR 025: No.
23 THE COURT: And any kids?
24 PROSPECTIVE JUROR 025: Two.
25 THE COURT: And how old are they?

1 PROSPECTIVE JUROR 025: My daughter is 37 and my son is 31.
2 THE COURT: And what do they do?
3 PROSPECTIVE JUROR 025: My daughter is a biochemist, and my
4 son is an engineer.
5 THE COURT: Okay. So, I didn't hear any law enforcement in there
6 anywhere?
7 PROSPECTIVE JUROR 025: No.
8 THE COURT: Family or close personal friends?
9 PROSPECTIVE JUROR 025: No.
10 THE COURT: All right. Thank you, very much. Mr. Harrell, how
11 long have you lived in Clark County?
12 PROSPECTIVE JUROR 030: Eight years.
13 THE COURT: And before that, where did you live?
14 PROSPECTIVE JUROR 030: Brevard County, Cocoa Beach, Florida.
15 THE COURT: Okay. And how long did you live there?
16 PROSPECTIVE JUROR 030: Ten years.
17 THE COURT: Your educational background?
18 PROSPECTIVE JUROR 030: College, plus trade.
19 THE COURT: All right. And are you working?
20 PROSPECTIVE JUROR 030: Yes.
21 THE COURT: What do you do?
22 PROSPECTIVE JUROR 030: Major airline pilot. I'm also a
23 Homeland Security Agent.
24 THE COURT: Okay. And how long have you done that?
25 PROSPECTIVE JUROR 030: Eight years.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 030: For the Homeland.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR 30: Thirty plus for the airline.

5 THE COURT: Okay. And can you give me a checklist of any other
6 job titles that you've held?

7 PROSPECTIVE JUROR 030: Retail, mass communications,
8 television production.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 030: And that's about it.

11 THE COURT: Are you married?

12 PROSPECTIVE JUROR 030: Yes.

13 THE COURT: And does your spouse work?

14 PROSPECTIVE JUROR 030: Yes.

15 THE COURT: What does your spouse do?

16 PROSPECTIVE JUROR 030: She's a paralegal for Ashcraft and Barr.

17 THE COURT: Okay. And does that have anything to do with
18 criminal law?

19 PROSPECTIVE JUROR 030: To the best of my knowledge, no.

20 THE COURT: Okay. And has she ever worked in criminal law --
21 criminal law to the best of your knowledge?

22 PROSPECTIVE JUROR 030: She worked for the City of North Las
23 Vegas as a paralegal. And -- but I believe it was mainly for city rulings, or
24 something like that. I don't believe it was criminal at all.

25 THE COURT: Like City Council?

1 PROSPECTIVE JUROR 030: Yes.

2 THE COURT: Okay. So, related to your work, either for the airline
3 or for Homeland Security, how much interplay do you have with state law?

4 PROSPECTIVE JUROR 030: None.

5 THE COURT: What do you know about Nevada law?

6 PROSPECTIVE JUROR 030: Very -- just what affects me,
7 personally. That's about it.

8 THE COURT: Okay. If you are selected to serve as a juror in this
9 case, and I gave you instructions on the law that differ from your personal
10 beliefs of what the law ought to be, would you be able to disregard that and
11 follow the Court's instruction?

12 PROSPECTIVE JUROR 030: Yes, I would.

13 THE COURT: And would that be a problem for you?

14 PROSPECTIVE JUROR 030: No, it would not.

15 THE COURT: All right. Thank you, very much. Oh, I'm sorry, I
16 forgot to ask. Anybody else in your life law enforcement?

17 PROSPECTIVE JUROR 030: We have friends from -- from her
18 previous employment with the City of North Las Vegas, and I'm friend with
19 several law enforcement officers there.

20 THE COURT: Okay. Did any names ring a bell to you?

21 PROSPECTIVE JUROR 030: No.

22 THE COURT: All right. Thank you, very much. Ms. Gevers.

23 PROSPECTIVE JUROR 035: Gevers.

24 THE COURT: Gevers. I wrote G-E-E-V-E-R-S. I write it
25 phonetically, in the hopes that I --

1 PROSPECTIVE JUROR 035: It's okay.

2 THE COURT: -- you know do my best. You can call me Judge T,
3 and I'll call you Susan G.

4 PROSPECTIVE JUROR 035: Okay.

5 THE COURT: All right. How long have you lived in Clark County?

6 PROSPECTIVE JUROR 035: Twenty-nine years.

7 THE COURT: And your educational background?

8 PROSPECTIVE JUROR 035: I have an associate degree.

9 THE COURT: And are you working?

10 PROSPECTIVE JUROR 035: Yes.

11 THE COURT: What do you do?

12 PROSPECTIVE JUROR 035: I work retail.

13 THE COURT: And how long have you done that?

14 PROSPECTIVE JUROR 035: Twenty-eight-and-a-half years.

15 THE COURT: And any other job titles?

16 PROSPECTIVE JUROR 035: Travel agent and restaurant
17 management.

18 THE COURT: Are you married?

19 PROSPECTIVE JUROR 035: I'm a widow.

20 THE COURT: And what did your husband do?

21 PROSPECTIVE JUROR 035: Repaired swimming pools.

22 THE COURT: And do you have any kids?

23 PROSPECTIVE JUROR 035: I have two step children.

24 THE COURT: And what do they do?

25 PROSPECTIVE JUROR 035: 39 and she works for Freeman. I don't

1 -- she does a lot of different things. And I have a stepson that's 28 that works
2 in Colorado.

3 THE COURT: Okay. And do you have a significant other currently?

4 PROSPECTIVE JUROR 035: No, I do not.

5 THE COURT: And are any of those -- either of those kids or anyone
6 close to you in law enforcement?

7 PROSPECTIVE JUROR 035: No.

8 THE COURT: All right. Thank you, very much. Renforth. Ms.
9 Renforth, can you tell me how long you've lived in Clark County?

10 PROSPECTIVE JUROR 035: Nineteen years.

11 THE COURT: Your educational background?

12 PROSPECTIVE JUROR 035: High school and some college.

13 THE COURT: Are you working?

14 PROSPECTIVE JUROR 035: Yes.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR 035: I'm a retail manager.

17 THE COURT: Okay. Can you give me a checklist of any other job
18 titles that you've held?

19 PROSPECTIVE JUROR 035: Waitress.

20 THE COURT: Okay. So, how long have you done retail
21 management?

22 PROSPECTIVE JUROR 035: Twenty-two years.

23 THE COURT: Okay. Are you married?

24 PROSPECTIVE JUROR 035: No.

25 THE COURT: Have you previously been married?

1 PROSPECTIVE JUROR 035: No.

2 THE COURT: Do you have a significant other currently?

3 PROSPECTIVE JUROR 035: No.

4 THE COURT: And do you have any kids?

5 PROSPECTIVE JUROR 035: No.

6 THE COURT: Okay. Thank you, very much.

7 PROSPECTIVE JUROR 035: Thank you.

8 THE COURT: There's another name I have trouble with.

9 PROSPECTIVE JUROR 048: Chiesi works.

10 THE COURT: Chiesi. Okay, can you tell me, Mr. Chiesi, how long

11 have you lived in Clark County?

12 PROSPECTIVE JUROR 048: Three years.

13 THE COURT: And before that, where did you live?

14 PROSPECTIVE JUROR 048: St. Paul, Minnesota for seven years.

15 THE COURT: Okay, your educational background?

16 PROSPECTIVE JUROR 048: Bachelor's degree in civil engineering.

17 THE COURT: And are you working?

18 PROSPECTIVE JUROR 048: No, I'm retired.

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

20 PROSPECTIVE JUROR 048: Oh, last one was a project engineer,

21 project manager, equipment division manager, field material control manager,

22 and then blackjack dealer.

23 THE COURT: Okay. Are you married?

24 PROSPECTIVE JUROR 048: Yes.

25 THE COURT: And does your spouse work?

1 PROSPECTIVE JUROR 048: No, she's retired.
2 THE COURT: What did she do before she retired?
3 PROSPECTIVE JUROR 048: She as an office manager for 3M.
4 THE COURT: Okay, any kids?
5 PROSPECTIVE JUROR 048: No.
6 THE COURT: And so, I didn't hear any -- do you have any close
7 personal friends, or family members in law enforcement?
8 PROSPECTIVE JUROR 048: I do not.
9 THE COURT: All right. Thank you, very much. Ms. Cortez, how
10 long have you lived in Clark County?
11 PROSPECTIVE JUROR 058: Fourteen years.
12 THE COURT: Educational background?
13 PROSPECTIVE JUROR 058: High school.
14 THE COURT: Are you working?
15 PROSPECTIVE JUROR 058: Yes.
16 THE COURT: What do you do?
17 PROSPECTIVE JUROR 058: I work as a scheduler for energy
18 inspectors. I actually just started two weeks ago.
19 THE COURT: Of course. So, everyone here has a new job, except
20 for me. So --
21 PROSPECTIVE JUROR 058: You need my history of work?
22 THE COURT: Yeah. I was going to ask you how much of a
23 hardship is it for you -- do they know you're here?
24 PROSPECTIVE JUROR 058: I told them as soon as I started, so they
25 know it's a possibility.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 058: I don't know. It's going to affect my
3 training, but they'll figure it out, I guess.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 058: I guess.

6 THE COURT: Good. Can you give me a checklist of all the job titles
7 that you've done?

8 PROSPECTIVE JUROR 058: Yes, retail -- cashier for retail,
9 pharmacy technician, call center, customer service, and lending, like online
10 lending. Underwriting loans and whatnot.

11 THE COURT: Okay. Are you married?

12 PROSPECTIVE JUROR 058: Yes.

13 THE COURT: And does your spouse work?

14 PROSPECTIVE JUROR 058: Yes, he's a plumber pipefitter union.

15 THE COURT: Okay. Any kids?

16 PROSPECTIVE JUROR 058: Yes, two. Eight and ten.

17 THE COURT: Okay, thank you, very much. Mr. Reyna, how long
18 have you lived in Clark County?

19 PROSPECTIVE JUROR 073: Twenty-three years.

20 THE COURT: Educational background?

21 PROSPECTIVE JUROR 073: High school.

22 THE COURT: Are you working?

23 PROSPECTIVE JUROR 073: Yes.

24 THE COURT: What do you do?

25 PROSPECTIVE JUROR 073: Ticket office supervisor.

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THE COURT: And how long have you done that?

PROSPECTIVE JUROR 073: Five years.

THE COURT: Any other job titles that you've held?

PROSPECTIVE JUROR 073: Bank teller, usher, cashier.

THE COURT: And are you married?

PROSPECTIVE JUROR 073: No.

THE COURT: Do you have a significant other?

PROSPECTIVE JUROR 073: Yes.

THE COURT: And your significant other's occupation?

PROSPECTIVE JUROR 073: Cage cashier.

THE COURT: And have you previously been married?

PROSPECTIVE JUROR 073: No.

THE COURT: Any kids?

PROSPECTIVE JUROR 073: No.

THE COURT: Okay. Thank you, very much. Ms. Hillstead.

PROSPECTIVE JUROR 083: Yes.

THE COURT: Can you tell me how long have you lived in Clark County?

PROSPECTIVE JUROR 083 : Thirty-seven years.

THE COURT: And your educational background?

PROSPECTIVE JUROR 083: High school.

THE COURT: And I'm sorry, I forgot to ask Mr. Reyna. Did I ask you about law enforcement? Anyone close to you in law enforcement?

PROSPECTIVE JUROR 073: No.

THE COURT: And Ms. -- yes, can you go back, Ms. Cortez?

1 PROSPECTIVE JUROR 058: No, no one in law enforcement.

2 THE COURT: Thank you, sorry. Okay, so Ms. Hillstead, I
3 interrupted you. I'm sorry. You told me how long you've lived in Clark
4 County. It was a very long time.

5 PROSPECTIVE JUROR 083: Yes, 37 years.

6 THE COURT: Educational background.

7 PROSPECTIVE JUROR 083: High school.

8 THE COURT: And are you working?

9 PROSPECTIVE JUROR 083: No.

10 THE COURT: Have you previously worked?

11 PROSPECTIVE JUROR 083: Yes.

12 THE COURT: What did you do in the past?

13 PROSPECTIVE JUROR 083: I've been a waitress, I worked at the
14 golf course, beverage cart, bartender, construction. I roped houses. And
15 worked in the warehouses.

16 THE COURT: Okay. Are you married?

17 PROSPECTIVE JUROR 083: No.

18 THE COURT: And have you previously been married?

19 PROSPECTIVE JUROR 083: Yes. Three times.

20 THE COURT: Okay, and what did your previous spouses do when
21 you were married?

22 PROSPECTIVE JUROR 083: One worked at Shetakis. It's a food
23 warehouse. And the other one is construction, and the other one didn't do
24 anything.

25 THE COURT: All right. And so, do you have any kids?

1 PROSPECTIVE JUROR 083: I do. I have four.

2 THE COURT: And how old are they and what --

3 PROSPECTIVE JUROR 083: Thirty-one, 23, 22, and 19.

4 THE COURT: And what do they do?

5 PROSPECTIVE JUROR 083: My oldest son, he does -- he sets up

6 web development for stores. My son Zach works in the marijuana industry,

7 trimming. Nikki's a -- she sells vacuum cleaners. And my youngest son is in

8 the Navy.

9 THE COURT: Okay. So, I didn't hear anybody -- kids that are in

10 law enforcement.

11 PROSPECTIVE JUROR 083: No.

12 THE COURT: All right. What about the rest of your family or

13 personal friends?

14 PROSPECTIVE JUROR 083: No.

15 THE COURT: All right. Thank you, very much. Mr. Blake, how

16 long have you lived in Clark County?

17 PROSPECTIVE JUROR 086: About 25 years.

18 THE COURT: Your educational background.

19 PROSPECTIVE JUROR 086: Graduated with a degree.

20 THE COURT: In?

21 PROSPECTIVE JUROR 086: It's called human computer interaction.

22 It's software design.

23 THE COURT: Okay. And are you working, currently?

24 PROSPECTIVE JUROR 086: I am.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR 086: Software design, web design.
2 THE COURT: Okay, and you've done that how long?
3 PROSPECTIVE JUROR 086: About eight years.
4 THE COURT: Okay, can you give me a checklist of any other job
5 titles that you've held?
6 PROSPECTIVE JUROR 086: Yeah, retail jobs, busboy, server.
7 THE COURT: Okay, are you married?
8 PROSPECTIVE JUROR 086: I am.
9 THE COURT: And your spouse's occupation, if your spouse works?
10 PROSPECTIVE JUROR 086: She's a stay at home.
11 THE COURT: Okay. How many kids do you have?
12 PROSPECTIVE JUROR 086: Two.
13 THE COURT: And how old are they?
14 PROSPECTIVE JUROR 086: One is 7, and the other is 2.
15 THE COURT: Okay, and do you have anyone close to you that's
16 law enforcement?
17 PROSPECTIVE JUROR 086: No.
18 THE COURT: Okay. Thank you, very much. Ms. Fernandez, can
19 you tell me how long you've lived in Clark County?
20 PROSPECTIVE JUROR 087: About 48 years.
21 THE COURT: And your educational background?
22 PROSPECTIVE JUROR 087: High school.
23 THE COURT: And are you working?
24 PROSPECTIVE JUROR 087: No.
25 THE COURT: Have you previously worked?

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PROSPECTIVE JUROR 087: Yes.

THE COURT: And what type of work have you done?

PROSPECTIVE JUROR 087: Restaurant management.

THE COURT: Okay, and are you married?

PROSPECTIVE JUROR 087: Separated.

THE COURT: And what did your spouse do when you weren't separated?

PROSPECTIVE JUROR 087: He's a roofer.

THE COURT: Okay. And do you have any kids?

PROSPECTIVE JUROR 087: Three.

THE COURT: How old are they?

PROSPECTIVE JUROR 087: Twenty-six, 28, and 30.

THE COURT: And what do they do?

PROSPECTIVE JUROR 087: Two are roofers and one's a food server.

THE COURT: Okay, and do you have a significant other currently?

PROSPECTIVE JUROR 087: No.

THE COURT: All right. Thank you, very much. Mr. Tassy.

PROSPECTIVE JUROR 093: Yes.

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

PROSPECTIVE JUROR 093: About 18 years.

THE COURT: Your educational background.

PROSPECTIVE JUROR 093: High school.

THE COURT: And are you working?

PROSPECTIVE JUROR 093: Yes.

1 THE COURT: What do you do?
2 PROSPECTIVE JUROR 093: Casino floor supervisor.
3 THE COURT: And how long have you done that?
4 PROSPECTIVE JUROR 093: Twenty years -- oh, the casino industry
5 20 years.
6 THE COURT: Okay, and can you give me a checklist within, you
7 know, that industry, and of any others, that -- since you've been working?
8 PROSPECTIVE JUROR 093: Before that, microchip factory, fast
9 food.
10 THE COURT: Okay. Are you married?
11 PROSPECTIVE JUROR 093: Yes.
12 THE COURT: Does your spouse work?
13 PROSPECTIVE JUROR 093: No.
14 THE COURT: And has your spouse previously worked?
15 PROSPECTIVE JUROR 093: Not in this country.
16 THE COURT: Okay. And what line of work, what other country?
17 PROSPECTIVE JUROR 093: Airport.
18 THE COURT: Okay. And do you have any kids?
19 PROSPECTIVE JUROR 093: No.
20 THE COURT: Okay. Thank you, very much. Torri Godwin. Ms.
21 Godwin, how long have you lived in Clark County?
22 PROSPECTIVE JUROR 099: Forty-three years.
23 THE COURT: And your educational background.
24 PROSPECTIVE JUROR 099: High school and some college.
25 THE COURT: Besides twirling -- you're the only twirler I've ever

1 had.

2 PROSPECTIVE JUROR 099: Oh.

3 THE COURT: Okay. So, are you working?

4 PROSPECTIVE JUROR 099: Recently retired.

5 THE COURT: Okay. What did you used to do?

6 PROSPECTIVE JUROR 099: I was a complex claims adjuster for

7 AAA Insurance.

8 THE COURT: Okay. And how long did you do that?

9 PROSPECTIVE JUROR 099: Just under 28 years.

10 THE COURT: Okay. Any other job titles that you've held?

11 PROSPECTIVE JUROR 099: Claims clerical supervisor and office

12 manager.

13 THE COURT: Okay. Are you married?

14 PROSPECTIVE JUROR 099: Divorced.

15 THE COURT: And what did your spouse do before you were

16 divorced?

17 PROSPECTIVE JUROR 099: IT.

18 THE COURT: And do you have a significant other currently?

19 PROSPECTIVE JUROR 099: Yes.

20 THE COURT: And what does your significant other do for a living?

21 PROSPECTIVE JUROR 099: He works for the Clark County School

22 District, as the head custodian.

23 THE COURT: Okay. And any kids?

24 PROSPECTIVE JUROR 099: Yes, two.

25 THE COURT: And what do -- what ages?

1 PROSPECTIVE JUROR 099: I have a 28 year old and a 24 year-old.

2 THE COURT: And what do they do?

3 PROSPECTIVE JUROR 099: My 28 year-old runs production for a
4 solar company here in town. And my 24 year-old is getting ready to go into
5 the Navy.

6 THE COURT: Okay. Thank you, very much. Melissa Webster.

7 PROSPECTIVE JUROR 121: Yes.

8 THE COURT: Can you tell me how long have you lived in Clark
9 County?

10 PROSPECTIVE JUROR 121: Three years.

11 THE COURT: And before that, where did you live?

12 PROSPECTIVE JUROR 121: North Carolina.

13 THE COURT: For how long?

14 PROSPECTIVE JUROR 121: Forty-seven years.

15 THE COURT: And your educational background?

16 PROSPECTIVE JUROR 121: Some college.

17 THE COURT: Are you working?

18 PROSPECTIVE JUROR 121: No.

19 THE COURT: Okay. Have you worked in the past?

20 PROSPECTIVE JUROR 121: Yes, I was a dental assistant a long
21 time ago, 25 years ago. And the rest of the time I was basically a stay at home
22 mom, housewife.

23 THE COURT: Okay, and are you married, currently?

24 PROSPECTIVE JUROR 121: Yes.

25 THE COURT: And your spouse's occupation, if your spouse is

1 working.

2 PROSPECTIVE JUROR 121: He's currently in unemployed, but he's
3 in sales, and he's going to pursue real estate.

4 THE COURT: All right. And any legal or law enforcement training
5 for either one of you?

6 PROSPECTIVE JUROR 121: No.

7 THE COURT: All right. And do you have any kids?

8 PROSPECTIVE JUROR 121: Yes, two.

9 THE COURT: How old?

10 PROSPECTIVE JUROR 121: A 26 year-old and a 31 year-old. Our
11 26 year-old is a daughter. She lives in North Carolina. She's a massage
12 therapist. And our son is 31, and he works for Service Now as a senior -- what
13 is he senior developer.

14 THE COURT: And I should have asked, Ms. Webster, and I'm sorry
15 I should have asked Ms. Godwin, and I'm going to ask you, Ms. Webster, are
16 you, or anyone close to you in law enforcement?

17 PROSPECTIVE JUROR 121: Not that lives here in Nevada.

18 THE COURT: Okay, where do they live?

19 PROSPECTIVE JUROR 121: North Carolina.

20 THE COURT: And who is it?

21 PROSPECTIVE JUROR 121: My brother in law.

22 THE COURT: And what does he do?

23 PROSPECTIVE JUROR 121: He is a sheriff for Orange County.

24 THE COURT: Orange County in North Carolina?

25 PROSPECTIVE JUROR 121: Yes.

1 THE COURT: Okay. And how long has he done that?

2 PROSPECTIVE JUROR 121: Thirty-five years.

3 THE COURT: And as a sheriff in Orange County, North Carolina,
4 do -- is that like a standard police department, or a highway patrol, or what
5 kind of sheriff's office is it?

6 PROSPECTIVE JUROR 121: That's a good question. I think it's just
7 standard, like local -- it's local --

8 THE COURT: Local police department?

9 PROSPECTIVE JUROR 121: Yeah, local. Yeah.

10 THE COURT: And what's his assignment there?

11 PROSPECTIVE JUROR 121: Canine unit.

12 THE COURT: All right. Thank you. What about you, Ms. Godwin?

13 PROSPECTIVE JUROR 099: I have an ex-brother-in-law that works
14 for the Henderson Police Department, an ex-brother-in-law that is retired from
15 the San Bernardino Police Department, and my significant other used to work
16 for Boulder City Police Department.

17 THE COURT: Okay. And how long ago was that?

18 PROSPECTIVE JUROR 099: Years ago.

19 THE COURT: Years ago. Okay. And as far as the Henderson Police
20 Department, when you say ex-brother-in-law, does that mean your ex-
21 husband's brother?

22 PROSPECTIVE JUROR 099: Yes.

23 THE COURT: And how long have you been divorced?

24 PROSPECTIVE JUROR 099: Since 2013.

25 THE COURT: Okay. Thank you, very much. Matthew Jones.

1 PROSPECTIVE JUROR 131: Yes.
2 THE COURT: How long have you lived in Clark County?
3 PROSPECTIVE JUROR 131: Nineteen years.
4 THE COURT: And your educational background?
5 PROSPECTIVE JUROR 131: High school.
6 THE COURT: Are you working?
7 PROSPECTIVE JUROR 131: No.
8 THE COURT: Do you go to school?
9 PROSPECTIVE JUROR 131: No.
10 THE COURT: Okay. What's the plan? I know I sound like your
11 mother, but --
12 PROSPECTIVE JUROR 131: I'm currently looking for a job.
13 THE COURT: Okay. That's a good plan. Jury service pays \$40 a
14 day.
15 PROSPECTIVE JUROR 131: My mom would be asking for that 40
16 bucks.
17 THE COURT: All right. And so, where would you like to work?
18 Let's put it that way. What are you interested in doing?
19 PROSPECTIVE JUROR 131: IT.
20 THE COURT: Okay. And are you married?
21 PROSPECTIVE JUROR 131: No.
22 THE COURT: Okay. Thank God. And do you have a significant
23 other currently?
24 PROSPECTIVE JUROR 131: No.
25 THE COURT: Do you have any kids?

1 PROSPECTIVE JUROR 131: No.

2 THE COURT: Okay. Good to wait.

3 PROSPECTIVE JUROR 131: I have a very boring life.

4 THE COURT: Okay. So, is there any question that I've asked
5 anybody so far, like law enforcement, for example, anyone in law enforcement
6 that's close to you?

7 PROSPECTIVE JUROR 131: No.

8 THE COURT: All right. What do your parents do?

9 PROSPECTIVE JUROR 131: My dad is the only one that works, and
10 he is a plumbing supply manager.

11 THE COURT: Okay. Did your mom work in the past?

12 PROSPECTIVE JUROR 131: Yes.

13 THE COURT: What did she used to do?

14 PROSPECTIVE JUROR 131: Her last job that I know of was a clerk
15 at a hotel.

16 THE COURT: Okay. And do you have any siblings that are older
17 than you?

18 PROSPECTIVE JUROR 131: Yes.

19 THE COURT: How old, and what do they do?

20 PROSPECTIVE JUROR 131: There's two. And my brother, he's a
21 U-Haul worker, and then my sister works at Starbuck's.

22 THE COURT: Okay, thank you, very much. Bethany Johnson.

23 PROSPECTIVE JUROR 151: Yes, ma'am.

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

25 PROSPECTIVE JUROR 151: Twenty-seven years.

1 THE COURT: And your educational background?
2 PROSPECTIVE JUROR 151: Some college.
3 THE COURT: And are you working?
4 PROSPECTIVE JUROR 151: Yes.
5 THE COURT: What do you do?
6 PROSPECTIVE JUROR 151: Claims associate at Wal-Mart.
7 THE COURT: Okay, and how long have you done that?
8 PROSPECTIVE JUROR 151: Three months, but been with the
9 company for six years.
10 THE COURT: Okay. Can you give me a checklist of any other job
11 titles that you've held?
12 PROSPECTIVE JUROR 151: Sales associate and support manager.
13 THE COURT: By the way, are you hiring?
14 PROSPECTIVE JUROR 151: Yes.
15 THE COURT: You can always do IT later. You've got to get a job.
16 Okay. So, you have done that for six year. Can you give me a checklist of any
17 other job titles?
18 PROSPECTIVE JUROR 151: Pretty much customer service my
19 entire.
20 THE COURT: All right. Are you married?
21 PROSPECTIVE JUROR 151: No.
22 THE COURT: Have you previously been married?
23 PROSPECTIVE JUROR 151: No.
24 THE COURT: Do you have a significant other currently?
25 PROSPECTIVE JUROR 151: No.

1 THE COURT: Do you have any kids?
2 PROSPECTIVE JUROR 151: No.
3 THE COURT: All right. Thank you, very much. Mr. Mejia, how
4 long have you lived in Clark County?
5 PROSPECTIVE JUROR 152: A year.
6 THE COURT: And before that, where did you live?
7 PROSPECTIVE JUROR 152: San Francisco.
8 THE COURT: And how long did you live there?
9 PROSPECTIVE JUROR 152: Eighteen years.
10 THE COURT: Your educational background?
11 PROSPECTIVE JUROR 152: High school.
12 THE COURT: And are you working?
13 PROSPECTIVE JUROR 152: No.
14 THE COURT: Okay. What brought you to Las Vegas, Nevada, if
15 you don't mind my asking?
16 PROSPECTIVE JUROR 152: It was getting too expensive living in
17 San Francisco, so I decided to move over here.
18 THE COURT: Okay. Are you looking for work?
19 PROSPECTIVE JUROR 152: Not right now.
20 THE COURT: Okay. So, what's the plan?
21 PROSPECTIVE JUROR 152: Going to college starting August 20th.
22 THE COURT: August 20th. And what are you going to study?
23 PROSPECTIVE JUROR 152: Criminal justice.
24 THE COURT: Okay. And are you going to UNLV, or where?
25 PROSPECTIVE JUROR 152: Right now, I'm going to Northwest

1 Career College.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR 152: Yeah, and then UNLV.

4 THE COURT: Okay. And so, you haven't started yet: is that what
5 you're saying?

6 PROSPECTIVE JUROR 152: No, I haven't.

7 THE COURT: You're going to start?

8 PROSPECTIVE JUROR 152: Yeah.

9 THE COURT: Okay. And are you married?

10 PROSPECTIVE JUROR 152: No.

11 THE COURT: And do you have a significant other currently?

12 PROSPECTIVE JUROR 152: No.

13 THE COURT: Any kids?

14 PROSPECTIVE JUROR 152: No.

15 THE COURT: Okay. Thank you, very much. Ms. Stewart.

16 PROSPECTIVE JUROR 158: Yes, ma'am.

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

18 PROSPECTIVE JUROR 158: Twelve years this time.

19 THE COURT: All right. And your educational background?

20 PROSPECTIVE JUROR 158: High school and some college.

21 THE COURT: Are you working?

22 PROSPECTIVE JUROR 158: Not at the present moment.

23 THE COURT: Okay. Is that because you're retired or are you --

24 PROSPECTIVE JUROR 158: Unemployed.

25 THE COURT: Okay. What do you do when you're working?

1 PROSPECTIVE JUROR 158: The last job was customer service,
2 and, prior to that, I was a legal secretary.

3 THE COURT: Okay. And where were you a legal secretary?

4 PROSPECTIVE JUROR 158: Brandevoort [phonetic], Ryder
5 [phonetic] and Castino [phonetic], and then at Gordon Silver.

6 THE COURT: All right. And to your knowledge, did any of those
7 firms do any criminal work?

8 PROSPECTIVE JUROR 158: Brandevoort did not. Gordon Silver
9 did, but I was not in that department.

10 THE COURT: Okay. So, if I had to -- if you had to give me a
11 percentage of your overall paralegal duties at Gordon & Silver, the entire time
12 you were there, attributed to any --

13 PROSPECTIVE JUROR 158: White collar.

14 THE COURT: Yeah, any criminal?

15 PROSPECTIVE JUROR 158: White collar, SEC.

16 THE COURT: That's it?

17 PROSPECTIVE JUROR 158: Yeah.

18 THE COURT: What percentage of your work? 2 percent, 10
19 percent, 20 percent?

20 PROSPECTIVE JUROR 158: Twenty percent. Prior to that in
21 Louisiana, my attorney did do criminal law.

22 THE COURT: Okay. And how long did you work for your attorney
23 there?

24 PROSPECTIVE JUROR 158: Three years for one, and three years
25 for another.

1 THE COURT: Okay. And so what kind of paralegal work did you
2 do? Work on motions, and that kind of thing?

3 PROSPECTIVE JUROR 158: Yes, ma'am.

4 THE COURT: Okay. Sorry. Small world.

5 PROSPECTIVE JUROR 158: Yes.

6 THE COURT: Are you married?

7 PROSPECTIVE JUROR 158: Yes, ma'am.

8 THE COURT: And does your spouse work?

9 PROSPECTIVE JUROR 158: Yes, ma'am.

10 THE COURT: What does he do?

11 PROSPECTIVE JUROR 158: He's in pest control now. In Louisiana,
12 he was a deputy sheriff.

13 THE COURT: Okay. And how long was he a deputy sheriff?

14 PROSPECTIVE JUROR 158: Five years.

15 THE COURT: Okay. And can you give me any other job titles that
16 he's held?

17 PROSPECTIVE JUROR 158: Truck driver, deputy sheriff, pest
18 control.

19 THE COURT: Okay. Any kids?

20 PROSPECTIVE JUROR 158: Yes, ma'am, two.

21 THE COURT: And how old are they?

22 PROSPECTIVE JUROR 158: Twenty-six and 24. My son is a
23 teacher in Clark County and my daughter works for Boyd Denny.

24 THE COURT: Okay. So, if you were selected to serve as a juror in
25 this case, you have two kind of important orders that you would have to

1 follow.

2 PROSPECTIVE JUROR 158: Yes, ma'am.

3 THE COURT: And that you would promise to follow.

4 PROSPECTIVE JUROR 158: Yes, ma'am.

5 THE COURT: That we would hold you to. And that would be that
6 you couldn't talk about the case with your spouse or anyone else.

7 PROSPECTIVE JUROR 158: That's no problem.

8 THE COURT: And that you would have to follow the Court's
9 instructions on the law, even if those instructions differ from your personal
10 beliefs of what the law ought to be.

11 PROSPECTIVE JUROR 158: Yes, ma'am.

12 THE COURT: Would that be a problem for you?

13 PROSPECTIVE JUROR 158: No, ma'am.

14 THE COURT: What familiarity, if any, do you have with Nevada
15 criminal law?

16 PROSPECTIVE JUROR 158: I have very little familiarity with
17 Nevada criminal law.

18 THE COURT: All right. Thank you, very much.

19 PROSPECTIVE JUROR 158: Uh-huh.

20 THE COURT: All right. I'm going to shift gears now, and ask
21 questions of the group, the 32. Okay. So, if I ask you this question and you
22 need to answer, you'll raise your hand, and I'll go from the front row to the
23 back row. And do me a favor. Just give me the last three digits on your
24 badge, because I'm getting to know you, but I need it in the recording. Okay.

25 So, first of all, under our system of criminal procedures, certain

1 principles of law apply in every criminal trial. They are that an information or
2 indictment filed in a case is a mere accusation and is not evidence of guilt. It's
3 just a piece of paper with a charge on it, or charges. That the Defendant is
4 presumed innocent and that the State must prove the Defendant is guilty
5 beyond a reasonable doubt.

6 Does anyone not believe in these very basic precepts of American
7 justice? Just the 32 here. This group and that short row in front. Anybody?
8 The record should reflect nobody indicated in the affirmative.

9 Does anyone know anything about this case, other than what's
10 been stated in the courtroom today? Or think you do. Okay. Ms. Cortez
11 what's your number again?

12 PROSPECTIVE JUROR 058: 058.

13 THE COURT: 058.

14 PROSPECTIVE JUROR 058: I know I saw it on TV. That's -- that's
15 all that I know. I mean when I walked in, I know I saw the Defendant on the
16 news.

17 THE COURT: And how long ago do you believe that to have been?

18 PROSPECTIVE JUROR 058: I believe it was a year or so ago.

19 THE COURT: Okay. Anybody else believe you may be familiar
20 with this case through any kind of media or television report? I'm not saying
21 there was or wasn't one, but if you think there was, then you need to tell me
22 about it.

23 PROSPECTIVE JUROR 025: 025.

24 THE COURT: 025. Ms. Morgan.

25 PROSPECTIVE JUROR 025: Yeah, I just remember reading it from

1 the paper, that's all.

2 THE COURT: Okay. Anybody else? All right. Nobody else
3 indicates in the affirmative. Have any of you ever served as a juror before?
4 And what I'm getting at is not you know, called to jury duty, sit in a room and
5 get excused, but actually been seated on a jury, been sworn, and gone to trial.
6 Anybody been seated on a jury before?

7 Okay, Starting with Mr. Barnes. How long ago -- well, first of all,
8 how many times were you a juror?

9 PROSPECTIVE JUROR 912: Just one. Just once, Your Honor --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 912: -- as a federal grand juror.

12 THE COURT: Okay. Federal grand juror?

13 PROSPECTIVE JUROR 912: Correct.

14 THE COURT: Okay. By the way, when I ask questions about prior
15 jury service, I am never, and no attorney is ever asking you what the verdict
16 was. I'll ask did the jury deliberate and reach a verdict, yes or no, but I will not
17 ask you what the verdict was, and I don't want you to say. Although yours is a
18 little different. You understand that the burden of proof for an indictment is
19 slight or marginal evidence, or probable cause?

20 PROSPECTIVE JUROR 912: I do, Your Honor.

21 THE COURT: And that burden of proof in this trial will be beyond a
22 reasonable doubt, a completely different burden of proof in the eyes of the
23 law?

24 PROSPECTIVE JUROR 912: I do, Your Honor.

25 THE COURT: Okay. So, if you were selected to serve as a juror in

1 this case, you would have to disregard the instruction you were given by the
2 federal judge about what the standard is for an indictment and follow this
3 Court's instruction on the beyond a reasonable doubt standard. Could you do
4 that?

5 PROSPECTIVE JUROR 912: I could.

6 THE COURT: Also, state law and federal law are not the same. If
7 you have any recollection of any criminal laws, you have to disregard those
8 and follow the Court's instructions on the law, as they apply in this particular
9 case. That's my job is to give the instructions that apply. And your job as a
10 juror is to follow those instructions. Would that be a problem for you?

11 PROSPECTIVE JUROR 912: No, Your Honor.

12 THE COURT: Okay. And how long ago was your federal grand jury
13 service?

14 PROSPECTIVE JUROR 912: About two years ago it ended.

15 THE COURT: And how long did it last?

16 PROSPECTIVE JUROR 912: I was on the jury for a year and a half,
17 but it was a three year empanelment.

18 THE COURT: Oh, what happened?

19 PROSPECTIVE JUROR 912: That's just how grand jury service
20 works. You get -- any federal indictment that is filed has to go in front of a
21 grand jury before it can go to trial.

22 THE COURT: No, what I mean is if you had a three year term, and
23 you were out in a year-and-a-half --

24 PROSPECTIVE JUROR 912: Oh, well, I was an alternate, so I started
25 after the initial empanelment.

1 THE COURT: Oh, I see. Okay. I get it. I meant why did you leave.
2 And you started late?

3 PROSPECTIVE JUROR 912: Correct.

4 THE COURT: Okay. And how often did the grand jury meet?

5 PROSPECTIVE JUROR 912: Once a week.

6 THE COURT: Okay. And was it all day?

7 PROSPECTIVE JUROR 912: It usually was all day.

8 THE COURT: Okay. For a year-and-a-half?

9 PROSPECTIVE JUROR 912: For a year-and-a-half, once a week.

10 THE COURT: All day, once a week?

11 PROSPECTIVE JUROR 912: Correct.

12 THE COURT: Thank you for that. Okay. Anybody else have been a
13 jury before? Okay. I'm going to go down here. Can you give me the last three
14 digits on your badge again?

15 PROSPECTIVE JUROR 952: 952.

16 THE COURT: Ms. Cardoza.

17 PROSPECTIVE JUROR 952: Yes.

18 THE COURT: How many times have you served as a juror?

19 PROSPECTIVE JUROR 952: One, about three years ago.

20 THE COURT: Was it here in Clark County?

21 PROSPECTIVE JUROR 952: Uh-huh.

22 THE COURT: Was that a yes?

23 PROSPECTIVE JUROR 952: Yes.

24 THE COURT: Was it state court or federal court?

25 PROSPECTIVE JUROR 952: I think it was state.

1 THE COURT: Was it in this building?
2 PROSPECTIVE JUROR 952: Yes.
3 THE COURT: Okay. And was it criminal or civil?
4 PROSPECTIVE JUROR 952: It was a malpractice case.
5 THE COURT: Okay. So, it was civil.
6 PROSPECTIVE JUROR 952: Okay.
7 THE COURT: Did the jury deliberate and reach a verdict, yes or no?
8 PROSPECTIVE JUROR 952: Yes.
9 THE COURT: And were you the foreperson of that jury?
10 PROSPECTIVE JUROR 952: No.
11 THE COURT: Is there anything about that jury experience that you
12 think would limit your ability to be fair and impartial in this unrelated criminal
13 matter?
14 PROSPECTIVE JUROR 952: No.
15 THE COURT: Do you understand that the burden of proof in a civil
16 case is not the same as it is in a criminal case?
17 PROSPECTIVE JUROR 952: Yes.
18 THE COURT: The burden of proof in a civil case is more probable
19 than not. And in a criminal case it's beyond a reasonable doubt. So, if you
20 were selected to serve as a juror in this case, you'd have to disregard your
21 instructions from that other case and follow the Court's instructions on the
22 law, and particularly the burden of proof: do you understand that?
23 PROSPECTIVE JUROR 952: Yes.
24 THE COURT: Could you do that?
25 PROSPECTIVE JUROR 952: Yes.

1 THE COURT: Okay. Thank you, very much. Who else had their
2 hand up in the -- okay. I'm going -- I'll get to you.

3 UNIDENTIFIED FEMALE PROSPECTIVE JUROR: Okay.

4 THE COURT: Can I have the last three digits on your badge again?

5 PROSPECTIVE JUROR 035: 035.

6 THE COURT: Okay. Ms. Gevers.

7 PROSPECTIVE JUROR 035: Uh-huh.

8 THE COURT: How many times have you served as a juror?

9 PROSPECTIVE JUROR 035: Once.

10 THE COURT: And was it here in Clark County or somewhere else?

11 PROSPECTIVE JUROR 035: Clark County in about 1992.

12 THE COURT: And was it criminal or civil?

13 PROSPECTIVE JUROR 035: Criminal.

14 THE COURT: And did the jury deliberate and reach a verdict, yes
15 or not?

16 PROSPECTIVE JUROR 035: Yes.

17 THE COURT: And were you the foreperson of that jury?

18 PROSPECTIVE JUROR 035: No.

19 THE COURT: What kind of case was it?

20 PROSPECTIVE JUROR 035: A stolen car battery.

21 THE COURT: Okay. And is there anything about that case that
22 would limit your ability to be fair and impartial in this unrelated matter?

23 PROSPECTIVE JUROR 035: No.

24 THE COURT: Do you recall any law from 1992?

25 PROSPECTIVE JUROR 035: No.

1 THE COURT: Okay. Perfect. Thank you. Who else had their hand
2 up? Okay. Can you read in the last three digits on your badge, please?+

3 PROSPECTIVE JUROR 043: 043.

4 THE COURT: Ms. Renforth, how many times have you been a juror
5 before?

6 PROSPECTIVE JUROR 043: I've been selected as a juror one time.

7 THE COURT: Okay. And was that in Clark County?

8 PROSPECTIVE JUROR 043: Yes.

9 THE COURT: And was it in the state system or the federal system?

10 PROSPECTIVE JUROR 043: The state.

11 THE COURT: So, in this building?

12 PROSPECTIVE JUROR 043: Yes.

13 THE COURT: How long ago?

14 PROSPECTIVE JUROR 043: A little over three years.

15 THE COURT: And was it civil or criminal?

16 PROSPECTIVE JUROR 043: Criminal.

17 THE COURT: And without telling me what the verdict was, did the
18 jury deliberate and reach a verdict?

19 PROSPECTIVE JUROR 043: Yes.

20 THE COURT: Were you the foreperson of that jury?

21 PROSPECTIVE JUROR 043: No.

22 THE COURT: And what kind of case was it?

23 PROSPECTIVE JUROR 043: Attempted murder.

24 THE COURT: Okay. And three years ago, wasn't so long, do you
25 have an independent recollection of the law in that case?

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PROSPECTIVE JUROR 043: Not really.

THE COURT: Okay.

PROSPECTIVE JUROR 043: I mean --

THE COURT: If you were selected to serve as a juror in this case, you would have to completely disregard the instructions and the law as given to you in that case and follow the Court's instructions on the law, as they apply in this completely unrelated matter. Would you be able to do that?

PROSPECTIVE JUROR 043: Yes.

THE COURT: Is there anything about that experience, that you think would limit your ability to be fair and impartial here?

PROSPECTIVE JUROR 043: No.

THE COURT: All right. Thank you, very much. Who else had their hand up, prior jury service? Going over there. Ms. Godwin.

PROSPECTIVE JUROR 099: 099.

THE COURT: 099. How many times have you been a juror?

PROSPECTIVE JUROR 099: Once.

THE COURT: How long ago?

PROSPECTIVE JUROR 099: About 14, 15 years ago.

THE COURT: Here in Clark County?

PROSPECTIVE JUROR 099: Yes.

THE COURT: And was it a civil case or a criminal case?

PROSPECTIVE JUROR 099: I believe it was criminal.

THE COURT: Without telling me what the verdict was, did the jury deliberate and reach a verdict, yes or no?

PROSPECTIVE JUROR 099: Yes.

1 THE COURT: And were the foreperson of that jury?

2 PROSPECTIVE JUROR 099: No.

3 THE COURT: And what kind of case was it?

4 PROSPECTIVE JUROR 099: Statutory rape.

5 THE COURT: Okay. And do you have any recollection from 15
6 years ago, on the law in that case?

7 PROSPECTIVE JUROR 099: I do not.

8 THE COURT: If you were selected to serve as a juror in this case,
9 you would have to follow the Court's instructions on the law, as they apply
10 here. Would you be able to do that?

11 PROSPECTIVE JUROR 099: Yes.

12 THE COURT: And you understand it's a completely unrelated
13 matter?

14 PROSPECTIVE JUROR 099: Yes.

15 THE COURT: Anything about that, that would impact you here?

16 PROSPECTIVE JUROR 099: Not at all.

17 THE COURT: Fifteen years later?

18 PROSPECTIVE JUROR 099: No.

19 THE COURT: Okay. Thank you very much. Who else had their
20 hand up? Anybody? All right. Nobody else indicated in the affirmative. If you
21 were selected to serve as jurors in this case, it would be very important for you
22 to keep an open mind, and not decide any issue in the case, until you've heard
23 the whole case, and then you know what the law is, and you're in deliberating
24 with your other jurors.

25 So, the point of that is, you don't decide the case after one witness,

1 or two witnesses, or when the State rests, or when you haven't heard what the
2 law is, but that you wait in forming an opinion on the final result, until all of
3 the evidence has been heard, you know what the law is, and then you're in the
4 deliberation room. Even if that's hard to do, because it can be hard to do, are
5 there any of you that cannot do that? That cannot reserve judgment and wait
6 until you know everything before you decide this very important case?

7 Anybody? Nobody indicates that they would be unable to do that.

8 All right. Have you, or anyone very close to you, such as a close
9 family member, or close friend, starting in the back row -- I'm starting in the
10 back row, and I'll work my way forward, and then I'll go to that side -- ever
11 been the victim of a crime? Starting in the back row, raise your hand if you've
12 been a victim of a crime. You or anyone close to you. Second row. Okay, sir,
13 could you --

14 PROSPECTIVE JUROR 942: My ex-wife was in a car accident, hit by
15 a drunk driver.

16 THE COURT: Okay, hold on. It's 942, yes?

17 PROSPECTIVE JUROR 942: Yeah, 942.

18 THE COURT: Okay. Mr. Pierce. How long ago was that?

19 PROSPECTIVE JUROR 942: 2006.

20 THE COURT: And were you married?

21 PROSPECTIVE JUROR 942: Yeah, I was married at the time.

22 THE COURT: Okay. And did you say it was a DUI, or?

23 PROSPECTIVE JUROR 942: Yeah, it went to court, and he went --
24 he served four years.

25 THE COURT: Okay. Is there anything about that unrelated

1 experience, that you think would limit your ability to be fair and impartial in
2 this case?

3 PROSPECTIVE JUROR 942: No.

4 THE COURT: Do you understand why I ask?

5 PROSPECTIVE JUROR 942: Yes.

6 THE COURT: Because it's very, very important to the Defendant in
7 this case that he have a trial based on the evidence in this case, and not
8 something that's happened to somebody else, that has nothing to do with him.

9 PROSPECTIVE JUROR 942: Yeah, I understand.

10 THE COURT: Do you understand how important that is?

11 PROSPECTIVE JUROR 942: Yes. Yes.

12 THE COURT: Can you assure that that matter could be set aside?

13 PROSPECTIVE JUROR 942: Yes.

14 THE COURT: Okay. Thank you very much. Who else in the second
15 row? Third row? Okay. So, let me just -- so Ms. Renforth.

16 PROSPECTIVE JUROR 043 : Yes.

17 THE COURT: We'll pass it up to you. Hold on. Thank you. Who
18 was a -- who was a victim of a crime?

19 PROSPECTIVE JUROR 043: I was.

20 THE COURT: And when was that?

21 PROSPECTIVE JUROR 043: 2013.

22 THE COURT: And what was the crime?

23 PROSPECTIVE JUROR 043: Armed robbery.

24 THE COURT: And what -- can you tell me the circumstances of
25 that?

1 PROSPECTIVE JUROR 043: I was at work and two suspects came
2 in and came into the office where I was with another person, and had a gun,
3 and we got the safe open and gave them the money.

4 THE COURT: Okay. And I assume the police were involved.

5 PROSPECTIVE JUROR 043: Yes.

6 THE COURT: And was there anyone ever arrested for the offense?

7 PROSPECTIVE JUROR 043: No.

8 THE COURT: And which police department was it?

9 PROSPECTIVE JUROR 043: Metro.

10 THE COURT: Okay. Is there anything about that experience, being
11 a victim of a crime, that you think would limit your ability to be fair and
12 impartial in this case?

13 PROSPECTIVE JUROR 043: No.

14 THE COURT: To either side?

15 PROSPECTIVE JUROR 043: No.

16 THE COURT: Do you understand why I ask? You're looking at me
17 quizzically, but --

18 PROSPECTIVE JUROR 043: No. Yeah, I understand.

19 THE COURT: If you had -- let's say you had a grudge against
20 Metro, because you didn't think they gave the investigation fair attention, you
21 know, you would be required to tell me that or, conversely, if you just decide
22 that for whatever reason people that are facing a trial, you know, must have
23 done something, and you struggle with the burden of proof, you need to tell
24 me that. Do you understand what I'm getting at?

25 PROSPECTIVE JUROR 043: Yes.

1 THE COURT: Okay. So, is there anything about those experiences
2 that you had that cause you concern either way for either side that you can't
3 be fair and impartial?

4 PROSPECTIVE JUROR 043: No.

5 THE COURT: And you understand that as the Defendant sits there
6 now, he's presumed innocent?

7 PROSPECTIVE JUROR 043: Yes.

8 THE COURT: And now would be a good time to ask. As far as law
9 enforcement goes, we may or may not have law enforcement. You've heard a
10 list of witnesses. I don't know who exactly will be called to testify, but if a law
11 enforcement officer comes here, takes the witness stand, takes the oath, and
12 testifies, would you automatically, without hearing what they say, have a
13 tendency to give more or less credence to their testimony, simply because
14 they're a police officer? Meaning, you know, you would either automatically
15 believe it or disbelieve it, or would you be able to consider that testimony in
16 conjunction with all the evidence in the case to determine what weight, if any,
17 to give to it?

18 PROSPECTIVE JUROR 043: I'd be able to consider.

19 THE COURT: Consider it fairly?

20 PROSPECTIVE JUROR 043: Yes.

21 THE COURT: And you understand why I'm asking?

22 PROSPECTIVE JUROR 043: Yes.

23 THE COURT: Okay. Anybody else ever been a victim of a crime in
24 the front row? Yes, sir.

25 PROSPECTIVE JUROR 048: 048.

1 THE COURT: I'm sorry, say your number again.

2 PROSPECTIVE JUROR 048: 048.

3 THE COURT: Mr. Chiesi.

4 PROSPECTIVE JUROR 048: Yes.

5 THE COURT: Yes.

6 PROSPECTIVE JUROR 048: I wasn't a victim, but I had a cousin
7 that was murdered.

8 THE COURT: Okay. How long ago was that?

9 PROSPECTIVE JUROR 048: It was 1992.

10 THE COURT: And was that here in Clark County, or somewhere
11 else?

12 PROSPECTIVE JUROR 048: Somewhere else.

13 THE COURT: And where was that?

14 PROSPECTIVE JUROR 048: Indiana.

15 THE COURT: And do you know a lot about the case?

16 PROSPECTIVE JUROR 048: Yeah, I went to the trial every day.

17 THE COURT: Okay. And what were the circumstances?

18 PROSPECTIVE JUROR 048: He was having issues with his wife,
19 and she hired someone to have him killed.

20 THE COURT: Okay. And what happened with the trial?

21 PROSPECTIVE JUROR 048: The suspect was found guilty, and then
22 his wife went on trial, and she was found guilty, also.

23 THE COURT: Okay. So, I mean you understand that there's an
24 allegation here. And that's what it remains, an allegation. And the whole
25 purpose of the trial is to determine whether the State will prove and meet the

1 burden of proof beyond a reasonable doubt. So, as the Defendant sits there
2 now, he's --

3 PROSPECTIVE JUROR 048: Right. Presumed innocent.

4 THE COURT: -- presumed innocent. Is there anything about your
5 experiences in that situation, which I'm sure was very stressful and horrible at
6 the time, that you think would limit your ability to be fair and impartial here,
7 since it's a similar charge, if not a similar circumstance?

8 PROSPECTIVE JUROR 048: I don't think so.

9 THE COURT: Do you understand why I ask? Because it's really
10 important for anyone in the Defendant's position to have the case judged on
11 the evidence and not something that happened to somebody else?

12 PROSPECTIVE JUROR 048: Yes, I do understand.

13 THE COURT: Okay. And so, would you tell me if you couldn't do
14 it?

15 PROSPECTIVE JUROR 048: Yes.

16 THE COURT: Okay, but you think you can?

17 PROSPECTIVE JUROR 048: I think I can.

18 THE COURT: Okay. Thank you. Who else had their hand up?
19 Victim of a crime? Anyone over there in that first row?

20 UNIDENTIFIED PROSPECTIVE JUROR: We had one --

21 THE COURT: Ms. Stewart. Oh, I'm sorry, did you have your hand
22 up?

23 PROSPECTIVE JUROR 025: Yeah.

24 THE COURT: I'm sorry.

25 PROSPECTIVE JUROR 025: Sorry.

1 THE COURT: Last three -- last three digits on your badge again?
2 PROSPECTIVE JUROR 025: 025.
3 THE COURT: Ms. Morgan?
4 PROSPECTIVE JUROR 025: Yes.
5 THE COURT: Okay. who was the victim?
6 PROSPECTIVE JUROR 025: Well, my house was broken into.
7 THE COURT: How long ago was that?
8 PROSPECTIVE JUROR 025: About 20 years ago.
9 THE COURT: And did you report it?
10 PROSPECTIVE JUROR 025: Yes.
11 THE COURT: And did anyone ever get caught?
12 PROSPECTIVE JUROR 025: No.
13 THE COURT: Is there anything about that experience, that you
14 think would limit your ability to be fair and impartial in this case?
15 PROSPECTIVE JUROR 025: No.
16 THE COURT: Okay. And you've heard me explain why I'm asking,
17 right?
18 PROSPECTIVE JUROR 025: Yes.
19 THE COURT: And so, you understand that's really important to tell
20 me?
21 PROSPECTIVE JUROR 025: Absolutely.
22 THE COURT: Okay. But no problem?
23 PROSPECTIVE JUROR 025: No.
24 THE COURT: All right. Thank you, very much. Ms. Stewart.
25 PROSPECTIVE JUROR 158: Yes.

1 THE COURT: Who was the victim and when?

2 PROSPECTIVE JUROR 158: My brother was kidnapped in '84.

3 THE COURT: Okay, and --

4 PROSPECTIVE JUROR 158: Louisiana and --

5 THE COURT: -- what happened?

6 PROSPECTIVE JUROR 158: The person was caught, convicted, life
7 sentence because he was armed.

8 THE COURT: Okay. And how old were you at the time?

9 PROSPECTIVE JUROR 158: Twenty-three, 24, something like that.

10 THE COURT: And did he know the person, or what was the
11 circumstances?

12 PROSPECTIVE JUROR 158: He was working at a convenience store
13 while he was in school. He came out and was held at gunpoint. Turned out
14 that we all knew the person, but the person was not actually after my brother,
15 he was actually after the owner's son of the store. And my brother worked the
16 wrong shift.

17 THE COURT: I see.

18 PROSPECTIVE JUROR 158: So --

19 THE COURT: So, he's lucky he didn't get hurt or killed.

20 PROSPECTIVE JUROR 158: He escaped, and they caught the
21 gunman.

22 THE COURT: All right. So, obviously, you've heard the questions -
23 - the types of questions I've been asking other people, if you have close family
24 members that have been victims of a crime. Is there anything about that case,
25 that you think would limit your ability to be fair and impartial to the Defendant

1 in this case?

2 PROSPECTIVE JUROR 158: No.

3 THE COURT: Or to the state of Nevada?

4 PROSPECTIVE JUROR 158: No.

5 THE COURT: And you understand why I ask, and why it's
6 important?

7 PROSPECTIVE JUROR 158: Yes, ma'am.

8 THE COURT: And you would tell me?

9 PROSPECTIVE JUROR 158: Yes, ma'am.

10 THE COURT: Okay. Thank you very much.

11 PROSPECTIVE JUROR 158: Uh-huh.

12 THE COURT: Anybody else? Okay. Shifting gears. Remember at
13 the beginning, I said I would never ask you personal questions, unless I had to.
14 And that's one of these times. Have you, or anyone close to you, ever been
15 arrested for, accused of, charged with, or cited for a crime more serious than a
16 traffic violation? Can I just start in the back row? I'm going by row. It makes it
17 easier.

18 UNIDENTIFIED PROSPECTIVE JUROR: Can you repeat that, please.

19 THE COURT: Have you, or anyone close to you, ever been arrested
20 for, even if you weren't charged, charged, even if you weren't arrested,
21 accused of, or cited for, meaning a ticket, like petty larceny, or DUI, or battery,
22 things like that, more serious than a traffic violation. You know, speeding
23 ticket is not what I'm looking at here. So, anyone in the back row?

24 PROSPECTIVE JUROR 940: My father.

25 THE COURT: Hold on one second.

1 PROSPECTIVE JUROR 940: Oh.

2 THE COURT: I'll let you - we'll have you go first. Give me the last
3 three digits on your badge.

4 PROSPECTIVE JUROR 940: 940.

5 THE COURT: Ms. Kime.

6 PROSPECTIVE JUROR 940: Yes.

7 THE COURT: Your father was arrested for -- can you tell me the
8 circumstances?

9 PROSPECTIVE JUROR 940: Molestation.

10 THE COURT: Okay. And how long ago was that?

11 PROSPECTIVE JUROR 940: He just came out of jail September of
12 last year, in Gary, Indiana.

13 THE COURT: Okay. So that all happened in Indiana?

14 PROSPECTIVE JUROR 940: Yes. Well, not in Gary, but, yes, in
15 Indiana.

16 THE COURT: Okay, and are you familiar with the circumstances of
17 the allegations?

18 PROSPECTIVE JUROR 940: Of?

19 THE COURT: Well, what he was accused of doing and to whom?

20 PROSPECTIVE JUROR 940: Yes.

21 THE COURT: Okay. And were you familiar with that from family
22 members, from him, how did you become aware?

23 PROSPECTIVE JUROR 940: From him.

24 THE COURT: Okay. And based upon what you spoke to him, and
25 what you know independently, if anything, do you feel like he was treated

1 fairly or unfairly, by the justice system in Indiana?

2 PROSPECTIVE JUROR 940: Your Honor, I can't answer that.

3 THE COURT: You don't know what to believe?

4 PROSPECTIVE JUROR 940: I wasn't there. I lived here. I wasn't
5 close to my dad. He was married to somebody else. He came and told me
6 what the charges were. I never went to the courthouse. I can't -- I can't
7 answer that.

8 THE COURT: That's okay. Well, you did.

9 PROSPECTIVE JUROR 940: Yeah.

10 THE COURT: So, is there anything about that experience that your
11 dad had, that you think would limit your ability to be fair and impartial in this
12 completely unrelated case?

13 PROSPECTIVE JUROR 940: Absolutely not.

14 THE COURT: Okay. Thank you very much. Mr. Barnes, could you
15 pass that down? Who was arrested, or cited, or charged?

16 PROSPECTIVE JUROR 912: My parents had issues with domestic
17 violence.

18 THE COURT: Okay. And how long ago was that?

19 PROSPECTIVE JUROR 912: When I was very young.

20 THE COURT: Okay. Was that here in Clark County or somewhere
21 else?

22 PROSPECTIVE JUROR 912: It was here in Clark County.

23 THE COURT: And misdemeanor or something more serious?

24 PROSPECTIVE JUROR 912: I'm unaware of what the resulting
25 charges were.

1 THE COURT: Okay. Is there anything about those experiences that
2 your parents had that you think would limit your ability to be fair and impartial
3 in this case?

4 PROSPECTIVE JUROR 912: No, Your Honor.

5 THE COURT: How old were you at the time?

6 PROSPECTIVE JUROR 912: Probably around eight or nine.

7 THE COURT: Okay. And they don't -- did they discuss it with you
8 at length or?

9 PROSPECTIVE JUROR 912: No.

10 THE COURT: Okay. Thank you very much. Who else in the first
11 row? The second row? All right. Third row. If you could pass it forward. Can
12 you give me the last three -- I need your --

13 PROSPECTIVE JUROR 000: 285.

14 THE COURT: 285. Sorry, one second. Okay, who was it that was --
15 what's your other three numbers? Do you have three other numbers?

16 PROSPECTIVE JUROR 000: Three zero's. 000.

17 THE COURT: Yeah. Okay. You're number 000, believe it or not.

18 PROSPECTIVE JUROR 000: Okay.

19 THE COURT: Okay. So, I'm sorry, who was arrested?

20 PROSPECTIVE JUROR 000: Three of my friends.

21 THE COURT: Okay. And like close friends?

22 PROSPECTIVE JUROR 000: Yeah.

23 THE COURT: And what were they arrested for?

24 PROSPECTIVE JUROR 000: Home invasion and armed robbery.

25 THE COURT: And how long ago was that?

1 PROSPECTIVE JUROR 000: Either three or four years ago.

2 THE COURT: And then what happened with their cases, if you
3 know?

4 PROSPECTIVE JUROR 000: They were all found guilty.

5 THE COURT: Well, did they have -- how did that happen?

6 PROSPECTIVE JUROR 000: The one friend told.

7 THE COURT: Okay. No, what I mean is -- what I meant was did
8 they have a trial --

9 PROSPECTIVE JUROR 000: Yeah, it went on for a while.

10 THE COURT: Okay. And did they -- and so, you know about their
11 circumstances because they spoke to you about it?

12 PROSPECTIVE JUROR 000: Yeah.

13 THE COURT: Okay. And did your friends, all three of them, have a
14 feeling that they were treated fairly or unfairly by the justice system? I can
15 imagine, but I'm going to go ahead and let you fill in the blank.

16 PROSPECTIVE JUROR 000: I guess it would be fairly.

17 THE COURT: Really?

18 PROSPECTIVE JUROR 000: Yeah.

19 THE COURT: All right. Well, and so what happened with them?

20 PROSPECTIVE JUROR 000: They're all released now, but they
21 were in prison for at least three years.

22 THE COURT: Okay. Like all three of them?

23 PROSPECTIVE JUROR 000: Yeah.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 000: Well, the one like he got a smaller

1 sentence, because he was only 16 at the time.

2 THE COURT: Okay. And so, based upon your conversations with
3 your friends, do you feel that they were treated fairly or unfairly by the justice
4 system? You, not them.

5 PROSPECTIVE JUROR 000: Yeah, fairly.

6 THE COURT: And why is that, if you don't mind me asking?

7 PROSPECTIVE JUROR 000: I just -- if you're going to do the crime -
8 - I don't know, because they all admitted to doing it.

9 THE COURT: Okay. So, if you thought they did it --

10 PROSPECTIVE JUROR 000: Yeah.

11 THE COURT: -- then they pay the price.

12 PROSPECTIVE JUROR 000: Yeah.

13 THE COURT: Is that what you're saying?

14 PROSPECTIVE JUROR 000: Yeah.

15 THE COURT: Okay. And so, is there anything about that case that
16 would limit your ability to be fair and impartial to these people in this trial?

17 PROSPECTIVE JUROR 000: No.

18 THE COURT: And you understand why that's really important?

19 PROSPECTIVE JUROR 000: Yes.

20 THE COURT: Okay. Thank you very much. Who else? Okay.
21 Last three digits on your badge, please?

22 PROSPECTIVE JUROR 093: 093.

23 THE COURT: Okay. Mr. Tassy, who was arrested?

24 PROSPECTIVE JUROR 093: Myself.

25 THE COURT: And how long ago was it?

1 PROSPECTIVE JUROR 093: 2003.
2 THE COURT: And was it here in Clark County or somewhere else?
3 PROSPECTIVE JUROR 093: Clark County.
4 THE COURT: And what was it for?
5 PROSPECTIVE JUROR 093: A domestic violence.
6 THE COURT: And what happened with that?
7 PROSPECTIVE JUROR 093: Plead no contest and do the training
8 course and --
9 THE COURT: Okay.
10 PROSPECTIVE JUROR 093: -- first offense, so --
11 THE COURT: Okay. And is there anything about that experience
12 that you think would limit your ability to be fair and impartial in this case?
13 PROSPECTIVE JUROR 093: No.
14 THE COURT: And was that with a city entity, or a county entity?
15 Or what was that? What court was that ?
16 PROSPECTIVE JUROR 093: It moved into Clark County from a
17 different --
18 THE COURT: Okay.
19 PROSPECTIVE JUROR 093: -- location from Las Vegas.
20 THE COURT: Okay. And where did the -- where did the arrest
21 occur, or the event that they said was --
22 PROSPECTIVE JUROR 093: I believe it was still Clark County.
23 THE COURT: Was it unincorporated Clark County, or Henderson or
24 North Las Vegas, or Las Vegas, or?
25 PROSPECTIVE JUROR 093: Sahara and Decatur.

1 THE COURT: Sahara and Decatur, okay. And did you go to
2 municipal court or justice court?

3 PROSPECTIVE JUROR 093: It was this building. Justice court.

4 THE COURT: Okay. And is -- do you feel after that experience, that
5 you were treated unfairly or fairly by the justice system?

6 PROSPECTIVE JUROR 093: Well, the details of the case, you know,
7 that was actually a manipulation, so --

8 THE COURT: Unfairly?

9 PROSPECTIVE JUROR 093: Yes, unfairly.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 093: Of course.

12 THE COURT: And when you say a manipulation -- is that what
13 said, not extrapolation? Late in the day, and I'm making sure I understand
14 what you're saying. The complainant was manipulating, or who?

15 PROSPECTIVE JUROR 093: My ex-wife was a foreign entity. She
16 used the law to secure an American citizenship.

17 THE COURT: Okay. And so, if you were selected to serve as a
18 juror in this case, both sides are entitled to the same fair and impartial
19 consideration, regardless of personal circumstances that may have happened
20 to you, that you believe are unfair, and it's just as important for the State, as it
21 is for the Defendant, to have their case judged on the evidence in the
22 courtroom and not from something that happened to somebody else. Is that
23 something that you would be able to do?

24 PROSPECTIVE JUROR 093: Yes, that's very important to be taken
25 serious.

1 THE COURT: Okay. And if you weren't going to be able to do it,
2 would you tell me?

3 PROSPECTIVE JUROR 093: Of course.

4 THE COURT: Okay. Thank you. I know it seems obvious, but I
5 have to ask. Thank you. Okay. Anybody else? Yes, right next to you, sir?
6 Last three digits on your badge?

7 PROSPECTIVE JUROR 087: 087.

8 THE COURT: Ms. Fernandez, who was arrested?

9 PROSPECTIVE JUROR 087: My son.

10 THE COURT: And what was he arrested for?

11 PROSPECTIVE JUROR 087: Conspiracy to sell drugs.

12 THE COURT: And how long ago was that?

13 PROSPECTIVE JUROR 087: Four years ago.

14 THE COURT: And was that here in Clark County or something
15 else?

16 PROSPECTIVE JUROR 087: Here.

17 THE COURT: And what happened with the case?

18 PROSPECTIVE JUROR 087: He -- it didn't go to trial, he just had
19 probation and did his time.

20 THE COURT: Okay, and do you feel he was treated fairly or
21 unfairly by the justice system, based upon what you know?

22 PROSPECTIVE JUROR 087: Fairly.

23 THE COURT: And why is that?

24 PROSPECTIVE JUROR 087: Because they didn't send him to jail,
25 not to prison.

1 THE COURT: So, they didn't send him to prison, and no jail.

2 PROSPECTIVE JUROR 087: No. No. Yeah.

3 THE COURT: And so, how's he doing now?

4 PROSPECTIVE JUROR 087: He's in Iowa.

5 THE COURT: Okay. So, as far as things -- you know, negative,
6 positive, or neither. Was it a negative impact, a positive impact, the
7 experience that he had or neither? I'm just curious.

8 PROSPECTIVE JUROR 087: Well, a negative for his life, but, you
9 know.

10 THE COURT: Okay. Was it a felony or something else?

11 PROSPECTIVE JUROR 087: I'm pretty sure it's a felony.

12 THE COURT: Okay. Is there anything about that that happened to
13 him, that you think would limit your ability to be fair and impartial in this case?
14 To either side?

15 PROSPECTIVE JUROR 087: No.

16 THE COURT: Do you understand -- I mean I've been asking the same
17 questions. There's no wrong answer.

18 PROSPECTIVE JUROR 087: Right.

19 THE COURT: But it would be important for you to tell me, if that
20 was a problem for you.

21 PROSPECTIVE JUROR 087: No, not at all.

22 THE COURT: Okay. Thank you very much. Who else had their
23 hand up? Last three digits on your badge, please?

24 PROSPECTIVE JUROR 083: 083.

25 THE COURT: Okay. Ms. Hillstead.

1 PROSPECTIVE JUROR 083: Yes.

2 THE COURT: Who was it that was arrested?

3 PROSPECTIVE JUROR 083: I was.

4 THE COURT: And how long ago?

5 PROSPECTIVE JUROR 083: About 19 years ago.

6 THE COURT: Okay. And what was it for?

7 PROSPECTIVE JUROR 083: Battery, domestic.

8 THE COURT: And what happened with it?

9 PROSPECTIVE JUROR 083: I was never charged with it.

10 THE COURT: Okay. And so, it was an arrest for a misdemeanor,

11 battery domestic, and then nothing ever happened?

12 PROSPECTIVE JUROR 083: Correct.

13 THE COURT: Okay. Did you come away with the sense that you

14 were treated fairly or unfairly by the -- I mean I know you didn't really go to the

15 justice system, but --

16 PROSPECTIVE JUROR 083: Right. I --

17 THE COURT: I mean the - let's focus on the police department,

18 because some police must have arrested you, yes?

19 PROSPECTIVE JUROR 083: Right.

20 THE COURT: Okay. And do you remember which police

21 department?

22 PROSPECTIVE JUROR 083: The city of Las Vegas.

23 THE COURT: Okay. And based upon that experience, is there

24 anything that you think would limit your ability to be fair and impartial in this

25 case?

1 PROSPECTIVE JUROR 083: No.
2 THE COURT: And you understand why I ask?
3 PROSPECTIVE JUROR 083: Yes.
4 THE COURT: And do you feel that the police treated you fairly in
5 that circumstance or no?
6 PROSPECTIVE JUROR 083: Yes.
7 THE COURT: Based upon whatever was going on at the time?
8 PROSPECTIVE JUROR 083: Yes.
9 THE COURT: Okay. Thank you very much. Who else had their
10 hand up? Yes, Ms. Cortez. Did you have -- okay.
11 PROSPECTIVE JUROR 058: 058. My husband was --
12 THE COURT: Arrested?
13 PROSPECTIVE JUROR 058: -- arrested. It was like 28 years ago, or
14 so, for a statutory rape.
15 THE COURT: Okay. And what happened with that case?
16 PROSPECTIVE JUROR 058: He was found guilty.
17 THE COURT: Did you know him then?
18 PROSPECTIVE JUROR 058: No.
19 THE COURT: Okay. And so, you met him after?
20 PROSPECTIVE JUROR 058: Yes.
21 THE COURT: And what happened with the -- after he was found
22 guilty?
23 PROSPECTIVE JUROR 058: He's still having to register even
24 though it was -- like he was 18, she was 16.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR 058: It's stupid.

2 THE COURT: That's here in Nevada?

3 PROSPECTIVE JUROR 058: He's -- it happened in Utah.

4 THE COURT: Oh, in Utah.

5 PROSPECTIVE JUROR 058: Uh-huh.

6 THE COURT: Okay. And so, is there anything about that
7 experience that he had in Utah, that would limit your ability to be fair and
8 impartial in this matter?

9 PROSPECTIVE JUROR 058: I don't know. He still has to deal with
10 us -- I mean Nevada, so it's kind of annoying.

11 THE COURT: Okay. But I mean is there anything about that
12 annoying thing that you're going to hold against the District Attorney's Office
13 in this case?

14 PROSPECTIVE JUROR 058: No. No. I'll be okay.

15 THE COURT: I mean, either they prove a first degree murder
16 charge, or they don't.

17 PROSPECTIVE JUROR 058: Right.

18 THE COURT: And so, that's really important to them, and that's
19 really, really important to the Defendant, that they have jurors that aren't
20 annoyed --

21 PROSPECTIVE JUROR 058: Right.

22 THE COURT: -- holding it against them. Is that something that
23 you're going to be able to do?

24 PROSPECTIVE JUROR 058: I can't honestly say. I can't honestly
25 say if I would hold it against them.

1 THE COURT: Okay. So, if they prove their case, you couldn't
2 honestly --

3 PROSPECTIVE JUROR 058: Correct.

4 THE COURT: -- return a verdict because of the thing with your
5 husband?

6 PROSPECTIVE JUROR 058: Yes, because he keeps coming to court
7 to try and clear it.

8 THE COURT: Okay. Thank you very much. Anybody else in the
9 first row? How about over there? Nobody else? Okay. I'm going to see
10 counsel up at the bench about scheduling.

11 [Sidebar begins at 5:10 p.m.]

12 THE COURT: So, here's what I'm going to do. I'm going to release
13 the people I'm keeping, I'm going to let the excused stay and tell them that
14 they're excused. If you want to -- if you're going to make a motion, I don't
15 want to have them come back tomorrow, we'll do it tonight. And I'll just have
16 her stay, so you can ask questions.

17 MR. STANTON: I would ask that she stay --

18 THE COURT: Okay.

19 MR. STANTON: -- so we can ask some questions.

20 THE COURT: All right. Sure. No problem. So -- all right. Thank
21 you.

22 [Sidebar ends at 5:10 p.m.]

23 THE COURT: Okay. So, I'm going to kind of let you go in shifts,
24 because, you know, there's only so many elevators and a lot of you. So, I'm
25 going to call out a few names, you're going to be excused, and I need you to

1 return back to where Ramsey tells you to come. So, if I call your name, you're
2 returning back to where Ramsey tells you to come tomorrow at 10:45. So,
3 you're not coming to the courtroom. He'll tell you where to meet. Okay.
4 Clinton Barnes, Aziyel Madrigal, John Graber, Huntsman, Dwinell, Kime,
5 Pierce, Stettler, Harris, Stanek, Cardoza, Vinluan, Farfan, Perri, Mazzei, Morgan,
6 Harrell, Gevers, Renforth, Chiesi, Reyna, Hillstead, Blake, Fernandez, Tassy,
7 Godwin, Webster, Matthew Jones, Bethany Johnson, Paul Mejia, and Phyllis
8 Stewart. That's the first wave of people that's being excused, to come back
9 tomorrow morning at 10:45. Okay. So, if I called your name, you can go, and
10 you need to come back tomorrow at 10:45.

11 [Prospective jurors excused.]

12 THE COURT: Okay. I'm going to call the second wave of people.
13 Okay. I'm going to call the second wave of people that are going to need to
14 return back to court at 10:45 tomorrow morning. I'm just -- there's a lot of
15 people getting instructions from Ramsey, so I'm trying to let that happen, and
16 then this group will then have that chance, okay. Okay. If I call your name,
17 you're excused for the evening, and I need you to come back tomorrow
18 morning at 10:45 and then tomorrow we'll know who's going to be seated on
19 the jury. Nicole Williams, Manuel De Cespedes, Luzmaria Alarcon, Janice
20 Forbes, Bruce Gorham, Deirdre Parker, Michael Stroud, Lisa Villa-Real, Mark
21 Eli, Robert Patynik, Ivan Rodriguez, Ronda Mayfield, Johnathon Gludt, Mylo
22 Jenereaul, Damian Serrano, Lawrence Luna, Erik Thompson, Glenn Adams,
23 Socrisar Guese, Seth Wright. If I called your name, you're going to check in
24 with Ramsey tomorrow where he tells you to meet him at 10:45.

25 [Prospective jurors excused.]

1 THE COURT: Can I see counsel at the bench?

2 [Sidebar begins at 5:14 p.m.]

3 THE COURT: The Defense has indicated they changed their mind
4 about --

5 MR. BASHOR: Yeah.

6 THE COURT: -- the challenge for cause if they're going to make
7 one.

8 MR. STANTON: Okay. Then I formally make a motion to challenge
9 her for cause based upon her answers to the Court's questions that she cannot
10 be unequivocally fair and impartial, which I think is the standard set by the
11 Nevada Supreme Court.

12 MR. BASHOR: I have no objection.

13 THE COURT: Okay. Thank you.

14 [Sidebar ends at 5:15 p.m.]

15 THE COURT: Okay. The rest of you I held you for last for a couple
16 of reasons. One, if you are in this group of people, either you have a hardship,
17 financial or personal, or professional, illness, or a language issue that makes it
18 difficult for you to serve in this case. So, you're going to be excused from the
19 trial, and you don't have to come back.

20 The one thing that I ask, every once in a while, and you don't seem
21 like this group at all, but every once in a while, I have people at the end who
22 are excused that go soaring past the people that are here tomorrow, high-
23 fiving and whatevering. You know, you got out because you would have to
24 suffer, and we let you go because of that. Please show them the courtesy and
25 respect while they do their civil service, and you go home, not to do such a

1 thing. You're excused.

2 [Prospective jurors dismissed.]

3 THE COURT: Ms. Cortez.

4 PROSPECTIVE JUROR 058: Yes, ma'am.

5 THE COURT: So, you advised the attorneys and myself that you
6 would not be able to be fair and impartial because of what's happening. And
7 is that -- am I to take it that's unequivocally you cannot.

8 PROSPECTIVE JUROR 058: Yes.

9 THE COURT: Meaning no dispute, you can't do it.

10 PROSPECTIVE JUROR 058: I don't feel like -- that I could.

11 THE COURT: Okay. Wait one second. Can I have a microphone,
12 please, somebody. Sorry about this. I don't have a microphone.

13 PROSPECTIVE JUROR 058: No, you're okay.

14 THE COURT: So, I said -- let me state it. You told me you couldn't
15 be fair and impartial because of what your husband is going through. There's
16 no right or wrong answer. I just need to understand what you're telling me.
17 That you basically don't believe you can be fair, and you can't be fair. Is that
18 what you're saying?

19 PROSPECTIVE JUROR 058: Yes, I mean I don't want to lie and say I
20 can be fair, if I don't feel that I really could be fair.

21 THE COURT: Okay. State's made a motion to challenge for cause
22 and the Defense's position is what?

23 MR. BASHOR: No objection.

24 THE COURT: All right. Ma'am, you're excused from this case.
25 Thank you.

1 PROSPECTIVE JUROR 058: Okay. Thank you.

2 THE COURT: And please don't discuss that on the way out, okay.

3 PROSPECTIVE JUROR 058: No, I'm not going to say anything.

4 [Outside the presence of the prospective jurors.]

5 THE COURT: Okay. Okay. So, here's what's going to happen
6 tomorrow. You'll come back at 10:45. I'll start as soon as I can, you know,
7 somewhere between 10:45 and 11:00, no later. Sometimes it takes me that
8 long just to get everybody out. I'm going to cover -- I'm almost done. I
9 normally ask is there any other reason you couldn't be completely fair and
10 impartial. I'll ask a general follow-up on the -- follow the Court's instructions
11 on the law for everyone. I mostly asked it for law enforcement and lawyers,
12 but I'll ask it of everyone. Is there anything else -- I've gone through my
13 checklist. I don't see anything I left out. Is there something that I didn't cover
14 that you wanted me to? Are you going to be ready to go pretty quick
15 tomorrow?

16 I mean I have to catch somebody up to replace this person, which
17 will be. Let's do that now. Assuming that person shows up, I anticipate Nicole
18 Williams will go in the seat of Ms. Cortez, in juror seat number 21. So, it would
19 be, instead of Frances Cortez, you would white her out and you would put,
20 because she was excused, you would put Nicole Williams, Juror Number
21 163 --

22 MR. BASHOR: 163.

23 THE COURT: -- if she shows up. 163, Nicole Williams. And then I
24 would catch her up, meaning, you know, ask all those questions. God willing
25 and the creek don't rise, I've got maybe one more general question or two, and

1 then I'm handing them over.

2 MR. BASHOR: If the panel remains the same, Your Honor, we'll
3 finish up with jury selection, open, and then start with witnesses on
4 Wednesday.

5 THE COURT: Okay. You're going to come up with a -- okay. Okay,
6 anything else?

7 MR. STANTON: Counsel asked about if we finish up with the jury
8 selection and then we open, can we then start my witnesses on Wednesday,
9 because I'm sure -- at least for us, we'll need to contact everybody tonight. It
10 would, certainly, be more logistical -- logistically easier for the State, especially
11 since we're going to be --

12 THE COURT: Well, here's the deal. It's going to take -- if I get in
13 here at 11:00, okay, that's aspirational, let's face it. You've all done -- you've
14 been in -- once I get in, I get moving, but until I get in here, which I get, we're
15 going to go until like 1:00, because I have to take a break -- I have to -- you
16 know, I have to give the staff a break, labor laws and all. I'll go to 2:00 and
17 then -- you know, I really don't think we'll have enough time for more than
18 that.

19 MR. STANTON: Okay.

20 MR. BASHOR: Great.

21 MR. STANTON: I just needed confirmation that we're there and
22 we're good.

23 THE COURT: Even if we finish early, I won't -- I will not pull a
24 Bonaventure on you and scream at you because you don't have a witness.

25 MR. STANTON: Thank you, Your Honor.

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THE COURT: Senior.

MR. STANTON: I figured you were talking senior.

THE COURT: Having been yelled at myself, by that man, for not having a witness, I know these things. Okay. Anything else?

MR. STANTON: No.

MR. BASHOR: Not from the Defense.

THE COURT: All right. I'll see you tomorrow.

MR. BASHOR: Thank you, Your Honor.

MR. STANTON: Okay.

[Proceedings concluded at 5:21 p.m.]

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



Maukele Transcribers, LLC
Jessica B. Cahill, Transcriber, CER/CET-708

1 AIND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 DAVID STANTON
6 Chief Deputy District Attorney
7 Nevada Bar #3202
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

JUL 31 2018

BY *A. Trujillo*
ATHENA TRUJILLO, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-16-312448-1

11 -vs-

DEPT NO: IX

12 SHAWN GLOVER, aka
13 Shawn Lynn Glover, Jr., #1950305

14 Defendant.

AMENDED
INDICTMENT

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

17 The Defendant above named, SHAWN GLOVER, aka Shawn Lynn Glover, Jr.,
18 accused by the Clark County Grand Jury of the crime(s) of MURDER WITH USE OF A
19 DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001);
20 ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201);
21 DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE
22 (Category B Felony - NRS 202.287 - NOC 51445) and OWNERSHIP OR POSSESSION OF
23 FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460),
24 committed at and within the County of Clark, State of Nevada, on or about the 1st day of
25 January, 2016, as follows:

26 COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

27 did willfully, unlawfully, feloniously and with malice aforethought, kill PATRICK
28 FLEMING, a human being, with use of a deadly weapon, to-wit: a handgun, by shooting at



1 and into the body of the said PATRICK FLEMING, the said killing having been willful,
2 deliberate and premeditated.

3 COUNT 2 - ASSAULT WITH A DEADLY WEAPON

4 did willfully, unlawfully, feloniously and intentionally place another person in
5 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
6 attempt to use physical force against another person, to-wit: MIRANDA SUTTON, with use
7 of a deadly weapon, to-wit: a handgun, by pointing said handgun at the said MIRANDA
8 SUTTON.

9 COUNT 3 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR
10 VEHICLE

11 did willfully, unlawfully, maliciously, and feloniously, while in, on or under a structure,
12 located at 4032 Smokey Fogg, Apartment No. 201, North Las Vegas, discharge a firearm
13 within or from the structure, while being within an area designated by a City or County
14 Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

15 COUNT 4 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

16 did willfully, unlawfully, and feloniously own, or have in his possession and/or under
17 his custody or control, a firearm, to-wit: a handgun, the defendant being a convicted felon,
18 having in 2012, been convicted of Voluntary Manslaughter With Use of a Deadly Weapon, in
19 Case No. C211880, in the Eighth Judicial District Court, Clark County, a felony under the
20 laws of the State of Nevada.

21 DATED this ____ day of July, 2018.

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

25 BY


26 DAVID STANTON
27 Chief Deputy District Attorney
28 Nevada Bar #3202

Names of witnesses testifying before the Grand Jury:

SUTTON, MIRANDA, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

VEASLEY, ARIRKA, 4032 SMOKEY FOG AVE., NLV, NV

WILSON-FAY, SAYOKO, NLVPD P#1437

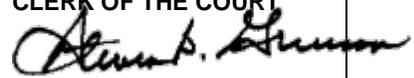
Additional witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, NLVPD DISPATCH

CUSTODIAN OF RECORDS, NLVPD RECORDS

15BGJ035X/16FN0004X/dd-GJ
NLVPD EV#1600031
(TK)



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DISTRICT COURT
CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

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Plaintiff,

CASE NO. C-16-312448-1

10

vs.

DEPT. IX

11

12 SHAWN GLOVER, aka SHAWN LYNN
GLOVER, JR.,

13

Defendant.

14

15 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
16 TUESDAY, JULY 31, 2018

17

RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 2

18

APPEARANCES:

19

20 For Plaintiff:

DAVID STANTON, ESQ.
WILLIAM FLINN, ESQ.

21

22 For Defendant:

ROBERT E. O'BRIEN, ESQ.
RYAN J. BASHOR, ESQ.

23

24

25

RECORDED BY YVETTE G. SISON, COURT RECORDER

1 Las Vegas, Nevada, Monday, July 30, 2018

2
3 [Case called at 11:22 a.m.]

4 [Outside the presence of the jury.]

5 THE COURT: All right. This is the time set for the continuation of
6 the trial in State v. Glover. The record should reflect the Defendant is present
7 and dressed for trial. We're outside the presence of the jury. We've changed
8 the schedule slightly, because the parties have arguments to make about a
9 legal issue or evidentiary issues, associated with the case that you want me to
10 -- want me to consider before openings. And so, we'll do that at the end of the
11 day. Is there anything that we need to do before I bring in the jury?

12 MR. STANTON: Not on behalf of the State, Your Honor.

13 MR. BASHOR: Judge, did you address that there was an amended
14 filed?

15 THE COURT: I did not. The District Attorney filed an amended
16 indictment. Is it an indictment?

17 MR. STANTON: Yes.

18 MR. BASHOR: Yes, Your Honor.

19 THE COURT: An amended indictment. And for the record, the
20 changes are what?

21 MR. STANTON: The prohibitive person count is now Count 4
22 instead of Count 3. That way your clerk can comply with the Supreme Court's
23 mandate of not reading that count for consideration on Counts 1, 2, and 3.

24 THE COURT: Okay. And I was thinking last night that before --
25 weren't there two -- are there two people still left on the panel that heard about

1 this in the media?

2 MR. O'BRIEN: Yes.

3 THE COURT: Before you pursue any questions, I thought maybe
4 we should pull those two people in.

5 MR. O'BRIEN: Your Honor, I believe we're down to one. One of
6 the two was the woman who was excused at the very end of yesterday.

7 THE COURT: Okay. We pull the one lady in. And my thought
8 was, I just don't know what she's going to say as far as, you know, you never
9 know. And then everybody saw what she saw, once we asked her what she
10 saw. So, I thought we could have her come in real quick. I'll literally have you
11 ask any questions you would ask in front of everybody, so we can find out
12 what she saw. You know, it's like the cat's out of the bag before we know
13 what --

14 MR. STANTON: The State has no objection.

15 THE COURT: -- whether it's a lion, leopard or --

16 MR. BASHOR: Yeah, it didn't sound very accurate, but sure, Your
17 Honor, I understand your concern.

18 THE COURT: Okay. So, which one was that? That was --

19 MR. BASHOR: It's Diane Morgan, Your Honor. That's panel
20 number 16 currently, originally panel number 23. Badge number 025.

21 THE COURT: Okay. So, you want to get Diane Morgan

22 THE MARSHAL: Diane Morgan.

23 THE COURT: -- in here for me?

24 THE MARSHAL: Yes, ma'am.

25 MR. O'BRIEN: And Your Honor, we did want to ask for one

1 courtesy from the Court as well. With a crowded elevator this morning, we --
2 Mr. Bashor and I took an elevator up with members of the jury. One juror
3 asked us what floor we were on. I said tenth floor, and then stared at the
4 ground to discourage any other conversation, but if you could tell the jurors
5 we're not permitted to talk to them, we would appreciate it.

6 THE COURT: Sure. I haven't gotten there yet, but yes.

7 MR. O'BRIEN: Gotcha.

8 THE COURT: Hi, Ms. Morgan. How are you?

9 PROSPECTIVE JUROR 025: Good morning, Your Honor.

10 THE COURT: Go ahead and have a seat. Okay, so we just have
11 some questions to ask you, related to you specifically. And I didn't want to
12 bring everybody in when it's just about you specifically. You understand
13 you're still under oath?

14 PROSPECTIVE JUROR 025: Yes.

15 THE COURT: Okay. So, I was just going to ask you -- well, I'm
16 going to actually let the attorneys ask you first, anything that they want to ask
17 you related to the statement to me that you made regarding believing that you
18 saw -- you read about this in the newspaper, I think was your phrase, correct?

19 PROSPECTIVE JUROR 025: Correct.

20 THE COURT: Okay. So, State, did you have any questions about
21 that?

22 MR. STANTON: I'm going to defer to Mr. Bashor, initially, Your
23 Honor.

24 THE COURT: Okay.

25 MR. BASHOR: Good morning, Ms. Morgan.

1 PROSPECTIVE JUROR 025: Good morning.

2 MR. BASHOR: Do you recall whether or not -- so is it you read it?

3 PROSPECTIVE JUROR 025: I do -- I don't recall the details. I only

4 recognized his hair.

5 MR. BASHOR: Okay. And by read it, I mean did you see it in a

6 newspaper or --

7 PROSPECTIVE JUROR 025: Yes.

8 MR. BASHOR: Okay. And about how long ago was that?

9 PROSPECTIVE JUROR 025: Over a year.

10 MR. BASHOR: Okay. And do you remember any details?

11 PROSPECTIVE JUROR 025: I do not.

12 MR. BASHOR: Is there anything at all about thinking that you read

13 something about this case, that would be a problem with you?

14 PROSPECTIVE JUROR 025: Not at all.

15 MR. BASHOR: I have no further questions, Your Honor.

16 MR. STANTON: Nothing from the State, Your Honor.

17 THE COURT: Okay. If you could step outside, I'd appreciate it.

18 PROSPECTIVE JUROR 025: Sure.

19 [Outside the presence of the prospective jurors]

20 THE COURT: So, we're outside the presence of the jury, of all --

21 outside the presence of all prospective jurors. A couple of questions I have.

22 Number one, was there a picture of your client in the paper?

23 MR. BASHOR: Yes.

24 THE COURT: And number two --

25 MR. BASHOR: But it was over two -- about two-and-a-half years

1 ago and --

2 THE COURT: Was there something special about his hair?

3 MR. BASHOR: When it's not tied back, I guess it could be
4 recognizable.

5 THE COURT: And so, was it not tied back in the picture?

6 MR. BASHOR: I don't have an independent recollection, Judge. I
7 just -- there's -- the only reason I believe, other than the fact that this was a
8 murder case that the article had any significance it was the 1st of 2016, so it
9 got a little extra press than your average murder would get.

10 THE COURT: Okay. All right. I was just curious about the hair
11 comment. Okay. So, is there anything else related to Ms. Morgan, before we
12 call everybody else in?

13 MR. STANTON: Not on behalf of the State.

14 MR. BASHOR: Not on behalf of the Defense.

15 THE COURT: All right. Then we're going to call everybody else in.

16 THE MARSHAL: All rise. The jury is entering. The jury is all
17 present, ma'am.

18 [In the presence of the jury.]

19 THE COURT: All right. Counsel, will you stipulate to the presence
20 of the prospective jury panel?

21 MR. STANTON: Yes, Your Honor.

22 MR. BASHOR: Yes, Your Honor.

23 THE COURT: Okay. Ladies and gentlemen, before we continue,
24 we're -- I need you all to acknowledge -- everybody in the room to
25 acknowledge that you are still under oath. Do you understand that?

1 THE PROSPECTIVE JURORS: Yes.

2 THE COURT: Okay. I'm going to be directing my questions to this
3 group here and that group over there, in the first row, just like yesterday.
4 However, I have Ms. Nicole Williams. Raise your hand. Ms. Williams, I am
5 going to -- excuse me -- catch you up, for lack of a better term, to the place
6 where these folks are, as far as background and history, and that kind of thing.

7 PROSPECTIVE JUROR 163: Okay.

8 THE COURT: And so, at any time, if any -- any of our subject
9 matter that we spoke about yesterday, stands out in your mind as something
10 you think we should know, please bring it to my attention.

11 PROSPECTIVE JUROR 163: Okay.

12 THE COURT: First of all, how long have you lived in Clark County?

13 PROSPECTIVE JUROR 163: Two years.

14 THE COURT: And before that, where did you live?

15 PROSPECTIVE JUROR 163: Oakland, California.

16 THE COURT: And how long did you live in Oakland?

17 PROSPECTIVE JUROR 163: Two years.

18 THE COURT: And before that, where did you live?

19 PROSPECTIVE JUROR 163: In L.A.

20 THE COURT: And how long did you live in L.A.?

21 PROSPECTIVE JUROR 163: Most of my life.

22 THE COURT: Okay. And can you give me your educational
23 background?

24 PROSPECTIVE JUROR 163: AA degree.

25 THE COURT: And are you working?

1 PROSPECTIVE JUROR 163: Yes.

2 THE COURT: What do you do?

3 PROSPECTIVE JUROR 163: Fulfillment Center.

4 THE COURT: And what's your official title?

5 PROSPECTIVE JUROR 163: Just fulfillment person. I work at

6 Amazon.

7 THE COURT: Okay. And you've done that how long?

8 PROSPECTIVE JUROR 163: Going on a year in August.

9 THE COURT: Okay. Can you give me a checklist of any other job

10 titles that you've held?

11 PROSPECTIVE JUROR 163: Yes. Administration, customer service,

12 management, sales, I think that's about it.

13 THE COURT: So, always in retail, those --

14 PROSPECTIVE JUROR 163: Mostly in retail. I did work in business

15 administration, dealing with Enterprise, at their corporate office.

16 THE COURT: Okay. Are you married?

17 PROSPECTIVE JUROR 163: No.

18 THE COURT: Have you previously been married?

19 PROSPECTIVE JUROR 163: Yes.

20 THE COURT: And your previous spouse's occupation, when you

21 were married?

22 PROSPECTIVE JUROR 163: He dealt with computers and dealt with

23 computers and the mail room, from what I remember?

24 THE COURT: And the what, mailroom?

25 PROSPECTIVE JUROR 163: Mailroom and started working with

1 computers. He started doing their website.

2 THE COURT: Okay. And do you have a significant other,
3 currently?

4 PROSPECTIVE JUROR 163: Yes.

5 THE COURT: And your significant other's occupation?

6 PROSPECTIVE JUROR 163: He's not working currently.

7 THE COURT: What does he do when he's working?

8 PROSPECTIVE JUROR 163: He did plumbing work and
9 construction.

10 THE COURT: Okay. And --

11 PROSPECTIVE JUROR 163: Private business.

12 THE COURT: Okay. Do you have any kids?

13 PROSPECTIVE JUROR 163: Yes.

14 THE COURT: How many and how old?

15 PROSPECTIVE JUROR 163: One, she's 21 years old.

16 THE COURT: And what is she doing?

17 PROSPECTIVE JUROR 163: She works at Amazon, as well.

18 THE COURT: So, I'm not hearing any specialized law enforcement
19 training, education, or legal, for you, or any of your immediate family.

20 PROSPECTIVE JUROR 163: Correct.

21 THE COURT: Do you have any close friends, or other relatives that
22 you're close to, that have law enforcement background?

23 PROSPECTIVE JUROR 163: Nobody close.

24 THE COURT: Okay. Have you ever served as a juror before?

25 PROSPECTIVE JUROR 163: No.

1 THE COURT: Have you, or anyone close to you, very close to you,
2 ever been a victim of a crime?

3 PROSPECTIVE JUROR 163: No. Not a crime, no.

4 THE COURT: Okay. Have you, or anyone close to you, ever been
5 arrested or charged with, accused of, or cited for a crime more serious than
6 like a traffic violation?

7 PROSPECTIVE JUROR 163: No.

8 THE COURT: So, do you have any interaction or experience with,
9 the justice system?

10 PROSPECTIVE JUROR 163: No.

11 THE COURT: Yesterday, I asked other jurors, there's a basic
12 precept of American justice. And that is, that a Defendant is presumed
13 innocent. And I talked about how the burden is on the State to prove each and
14 every material element of the charge beyond a reasonable doubt. And that the
15 Defendant has no burden at all. None whatsoever. No obligation to say or do
16 a thing. Do you have a problem with that basic precept of American Justice?

17 PROSPECTIVE JUROR 163: No, I do not.

18 THE COURT: Do you understand it?

19 PROSPECTIVE JUROR 163: Yes, I do.

20 THE COURT: And do you realize why we have that, and it's very
21 important?

22 PROSPECTIVE JUROR 163: Yes, I do.

23 THE COURT: Okay. Yesterday we were talking about persons
24 being able to wait in forming an opinion on the appropriate result, until all of
25 the evidence had been heard, and then only once they knew what the law was.

1 Are you a person that could do that, even if it's hard to do, wait in forming an
2 opinion on the appropriate result, until you hear everything and know, you
3 know, the entire case?

4 PROSPECTIVE JUROR 163: Yes.

5 THE COURT: And you heard me asking questions yesterday of
6 different jurors. You know, sometimes related to responses they gave,
7 sometimes just because I was picking their brain. It all related to an ability to
8 be fair and impartial to both sides. Is there anything in your mind, that you
9 can think of, any reason whatsoever, why you might not be able to be a fair
10 and impartial juror to both sides in this case?

11 PROSPECTIVE JUROR 163: No.

12 THE COURT: Okay. So, ladies and gentlemen as a follow-up to
13 yesterday, and I'm talking about this group and that group over there, in a
14 criminal trial, the members of the jury are the questions of fact, and I am the
15 Judge of the questions of law. It's my job to give instructions on the law, as
16 they apply in a particular case. And it's your job to apply those instructions to
17 the facts, as you find them, from the evidence.

18 So, that's the job of the jury, to be fact-finders and follow the
19 Court's instructions on the law. I asked several of you individually yesterday, I
20 believe, especially the ones with the law enforcement background or legal
21 background, would any of you have any difficulty in following the Court's
22 instructions on the law, and being a fact-finder in the case. If so, please raise
23 your hand. No one indicates in the affirmative.

24 Is there -- are there any of you who have any personal or
25 professional hardships related to jury duty, or jury service in this case, that you

1 didn't bring to my attention yesterday? Yes, sir, hold on one second. Okay,
2 well, we'll stick with you then, Ms. Williams. Go ahead. What's the hardship?

3 PROSPECTIVE JUROR 163: I'm not sure that it's actually a
4 hardship. I just wanted to bring it to your attention. My job does allow me to
5 serve ten days. So -- and I generally start --

6 THE COURT: You mean with pay?

7 PROSPECTIVE JUROR 163: With pay, yes.

8 THE COURT: Okay. We're not going to go longer than that.

9 PROSPECTIVE JUROR 163: Okay. I just want to, you
10 know --

11 THE COURT: No way.

12 PROSPECTIVE JUROR 163: -- make sure I covered everything, you
13 know, if it comes up later on.

14 THE COURT: Let me tell you, I have another trial right after this.

15 PROSPECTIVE JUROR 163: Okay.

16 THE COURT: And they've got 55 witnesses, it's going to go three
17 weeks, like I can't start late.

18 PROSPECTIVE JUROR 163: Okay.

19 THE COURT: We're going to be fine.

20 PROSPECTIVE JUROR 163: Okay.

21 THE COURT: Yes, sir, last three digits on your badge, please.

22 PROSPECTIVE JUROR 086: 086.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 086: We had a water pipe burst at our
25 home, so right now we have a plumber who is fixing the water heater that has

1 leaked into the house. And we, also, have construction crew at the house right
2 now.

3 THE COURT: He's running late for the record.

4 PROSPECTIVE JUROR 086: Yes.

5 THE COURT: Go ahead, I'm sorry to interrupt. Go ahead.

6 PROSPECTIVE JUROR 086: So, we have a crew at the house who
7 are peeling off drywall off the walls and applying water mitigation stuff to our
8 home at the moment.

9 THE COURT: Okay. And who's at the home?

10 PROSPECTIVE JUROR 086: My wife is at the home currently with
11 the kids.

12 THE COURT: Okay. And did you -- when did they start their, I
13 don't know, visit, remediation, whatever we're going to call it?

14 PROSPECTIVE JUROR 086: Last evening we had a plumber over
15 late to fix the water heater. This morning we have a construction crew there.
16 And we'll have another plumber back today. The construction crew is working
17 on the water damage in the walls and the plumber has to remove the water
18 heater he installed last night and put it back this morning, because he wasn't
19 supposed to put it in yet.

20 THE COURT: Okay. So, as we go through this process, I anticipate
21 we're only going to be here for a couple of hours. And then what's going to
22 happen is the jury is going to go home. The lawyers and the Court are going
23 to do some lawyering. And the Court's going to do some ruling. And then
24 tomorrow openings and everything else in the case.

25 Knowing that, does that help your concerns, because you aren't

1 going to be here that long. We're going to go through until we get a jury, and
2 then the jury is going home.

3 PROSPECTIVE JUROR 086: Yeah.

4 THE COURT: And then we start rocking and rolling tomorrow.

5 PROSPECTIVE JUROR 086: For today that's fine. I don't know how
6 long the process is going to take. Right now, there's drywall on the walls in
7 both bedrooms and the garage. So, I don't know a timeline, exactly for when
8 the job's going to be --

9 THE COURT: So, you want to be there every second of all the
10 repairs and not go to work?

11 PROSPECTIVE JUROR 086: I guess I would like to be available.
12 Insurance has yet to come out to kind of assess everything, and it would be
13 convenient for myself if I could be available for that.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 086: To answer questions and stuff.

16 THE COURT: Okay. So, if you weren't doing this trial, would you
17 be going to work?

18 PROSPECTIVE JUROR 086: I have the option to work from home,
19 so I'd be working from home.

20 THE COURT: Okay. Anybody else? Okay. Over there.

21 PROSPECTIVE JUROR 131: 131.

22 THE COURT: Mr. Jones.

23 PROSPECTIVE JUROR 131: Yes.

24 THE COURT: What's going on?

25 PROSPECTIVE JUROR 131: I was diagnosed with Asperger's in

1 2015.

2 THE COURT: Okay. And so, how do you think that's going to
3 affect your jury duty?

4 PROSPECTIVE JUROR 131: It gives me a lot of anxiety and issues
5 of focusing and social interactions.

6 THE COURT: Okay. Yesterday you seemed perfectly able to
7 socially interact, and joke around, and be fine. What's --

8 PROSPECTIVE JUROR 131: I've gotten good at hiding.

9 THE COURT: Okay. That's not my issue.

10 PROSPECTIVE JUROR 131: All the --

11 THE COURT: What I'm asking you is why are you bringing that up
12 today and didn't mention it yesterday?

13 PROSPECTIVE JUROR 131: Because I didn't -- when you were
14 asking all of the questions, I didn't know when the appropriate time was to --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 131: -- bring it up.

17 THE COURT: All right. And is that it?

18 PROSPECTIVE JUROR 131: Yes.

19 THE COURT: Okay. Thank you. Who else had their hand up?
20 Anybody else? All right. Nobody else indicates in the affirmative. Can I see
21 counsel at the bench?

22 [Sidebar begins at 11:41 a.m.]

23 THE COURT: I want to discuss this at sidebar or do you want me to
24 get rid of anybody? I'm not inclined to --

25 MR. STANTON: I'm not making a motion.

1 MR. BASHOR: I'm not making a motion.

2 THE COURT: All right. So, you're up.

3 MR. STANTON: All right.

4 [Sidebar ends at 11:41 a.m.]

5 THE COURT: Okay. At this time, the State is going to ask
6 questions, and they are, again, sticking with this group here, and the first row
7 over there. So, if he asks a question and he says, hey, group, question, that
8 includes you, first row.

9 MR. STANTON: Thank you, Your Honor.

10 THE COURT: Thank you.

11 MR. STANTON: Ladies and gentlemen outside of that group, if you
12 can follow along as you did yesterday. If for some reason you get sent up here
13 to replace a person on what we refer to as the panel, if you hear those
14 questions, and keep in your mind, hey, that question about employment, I
15 need to follow-up and advise either myself, Defense Counsel, or Court, that
16 would be helpful as well.

17 Ladies and gentlemen, I want to begin by asking, as I look out into
18 the crowd of what we refer to as the panel, you all seem to be very reasonable
19 folks. One of the things that sitting as a juror, besides what you've learned
20 yesterday and today, is that you cannot do a number of different things.

21 You've heard Judge Togliatti talk to a couple of jurors individually,
22 about not being able to speak to a father, about any facts of the case, or any
23 aspects of the trial at all. And that can be a difficult thing. My question to you
24 is looking into yourself, as the type of person that you are, can you abide by
25 this?

1 In every single break that you get, Judge Togliatti, once you're
2 seated as a juror in this case, will read you what we call is an admonition. It's
3 a warning. It's an instruction that you cannot not only discuss the case, but
4 you can't do any investigation in the case.

5 Now, I've been around for a little bit, where the internet wasn't as
6 prevalent when I started doing jury trials, but it is now. And that includes
7 doing any type of research or investigation on the internet. And let me just
8 give you some examples that might crop up, or you might think would be
9 innocuous and, therefore, doesn't really qualify as investigation. You can't
10 look up terms. Legal terms, specific terms, medical terms, that you will hear
11 during this trial. Everything that you're going to hear for you to render a fair
12 and just verdict, you're going to hear from that witness stand, and from the
13 exhibits admitted at trial.

14 So, you can't look up that. You can't go to the scene. You can't go
15 on Google maps to review street corners, locations, buildings. Anything that's
16 described by witnesses in this case.

17 So, my question to all of you, number one, I'm assuming you all
18 understand that. But the more important thing that I'd ask in a yes or no, is do
19 you all believe that you can abide by that?

20 PROSPECTIVE JURORS: Yes.

21 MR. STANTON: Is there anybody that says, look, there's just no
22 way I can do that. If I hear that, I got to do my own research for my own state
23 of mind? Okay. Great.

24 The second phenomena is -- and I used to ask how many people by
25 a show of hands, I've given up on that -- eight of the top 30 shows in the

1 United States deal with CSI, crime scene, forensic evidence, or the criminal
2 justice system. Law and Order, types of shows like that. And there's probably
3 a reason why they're so popular. People find it interesting.

4 My question to you, number one is, do you all understand and
5 agree with, that what you see on television is not necessarily what happens in
6 real life? And that seems like a simple concept, and I'm sure you probably all
7 generally agree with it. In some of the shows, some of the facts are dead on.
8 They've nailed the criminal justice system accurately. I'm not sure it's
9 complete, but certainly cases don't begin and end in an hour. They're
10 obviously very truncated.

11 Crime scene analysts in the CSI shows don't do interviews.
12 That's what homicide detectives are for. But you can't, at an autopsy, take a
13 laser and slice the cornea of one's eye and put it under a microscope or some
14 sort of Laser 2000, and determine what the last thing the decedent saw before
15 they died.

16 So, there are a lot of things that are in those shows that mean well,
17 but have no reality in the actual criminal justice system. And so, you all
18 understand that, and it's not a problem for anybody that what you see on TV,
19 you won't bring that into the courtroom? Okay.

20 The next question I have is -- has to do with kind of the building
21 blocks, the fundamental rights that kind of serve as the foundation of the
22 criminal justice system. Yesterday, Judge Togliatti mentioned two of them.
23 And I'll just briefly go over them. And you all indicated that you agree with
24 them and believe in them. Number one is that the Defendant, Mr. Glover, as
25 he sits in this courtroom right now, is presumed innocent. That is critical and

1 fundamental to the criminal justice system.

2 Second is, is that the duty in the criminal justice system, the
3 burden is on the State. Mr. Flinn and myself have the burden of proving
4 beyond a reasonable doubt that Mr. Glover is guilty of the crimes that he's
5 charged with. That's fundamental. And everybody indicated that they agreed
6 with it. The other right that is equally as fundamental as those is the right that
7 sits at the table with Mr. Flinn and myself. And that's the right of the State, in
8 a criminal case, that if it meets its burden of proving Mr. Glover, beyond a
9 reasonable doubt of his guilt, their right is that the verdict be guilty. Does
10 everybody agree with that?

11 Now, I'm going to take kind of -- because this question has such a
12 varied response, and such a frequent affirmation that they have knowledge, it
13 deals with firearms. So, what I'm going to do is I'm going to start at the very
14 back row. And as the Judge did, I'll start by whoever raises their hands in the
15 very back row. Raise your hands if you have an excellent, good, or marginal
16 familiarities with firearms, long guns or handguns. Okay. The three of you.

17 Could I get you to pass the microphone all the way down to Mr.
18 Barnes. Mr. Barnes, since you have the unfortunate spin of the wheel to be on
19 the first seat near the end, Mr. Barnes, do you own firearms?

20 PROSPECTIVE JUROR 912: I do not.

21 MR. STANTON: Have you trained or shot with them in the past?

22 PROSPECTIVE JUROR 912: I have.

23 MR. STANTON: Hand guns or long guns?

24 PROSPECTIVE JUROR 912: Both.

25 MR. STANTON: Do you know the difference between a semi-

1 automatic and a revolver?

2 PROSPECTIVE JUROR 912: Yes.

3 MR. STANTON: Knows how it works, kind of the mechanics that
4 goes along with it?

5 PROSPECTIVE JUROR 912: I do.

6 MR. STANTON: Okay. Is that because of your training, something
7 with your family, or you and your growing up or something?

8 PROSPECTIVE JUROR 912: Yeah, I guess you can say so.

9 MR. STANTON: Okay.

10 PROSPECTIVE JUROR 912: I was involved in an ROTC program,
11 and my girlfriend's family, they're big into firearms.

12 MR. STANTON: Okay. And you're familiar then with kind of
13 calibers and the sort of both long guns and hand guns.

14 PROSPECTIVE JUROR 912: I am.

15 MR. STANTON: Okay. Thank you very much. If you could pass it
16 down to seat number three. It's Mr. -- is it Graber?

17 PROSPECTIVE JUROR 916: Yes, sir.

18 MR. STANTON: Mr. Graber, I'm assuming, but I don't want to, that
19 in part, your training came from your occupations in the past?

20 PROSPECTIVE JUROR 916: Correct. Marine Corps.

21 MR. STANTON: Marine Corps, in particular. In the Marine Corps,
22 did you qualify in both long guns and hand guns?

23 PROSPECTIVE JUROR 916: Yes, sir.

24 MR. STANTON: And I'm assuming that you clearly know the
25 difference between a semi-automatic and a revolver?

1 PROSPECTIVE JUROR 916: Yes, sir.

2 MR. STANTON: All types of calibers, and did you go beyond
3 firearms in your training?

4 PROSPECTIVE JUROR 916: Yes.

5 MR. STANTON: Some exotics?

6 PROSPECTIVE JUROR 916: Yeah.

7 MR. STANTON: Okay. Thank you very much. And Mr. Huntsman.

8 PROSPECTIVE JUROR 923: Yes.

9 MR. STANTON: Same thing to you. Number one, do you own
10 weapons?

11 PROSPECTIVE JUROR 923: Yes, I do.

12 MR. STANTON: And are they hand guns, long guns or both?

13 PROSPECTIVE JUROR 923: All long guns.

14 MR. STANTON: And do you know the difference in the hand gun
15 category between a semi-automatic and revolver?

16 PROSPECTIVE JUROR 923: Yes, I do.

17 MR. STANTON: Are you familiar with the different calibers of kind
18 of what I'll refer to as normal calibers, or common calibers, here in the United
19 States?

20 PROSPECTIVE JUROR 923: For the most part, yes.

21 MR. STANTON: Okay. Thank you very much. Now, in the second
22 row. By a show of hands, once again, the question to you is do you have
23 outstanding familiarity, kind of a passing knowledge of firearms? Raise your
24 hand. Okay. Could we pass it down to -- is it Mr. Harris?

25 PROSPECTIVE JUROR 947: Yes.

1 MR. STANTON: And I'm assuming, but don't want to, about your
2 employment; is that correct?

3 PROSPECTIVE JUROR 947: Yes.

4 MR. STANTON: Okay. Did that require some hand gun training
5 and certain qualifications on a regular basis?

6 PROSPECTIVE JUROR 947: Monthly.

7 MR. STANTON: Monthly. Is that for both MP as well the DOV, or
8 the --

9 PROSPECTIVE JUROR 947: Absolutely.

10 MR. STANTON: Okay. Hand guns?

11 PROSPECTIVE JUROR 947: Both.

12 MR. STANTON: Long guns and hand guns. Any exotics?

13 PROSPECTIVE JUROR 947: A lot.

14 MR. STANTON: A lot. Okay. You know the difference between a
15 revolver and a semi-automatic?

16 PROSPECTIVE JUROR 947: Yes.

17 MR. STANTON: And the calibers?

18 PROSPECTIVE JUROR 947: Yes.

19 MR. STANTON: Thank you, sir. Third row. Raise your hand if you
20 have knowledge of firearms. Okay. Let me go first with, is that Mr. Perri?

21 PROSPECTIVE JUROR 000: Yes.

22 MR. STANTON: Can you tell me how you're familiar with firearms,
23 Mr. Perry?

24 PROSPECTIVE JUROR 000: It's a hobby.

25 MR. STANTON: Okay. Do you own them?

1 PROSPECTIVE JUROR 000: Yes.
2 MR. STANTON: What kind of guns do you own?
3 PROSPECTIVE JUROR 000: Hand guns and rifles.
4 MR. STANTON: And is that a hobby that you've had for a long
5 time, short time?
6 PROSPECTIVE JUROR 000: Yes.
7 MR. STANTON: Do you know the difference between a semi-
8 automatic and a revolver?
9 PROSPECTIVE JUROR 000: Yes.
10 MR. STANTON: Do you own both?
11 PROSPECTIVE JUROR 000: Yes.
12 MR. STANTON: You know the difference between the general
13 calibers?
14 PROSPECTIVE JUROR 000: Yes.
15 MR. STANTON: Thank you very much, sir. Are you a good shot?
16 PROSPECTIVE JUROR 000: Yes.
17 MR. STANTON: Okay. Next? And that's Ms. Morgan?
18 PROSPECTIVE JUROR 025: Morgan, yes.
19 MR. STANTON: How do you have familiarity with firearms?
20 PROSPECTIVE JUROR 025: My dad's a big hunter, and it was just
21 always growing up.
22 MR. STANTON: Around the family --
23 PROSPECTIVE JUROR 025: Yeah.
24 MR. STANTON: -- and firearms.
25 PROSPECTIVE JUROR 025: Yeah.

1 MR. STANTON: Dad did a pretty good job of telling you about to
2 handle them safely?

3 PROSPECTIVE JUROR 025: Oh, absolutely.

4 MR. STANTON: Okay. Did you ever shoot guns?

5 PROSPECTIVE JUROR 025: Yes.

6 MR. STANTON: Hand guns, firearms - long guns?

7 PROSPECTIVE JUROR 025: I got a rifle for my 12th birthday.

8 MR. STANTON: Okay. And did you know the difference between a
9 semi-automatic and a revolver?

10 PROSPECTIVE JUROR 025: Yes.

11 MR. STANTON: Okay. Thank you very much, ma'am. If you could
12 pass it immediately to your right. And that would be, I believe Mr. Harrell.

13 PROSPECTIVE JUROR 030: Yes, sir.

14 MR. STANTON: Am I pronouncing that name, correct?

15 PROSPECTIVE JUROR 030: Yeah, you are.

16 MR. STANTON: I'm assuming because of your employment, at
17 least a portion of it --

18 PROSPECTIVE JUROR 030: Yes, sir.

19 MR. STANTON: -- is that required?

20 PROSPECTIVE JUROR 030: Yes, sir.

21 MR. STANTON: Do you carry?

22 PROSPECTIVE JUROR 030: Yes, sir.

23 MR. STANTON: On occasion or --

24 PROSPECTIVE JUROR 030: -- on occasion, yeah.

25 MR. STANTON: Okay. Did you have any knowledge of firearms,

1 prior to that employment?

2 PROSPECTIVE JUROR 030: I did.

3 MR. STANTON: Hand guns?

4 PROSPECTIVE JUROR 030: Both.

5 MR. STANTON: Long guns?

6 PROSPECTIVE JUROR 030: Yes.

7 MR. STANTON: You know the difference between a semi-
8 automatic and a revolver?

9 PROSPECTIVE JUROR 030: Yes.

10 MR. STANTON: Common calibers?

11 PROSPECTIVE JUROR 030: Yes, sir.

12 MR. STANTON: The mechanics and operations of how a semi-
13 automatic works?

14 PROSPECTIVE JUROR 030: Yes, sir.

15 MR. STANTON: Okay. Thank you. Anybody else? Yes, Ms.
16 Gevers?

17 PROSPECTIVE JUROR 035: Uh-huh.

18 MR. STANTON: Is it Geevers (phonetic pronunciation) or Gevers?

19 PROSPECTIVE JUROR 035: Gevers.

20 MR. STANTON: Gevers. How do you know about firearms?

21 PROSPECTIVE JUROR 035: I have had a CCW, but I have let it
22 lapse since my husband's passed.

23 MR. STANTON: Okay. Was that here in Clark County?

24 PROSPECTIVE JUROR 035: Yes.

25 MR. STANTON: And what you carried was, I'm assuming a

1 firearm?

2 PROSPECTIVE JUROR 035: Yes.

3 MR. STANTON: Was it a revolver or semi-automatic?

4 PROSPECTIVE JUROR 035: Revolver.

5 MR. STANTON: Did you shoot on a regular basis?

6 PROSPECTIVE JUROR 035: Used to.

7 MR. STANTON: Okay. And because you don't, you wisely
8 decided not to still carry if --

9 PROSPECTIVE JUROR 035: Correct.

10 MR. STANTON: -- if you don't actively shoot?

11 PROSPECTIVE JUROR 035: Correct. Correct.

12 MR. STANTON: Thank you very much. Front row, by show of
13 hands, active familiarity with firearms. If you could pass it up, I think this is all
14 the way to --

15 PROSPECTIVE JUROR 093: 093. Arian Tassy.

16 MR. STANTON: Is it Tassy?

17 PROSPECTIVE JUROR 093: Tashy (phonetic pronunciation).

18 MR. STANTON: Tassy. Now, I want to pronounce it correct. Is it

19 Tassy?

20 PROSPECTIVE JUROR 093: Tashi (phonetic pronunciation).

21 MR. STANTON: No, I want to pronounce it correctly.

22 PROSPECTIVE JUROR 093: Tassy.

23 MR. STANTON: Tassy.

24 PROSPECTIVE JUROR 093: Tassy.

25 MR. STANTON: Tassy. How do you know about firearms, Mr.

1 Tassy?

2 PROSPECTIVE JUROR 093: My father had a nine millimeter when
3 I was a child, and he showed me gun safety. And then later as a late teen in
4 Hawaii, in a rural area, rifles and handguns were there.

5 MR. STANTON: Okay.

6 PROSPECTIVE JUROR 093: Little target practice there.

7 MR. STANTON: You knew your father was a -- or he had a semi-
8 automatic, do you know the difference mechanically, how a revolver is
9 different from a semi-automatic handgun?

10 PROSPECTIVE JUROR 093: Yes.

11 MR. STANTON: Okay. Thank you, sir. If you could pass it down to
12 next, that would be Ms. Hillstead.

13 PROSPECTIVE JUROR 083: Yes.

14 MR. STANTON: Ms. Hillstead, how do you know about firearms?

15 PROSPECTIVE JUROR 083: I keep one for my protection in my
16 house.

17 MR. STANTON: And have you done that for a long period of time?

18 PROSPECTIVE JUROR 083: Yes.

19 MR. STANTON: Hand gun?

20 PROSPECTIVE JUROR 083: Yes.

21 MR. STANTON: Is it a revolver or a semi-automatic?

22 PROSPECTIVE JUROR 083: It's a .357.

23 MR. STANTON: Okay. And that's normally a revolver, although
24 there is, oddly enough, 357 semi, but most people don't have them.

25 PROSPECTIVE JUROR 083: Right.

1 MR. STANTON: It's a revolver, I'm assuming.
2 PROSPECTIVE JUROR 083: Yes.
3 MR. STANTON: Did you take a revolver, or choose a revolver by
4 choice?
5 PROSPECTIVE JUROR 083: My ex-husband gave it to me.
6 MR. STANTON: Okay. Have you ever shot a semi-automatic?
7 PROSPECTIVE JUROR 083: No.
8 MR. STANTON: Do you know the difference between the two?
9 PROSPECTIVE JUROR 083? Yes.
10 MR. STANTON: Okay. Anybody else on the front row?
11 PROSPECTIVE JUROR 087: Yes.
12 MR. STANTON: Okay.
13 PROSPECTIVE JUROR 087: Just basic knowledge of, you know,
14 going out shooting with my ex-husband and my boys.
15 MR. STANTON: Okay. And just for --
16 PROSPECTIVE JUROR 087: Recreational.
17 MR. STANTON: -- and that's Ms. Fernandez, and you're 087.
18 PROSPECTIVE JUROR 087: Yes.
19 MR. STANTON: Okay. So, do you know the difference between a
20 semi-automatic and a revolver?
21 PROSPECTIVE JUROR 087: Yes, but I don't know about calibers.
22 MR. STANTON: Okay. That was actually going to be my very next
23 question. Thank you very much. How about in the front row, I think that starts
24 with Ms. Godwin on the far right. Ms. Godwin, is your number 099?
25 PROSPECTIVE JUROR 099: Correct.

1 MR. STANTON: How are you familiar with firearms?

2 PROSPECTIVE JUROR 099: My significant other owns a hand gun.

3 MR. STANTON: And do you shoot weapons, or have you ever shot
4 them?

5 PROSPECTIVE JUROR 099: Once.

6 MR. STANTON: Okay. The weapon that your significant other has,
7 is it a revolver or semi-automatic, if you know?

8 PROSPECTIVE JUROR 099: I don't know.

9 MR. STANTON: Okay. Well, do you know the difference between
10 the two?

11 PROSPECTIVE JUROR 099: Somewhat.

12 MR. STANTON: Okay. So here is the -- what I refer to as the idiot's
13 guide to knowing the difference between a semi-automatic and a revolver. At
14 least I thought it was interesting how it's described. It was described to a
15 young child who was in a case of mine, and that was a revolver is a cowboy
16 gun. It's got a wheel that goes around. And a semi-automatic has a slide that
17 goes back and forth. And ejects empty cartridge cases. Do you know which
18 one your significant other has?

19 PROSPECTIVE JUROR 099: It slides.

20 MR. STANTON: It slides, okay. Semi-automatic. Fired one. Other
21 than that, no firearms experience beyond that?

22 PROSPECTIVE JUROR 099: No.

23 MR. STANTON: Thank you very much. Anybody next in that row?
24 That would be, Mr. Jones?

25 PROSPECTIVE JUROR 131: Yes.

1 MR. STANTON: Mr. Jones, how do you know about firearms?
2 PROSPECTIVE JUROR 131: My uncle took me shooting.
3 MR. STANTON: Okay. So, kind of a family thing.
4 PROSPECTIVE JUROR 131: Yeah.
5 MR. STANTON: Firearms safety.
6 PROSPECTIVE JUROR 131: Yeah.
7 MR. STANTON: What kind of guns did he teach you firearm safety
8 with?
9 PROSPECTIVE JUROR 131: Long arms and handguns
10 MR. STANTON: Do you know the difference between a semi-
11 automatic and a revolver?
12 PROSPECTIVE JUROR 131: Yes.
13 MR. STANTON: Have you fired both?
14 PROSPECTIVE JUROR 131: No, I haven't shot a revolver.
15 MR. STANTON: You've never shot a revolver?
16 PROSPECTIVE JUROR 131: No.
17 MR. STANTON: But you've shot a semi-automatic?
18 PROSPECTIVE JUROR 131: Yes.
19 MR. STANTON: Are you familiar with the general common
20 calibers that exist here in the United States?
21 PROSPECTIVE JUROR 131: Yes.
22 MR. STANTON: Okay. Thank you very much. Anybody else in
23 that first row? All the way down, I think that's Ms. Stewart?
24 PROSPECTIVE JUROR 158: Yes.
25 MR. STANTON: Can you tell me how you know about firearms?

1 PROSPECTIVE JUROR 158: Well, I grew up with firearms, and in
2 the last 20 years, until my son graduated from high school, I was in scouting,
3 and was a firearm safety instructor for them.

4 MR. STANTON: Okay. And is the firearms safety with the scouts
5 involve both long guns and hand guns?

6 PROSPECTIVE JUROR 158: We didn't do hand guns. And they had
7 shotguns and rifles.

8 MR. STANTON: Okay. Are you familiar at all with handguns?

9 PROSPECTIVE JUROR 158: Yes.

10 MR. STANTON: Do you know the difference between a --

11 PROSPECTIVE JUROR 158: Yes.

12 MR. STANTON: Okay. And the general calibers?

13 PROSPECTIVE JUROR 158: Yes.

14 MR. STANTON: Have you fired both?

15 PROSPECTIVE JUROR 158: Yes.

16 MR. STANTON: Thank you, ma'am. Anybody else that I missed?

17 PROSPECTIVE JUROR 940: Only because I didn't really understand
18 the question, but after listening to everyone, I have also had --

19 THE COURT: Hold on.

20 MR. STANTON: What's your badge number?

21 PROSPECTIVE JUROR 940: Oh, I'm sorry.

22 MR. STANTON: It's --

23 PROSPECTIVE JUROR 940: 940.

24 MR. STANTON: And how did -- is it Kime?

25 PROSPECTIVE JUROR 940: Kime, yes.

1 MR. STANTON: Ms. Kime, how do you know about firearms?

2 PROSPECTIVE JUROR 940: Well, my husband owns a gun, and we
3 used to go shooting, and skeet shooting, that kind of thing.

4 MR. STANTON: Did you ever -- skeet shooting is obviously a long
5 gun.

6 PROSPECTIVE JUROR 940: Right.

7 MR. STANTON: Did you ever shoot hand guns?

8 PROSPECTIVE JUROR 940: Yes.

9 MR. STANTON: Did you ever shoot a revolver?

10 PROSPECTIVE JUROR 940: No.

11 MR. STANTON: Did you ever shoot a semi-automatic?

12 PROSPECTIVE JUROR 940: Yes.

13 MR. STANTON: Okay.

14 PROSPECTIVE JUROR 940: Do I know the difference of the
15 calibers? No, I don't.

16 MR. STANTON: Okay. Thank you very much. Anybody else I
17 missed? Okay, thank you. Besides, Mr. Graber, has anybody else here served
18 in the military? By a show of hands? Oh, Mr. Harris. From what you
19 described earlier, correct?

20 PROSPECTIVE JUROR 947: Yes.

21 MR. STANTON: The military police?

22 PROSPECTIVE JUROR 947: Correct.

23 MR. STANTON: Did you do any other job inside the military,
24 besides military police?

25 PROSPECTIVE JUROR 947: Yes, military police is multi-purpose. I

1 trained tactics, I trained infantry, I trained them how to clear houses. At the
2 same time, I would do law enforcement, patrols. But we went anywhere from
3 KP duty to combat medic.

4 MR. STANTON: Okay. And as, Mr. Harris, were you assigned to an
5 American military base while you were in the army, in Germany?

6 PROSPECTIVE JUROR 947: Yes.

7 MR. STANTON: What was the name of the base?

8 PROSPECTIVE JUROR 947: Kaiserslautern, Taylor Barracks,
9 Mannheim. All of Germany, Heidelberg, Mannheim, Kaiserslautern.

10 MR. STANTON: So, you moved all around?

11 PROSPECTIVE JUROR 947: Ramstein has been gone, and I'm
12 older.

13 MR. STANTON: Oh, so you moved all around.

14 PROSPECTIVE JUROR 947: You jump around. Twenty years
15 overseas is a long time.

16 MR. STANTON: Okay. Anybody else serve in the military? Okay.
17 Ladies and gentlemen, this is once again, a question I'm going to pose to all of
18 you. In this case, I think any reasonable person will say that there will be
19 testimony and documents that would be deemed graphic or gruesome in
20 nature.

21 And my question to you is there any member of the prospective
22 panel that does not believe that they could perform that function of jury
23 service? Judge Togliatti talked about the jury is determinative of the facts of
24 any criminal case. And in this case, facts from a particular witness, a doctor,
25 and some photographs are going to be evidence in this case.

1 My question is, can each and every one of you put aside the
2 emotional aspect of what you will hear and see, and focus on the evidentiary
3 value. What it will tell you about how the victim, Mr. Fleming was killed, and
4 by whom. Can you do that?

5 PROSPECTIVE JURORS: Yes.

6 MR. STANTON: Everybody? Finally, Judge Togliatti mentioned
7 about she will give the instructions of law to the jury. Those instructions come
8 in a packet. They're fascinating, really entertaining instructions of law. They
9 will tell you all you need to know about what to apply to the facts in this case,
10 but one thing that they won't do is we won't tell you who to select as a
11 foreperson. That's up to the 12 members of the jury, collectively, to pick one
12 person as the foreperson. There is no additional authority that goes along
13 with that role. They are one of 12, but they perform one function that no one
14 else in the jury does. And that is, they sign the verdict form.

15 So, my question to all of you, when you look into who you are in
16 your character, sitting in this case, the case where Mr. Glover is charged with
17 first degree murder, with the use of a deadly weapon, if you find that the State
18 has proven its case beyond a reasonable doubt, and the verdict should be
19 guilty, and you're selected foreperson, could each and every one of you sign
20 the verdict form to that effect?

21 PROSPECTIVE JURORS: Yes.

22 MR. STANTON: Does anybody have any concerns that they could
23 not? Those are all my general questions. I just have a couple brief questions
24 for a few of you that were individually based upon your questions yesterday.
25 So, if you could just bear with me, I think I can cover these in fairly short order.

1 Mr. Barnes, you indicated that you had prior federal grand jury service.

2 PROSPECTIVE JUROR 912: Correct.

3 MR. STANTON: What day of the week did you serve?

4 PROSPECTIVE JUROR 912: Tuesdays.

5 MR. STANTON: Did you know that there's another federal grand
6 jury that sits for a year, that handles smaller cases, or less complex cases?
7 Were you aware of that? So, you were on the what was referred to as the
8 special grand jury?

9 PROSPECTIVE JUROR 912: Correct.

10 MR. STANTON: Okay. Is there anything about any cases where
11 might have been -- received instructions of law, that you would have any
12 problem putting that aside?

13 PROSPECTIVE JUROR 912: No, sir.

14 MR. STANTON: For sure, what happens by your service in the
15 federal grand jury, is that you reviewed and indicted cases under federal law,
16 which are unique. Most of them here, are unique from what you will hear in
17 this courthouse. You understand that, right?

18 PROSPECTIVE JUROR 912: I do.

19 MR. STANTON: Okay. And no problem in keeping them separate
20 if selected on this jury?

21 PROSPECTIVE JUROR 912: No, sir.

22 MR. STANTON: Great. Thank you very much. If you could pass it
23 down to Ms. Madrigal. Ms. Madrigal, your prior service and occupation as a
24 nurse, you still are, correct?

25 PROSPECTIVE JUROR 913: Yes.

1 MR. STANTON: Med-Surge?

2 PROSPECTIVE JUROR 913: Yes.

3 MR. STANTON: What other assignments, if any, in the nursing
4 field, did you have?

5 PROSPECTIVE JUROR 913: Home health before this job. That's it.

6 MR. STANTON: Did you ever work in an ER?

7 PROSPECTIVE JUROR 913: I precepted there, when I was in
8 nursing school.

9 MR. STANTON: And is that kind of like residency for nurses?

10 PROSPECTIVE JUROR 913: Yes.

11 MR. STANTON: Okay. And how long did you do that, and where
12 did you do it?

13 PROSPECTIVE JUROR 913: I did that for one year at Desert
14 Springs Hospital.

15 MR. STANTON: Did you ever work on any patients with gunshot
16 wounds?

17 PROSPECTIVE JUROR 913: No.

18 MR. STANTON: Thank you. Would you pass it down to Mr.
19 Graber? Mr. Graber. I'm going to ask you a couple of questions about your
20 marine service. How long were you in the marine corps?

21 PROSPECTIVE JUROR 916: Four years.

22 MR. STANTON: And did you receive a dishonorable discharge -- or
23 an honorable discharge? Sorry.

24 PROSPECTIVE JUROR 916: I was an honorable.

25 MR. STANTON: Okay. And did you ever serve on any juries or any

1 court martial proceedings while you were in the military?

2 PROSPECTIVE JUROR 916: No.

3 MR. STANTON: Okay. Was that a positive experience?

4 PROSPECTIVE JUROR 916: Yes.

5 MR. STANTON: Thank you, sir. If you could pass it down to Juror
6 -- badge number is 933. I want to pronounce your name correctly. Is it
7 Dwinell?

8 PROSPECTIVE JUROR 933: Yes.

9 MR. STANTON: Ms. Dwinell, you indicated your employment is
10 with Jeffery Burr, Limited.

11 PROSPECTIVE JUROR 933: Yes

12 MR. STANTON: And that is primarily estate, wills, trusts, kind of
13 thing?

14 PROSPECTIVE JUROR 933: Yes.

15 MR. STANTON: If someone comes in, as I'm sure they do, to the
16 office, possibly seeking representation in a criminal case, is there a referral
17 process within that law firm that you're familiar with?

18 PROSPECTIVE JUROR 933: Not that I'm familiar with, no.

19 MR. STANTON: Okay. That's my only question. Thank you. If you
20 could pass it to Ms. Kime?

21 PROSPECTIVE JUROR 940: Yes.

22 MR. STANTON: Ms. Kime, you mentioned about a relative that
23 was involved in criminal prosecution in another state, in Indiana. Do you
24 remember that yesterday?

25 PROSPECTIVE JUROR 940: My dad.

1 MR. STANTON: The Judge asked you a question about whether or
2 not there was anything as the result of that, that would cause you a problem
3 sitting in this case. Do you recall that?

4 PROSPECTIVE JUROR 940: Yes.

5 MR. STANTON: My recollection and notes indicate that you didn't
6 have any problem from that.

7 PROSPECTIVE JUROR 940: I do not.

8 MR. STANTON: Is it something that you knew a lot about, either at
9 the time or since the event took place?

10 PROSPECTIVE JUROR 940: I did not know about it at all. He had
11 called me -- actually he came to Vegas to tell us personally. Like I said, he had
12 divorced my mother many years beforehand, and we were not close to him
13 until he decided to come to Vegas to visit, to tell me. And I did not go to the
14 trial. I did not see the accuser. I didn't -- I didn't have any knowledge. I was
15 very upset, of course, because he is my dad. But he was convicted for 27
16 years. He got out in September, around 13 years -- you know, after 13 years,
17 they let him out on probation. And we have a relationship now, but I can't -- I
18 mean because he's my dad. I don't know the facts. So, I can't say whether or
19 not he had a just trial or not. I can't answer that.

20 MR. STANTON: But he did go to trial?

21 PROSPECTIVE JUROR 940: Yes, he did.

22 MR. STANTON: Clearly, it's another state.

23 PROSPECTIVE JUROR 940: Yeah.

24 MR. STANTON: It's another law enforcement --

25 PROSPECTIVE JUROR 940: Right.

1 MR. STANTON: -- organization, than what's dealing with here. In
2 fact, the charges are not even remotely similar to that here. So, it would see
3 for most people that at least haven't experienced it, that one could easily say I
4 can put that aside and judge this case fairly to both sides by listening to the
5 facts in this courtroom. I'm not sure that it's that easy for people that are very
6 close to those in that situation, but you seem to have indicated that you think
7 that you can. Is that accurate?

8 PROSPECTIVE JUROR 940: That is very accurate, because I still
9 have doubts. I don't know. The only -- the only reason why I still have doubts
10 because I wasn't there.

11 MR. STANTON: Right.

12 PROSPECTIVE JUROR 940: And so, I don't know whether or not he
13 was -- the only who can judge him, to me, is -- is God. So, if he did it, then
14 he's going to be judged by God. I can't judge him. I wasn't there. I didn't see.
15 I didn't go to the trial. I don't know anything. All I know is he's my dad, and I
16 still love him.

17 MR. STANTON: Okay. And I understand that. But as it relates to
18 the question of sitting in this case --

19 PROSPECTIVE JUROR 940: Right.

20 MR. STANTON: -- it's not going to interfere with your ability to
21 either side the State or --

22 PROSPECTIVE JUROR 940: Absolutely not. One thing -- it has
23 nothing to do with this -- with this case.

24 MR. STANTON: Okay.

25 PROSPECTIVE JUROR 940: That's separate. That is -- that was a

1 different case, and I didn't even -- I don't know anything about it, so I don't
2 know how to -- there's -- it's different. It's totally different, so I don't
3 understand how I could judge this case, you know, compared to what my dad
4 has gone through --

5 MR. STANTON: Okay.

6 PROSPECTIVE JUROR 940: -- when I wasn't even there.

7 MR. STANTON: You've answered my question. Thank you very
8 much.

9 PROSPECTIVE JUROR 940: You're welcome.

10 MR. STANTON: If you could pass it down one row, over to Mr.
11 Harris, badge number 947. Mr. Harris, you mentioned in your past two
12 employments, I'm not -- based upon your previous answer about the military
13 police in Germany, my follow-up question is to your job after that. You
14 indicated that there were on occasions that, not only did you testify, but you
15 would come back to the United States to testify. Was that predominantly in
16 federal court?

17 PROSPECTIVE JUROR 940: Yes.

18 MR. STANTON: Did you ever testify in anything that we refer to as
19 state charges such as this?

20 PROSPECTIVE JUROR 940: No.

21 MR. STANTON: And you worked there for ten years?

22 PROSPECTIVE JUROR 940: Nine.

23 MR. STANTON: Okay. Thank you, sir. If you could pass it to Ms.
24 Cardoza, badge number 952. Ms. Cardoza, you said your work as -- you have
25 a bachelor's degree in accounting, and you're an auditor.

1 PROSPECTIVE JUROR 940: Yes.

2 MR. STANTON: What type of work do you do specifically for the
3 city? What do you audit?

4 PROSPECTIVE JUROR 940: Operational audits. So, basically, like
5 the Department of, you know, Parks and Rec, or parking. All those
6 departments.

7 MR. STANTON: And is that something that's done of those
8 departments on a regular basis?

9 PROSPECTIVE JUROR 940: It goes on a cycle.

10 MR. STANTON: Okay. So, it cycles back at a certain time period?

11 PROSPECTIVE JUROR 940: Uh-huh.

12 MR. STANTON: Okay. Do you supervise other employees for the
13 city?

14 PROSPECTIVE JUROR 940: No, it's usually just me.

15 MR. STANTON: Okay. Thank you. If you could pass it to Ms.
16 Farfan, badge number 978. Ma'am, could you tell me a little bit more about
17 what type of medical services you're involved in, currently?

18 PROSPECTIVE JUROR 978: So, currently, I'm a nurse's assistant at
19 a nursing home.

20 MR. STANTON: Okay. And have you, in any of your prior
21 employments in the nursing field, worked in a hospital?

22 PROSPECTIVE JUROR 978: No.

23 MR. STANTON: Have you ever cared for anybody that has suffered
24 a gunshot wound?

25 PROSPECTIVE JUROR 978: No.

1 MR. STANTON: Thank you. If you could pass it to Mr. Perri. Mr.
2 Perri, you mentioned something about three friends of yours getting into some
3 trouble, and it sounds like potentially a pretty serious case.

4 PROSPECTIVE JUROR 000: Yeah.

5 MR. STANTON: Was it?

6 PROSPECTIVE JUROR 000: Yes.

7 MR. STANTON: How long ago was that?

8 PROSPECTIVE JUROR 000: Maybe four years.

9 MR. STANTON: And was -- that was, if I understand your
10 comments yesterday, here in Las Vegas?

11 PROSPECTIVE JUROR 000: Yeah.

12 MR. STANTON: Based upon the nature of the charges that were
13 involved, those are serious felony offenses, and they would have, based upon
14 the structure of our criminal justice system, been prosecuted by the Clark
15 County District Attorney's Office, the employers of Mr. Flinn and myself. Do
16 you understand that?

17 PROSPECTIVE JUROR 000: Yes.

18 MR. STANTON: Does that cause you any concern or problems that
19 the people that prosecuted your friends are from the same law firm, if you will,
20 that are sitting in front of you, and possibly sitting in a jury in this case?

21 PROSPECTIVE JUROR 000: Kind of.

22 MR. STANTON: Okay. Tell me about that.

23 PROSPECTIVE JUROR 000: I don't know, it's just kind of weird to
24 think about it.

25 MR. STANTON: Yeah, I imagine it probably would.

1 PROSPECTIVE JUROR 000: Yeah.

2 MR. STANTON: You're a -- in my world, a fairly young person.

3 Does it cause you any concern to sit on a case of such severity as this?

4 PROSPECTIVE JUROR 000: Not really.

5 MR. STANTON: Besides the weirdness that the same people that
6 prosecuted your friends are prosecuting a case here, does it cause you any
7 concern about being fair to the State?

8 PROSPECTIVE JUROR 000: No.

9 MR. STANTON: You paused for a minute.

10 PROSPECTIVE JUROR 000: Yeah, I had to think about it.

11 MR. STANTON: Okay. Is there anything that's causing you some
12 concern that would make you think long and hard about that?

13 PROSPECTIVE JUROR 000: No.

14 MR. STANTON: You mentioned to Judge Togliatti yesterday, that,
15 in the whole, as the dust settles, maybe over the past couple of years, you
16 believe that they were treated fairly?

17 PROSPECTIVE JUROR 000: Yeah.

18 MR. STANTON: That's accurate?

19 PROSPECTIVE JUROR 000: Yeah.

20 MR. STANTON: They did -- kind of the old adage, they did the
21 crime, they do the time.

22 PROSPECTIVE JUROR 000: Yeah.

23 MR. STANTON: Sounds like they did it, and hopefully moved on in
24 their life?

25 PROSPECTIVE JUROR 000: Yeah.

1 MR. STANTON: Do you harbor any resentment about law
2 enforcement, police, the system, if you will, because of that?

3 PROSPECTIVE JUROR 000: Not really.

4 MR. STANTON: Okay. And you would agree with me, that the
5 crimes that your friends apparently committed, are indeed crimes?

6 PROSPECTIVE JUROR 000: Yes.

7 MR. STANTON: And the crimes that you've heard what this case is
8 about are, indeed -- you would consider to be crimes too?

9 PROSPECTIVE JUROR 000: Yes.

10 MR. STANTON: So, there's nothing about the subject matter of the
11 -- of the crimes that --

12 PROSPECTIVE JUROR 000: No.

13 MR. STANTON: -- caused you any concern? Okay. Thank you, sir.
14 If you could pass it down to Ms. Mazzei.

15 PROSPECTIVE JUROR 004: Mazzei.

16 MR. STANTON: Mazzei. I apologize.

17 PROSPECTIVE JUROR 004: No problem.

18 MR. STANTON: Ms. Mazzei, it's weird having an attorney on a
19 prospective panel, but as you could imagine, it's kind of, for both of us
20 probably, you know -- you know, it could be a disaster or could be great, who
21 knows, right? So, let me ask you this. First, as just kind of a logistical within
22 your firm. Is there a referral process, if someone comes to your firm and
23 wants representation for a DUI, or some criminal matter for a family friend?

24 PROSPECTIVE JUROR 004: I'm not aware of any that has occurred,
25 so I haven't been part of any of it.

1 MR. STANTON: Okay. Judge Togliatti asked you some questions
2 about ruling on an evidentiary thing during a trial. I want to focus more about
3 jury instructions. I'm sure you are well familiar with a lot in your field. They're
4 going to be probably be different to you in our world. But do you have any
5 problem applying them as instructions of law ? It's weird asking an attorney
6 can you follow the law.

7 PROSPECTIVE JUROR 004: Yeah, I don't think there will be any
8 problem.

9 MR. STANTON: Okay. Great. Again, there are some people that
10 sit there and say, you know, look if I was king or queen of the state of Nevada,
11 I would change this law, or think that this law is archaic, something like that.
12 But no problems as far as you go?

13 PROSPECTIVE JUROR 004: No.

14 MR. STANTON: Okay. Thank you. If you could pass it to Mr.
15 Harrell.

16 PROSPECTIVE JUROR 030: Harrell.

17 MR. STANTON: Harrell. Badge number 030.

18 PROSPECTIVE JUROR 030: It's Harrell.

19 MR. STANTON: Harrell?

20 PROSPECTIVE JUROR 030: Yes, sir.

21 MR. STANTON: Okay. Sorry. First question, is you kind of have
22 two jobs, as I understand it?

23 PROSPECTIVE JUROR 030: I have one job. It's a primary job. The
24 other is just a -- it's an add-on.

25 MR. STANTON: Okay. Okay.

1 PROSPECTIVE JUROR 030: And it's by choice.

2 MR. STANTON: Okay. So, then you -- and it makes logistical
3 sense and probably any number of different senses to have that. Can you tell
4 me where you got your training to become a pilot?

5 PROSPECTIVE JUROR 030: I got that through an accredited flight
6 school.

7 MR. STANTON: Okay. And was it a number of hours that you then
8 obtained and then got your commercial pilot's license?

9 PROSPECTIVE JUROR 030: Yes, it's a progression.

10 MR. STANTON: Okay. And how long have you held your
11 commercial pilot's license?

12 PROSPECTIVE JUROR 030: Over 30 years.

13 MR. STANTON: And do you fly for a recognized commercial
14 airlines?

15 PROSPECTIVE JUROR 030: Yes, I do. I fly for a major airline.

16 MR. STANTON: And do you then -- because we have probably, I
17 think at the last count, 500 Southwest Airline pilots here have the ability to
18 kind of adjust your schedule for purposes of attending this trial?

19 PROSPECTIVE JUROR 030: I do.

20 MR. STANTON: Okay.

21 PROSPECTIVE JUROR 030: It's in adjustment phase right now.

22 MR. STANTON: Okay. The second component, the add-on
23 component, did you get specialized training for that?

24 PROSPECTIVE JUROR 030: I did.

25 MR. STANTON: And was that both here locally and some other --

1 PROSPECTIVE JUROR 030: It's not local, it's federal.
2 MR. STANTON: Okay. And was that back in Virginia or --
3 PROSPECTIVE JUROR 030: It was in Artesia.
4 MR. STANTON: Okay. As a result of that, you mentioned some
5 aspect of your firearms. That's the current aspect of your use and familiarity
6 with firearms: is that correct?
7 PROSPECTIVE JUROR 030: I still, recreationally.
8 MR. STANTON: Okay. So, both?
9 PROSPECTIVE JUROR 030: Yes, sir.
10 MR. STANTON: Do you carry on a regular basis, both when you fly
11 and when you add-on?
12 PROSPECTIVE JUROR 030: It's selective, and it's also limitations --
13 MR. STANTON: Okay.
14 PROSPECTIVE JUROR 030: -- to the carry.
15 MR. STANTON: Okay. If you could pass it to Ms. Gevers. Badge
16 number 035. Now, you mentioned that you had, I think two stepchildren?
17 PROSPECTIVE JUROR 035: Yes.
18 MR. STANTON: What -- the judge asked you the age. What do
19 they do?
20 PROSPECTIVE JUROR 035: Nichole's 39, and she's a -- I don't
21 know what exactly her title. She works for Freeman. She puts together
22 conventions.
23 MR. STANTON: Okay. And is that -- is there two children or just
24 one?
25 PROSPECTIVE JUROR 035: Two children.

1 MR. STANTON: Okay.

2 PROSPECTIVE JUROR 035: The second one is 28. My son,
3 Brandon, and he is a grower in the state of Colorado. Licensed grower.

4 MR. STANTON: Okay. Well, it seems to be a burgeoning business
5 because now that's three people here that have had direct involvement in
6 employment. Is there anything besides the nature of it that is a concern of
7 yours?

8 PROSPECTIVE JUROR 035: Concern of mine?

9 MR. STANTON: Yeah.

10 PROSPECTIVE JUROR 035: No, I don't know anything about it.

11 MR. STANTON: Okay. Okay. And that's for medicinal and the
12 lawful purposes --

13 PROSPECTIVE JUROR 035: Yes. Uh-huh.

14 MR. STANTON: Okay. Thank you very much. If you could pass
15 the microphone up to one row, if I could go down to Mr. -- is it Chiesi?

16 PROSPECTIVE JUROR 048: Chiesi.

17 MR. STANTON: Chiesi. Mr. Chiesi is badge number 048. Mr.
18 Chiesi, you said you were a civil engineer. Can you tell me what type of
19 projects you worked on as a civil engineer?

20 PROSPECTIVE JUROR 048: My degree was in civil engineering.
21 And then I was project engineer for eight years in West Virginia. We
22 developed underground coal mining tunneling work. And then for the next 20
23 years, I was involved in oil refinery and chemical plant construction.

24 MR. STANTON: And was that in Minnesota?

25 PROSPECTIVE JUROR 048: It was in West Virginia, Pennsylvania,

1 Ohio, Tennessee, Texas, and Minnesota.

2 MR. STANTON: Okay.

3 PROSPECTIVE JUROR 048: My last -- my last assignment was in
4 Minnesota, is where I --

5 MR. STANTON: Oh, I see. So, you kind of bounced around?

6 PROSPECTIVE JUROR 048: Yeah, I lived in Ohio for 20 years, but I
7 traveled the last probably five years, to travel for work. Mainly it was Ohio, the
8 last --

9 MR. STANTON: So, in any of those occupations, were you a
10 supervisor?

11 PROSPECTIVE JUROR 048: Yes.

12 MR. STANTON: How many people did you supervise, say most --
13 the most people at any given time?

14 PROSPECTIVE JUROR 048: Usually six.

15 MR. STANTON: Was that also in performance evaluation?

16 PROSPECTIVE JUROR 048: Yes.

17 MR. STANTON: Also include hiring and firing?

18 PROSPECTIVE JUROR 048: No.

19 MR. STANTON: Not even --

20 PROSPECTIVE JUROR 048: Well, the firing, I -- I --

21 MR. STANTON: Okay. Thank you, sir. Jump to Ms. Williams. Can
22 you explain to me, if you could, what precisely you do at Amazon?

23 PROSPECTIVE JUROR 163: Oh, I'm a picker. So, I drive a pick --

24 MR. STANTON: Okay.

25 PROSPECTIVE JUROR 163: -- and, basically, we get an order on

1 our guns, and we have to drive to the actual item on the shelf, and we'll go up
2 or down. Pick the item, and then drop the orders off.

3 MR. STANTON: Okay. So, you just used the term that I'm
4 interested in. You said something comes in on your gun.

5 PROSPECTIVE JUROR 163: Oh, I'm sorry.

6 MR. STANTON: No, that's okay. I love these terms in different
7 jobs. So --

8 PROSPECTIVE JUROR 163: It's basically a scan gun.

9 MR. STANTON: Gotcha. That's kind of what I was thinking.

10 PROSPECTIVE JUROR 163: Yes.

11 MR. STANTON: And so, that's how the order first comes to you
12 then is on a gun.

13 PROSPECTIVE JUROR 163: Right.

14 MR. STANTON: And then you go into a massive warehouse and
15 try to find that needle in the haystack?

16 PROSPECTIVE JUROR 163: Right. Well, it's not that hard, but, yes.

17 MR. STANTON: Because you've got it all organized, with the
18 system.

19 PROSPECTIVE JUROR 163: Right.

20 MR. STANTON: Okay. Thank you, very much. Your Honor, I have
21 no further questions, and pass the panel for cause.

22 THE COURT: Mr. Bashor?

23 MR. BASHOR: Good afternoon, everyone. I think I can speak for
24 Mr. Stanton and myself that we appreciate your patience. I know that this
25 process seems to go on and on and on. And it's -- you know, it's just the order

1 that I get to go last. I also can't button my coat, so I probably should switch to
2 Lite beer. I mean you no disrespect by not buttoning my coat.

3 So, you heard that this a murder case. And it's a murder case with
4 a deadly weapon. And we've learned that that deadly weapon is a handgun.
5 And by a show of hands, did anyone say awesome this is a murder case?
6 Anyone here hoping this would be a murder case when you walked in the
7 door? Anybody shocked that this was a murder case? Ms. -- I'm sorry --

8 PROSPECTIVE JUROR 163: Williams.

9 MR. BASHOR: Williams, thank you.

10 PROSPECTIVE JUROR 163: New to the seat.

11 MR. BASHOR: New to the seat. How were you shocked?

12 PROSPECTIVE JUROR 163: Just to hear that that -- that it was. I'm
13 just shocked.

14 MR. BASHOR: And --

15 PROSPECTIVE JUROR 163: I thought it was something -- going to
16 be something small, that's all.

17 MR. BASHOR: So, by something small, you would agree that as
18 criminal cases go, murder cases are pretty darn serious?

19 PROSPECTIVE JUROR 163: Yes. Yes, sir.

20 MR. BASHOR: And has that shock kind of waned over time, since
21 you've been here for, I guess, almost a day now?

22 PROSPECTIVE JUROR 163: Yes.

23 MR. BASHOR: Are you feeling more comfortable?

24 PROSPECTIVE JUROR 163: Yes.

25 MR. BASHOR: Anybody else have a similar experience? Show of

1 hands?

2 THE COURT: Ms. Kime? Can you hand the mic back to Ms. Kime?

3 MR. BASHOR: Thank you, Your Honor.

4 THE COURT: I don't know if you saw her.

5 MR. BASHOR: I didn't. You had a similar experience?

6 PROSPECTIVE JUROR 940: Yeah, I was shocked.

7 MR. BASHOR: And as I asked Ms. Williams, has that shock kind of
8 waned?

9 PROSPECTIVE JUROR 940: Absolutely, yes. It's more serious -- it's
10 a serious, you know, allegation, so, yes.

11 MR. BASHOR: Okay. As Judge Togliatti has indicated, these are
12 just accusations. And the reason we're here is that because Mr. Glover denies
13 doing anything. And he's done that by pleading not guilty, right? That's why
14 we're having a trial. Has anyone personally heard of a case, whether in the
15 news or on the television, or the media, where someone was accused of a
16 crime they did not commit? And I'm not going to belabor ten of you, but how
17 about Mr. Chiesi?

18 PROSPECTIVE JUROR 048: Chiesi.

19 MR. BASHOR: Yeah, if we could pass the microphone forward.

20 PROSPECTIVE JUROR 048: I -- I don't remember the details on the
21 case. I just remember that over some years ago, I remember reading or
22 hearing about the case.

23 MR. BASHOR: So, you would agree it happens?

24 PROSPECTIVE JUROR 048: Yes.

25 MR. BASHOR: And as I'm sure that every -- the people that are

1 barred in this room, and the Judge, and everyone have a great affinity for the
2 system working, but we -- it's not perfect, right?

3 PROSPECTIVE JUROR 048: Correct.

4 MR. BASHOR: Anybody else have any specific case they can think
5 of off the top of their heads? You know, because I read the paper like Mr.
6 Chiesi, and I'm not going to be able to memorize the details either, but
7 anybody have any more specific case? Okay.

8 What about -- forget about crime for a second. Forget about --
9 anyone here accused of something they didn't do? Something like, I don't
10 know, eating the last cookie. Right? And we can agree that being accused of
11 something you didn't do, even if it's something as simple as taking the last
12 cookie could be fairly uncomfortable, right? Especially if it's false. So, and so
13 ate the last cookie.

14 I'm not going to belabor this too much because the Judge has
15 talked to you a little bit about it, and so has Mr. Stanton. But we've talked
16 about the presumption of innocence, right? We all understand that if we all
17 got up and went to the deliberation room right now, you've heard no evidence
18 whatsoever and, therefore, if you had to fill out that verdict form right now,
19 you would have to mark the not guilty box, right? Anyone disagree with that?
20 Anybody -- and you got to be honest here, you took that oath, remember.
21 Anybody walk in and say, whooh, he must have done something? Anybody
22 have that reaction? Show no hands. Good. Good.

23 Mr. Stanton and the Judge also talked about the burden of proof in
24 this case, and it rests with these two gentlemen here because they are the
25 State of Nevada and that the accuser is the prover. Everybody agree with

1 that? Anybody disagree with that? Does everybody -- anybody disagree with
2 the fact that Mr. Glover doesn't have to prove his innocence. That is Mr.
3 O'Brien and I could go play Go Fish, ignore everything, but if the State hasn't
4 met their burden, what would you have to do, Mr. Harris?

5 PROSPECTIVE JUROR 947: Not guilty verdict.

6 MR. BASHOR: Thank you. Everyone agree with that?

7 PROSPECTIVE JURORS: Yes.

8 MR. BASHOR: Anybody drive here today? Let's try Ms. Dwinell.
9 If we could pass the microphone back. Did you run any red lights?

10 PROSPECTIVE JUROR 933: No.

11 MR. BASHOR: Prove it?

12 PROSPECTIVE JUROR 933: Cameras.

13 MR. BASHOR: Okay. And cameras at some of the red lights, right.
14 What about stop signs? Did you run any stop signs?

15 PROSPECTIVE JUROR 933: No.

16 MR. BASHOR: No cameras there, right?

17 PROSPECTIVE JUROR 933: Right.

18 MR. BASHOR: I use that as an example to show that the reason
19 why they have the burden of proof, and the reason that there's a presumption
20 of innocence here is because it's very hard to prove a negative. Does
21 everybody agree?

22 PROSPECTIVE JURORS: Yes.

23 MR. BASHOR: It wouldn't be very fair to put Ms. Dwinell on trial
24 for running red lights or stop signs she didn't run, right? Anybody disagree or
25 not understand that? No hands.

1 We've heard a lot about Constitutional Rights and the State's right
2 to a fair trial, and a guilty verdict if they meet their burden. There's a right that
3 hasn't been discussed yet, and that is that Shawn does not have to testify. He
4 could sit there throughout the entire trial and not testify. Does anyone believe
5 that he should have to testify? No hands. Does anybody believe it sure would
6 be nice if he testified? No hands. Mr. Graber.

7 PROSPECTIVE JUROR 916: Yes.

8 MR. BASHOR: There's a microphone nearby. Can you think of
9 some reasons why a lawyer might ask his client not to testify?

10 MR. STANTON: Your Honor, I'm going to object to the form of the
11 question.

12 THE COURT: Can I see counsel at the bench?

13 [Sidebar begins at 12:28]

14 MR. STANTON: Actually, my objection is two-fold. It's both to the
15 form and to the substance. The question counsel asked was can you think of
16 some reasons why an attorney would advise their client not to testify. I think
17 that's a completely irrelevant question in voir dire at any time. The only
18 inquiry is what he's --

19 THE COURT: Why a defendant might not --

20 MR. STANTON: Right.

21 THE COURT: -- do that.

22 MR. STANTON: The reasons why --

23 THE COURT: It's not your decision, you're implying it is,
24 so --

25 MR. BASHOR: Okay.

1 THE COURT: -- I would ask you to rephrase. But you can certainly
2 ask about him.

3 MR. BASHOR: Okay.

4 THE COURT: Not him, personally.

5 MR. BASHOR: I understand.

6 THE COURT: A defendant.

7 MR. BASHOR: Right. Yeah.

8 THE COURT: Sure.

9 [Sidebar ends at 12:28 p.m.]

10 MR. BASHOR: Allow me to rephrase. Can you think of a reason
11 why a defendant -- any defendant may not testify?

12 PROSPECTIVE JUROR GRABER: Self-incrimination or failure to
13 include or exclude information. It may paint a picture that's not positive for
14 their case.

15 MR. BASHOR: Okay, what about nervousness? Could that be a
16 reason?

17 PROSPECTIVE JUROR 916: Sure.

18 MR. BASHOR: Public speaking issues?

19 PROSPECTIVE JUROR 916: Yes.

20 MR. BASHOR: That sort of thing? Can we pass the mic to Mr.
21 Jones, please? Mr. Jones, I'm going to be honest, I'm picking you because
22 you're 19. Okay.

23 PROSPECTIVE JUROR 131: Okay.

24 MR. BASHOR: You've indicated that -- are you -- would you
25 describe yourself as kind of shy?

1 PROSPECTIVE JUROR 131: Yes.

2 MR. BASHOR: Trouble talking with strangers?

3 PROSPECTIVE JUROR 131: Yes.

4 MR. BASHOR: Trouble talking with strangers that are double,
5 maybe -- no offense, triple your age?

6 PROSPECTIVE JUROR 131: Yes.

7 MR. BASHOR: So, let's say you're one of the 12, and you're the
8 young guy. Do you think you'd be able, on a case this serious, to go back
9 there and express your opinion?

10 PROSPECTIVE JUROR 131: No.

11 MR. BASHOR: Why not?

12 PROSPECTIVE JUROR 131: Because it's hard for me to talk to
13 people and stuff like that.

14 MR. BASHOR: Okay. Is it the nature of this particular case, or is
15 it --

16 PROSPECTIVE JUROR 131: It's just -- it's just me in general.

17 MR. BASHOR: Okay. Let's see. I'm trying to find more of the
18 young ones.

19 PROSPECTIVE JUROR 131: I wasn't satisfactory.

20 MR. BASHOR: No, no. Oh, no.

21 THE COURT: Very nervous.

22 MR. BASHOR: I don't know maybe you can express your opinion
23 okay. How about Mr. Perri? Will you pass that mic over here? You're a little
24 older.

25 PROSPECTIVE JUROR 000: Yeah.

1 MR. BASHOR: But still one of the younger folks. Would you
2 agree?

3 PROSPECTIVE JUROR 000: Yeah.

4 MR. BASHOR: Did you hear my questions I asked Mr. Jones?

5 PROSPECTIVE JUROR 000: Yeah.

6 MR. BASHOR: So, if you're the young guy, and you're back there
7 with people who have had far more life experience than you, would you be
8 able to express your opinion among strangers?

9 PROSPECTIVE JUROR 000: Probably.

10 MR. BASHOR: Even if those 11 strangers believed one way, and
11 you were the only one that believed the other way?

12 PROSPECTIVE JUROR 000: Yeah.

13 MR. BASHOR: Anybody here just a follower? That just -- they're
14 not going to be able to speak up? Anybody here just -- they don't care about
15 the opinions of others? No hands.

16 You're going to hear testimony from police officers and listen to
17 their testimony and assess their credibility. And we've already heard from the
18 Judge about, just by virtue of the fact, a police officer is a police officer, would
19 you find them more or less credible. That's not what this question is about.
20 But you are going to have to assess the credibility of police officers. And to
21 assess the quality of their investigation.

22 I have a five-year-old son who loves to dress up as a police officer,
23 arrest his little buddies, throw them in jail, with no investigation whatsoever.
24 That's great on the playground. Kind of hilarious to watch. But everyone
25 agrees that this is a courtroom. Yes?

1 PROSPECTIVE JURORS: Yes.

2 MR. BASHOR: And that even though these individuals are police
3 officers, you're going to have to be able to assess their credibility and assess
4 the quality of their investigation. Does everybody agree?

5 PROSPECTIVE JURORS: Yes.

6 MR. BASHOR: Does anybody think that they can't do that? No
7 hands. Mr. Harris, you probably can guess why I'm picking on you. We're
8 talking about police officers, and you were a military police officer, right?

9 PROSPECTIVE JUROR 947: Yes.

10 MR. BASHOR: And is there anything about your experience of
11 being a police officer and having to assess the credibility and quality of an
12 investigation of the officers in this case. Is there going to be anything about
13 your experience where you go back there and say, they over did it, or they
14 didn't do enough? That kind of thing, based on your experience?

15 PROSPECTIVE JUROR 947? No, based off the facts of the case,
16 they either did their job or they didn't.

17 MR. BASHOR: Right. And they have different protocols and
18 policies than, say military policemen.

19 PROSPECTIVE JUROR 947: Absolutely.

20 MR. BASHOR: I've, to be 100 percent honest with you, gone back
21 and forth about asking about this, all night, but I think to be fair, I got to ask
22 about it. And the 32 of you, with the exception of one, don't look like him,
23 right. Mr. Glover's African American. Is there anything about the fact that he's
24 an African American that's going to cloud your judgment, or have some kind
25 of assumption or pre- conceived notion about his behavior? Anything like that

1 at all? Anyone?

2 UNIDENTIFIED PROSPECTIVE JUROR: Absolutely not.

3 MR. BASHOR: Now's the time to say it. I mean you're under oath.
4 I don't relish in asking about this, but, unfortunately, I think in this day and
5 age, it's still relevant. No hands. Thank you.

6 I don't know this to be a fact, but in murder cases, in my
7 experience, and again, I don't want to speak necessarily for Mr. Stanton, but
8 I'm sure in his experience, sometimes there are quite a few individuals in the
9 gallery during a murder case. People who are relatives, friends, of either side.

10 Is there anything about their presence that would you find
11 intimidating? Is anybody going to be intimidated by the gallery? Anyone
12 going to say well, the Defense has 20 people in support and the State has 10,
13 therefore, the Defense is right? Anybody going to do that? No, right? And
14 vise-versa? No hands. Will you pass the microphone to Ms. Mazzei? Are all
15 killings the same?

16 PROSPECTIVE JUROR 004: No.

17 MR. BASHOR: And you might imagine why I'm picking on you.

18 PROSPECTIVE JUROR 004: I've got an idea.

19 MR. BASHOR: And so -- but you would agree that there's a
20 spectrum of killings, anything from a pure accident all the way to a pre-
21 meditated deliberate first degree count?

22 PROSPECTIVE JUROR 004: Yes.

23 MR. BASHOR: And as Mr. Stanton discussed you're going to get a
24 packet of instructions that come from the Judge that may or may not define
25 different kinds of killings on that spectrum. Does anybody say a killing is a

1 killing is a killing, and they're not going to be able to take a look at those
2 instructions?

3 UNIDENTIFIED PROSPECTIVE JUROR: No.

4 MR. BASHOR: Does everybody agree that not all killings are the
5 same?

6 UNIDENTIFIED PROSPECTIVE JUROR: Yes.

7 MR. BASHOR: Everyone seems to be shaking their head. Anyone
8 disagree with that?

9 THE COURT: No positive responses.

10 MR. BASHOR: Mr. Stanton asked quite a bit about hand guns and
11 long guns. And I'm not at all going to attempt to get into a Second
12 Amendment debate with anyone, but guns are all over the media. And there
13 are people that hold strong opinions on both ends of ownership, types, to no
14 one should ever touch a gun, have a gun. Is there anything about the fact that
15 we know that a gun was used in this case, that's going to make anybody
16 uncomfortable at all? No responses.

17 Almost done, folks. Can we pass the mic to Mr. Huntsman? To the
18 back. Mr. Huntsman, you indicated -- and this individual may or may not
19 testify -- but you were a friend of Scott Hafen?

20 PROSPECTIVE JUROR 923: Correct.

21 MR. BASHOR: Do you talk about work?

22 PROSPECTIVE JUROR 923: No.

23 MR. BASHOR: Okay. So, it's a personal relationship. Work
24 doesn't really come up?

25 PROSPECTIVE JUROR 923: Correct.

1 MR. BASHOR: Is there anything about the fact that you're friends
2 with this individual that's going to affect your ability to assess his credibility in
3 this case?

4 PROSPECTIVE JUROR 923: I just know him well and know who he
5 is and his credibility.

6 MR. BASHOR: Okay.

7 PROSPECTIVE JUROR 923: Just probably his character of who he
8 is.

9 MR. BASHOR: But what I'm saying is your friends with the guy,
10 right?

11 PROSPECTIVE JUROR 923: Correct.

12 MR. BASHOR: Presumably, that means he's got a good credibility,
13 and he's a nice guy, and that kind of thing.

14 PROSPECTIVE JUROR 923: Correct.

15 MR. BASHOR: Okay. Is the fact that you have those beliefs going
16 to affect your ability to assess his testimony on the stand?

17 PROSPECTIVE JUROR 923: No.

18 MR. BASHOR: All right. I know that Mr. Barnes served on a grand
19 jury. Anybody else, grand jury? No hands. This is a weird and complicated
20 question. Anybody, not counting yesterday and today, anybody in this 32
21 know another member of the jury panel, outside of the last two days?

22 PROSPECTIVE JURORS: No.

23 MR. BASHOR: Neighbors, coworkers, former coworkers, friends?
24 All shaking their head. Is there anything that we need to know, that you
25 haven't said? Anyone? Anything that, for whatever reason, our exhaustive list

1 of questions haven't gotten to, and there's something we got to know? And I
2 guess to repeat, I mean the time is now.

3 THE COURT: It's Hillstead, right?

4 PROSPECTIVE JUROR 083: Yes. So, you mentioned -- you asked
5 yesterday if I was close to anyone or had been arrested. My son has also been
6 arrested, and he's been to prison twice for trafficking controlled substances.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 083: I just wanted to let you know.

9 MR. BASHOR: And to anticipate some of the questions that Mr.
10 Stanton might have, was that here in Clark County?

11 PROSPECTIVE JUROR 083: It was.

12 MR. BASHOR: And how long ago was this?

13 PROSPECTIVE JUROR 083: He's been out of prison now for three
14 years.

15 MR. BASHOR: Okay. And presumably the Clark County
16 Prosecutor's Office was the prosecuting agency, right?

17 PROSPECTIVE JUROR 083: Correct.

18 MR. BASHOR: Same employer as Mr. Flinn and Mr. Stanton?

19 PROSPECTIVE JUROR 083: Correct.

20 MR. BASHOR: How do you -- was your son treated fairly, unfairly?

21 PROSPECTIVE JUROR 083: He was treated fairly.

22 MR. BASHOR: Is there anything about --

23 PROSPECTIVE JUROR 083: He was guilty. I mean, he knew, I
24 mean --

25 MR. BASHOR: And did it go to trial or --

1 PROSPECTIVE JUROR 083: No.

2 MR. BASHOR: Okay. And so, you don't hold any animosity
3 towards the State?

4 PROSPECTIVE JUROR 083: No.

5 MR. BASHOR: Anybody else?

6 PROSPECTIVE JUROR 086: I got one thing, I think related --

7 MR. BASHOR: Can you say your name, please?

8 PROSPECTIVE JUROR 086: Bryan Blake, 086.

9 MR. BASHOR: Yes.

10 PROSPECTIVE JUROR 086: To your previous question.

11 MR. BASHOR: Sure.

12 PROSPECTIVE JUROR 086: I don't know a juror, any of these
13 jurors, but somebody works for Jeffery Burr & Associates.

14 MR. BASHOR: Uh-huh.

15 PROSPECTIVE JUROR 086: Jeffery Burr is my stepfather-in- law.

16 MR. BASHOR: Okay. Good to know.

17 PROSPECTIVE JUROR 086: I didn't know if I should bring it up or
18 not.

19 MR. BASHOR: Thank you. Anybody else? Mr. Vinluan.

20 PROSPECTIVE JUROR 581: Yes. So, I have a close friends that's in
21 law enforcement, but he's in the state of California.

22 MR. BASHOR: Okay.

23 PROSPECTIVE JUROR 581: FBI agent.

24 MR. BASHOR: Do you talk about his work a lot?

25 PROSPECTIVE JUROR 581: What's that?

1 MR. BASHOR: Do you talk to him about him about work a lot?

2 PROSPECTIVE JUROR 581: No.

3 MR. BASHOR: Okay. Anything about that relationship that is
4 going to affect your ability to --

5 PROSPECTIVE JUROR 581: No.

6 MR. BASHOR: -- assess the credibility of a detective or a police
7 officer?

8 PROSPECTIVE JUROR 581: No.

9 MR. BASHOR: Thank you for bringing it up. Ms. Williams.

10 PROSPECTIVE JUROR 163: I don't know if it matters, but I've
11 known two people personally that have been shot. So, I don't know if that
12 matters. My ex-husband. Didn't know him at the time, but found out about
13 the information later on, when we got together. My ex-brother-in-law was
14 shot and killed. And that was a drive-by. Both situations were drive-by.

15 MR. BASHOR: Okay. Obviously, we have a murder case here
16 where the allegations was that somebody was shot to death. Do those
17 experiences kind of weigh on you?

18 PROSPECTIVE JUROR 163: No.

19 MR. BASHOR: Are those experiences and the emotion, I'm sure
20 you feel behind those experiences?

21 PROSPECTIVE JUROR 163: Yes, there was emotion in regard --
22 well, not so much my ex-husband.

23 MR. BASHOR: Right.

24 PROSPECTIVE JUROR 163: But my -- my brother-in-law, only
25 because we got the call at 2:00 something in the morning. So, that -- honestly,

1 still to this day if I get any calls early in the morning like that, first thing I kind
2 of panic a little bit, like why is somebody calling this early in the morning. But
3 besides that, that was it. That's the only feelings I have about it.

4 THE COURT: So, when I asked you if you or anyone close to you
5 have ever been a victim of a crime?

6 PROSPECTIVE JUROR 163: Oh, I'm sorry, I didn't put the two
7 together. I'm sorry.

8 THE COURT: How close were you anyway?

9 PROSPECTIVE JUROR 163: Not very close to my brother-in-law,
10 just that that was his brother.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR 163: Barely saw him.

13 THE COURT: Sorry, I didn't mean to interrupt you.

14 MR. BASHOR: No, Your Honor, thank you. You okay?

15 PROSPECTIVE JUROR 163: Oh, I'm good, yeah.

16 MR. BASHOR: Okay. All right. Anybody else? Thank you,
17 everyone, for your attention. Thank you.

18 THE COURT: Do you pass for cause?

19 MR. STANTON: I do.

20 THE COURT: Can I see counsel at the bench?

21 [Sidebar begins at 12:43]

22 THE COURT: Two questions. Do you have anything as a result of
23 a couple -- the last minute voir dire?

24 MR. STANTON: No.

25 THE COURT: And can I give them a restroom break?

1 MR. STANTON: Yes.

2 THE COURT: So, you can collect your thoughts and chit-chat to
3 speed up the --

4 MR. STANTON: Are you going to bring them in and then we pass
5 the sheet back and forth?

6 THE COURT: If you need me to, I will. I was just thinking we could,
7 you know, give them a little break --

8 MR. STANTON: Yeah, we can --

9 THE COURT: -- and do some of preliminary thoughts.

10 MR. STANTON: Yeah, yeah, yeah.

11 THE COURT: I assume you wanted them in the room, so you can
12 look at them?

13 MR. BASHOR: Yes, I'd prefer -- yeah.

14 MR. STANTON: Yeah, I don't have a preference.

15 MR. BASHOR: I would prefer, because that's how I --

16 THE COURT: Okay.

17 MR. BASHOR: Okay.

18 THE COURT: So, I'll give them a short break.

19 MR. BASHOR: Yes.

20 [Sidebar ends at 12:44 p.m.]

21 THE COURT: Okay. Ladies and gentlemen, we're going to take a
22 short recess. I'm going to ask that you come back at 1:00 and then we're going
23 to finish the jury selection process. And those of you that will be selected to
24 serve should know probably by 1:30 at the latest.

25 Okay. So, yesterday I neglected to mention to you that the lawyers

1 and the -- all persons involved in this case, it doesn't matter whether it's court
2 staff, lawyers, witnesses, you know, they cannot speak to the ladies and
3 gentlemen of the jury because to do so might contaminate your verdict.

4 So, if you're in the hallway, and you see a lawyer and they are
5 scurrying away from you, or avoiding eye contact, it's not because they're
6 being rude or anti-social, they are bound by ethics and the law, not to speak to
7 you. And mostly also because I would rock their world.

8 So, during this recess you can talk about anything you want, but
9 you can't talk about the case or anyone who has anything to do with this case.
10 If you could meet back up with my Marshal, Ramsey, at 1:00 in the pre-
11 designated area, we're going to bring you back in and then finish the selection
12 part of the jury selection. Okay.

13 THE MARSHAL: All rise. The jury is exiting.

14 [Outside the presence of the jury.]

15 THE COURT: The record should reflect we're outside the presence
16 of the prospective jury panel. Is there anything you'd like to address outside
17 the presence of the jury? The plan would be to bring them back in at 1:00. I'll
18 let you collect your notes and thoughts. Do your exercise or waive
19 peremptory challenges on the form, when you get it. Back and forth while
20 they're in the room. And then cross reference the list with your notes before I
21 call out the names of the jurors who will be seated in the case.

22 Then I was thinking I would read the introduction to the trial of the
23 case and then excuse them, because it has like all the preliminary nuggets of,
24 you know, you have to do parking, you know, this is how the trial is going to
25 work. Blah, blah, blah.

1 MR. STANTON: That's fine with the State.

2 MR. BASHOR: No problem, Your Honor.

3 THE COURT: Okay, and then we can hear -- and then we can take a
4 lunch break?

5 MR. STANTON: Yeah, because I just -- I meant to bring one case
6 over and copies for the Court and Defense Counsel --

7 THE COURT: Yeah, we're not going to do argument until after.

8 MR. STANTON: Yeah. Okay. I brought the wrong case, so.

9 THE COURT: So, I'm thinking -- yeah, I've got to give them a break
10 and --

11 MR. STANTON: Sure.

12 THE COURT: -- so that's the plan.

13 MR. BASHOR: Okay.

14 THE COURT: Be back at 1:00.

15 MR. STANTON: Okay.

16 MR. BASHOR: Thank you.

17 [Recess at 12:47 p.m., recommencing at 1:02 p.m.]

18 THE MARSHAL: All rise. The jurors are entering.

19 [In the presence of the prospective jurors.]

20 THE COURT: Counsel, will you stipulate to the presence of the
21 prospective jury panel?

22 MR. STANTON: Yes, Your Honor.

23 MR. BASHOR: Yes, Your Honor.

24 THE COURT: All right. All counsel and parties are present. The
25 record should reflect that this is the time for the State and the Defense to

1 MR. STANTON: It's the waive, but I don't know where you want to
2 put it.

3 THE COURT: Just remember that one is State waived or whatever.

4 MR. STANTON: Okay.

5 [Sidebar ends at 1:11 p.m.]

6 [Pause]

7 THE COURT: So, State, I believe your eighth?

8 MR. STANTON: Yes.

9 [Pause]

10 THE COURT: The parties' ninth and final preemptory challenge.

11 [Pause]

12 THE COURT: Thank you. Can I see counsel at the bench? Actually,
13 just in the hallway just for this -- with your list. Be right back.

14 [Off the record at 1:18 p.m.]

15 THE COURT: Okay. Ladies and gentlemen, we're going to call out
16 -- I'm going to -- we, being me, call out the names of the jurors who are going
17 to be seated in this case. Before I do so, I want to extend my gratitude on
18 behalf of the attorneys, and the parties, and the Court. It's been a long jury
19 selection, two days long. And so, I appreciate that, you know, this isn't easy to
20 answer all of these personal questions, and I appreciate your professionalism
21 and courtesy.

22 If I call out your name, you have to stay. You're going to be sworn
23 and seated in the case, okay? So, Madrigal, Graber, Dwinell, Stettler, Cardoza,
24 Vinluan, Farfan, Mazzei, Morgan, Gevers, Chiesi, Williams, Rayna, and Jones.
25 The rest of you are excused, with the thanks of the Court.

1 [Excused jurors exit the courtroom at 1:20 p.m.]

2 THE COURT: Okay. So, here's how this works now. Now that
3 you're recovering from the surprise, you're going to be rearranged and given
4 different names. So, Ms. Madrigal, you're going to sit in that first seat. Your
5 new name is Juror Number 1 for the entire trial. Graber, you sit in the next
6 seat. You're Juror Number 2. Morgan, just move down, then Morgan -- I
7 mean, Ms. Dwinell, excuse me, you're Juror Number 3.

8 JUROR NUMBER 9: Okay.

9 THE COURT: No, Dwinell.

10 JUROR NUMBER 9: Oh, I thought you said Morgan.

11 THE COURT: I did.

12 JUROR NUMBER 9: Oh, okay.

13 THE COURT: I just called her by her fast name --

14 JUROR NUMBER 9: Okay.

15 THE COURT: -- by mistake.

16 JUROR NUMBER 9: Okay.

17 THE COURT: I meant Dwinell, but I was looking at Morgan at the
18 time. Stettler. Sir, you are Juror Number 4 in seat number 4.

19 JUROR NUMBER 4: Okay.

20 THE COURT: Ms. Cardoza, you are Juror Number 5 in seat number
21 5. Mr. Vinluan, you are Juror Number 6 in seat number 6. Farfan, you are
22 Juror Number 7 in seat -- in that first seat right behind you. Ms. Mazzei, you
23 are Juror Number 8. Ms. Morgan, you are Juror Number 9. Gevers is Juror
24 Number 10. Chiesi is 11. Williams is 12. Mr. Reyna, you're right here in this
25 first seat, 13. Mr. Jones, come on over.

1 through the Marshal. During the course of this trial, I told you before, the
2 attorneys, court personnel, and any -- any court personnel or attorneys are not
3 permitted to converse with the ladies and gentlemen of the jury, because to do
4 so might contaminate your verdict. They're not being antisocial, but really the
5 only person that can speak to a juror is the Marshal, and that's why jurors tend
6 to hang together outside as they're in a trial, in a group, because they're not
7 supposed to be talking to anybody but each other. And even when they do
8 talk to each other, they can't talk about the case.

9 So, you are admonished that you are not to do any independent
10 investigation of the law or the facts on your own. So, what does that mean,
11 practically speaking? That means you can't visit the scene. Okay. You can't
12 go like on Sunday and go to the scene. You can't Google Earth it, okay? You
13 can't use the internet and do independent research of the law or the facts.

14 Everything that I'm about to read to you, if you think about it in
15 context of what we're trying to do here and why this is so important, these
16 rules exist to provide these people a level playing field, right? The evidence in
17 this case, which is the testimony of the witnesses and the exhibits introduced
18 into evidence are what a jury has to decide the case on. The jury doesn't
19 decide the case based upon one juror on the internet, or somebody out on a
20 smoker's patio, or some witness on a cell phone talking to somebody, you
21 don't even know who it is, that says something, right, because that's outside
22 our level playing field.

23 And so, these people just spent two days picking the jurors out of
24 the entire group of 75 people, plus 30 I had waiting in the wings today,
25 because they think you are going to follow your oath, you're going to take this

1 as serious as they need you to take it, right, and do what you promised to do
2 just now when you took the oath.

3 And so, that's -- you know, while it may not feel like it right now, a
4 very big honor and responsibility, okay. That's a compliment to you. And
5 because I know you're going to follow these rules, I lay them out very carefully
6 and slowly, and then if you have any questions, I'll answer them.

7 So, the introduction to the trial in the case that I'm giving you right
8 now is not a substitute for the detailed instructions on the law, which I will
9 give you at the close of the case before you retire to consider your verdict.

10 Now, this is a criminal case commenced by the State of Nevada,
11 which you already hear me refer to them as State versus Shawn Glover, the
12 Defendant. The case is based on an indictment or amended indictment. The
13 Clerk will now read the charges in the indictment to the ladies and gentlemen
14 of the jury and state the plea of the Defendant to the charges in the indictment.

15 THE CLERK: District Court, Clark County, Nevada, the State of
16 Nevada, Plaintiff versus Shawn Glover, aka Shawn Lynn Glover, Jr., case
17 number C-16-312448-1, Department 9, amended indictment.

18 State of Nevada, County of Clark. The Defendant above named,
19 Shawn Glover, aka Shawn Lynn Glover, Jr., accused by the Clark County grand
20 jury of the crimes of murder with use of a deadly weapon, felony NRS 200.010,
21 200.030, 193.165-NOC 50001; assault with a deadly weapon, felony NRS
22 200.471-NOC 50201; discharge of a firearm from or within a structure or
23 vehicle, felony NRS 202.287-NOC 51445, committed at and within the County
24 of Clark, State of Nevada, on or about the 1st day of January 2016, as follows:

25 Count 1. Murder with use of a deadly weapon, did willfully,

1 unlawfully, feloniously, and with malice aforethought, kill Patrick Fleming, a
2 human being, with use of a deadly weapon, to-wit: a handgun, by shooting at
3 and into the body of the said, Patrick Fleming, the said killing having been
4 willful, deliberate, and premediated.

5 Count 2. Assault with a deadly weapon, did willfully, unlawfully,
6 feloniously, and intentionally place another person in reasonable
7 apprehension of immediate bodily harm, and/or did willfully and unlawfully
8 attempt to use physical force against another person, to-wit: Miranda Sutton
9 with the use of a deadly weapon, to-wit: a handgun, by pointing said handgun
10 at the said, Miranda Sutton.

11 Count 3. Discharge of firearm from or within a structure or vehicle,
12 did willfully, unlawfully, maliciously, and feloniously, while in or under a
13 structure located at 4032 Smokey Fog, apartment number 201, North Las
14 Vegas, discharge a firearm within or from the structure while being within an
15 area designated by the city or county ordinance as a populated area for the
16 purpose of prohibiting the discharge of weapons.

17 Dated this 31st day of July 2018, Steven B. Wolfson, Clark County
18 District Attorney by David Stanton, Chief Deputy District Attorney, to which the
19 Defendant has entered pleas of not guilty.

20 THE COURT: All right. This case is based on that charging
21 document, which has been read to you by the Clerk. You should distinctly
22 understand that that charging document is simply a list of charges, and it is
23 not in itself any evidence of the allegations it contains. The Defendant has
24 plead not guilty to the charges. The State, therefore, has the burden of
25 proving each of the essential elements of each charge beyond a reasonable

1 doubt. As the Defendant sits there now, he is not guilty. The purpose of this
2 trial is to determine whether the State will meet that burden.

3 Under our system of criminal procedure, you are the sole judge of
4 the facts. You are to determine the facts from the testimony you hear and the
5 other evidence, including exhibits introduced in Court. It is up to you to
6 determine which inferences may be properly drawn from the evidence.

7 Now, the parties may sometimes present objections to certain
8 testimony or other exhibits. It is the duty of a lawyer to object to evidence that
9 he believes is not being properly offered, and you should not be prejudice in
10 any way against a party who makes objections on behalf of the party he
11 represents.

12 Now, at times, I may sustain certain objections or instruct you to
13 disregard certain testimony or exhibits. You must not consider any evidence
14 to which an objection has been sustained or which I have instructed you to
15 disregard.

16 So, how does that work practically speaking? Well, a lawyer asked
17 a question of the witness. Questions are not evidence in the case. Questions
18 are to be considered only as they supply the meaning to the answer of the
19 witness, which is the evidence in the case. The testimony of the witness under
20 oath is the evidence in the case.

21 So, if there's a question and the witness blurts out an answer
22 because there's an objection going, and the question, and the answer, and the
23 person doesn't, you know, do this for a living or whatever, they just answer
24 the question. If I sustain the objection, that means that you cannot consider
25 the testimony or the question, because I've sustained it. If I overrule it, you

1 can consider the testimony and, obviously, the question because that gives
2 meaning to the testimony. If I instruct you to disregard certain testimony or
3 exhibits, you cannot consider that in your deliberation.

4 Additionally, anything you may see or hear outside the courtroom
5 is not evidence in the case and must be disregarded. Additionally, if you see
6 or hear anything about this case outside the courtroom, it's your
7 responsibility, and you took an oath and promised all of us that you would let
8 my Marshal know.

9 Now, you're not to be influenced in any degree by any personal
10 feeling of sympathy for or prejudice against either the State or the Defendant.
11 Both sides are entitled to the same fair and impartial consideration. In
12 considering the weight and value of the testimony of any witness, you may
13 take into consideration the appearance, attitude, and behavior of the witness;
14 the interest in the witness in the outcome of the case, if any; the inclination of
15 the witness to speak truthfully or not; and the probability or improbability of
16 the witness's statements; and all of the facts and circumstances in evidence.
17 Thus, you may give the testimony of any witness just such weight and value
18 as you believe the testimony is entitled to receive.

19 Now, there are two kinds of evidence, direct and circumstantial.
20 Direct evidence is testimony by a witness about what that witness personally
21 saw, heard, or did. Circumstantial evidence is testimony or exhibits which are
22 proof of a particular fact from which, if proven, you may infer the existence of
23 a second fact, which sounds all complicated and legal-like but, really, it's
24 simple.

25 Same example in every case I always give. If it's cold tonight, and

1 cloudy, and you go out to lock up, and you're on your porch, and you can see
2 your own breath in the air and there's big, fat, white flakes falling from the sky,
3 and you reach out your hand and a big, fat, white flake falls on your fingertips
4 and it's wet and cold to the touch, that is direct evidence that it is snowing.
5 You can see it, you can feel it, you could probably even smell it.

6 If, however, it's a balmy 57 when you go out tonight, which we
7 know isn't going to happen, but let's just pretend. It's 57 degrees and
8 everything is fine. You lock up at 6:00 at night. You go to bed. Twelve hours
9 later, you go out to the porch and there is three feet of snow on the ground as
10 far as the eye can see all the way across the valley on your commute to work.
11 That is circumstantial evidence that it snowed overnight. The law permits you
12 to give equal weight to both kinds of evidence, but it is for you to decide how
13 much weight to give to any evidence.

14 Now, just like questions of the attorneys are not evidence in the
15 case, opening statements and closing arguments of the attorneys are not
16 evidence in the case. The arguments are intended to help you in
17 understanding the evidence and applying the law to the evidence, but the
18 statements themselves are not evidence in the case.

19 Additionally, any ruling, remark, or comment which I may make
20 during the course of this trial is not intended in any way to indicate my opinion
21 as to the facts of the case or to indicate my opinion as to what weight you
22 should give to the testimony of any witness.

23 I may even find it necessary to ask a question of a witness, and if I
24 do, it is for the purpose of bringing information to be brought -- that I think
25 should be brought out and not in any way to give my opinion or indicate any

1 opinion about the weight that you should give to the testimony of any witness.
2 I may also find it necessary to admonish a lawyer. And if I do, you should not
3 so prejudice against a lawyer or their client because I have found it necessary
4 to admonish him.

5 Additionally, you should understand that you will be given a
6 limited opportunity to ask questions of any witness called to testify in this
7 case. A question may be asked only in the following manner. Once the
8 witness is done testifying and the examination by the parties is done, I will
9 look to you and I will say, do any of the jurors have any questions you wish the
10 Court to ask the witness. If you do, you have to take your juror notebook on a
11 clean sheet of juror notebook paper, which isn't even full size as it is, but it
12 must be a full-size juror notebook paper, you have to write your juror number
13 on it -- 1, 2, 3, 4, 5, 6 and so on -- and you write the question as if I'm asking
14 the witness the question.

15 Once I've determined that anybody has a question, I will step
16 outside into the hallway, and I will discuss the procedural and substantive
17 propriety of the question, which is a fancy way of saying if I think it's properly
18 asked, I'll ask it. And if I don't, I won't. And if I don't, you can't speculate as to
19 what the answer would have been, and you can't discuss the question in the
20 jury deliberation room. Additionally, jurors should not give undue weight to
21 questions -- to answers to questions that they ask, but they should consider
22 that evidence as they do all other evidence in the case.

23 Also, I've had to kind of draw some lines here. So, here's the lines
24 I've drawn on juror questions.

25 Number one. If it's not a full sheet of paper, I'm not going to take

1 it. If I get the equivalent of a Chicklet wrapper with a question on it, then I'm
2 not taking it. Number two. When I cross the threshold of the room, we're
3 done. You're not firing off papers to me in the back while I'm still dealing with
4 the other papers. I just -- it makes me nuts. So, I get to do little things -- little
5 things I can do and that's one of them. I will, however, wait until you're done
6 writing it out. I'll walk out in the hallway ,and then we'll go forward. The
7 attorneys are given the opportunity should they see fit to do any follow-up
8 strictly to juror questions.

9 Now, until this case is submitted to you, it's of crucial importance
10 that you not discuss it with anyone, even your fellow jurors. That ensures the
11 level playing field that I keep talking about. When you're in the hallway if you
12 want to talk about the weather or talk about your families, talk about whatever
13 you want, but just don't talk about the case or anyone who has anything to do
14 with the case or anything that has anything to do with the case until you're in
15 the jury deliberation room. It's important that you keep an open mind and not
16 decide any issue in the case until you know what the law is, and you've heard
17 the whole case.

18 Now, we're going to take -- now, that we have the jury selected,
19 tomorrow, for example, I'm going to tell you to come back at 9:00. And we're
20 going to have a regular schedule. We're going to take restroom breaks. We're
21 going to take a lunch break. But if you need a break before we were planning
22 to take one, it's not a problem. Just raise your hand and tell me you need a
23 break, a restroom break or whatever, and I'll take one. If you can't see an
24 exhibit or hear a witness, please raise your hand as an indication.

25 I don't have any problem with you bringing a beverage with a lid

1 or a cap or if you want to bring coffee in the morning and whatever. I just
2 can't have you bring in food, okay.

3 You are welcome during the course of this trial as far as your
4 lunch, we usually -- I try to wait a little bit -- the rush in downtown Las Vegas
5 starts at about 11:30 because lower court -- some of the lower courts start
6 really early. So, I try to push to 12:30 or 1:00 if I can go that far depending on
7 where we're at. If -- and I usually take an hour. You can do a couple of things.
8 My Marshal will give you places that you could go if you don't want to bring
9 something.

10 If you want to bring something, you hand it to my marshal in the
11 morning, whether it's frozen, and you want to put it in a microwave, there's
12 microwaves in the juror lounge where you could nuke a lunch. Or if you have
13 some, you know, refrigerated lunch bag, he'll put it in the fridge and then at
14 lunch, he'll give it back to you and you can go to the juror lounge. There's a
15 lounge there, I believe you know, with soda machines and, you know, you can
16 just chill out there if you want to. You can go off campus, as I call it, off the
17 RJC and just go sit somewhere else and take a break from this whole thing.
18 That's up to you as long as you don't talk about the case.

19 So, during this trial, you're going to see people coming in and out
20 handing me things, you're going to see me on the computer, you're going to
21 see me talking to my staff. You're not to draw any inference from that action.
22 I guarantee you 99.99999 percent of the time it has nothing to do with this
23 case. I have thousands of cases, okay, and I can't just disappear from them.
24 So, you're not to draw any inference from that.

25 It is incredibly important you've been given notebooks, or you will

1 be if you haven't yet, to take notes as you see fit of the trial testimony. The
2 reason for that is you're not going to have a transcript to consult at the close of
3 the case, okay. If the jury were to be go back in the jury deliberation room and
4 require to hear testimony again, first of all, in the playback department I
5 record, the jury would have to very carefully describe what's to be played
6 back. The court recorder would have to go in and find the location and cue up
7 her notes. I have to bring everybody in here. Then I have to bring the jury in
8 and do the playback of testimony.

9 Because those playbacks of testimony are very time-consuming, I
10 encourage you to listen carefully to the testimony the first time around and for
11 that reason, we've given you notebooks. Your notebooks cannot leave the
12 courtroom. So, what happens is you get the notebook in the morning, you
13 have it, you take notes. You leave it in your chair. Nobody sees the juror
14 notebooks even after the verdict is done. After the verdict is done, my Marshal
15 rips out the notes and throws them away. I have never seen the notes from a
16 juror notebook in over 200 trials, okay. They're private to you, but you can't
17 take them out of the room.

18 You are -- I believe I mentioned yesterday and if you didn't hear it, I
19 don't recall which group or who I mentioned it to, the whole group possibly,
20 your parking just got upgraded. My Marshal is going to give you a map. You
21 are going to park somewhere closer now. We just don't have enough room
22 there for everybody. But once you get seated as a juror, you go to a new
23 parking place that's right across the street much closer. You must -- this is so
24 crucial. Is everyone listening? There is no, I lost my ticket from the parking
25 garage fund, from the county. You've got to save that ticket. You have to

1 bring it in here so that we can validate it, so you can park for free. Do you
2 understand? Yes. Okay.

3 So, the trial is going to proceed in the following manner. One of
4 the Deputy District Attorneys will make an opening statement which is an
5 outline that helps you understand what the State expects to prove. Please
6 remember that the opening statements are not evidence in the case. They're
7 simply -- they serve as an introduction to the evidence which the party making
8 the statement intends to prove. Then the Defense may present an opening
9 statement, but they do not have to.

10 Then the State will present its evidence in its case-in-chief. Any
11 witnesses that are called for the State, the counsel for the Defendant, one of
12 them, may cross-examine the witnesses. Following the State's case, the
13 Defendant may present evidence. And if so, the Deputy District Attorneys, one
14 of them, may cross-examine any Defense witness. However, as I've said,
15 repeatedly, and you've heard during voir dire, the Defendant is not obligated
16 to present any evidence.

17 After all the evidence has been presented, I will instruct you on the
18 applicable law. After the instructions have been read to you, the lawyers will
19 have the opportunity to present their closing arguments. Closing arguments
20 are not evidence, just as what is said in opening statements by the attorneys
21 are not evidence. The arguments are designed to summarize and interpret the
22 evidence. Since the State has the burden of proving the Defendant guilty
23 beyond a reasonable doubt, they have the right to open and close the final
24 arguments. After the arguments have been completed, then the jury will retire
25 to deliberate on the verdict.

1 So, do you have any practical questions about how this is going to
2 proceed? We're going to go 9:00 to 5:00 tomorrow. We'll take a morning
3 recess. It's the only day I can start at 9:00 because I don't have any other cases
4 set. Other days I can't, and I'll start a little later. And I apologize to you for
5 that. Yes?

6 UNIDENTIFIED JUROR: On Monday, do you know what time
7 approximately you're starting if it goes --

8 THE COURT: We wouldn't start -- 10:30.

9 UNIDENTIFIED JUROR: Okay. Thank you.

10 THE COURT: Anybody else have any questions? Okay. So, here's
11 how this works. My Marshal has information on you from Jury Services. He
12 will give you a number for any emergencies. I would just point out that
13 tomorrow morning at 9:00, if you're not here, we're all sitting here staring at
14 your empty seat. So fun. So, please be mindful of that.

15 I'm about to read to you an admonishment. Nevada law requires
16 that I read this to you at every overnight recess and every restroom break. The
17 first few times I'm going to sit -- I'm going to talk slowly, you know, compared
18 to my usual. And then I'm going to pick up the pace. I'm picking up the pace
19 not because I don't think you're taking it seriously. The opposite, because I
20 know you're taking it seriously, I know you heard it, I know you promise to
21 follow it. And so, I don't need to belabor the whole thing.

22 One thing I didn't mention is in addition to not doing any
23 independent investigation of the law or the facts, you cannot engage in social
24 media about this case or anything to do with this case. You can't tweet, you
25 can't Snapchat, you can't Twitter, you can't do anything. Not tweeting,

1 snapping, Instagramming, Facebooking, I don't know. I know there's a million
2 other ones, GroupMeeting, WhatsApping. I could list it forever. You can't do
3 any of it until you're done as a juror. When I discharge you as a juror, you'll be
4 free to say or not say whatever you want, but until then, you made a promise,
5 and we expect you to stick to it.

6 So, I'm going to read the admonishment which is really me just
7 saying it because I know it by heart. And then I'm going to see you tomorrow
8 at 9:00. You are admonished not to talk or converse among yourselves or with
9 anyone else on any subject connected with this trial. You're not to read,
10 watch, or listen to any report of or commentary on the trial by any person
11 connected with this case or any medium of information, including without
12 limitation, newspapers, television, the internet, or radio. You're not to form or
13 express any opinion on any subject connected with this trial until the case is
14 finally submitted to you.

15 Mr. Jones, you don't have to stress about this. It's going to be
16 okay. I promise. And if you're worried, you just let me know about anything,
17 and we'll deal with it, okay? So, relax. You're excused.

18 THE MARSHAL: All rise. The jurors are exiting.

19 [Outside the presence of the jury.]

20 THE COURT: The record should reflect we're outside the presence
21 of the jury. Before I let you go for a lunch break and come back to argue
22 whatever you want to argue about, I'm going to take -- first of all, the record
23 should reflect on the peremptory challenge form which will be marked as
24 Court's exhibit first in order number --

25 THE CLERK: 1.

1 THE COURT: It will obviously not go back to the ladies and
2 gentlemen of the jury. Excuse me, the record should reflect that this reflects
3 the challenges of each party including that the State waived two peremptory
4 challenges, and the defense waived your final?

5 MR. BASHER: Yes.

6 THE COURT: Okay. And so that's marked Court's Exhibit 1.

7 (Court's Exhibit 1 marked for identification)

8 THE COURT: And is there anything that you need to address? I
9 would like to give my staff a full hour just because, you know -- you know how
10 it is. So, it's ten to 2:00. Can you come back at ten to 3:00?

11 MR. BASHER: Yes, Your Honor.

12 MR. STANTON: Come back at 3:00?

13 THE COURT: Sure. 3:00. How long are you going to argue?

14 MR. STANTON: I think with this Court, it's going to be pretty
15 concise as far as presentations.

16 MR. O'BRIEN: No more than two hours.

17 THE COURT: Are you kidding?

18 MR. O'BRIEN: Yes.

19 THE COURT: Okay. How long, an hour?

20 MR. O'BRIEN: Yeah, I think so. Mr. Stanton has the case. I haven't
21 had a chance to read it, but I don't think --

22 THE COURT: Can I have that case before I go or --

23 MR. STANTON: I brought the wrong one over, but I can send it to
24 defense counsel and the Court.

25 THE COURT: Yeah. Can you send it to my law clerk?

1 MR. STANTON: Sure. It's by the California Supreme Court. So,
2 it's one of those really long opinions, but the section that's relevant is only like
3 two pages. So, I didn't want to print out just the relevant sections and
4 everybody goes, well, where's the rest of it. So, it's actually better I'll email it
5 to you, because I think it's like 60 pages long.

6 THE COURT: Oh, okay. That's fine.

7 MR. BASHER: Thank you.

8 THE COURT: Thank you. 3:00 then, yes?

9 MR. BASHER: Yeah.

10 MR. O'BRIEN: Yes, Your Honor.

11 THE COURT: Thank you.

12 [Recess at 1:50 p.m., recommencing at 3:04 p.m.]

13 THE MARSHAL: Remain seated. Come to order. Court is back in
14 session.

15 [Outside the presence of the jury.]

16 THE COURT: Okay. This is the time set for -- to continue the
17 hearing outside the presence of the jury on Glover, excuse me, C312448-1. So,
18 same attorneys and the Defendant are present. Do you wish to be heard?

19 MR. STANTON: Yes, Your Honor. If I could kind of set the table
20 and frame the issue. So, in talking to Mr. Bashor prior to today's proceeding, I
21 inquired of him if he -- if it was his intent to elicit from the two main State's
22 witnesses -- and for the record, that would be Miranda Sutton who is the
23 victim's wife, and Akira Veasley, V-E-A-S-L-E-Y, I believe, who is the
24 stepdaughter of the victim and daughter of Ms. Sutton. They are present at
25 the time of the shooting.

1 All parties to include Mr. Fleming know the Defendant for some
2 period of time. He was at the home at their -- with their permission. And they
3 had known the Defendant for some period of years. That knowledge includes
4 knowledge of Mr. Glover's past to include, from their perspective, that he was
5 and may still be involved in gang activity, that he's committed more than one
6 murder, and that he has an extensive record and criminal conduct involving
7 acts of violence.

8 The predicate to all of that is on January 1, where this shooting
9 takes place, initial responding officers and investigating detectives get a
10 statement from both of those witnesses. As I mentioned to the Court earlier,
11 that statement, what I'll call 1.0, gives a generalized, but non-specific
12 description of the events that took place. As I understand --

13 THE COURT: What do you mean generalized but non-specific?

14 MR. STANTON: For example, they use a nickname by the name of
15 Hatch to describe to detectives who the person that they see inside their home
16 at the time of the shots being fired. Hatch is a nickname of the Defendant. So,
17 they don't use his actual name.

18 And so, at this juncture, the police aren't told of the actual names
19 as the witnesses have it. And they talk about that one of the reasons the
20 shooting took place had to do with Mr. Fleming selling narcotics and
21 somebody was over there to purchase them, to wit, Hatch, and they heard
22 shots. In both 1.0 and 2.0 -- and I anticipate their trial testimony -- they are not
23 watching Mr. Fleming or the Defendant literally as the shots are being fired.
24 They are feet away. They are very focused to the argument that's escalating
25 that involves everybody in the home, the four principal adult occupants of the

1 structure, the Defendant, the victim, and these two female witnesses.

2 The argument begins or at least comes to its crescendo when the
3 Defendant, from Mr. Fleming's perspective, interjects himself to both his wife
4 and to his stepdaughter on what he perceives to be strictly a family issue and
5 family business. That begins a dialogue between Mr. Fleming and the
6 Defendant, ultimately culminating, as the witnesses I believe will testify, in Mr.
7 Fleming saying, well why don't you and me go outside to discuss it.

8 And as they start walking down the stairs, Ms. Veasley and Ms.
9 Sutton break eye contact from the situation and proceed to walk in a different
10 direction. Almost instantaneously, they hear three gunshots. They both come
11 rushing back to -- all this occurs on a staircase. At the bottom of the staircase
12 is Mr. Fleming with an obvious significant gunshot wound to the head and
13 other parts of his body. He is not moving. And he is deceased there upon
14 officers and other responders first coming to the scene.

15 Supporting the count of assault with a deadly weapon is their
16 testimony that as they're looking down at the bottom of the stairs, they see Mr.
17 Glover turn the firearm in their direction and tell them in kind of a direct
18 manner not to talk about what just happened with anybody. I'm paraphrasing,
19 obviously.

20 THE COURT: I doubt they describe something so polite.

21 MR. STANTON: And so, after that happens and within minutes of
22 first responders primarily because of the nature of the call, North Las Vegas
23 uniformed police officers soon followed up by detectives, these two witnesses
24 give a version of 1.0, which is that a shooting took place, that they're there, but
25 it's -- they're relatively vague on details and they talk about some aspect to

1 narcotics activity.

2 THE COURT: Is there -- so there's a difference between vague and
3 false or, you know, stating one thing and then later stating another. Meaning
4 -- I have no idea what was said, but let's just say like hypothetically, oh, the
5 shots were at the top of the stairs in 1.0 and they were down the bottom of the
6 stairs at 2.0. Like differences, you know, differences as opposed to vague or
7 omission. There's false or mistaken and then there's omitted, two different
8 things.

9 MR. STANTON: Okay. Well, there's certainly omissions.

10 THE COURT: Right. That I --

11 MR. STANTON: There's no questions about that.

12 THE COURT: That I got.

13 MR. STANTON: And there are aspects of what they tell the
14 detectives that are directly false to when you compared it to 2.0.

15 THE COURT: Like? Can you give me some examples of the more
16 material things, arguably?

17 MR. STANTON: What is going to be clearly different from their
18 trial testimony in 2.0 is the extent of they knew the person inside the home.

19 THE COURT: The extent that they knew the person?

20 MR. STANTON: Right.

21 THE COURT: Oh.

22 MR. STANTON: They tell the detectives that they don't know who
23 it is, they didn't -- you know, don't know the person very well. And that's
24 clearly false from their what I believe is 2.0 in their trial testimony.

25 THE COURT: Okay. Anything else?

1 MR. STANTON: Once again, the aspect of narcotics, I think they're
2 going to tell you that this had nothing to do with narcotics.

3 THE COURT: Okay.

4 MR. STANTON: Those are two that jump off to -- at the top of my
5 head. So ,the next day, the 2nd of January, they contact detectives. Oh, let
6 me back up. They express to the detectives their concern for their safety.

7 THE COURT: In 1.0?

8 MR. STANTON: One -- well, when they interact with the detectives,
9 I don't know that it's in part of the recorded interview, but their testimony is --
10 is that they had expressly stated on more than one occasions especially to
11 uniformed officers, so this is prior to the recorded statement or at least not to
12 detectives that they were fearful for their lives and they were hopeful that
13 police officers would remain at the scene until -- if and until someone was
14 caught.

15 THE COURT: Okay.

16 MR. STANTON: So, their level of concern expressed from them, I
17 believe if asked, they would tell you that it was immediate, and it was
18 expressed to law enforcement.

19 THE COURT: Is that the same day as 1.0?

20 MR. STANTON: Yes. That's on the 1st of January.

21 THE COURT: Okay.

22 MR. STANTON: That's within minutes if not hours of the 911 call
23 that they placed to authorities.

24 THE COURT: Okay.

25 MR. STANTON: So, on the 2nd of January, Ms. Sutton and Ms.

1 Veasley contact the police and agree to a second interview now for purposes
2 of this discussion 2.0. And in 2.0, they tell what --

3 THE COURT: They contact the police or the police contact -- the
4 detectives or the detectives contact them?

5 MR. STANTON: They contact police.

6 THE COURT: Okay.

7 MR. STANTON: There is -- in that second interview is what I
8 believe from talking to them prior to this trial, their testimony is going to be
9 consistent with 2.0. And in that version of events, they say they know the
10 Defendant, they've known him for a long period of time. They describe the
11 argument about what the argument was about. It starts with Mr. Fleming first
12 and his stepdaughter who is 21 years of age. He is not her biological father.
13 Ms. Sutton kind of intervenes on her daughter's behalf in the argument, and
14 the argument kind of morphs into Mr. Fleming now arguing with both Ms.
15 Veasley and Ms. Sutton.

16 And through a series of events that are both visually observed and
17 are verbally stated, the Defendant interjects himself by talking to the daughter,
18 talking to the wife one-on-one, and they will describe what their conversation
19 with the Defendant was. In essence, he was offering to insert himself into this
20 issue. Mr. Fleming sees this, and that's when he begins to say, hey, what are
21 you doing? This is none of your business, the invitation to go outside, and
22 then they describe him as they last see him, Mr. Fleming walking first down
23 the stairs, the Defendant following him, and then within seconds, the
24 gunshots, and then they observe the threat.

25 It is the State's belief -- now kind of coming full circle to frame the

1 issue -- it's the State's belief that if the defense seeks to introduce inconsistent
2 statements, the State is entitled to address the rationale and the explanation, if
3 one exists, about why those explanations are different. And the explanation
4 coming from this family from the person who's the author of the statement is
5 going to be their fear of the Defendant based upon concrete facts as they
6 understood them to be. And I believe that there's in some areas of their belief,
7 overwhelming evidence to prove what they suspect to be true about the
8 Defendant's background and the basis of their fear and thus an explanation of
9 why the statements would be inconsistent.

10 THE COURT: So, if you had one of these witnesses on the witness
11 stand, my guess is they're not going to say gang activity, felonies and acts of
12 violence, and more than one murder. They have, I assume, an entire long
13 laundry list of specific things. What is that going to be? How, as an offer of
14 proof?

15 MR. STANTON: As an offer of proof, they're going to -- they
16 believe that the Defendant has committed multiple acts of murder and that he
17 has committed multiple acts of violent conduct against others. I'll leave it in
18 that frame as opposed to addressing specific crimes. That he is a member of --

19 THE COURT: Well, what would they say? What have they said?

20 MR. STANTON: Right. That he is -- that and in addition, that he --
21 they believe him to be a member of a gang, a known gang.

22 THE COURT: What gang?

23 UNIDENTIFIED ATTORNEY: Gerson.

24 MR. STANTON: Gerson Park, GPK.

25 THE COURT: Okay.

1 MR. STANTON: And, thus, kind of the -- that specific comment
2 address their concern then and even further from the time that the statements
3 were made that whether the Defendant was in custody or not, they had
4 concerns. And that's why they said 1.0.

5 So, under 50.135, I believe Nevada law (2)(b): A witness is afforded
6 an opportunity to explain or deny -- this is all presuming under (2) that
7 extrinsic evidence of prior contradictory statement is inadmissible unless
8 they're afforded an opportunity to explain to deny the statement and the
9 opposite party is afforded an opportunity to interrogate the witness therein.

10 It's clearly designed to be argued to this jury that their statements
11 are unreliable. Therefore, the evidence against the Defendant does not satisfy
12 the State's burden. And I think it is contemplated by the statute both here and
13 in the federal system that you cannot be permitted to do that without an ability
14 to completely and fully explain why the inconsistencies exist.

15 My reading of the statute or the case law is that to the extent that I
16 find cases on point, and there's not many, they leave it to the discretion of the
17 trial judge to the extent of the -- of what the Court feels is appropriate to meet
18 the definition of the ability to explain their inconsistencies and the motivation
19 between statements 1 and 2 in this particular case.

20 And as such, if it goes to the weight that is going to be argued by
21 Defense counsel to this jury, either in the form of its not credible or that there's
22 an alternative suspect, then it becomes as probative as you could possibly get
23 in a case like this as to why there would be a distinction between a witness'
24 statement 1.0 versus 2.0. And without the ability for them to explain it, I think
25 arrests the jury's ability to attach the weight that they deem to it after hearing

1 the explanation and the demeanor and the tenure of the witnesses in a three-
2 dimensional format.

3 So, I think that's as best I think I can do to frame it as I see the
4 issues right now.

5 THE COURT: Did you want to address the case that you gave the
6 defense and the Court?

7 MR. STANTON: Yes. The case is -- it's kind of a lengthy thing, but
8 what I thought was of note was that even in a case where there's not evidence
9 directly attributable to a defendant making the threats. Their -- the fact of their
10 threats and the details of the threats was admissible to show the nature of
11 their testimony and the inconsistencies that the defense claimed that there
12 were. And I think procedurally the trial judge warned defense counsel on
13 several different occasions relative to this issue and to a warrant that was
14 outstanding as to another -- or one of these testifying witnesses.

15 THE COURT: Why she left town and didn't handle her warrant --

16 MR. STANTON: Correct.

17 THE COURT: -- was because she would say I was getting threats
18 versus, you know, she's just a dishonest person running from the justice
19 system.

20 MR. STANTON: Correct. And so, to me, the issue is, look, if you're
21 going to go down the road of introducing inconsistent statement and you have
22 full knowledge as you do here that there is a history between these witnesses
23 and the Defendant and that they've known each other for a protracted period
24 of time, that they have this perspective of your -- of the Defendant's
25 background, that they're -- you can't have it both ways. You can't seek to elicit

1 the inconsistencies to try and blow up the State's case and impeach their
2 credibility while handcuffing them and not giving them the ability to explain
3 and to let the jury assess whether or not those are inconsistencies that have any
4 weight or meaning.

5 THE COURT: By the way, before we hear from the defense on that
6 issue, did you and Mr. Bashor talk about the expert issues that you were
7 having?

8 MR. STANTON: Yes. We're going to address that kind of when it
9 gets a little closer to Detective Wilson's testimony, but the concern that Mr.
10 Bashor has about testimony regarding no evidence at the scene supports self-
11 defense, as I see this case, I mean I haven't heard their opening argument yet,
12 but I don't see that I would be asking that question of Detective Wilson. I think
13 that's just a matter more of argument than a Q&A in this case.

14 THE COURT: So, I haven't heard an opening statement yet and I
15 haven't heard any argument from them, but if it's a self-defense case and not a
16 whodunnit, then why does it matter? I mean as long as they say I was scared
17 -- you know, since it's self-defense, there's no question as to who did it. We
18 know who did it, and it's just a matter of why it was done -- than thinking that's
19 pretty scary. I'm just curious, if it's self-defense and not a whodunnit.
20 Because your argument is more compelling if it's a whodunnit and less
21 compelling if it's a self-defense case.

22 MR. STANTON: Well, and --

23 THE COURT: Which means you may not get a ruling before your
24 opening statement.

25 MR. STANTON: Well, I don't know, Your Honor.

1 THE COURT: Because my view, we start to do balancing here
2 and --

3 MR. STANTON: I'm trying to piece together what -- I mean --

4 THE COURT: Do you see what I'm saying, though?

5 MR. STANTON: I do see what you're saying. And the defense has
6 shown me photographs that they're going to proffer that deal with DNA
7 testing of the vehicle. I would assume, maybe as often is the case and maybe
8 my assumption is incorrect, that they're going to challenge the completeness,
9 the integrity of the investigation by Detective Wilson who is the primary
10 homicide detective in the case.

11 Now, if there's someone that's going to challenge what she does
12 and how she does it, you know, Detective Wilson might have an answer, then I
13 think --

14 THE COURT: She is Detective Wilson? You're using personal
15 pronouns. Is that a --

16 MR. STANTON: Detective Wilson is a female.

17 THE COURT: Okay. Not the witness?

18 MR. STANTON: No.

19 THE COURT: One of the -- okay.

20 MR. STANTON: And Detective --

21 THE COURT: I mean she's a witness, but you know what I mean,
22 not a layperson?

23 MR. STANTON: Right. Right. Right. That she might -- her answer
24 to why she did what she did and when she did it may speak to the issues of
25 self-defense and the evidence that she observed at the scene, but I can't

1 predict that now and that's not the issue that I'm raising to the Court. I agree
2 with the Court that if this is purely a self-defense case, then maybe the scope
3 of the explanation need not be as in-depth or as broad, but if -- I don't see that
4 happening if you're looking at alternative suspects, which is what I think
5 they're going to proffer.

6 THE COURT: Okay. Well, and part of your response to Mr.
7 Stanton, I would suggest you address that. There's nothing that says I have to
8 rule on this until the time that I've -- until the time comes. And, quite frankly,
9 I'm not going to allow a tactical advantage to either side and then have it taken
10 advantage of.

11 MR. BASHER: Right.

12 THE COURT: If it's left to my discretion as to what's admissible,
13 let's face it. If it's a whodunnit, not why it was done, then it's -- it can be
14 probative. It's certainly prejudicial, but it's also probative, and then it becomes
15 a weighing analysis on all of these things, each one and how far it goes if at all
16 versus why it happened, in which case it becomes less of a weighing analysis
17 because it's not as probative, quite frankly, but it sure is prejudicial.

18 So, I appreciate you might want a ruling in advance, but I don't
19 think I have to do that. And I'll hear from you, and you can certainly comment
20 on that as part of your -- because, quite frankly, if I don't know what your
21 defense is, I'm not going to rule on it.

22 MR. BASHER: I understand, Judge. Could I have the Court's
23 indulgence?

24 THE COURT: Because if it's a whodunnit, it's one thing. If it's a
25 self-defense case --

1 MR. STANTON: Well, Judge, just -- and I understand that, and I
2 think defense counsel does. But when we talked about this yesterday and the
3 reason why we're requesting it to be put in front of Your Honor now is counsel
4 wanted to know the answer before they did their opening, which I think is
5 probably an important thing for them to know. But I understand the Court
6 that, you know, until the issue is ripe in front of you, then you're not compelled
7 to give any evidentiary ruling, but --

8 THE COURT: Yeah. I don't give an advisory --

9 MR. STANTON: -- I'm not here to --

10 THE COURT: -- decision so that, you know -- you know, there's
11 nothing that -- because it depends on what the defense is as to how probative
12 it is. I mean you're sitting here arguing to me how devastating to the State it
13 can be and how it limits -- handcuffs you and blah-blah-blah. It doesn't
14 handcuff you if it's a self-defense case. It just allows a boatload of bad acts in.

15 MR. STANTON: Well, I wouldn't get --

16 THE COURT: So --

17 MR. STANTON: Your Honor, if it's a pure self-defense case, I'm not
18 asking for a boatload of bad acts to come in because then the inconsistency
19 isn't that probative.

20 THE COURT: Correct. So, that's what I'm saying. So, perhaps
21 they should address that in part of their -- not only do they persuade me that
22 you're wrong, but they also persuade me that the time is right for the ruling in
23 advance.

24 MR. BASHER: Can I have the Court's indulgence for like a minute?

25 THE COURT: Sure.

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[Pause]

MR. O'BRIEN: Thank you, Your Honor. Your Honor, let me start -- knowing the Court's inclination, let me start by saying it is likely a whodunnit case or at least the opening will be on a whodunnit theory. As the evidence comes out, of course, there's a possibility of pivoting.

THE COURT: One moment. I need to take notes. You know, I wish I could remember all the -- every single thing that everybody says in all my 120 murder cases, but I want to make sure I don't miss anything. So, if you'd just give me one moment.

MR. O'BRIEN: Sure.

[Pause]

THE COURT: Okay.

MR. O'BRIEN: Let me start by saying I do want to express some appreciation to the State for having this conversation ahead of trial. It infuriates the Defense to constantly be surprised. It's obviously a competitive endeavor trial. We're not cooperating in doing it. But on something this big, we do appreciate having this conversation ahead of time.

THE COURT: Me too.

MR. O'BRIEN: So, I agree with most of what the State has laid out in terms of the difference between what's being called Statement 1.0 and 2.0, but it's -- I would say it's not simply vaguery in 1.0. In fact, it's misleading information provided by the two women to the police. First, Ms. Sutton provides information to the police that she saw nothing, didn't hear from anyone, someone knocked at the door and shot her husband. That's the first statement provided. The second statement --

1 THE COURT: Wait one moment. Saw nothing, didn't what?

2 MR. O'BRIEN: Didn't hear anything other than a gunshot.

3 Someone knocked at the door, and her husband's dead.

4 THE COURT: Okay.

5 MR. O'BRIEN: The next -- when the police arrive and start
6 interviewing, they speak with the two women separately. Akira tells the
7 officers that she doesn't know the man who was there, the drug customer.

8 THE COURT: Akira is Veasley?

9 MR. O'BRIEN: Akira is the stepdaughter. Stepdaughter.

10 THE COURT: Okay. So, using last names so I can keep track of
11 everybody.

12 MR. O'BRIEN: Veasley.

13 THE COURT: Veasley, thank you. Because we have a Sutton and
14 we have a Veasley.

15 MR. O'BRIEN: Sure.

16 THE COURT: All right.

17 MR. O'BRIEN: And, Your Honor, Veasley tells the police
18 specifically they don't know the man.

19 THE COURT: This is in 1.0?

20 MR. O'BRIEN: This is 1.0, Your Honor. Veasley says, I don't know
21 the man. My mother's never met the man. He's a man with an afro. I think
22 his name is Hatch. Police then interview Miranda. Miranda -- sorry, last
23 names, Sutton. Police then interview --

24 THE COURT: Thanks.

25 MR. O'BRIEN: -- Sutton. Sutton gives a sort of similar version but

1 instead she says she's met this man one time before at their previous
2 residence. No name is provided. She didn't really interact with him. The
3 suspect tried to talk to her. That's all she knows. This was probably a drug
4 deal gone wrong. There was some issues in the past on drug -- on drug
5 dealing and some anger on the deceased's part about drug dealing in the last
6 24 hours.

7 So then within 24 hours, the two women then talk to the police
8 again. And --

9 THE COURT: You disagree it was at their behest?

10 MR. O'BRIEN: Well, I have not pre-trialed them, but I will say the
11 police -- from the information I have from North Las Vegas Police, the police
12 are not contacted by Ms. Veasley or Ms. Sutton. They're contacted by a
13 relative of the deceased, his brother. The deceased's brother tells the police
14 these women are lying. They know who killed my brother. You need to
15 interview them again.

16 Now, what happens from there, there is no discussion in the report
17 whether the women subsequently called detectives or whether the detectives
18 called the women. But that is the first intervention is a call from the brother of
19 the deceased.

20 So, to take a step back into the -- I think that lays out the factual
21 allegations, Your Honor. Towards the statute of 15.135, starting with just a
22 plain reading of the statute, (2)(b) giving the witness an opportunity to explain,
23 the question becomes how broad that opportunity is going to be, how broad
24 the Court will allow that opportunity to be because you're correct in terms of
25 the statements in 1.0 and the statements in 2.0, they're very similar. The man

1 at the bottom of the stairs says: Don't f'ing rat on me. It's on you and your
2 children. It is a death threat to the women and the small children that are in
3 the house.

4 In terms of an opportunity to explain, that's also Count 2 in this
5 case, Assault With A Deadly Weapon. The suspect points a firearm at the two
6 women and threatens to kill them if they talk and their children if they talk.
7 Discussions of gang activity, allegations or rumors of prior murders, and a
8 prior conviction veer us into prior bad act territory, which is why I'm saying the
9 question of how much will the Court allow the witness to explain becomes -- I
10 think the Court's correct. It is the balancing test of 403 or 48.0452.

11 And I don't -- not to lay it out too much, but I think the Court's very
12 aware how much the Supreme Court has warned both prosecutors and judges.
13 And in at least one case *Griffith v. State* has warned the defense as well do not
14 veer into prior bad act territory. It is very discouraged. The default is that it is
15 not admissible. And that's the territory that we are in. And I want to suggest it
16 was possible if the State believed that we were going down this route, it was
17 possible to file a motion to admit prior bad acts or a motion in limine to
18 preserve the issue. Because we are now on day 2 of trial and figuring it out in
19 the afternoon -- and I do appreciate the heads up on the opportunity before the
20 opening, but I also think it's a little late in the game for us to be having the
21 conversation.

22 So, I think under the balancing test, the question of -- we turn into
23 the question of other relevant non-propensity purpose exception and whether
24 this is fitting underneath that, what the relevance would be. I think the stated
25 relevance, if I understand it correctly, is to explain why the witness lied to the

1 police the first time around or why the witnesses lied to the police the first
2 time around. But once we get to that balancing test of probative value versus
3 prejudicial nature of the testimony, I think prejudicial nature of saying there is
4 a person that has previously been killed by Shawn Glover tips prejudicial
5 nature. The scales are essentially way out of balance, especially when we
6 realize that this becomes cumulative evidence.

7 The women according to both of their statements 1.0 and 2.0 see a
8 man above the deceased body of their father -- or their husband and their
9 stepfather, and he makes a verbal threat to kill them and their children if they
10 talk. That is sufficient explanation. Going beyond that tips us into cumulative
11 evidence and prior bad acts. Thank you, Your Honor.

12 MR. STANTON: First of all, it kind of disheartens me to hear
13 arguments which blend terms, but have no relevance to the argument.
14 Counsel suggests that this could have been raised pretrial in two forms, one
15 by the State filing a prior bad act motion

16 THE COURT: You're not offering it for motive, intent, opportunity,
17 lapse, some mistake, or accident, so I get it.

18 MR. STANTON: Yeah. I mean that's --

19 THE COURT: I get it.

20 MR. STANTON: And the analysis they're in is --

21 THE COURT: But a motion in limine is what he was also referring
22 to, which is you could say, hey, there's two different inconsistent statements,
23 just doing this earlier. What we're doing right now could have been done
24 earlier is the point of what his argument was.

25 MR. STANTON: Yeah, but the State's belief is the statute speaks

1 for itself. The statute says -- the plain reading of the statute says that if -- the
2 State's position is this. We had no intention in opening or in direct
3 examination of Ms. Veasley or Ms. Sutton to address 1.0 at all, zero. We were
4 going directly to their statement for the sole and direct purpose of avoiding the
5 issue of getting into a full explanation because in this case, for those two
6 witnesses, the answer is significantly addressed by their knowledge of the
7 Defendant's background. So --

8 THE COURT: By the way, is that in 2.0?

9 MR. STANTON: The explanation?

10 THE COURT: Yeah.

11 MR. STANTON: No, not in the detail of what I've described.

12 THE COURT: What's in 2.0?

13 MR. STANTON: Pardon me?

14 THE COURT: What's in 2.0 as the detailed explanation for why
15 yesterday we didn't know them and today we do?

16 MR. STANTON: That they were afraid.

17 THE COURT: No other details?

18 MR. STANTON: Not on the recording. They go into detail with the
19 detectives --

20 THE COURT: Well, yeah. That's what I'm getting at.

21 MR. STANTON: Yes.

22 THE COURT: What do they tell the -- what do you, as an offer of
23 proof, believe the evidence would show they told the detective was the reason
24 2.0 is different than 1.0?

25 MR. STANTON: Everything I just outlined.

1 THE COURT: So, all this stuff?

2 MR. STANTON: The gang, the murder. And, in fact, their belief
3 that the Defendant had committed multiple murders.

4 THE COURT: And they purport their basis of knowledge to be?

5 MR. STANTON: Their knowledge of the Defendant, his associates,
6 the length of time they'd known him, and what they --

7 THE COURT: And how long did they say they've known him?

8 [State counsel confer.]

9 MR. STANTON: I would say a few years, for sure. And Mr.
10 Fleming, the decedent, knows the Defendant very well. And part of what they
11 know came from Mr. Fleming, in part.

12 THE COURT: Okay. I'm sorry. I interrupted you with your
13 blending of --

14 MR. STANTON: So, I mean --

15 THE COURT: I didn't mean to cut you off.

16 MR. STANTON: -- if the Court is comfortable because it is -- it is
17 not 4804 --

18 THE COURT: Right.

19 MR. STANTON: -- subsection 2. The State's not moving to admit it
20 under those grounds. And, thus, the pretrial raising this issue is, look, you're
21 at your peril if you're seeking to admit an inconsistent statement knowing
22 what the law permits that witness to say as an explanation for the
23 inconsistencies. It also goes without, I think any reasonable dispute, that the
24 defense knows what the underlying facts that these witnesses are going to say
25 about the threats and how that impugns their client's credibility and the

1 potential that that evidence might be admissible.

2 So, it's the strategy of the defense to admit the inconsistent
3 statements. So, if there's anybody that needs to do a motion in limine, it
4 would seem to me it's the party that's pursuing that defense and that
5 evidentiary strategy of introducing an inconsistent statement. I mean I can't
6 open the door myself. And, thus, I'm not offering 1.0, and then turning around
7 and say, guess what, it's an inconsistent statement. And I think under the
8 statute, I might be able to. But the State has no intention to doing that.

9 So, while I think it's certainly my argument is more for the record
10 than it is to Your Honor about the timing of this, I think there can be no further
11 explanation of their -- the explanation absolutely is necessary and pursuant to
12 the law.

13 I agree with the Defense counsel is what's the scope. What I didn't
14 hear is the answer to the Court's primary question: Is this a self-defense case
15 or is this case of whodunnit? And I would agree with the Court that the
16 probative value attached to that threat and the change of it is directly linked to
17 that.

18 Now, maybe they don't want to disclose it at this point, and we
19 wait until that happens, and then we rule on the evidence and the admissibility
20 of the first statement and the basis and the explanation attended to therein
21 when that card is played or when in real time as it goes. It --

22 THE COURT: So, because that's basically what I'm being asked to
23 do, is give an anticipatory -- everything that I would rule on this depends on
24 what questions are asked and how the defense is framed because some kind
25 of claim of prejudice to the State and the 51.35, the whole public policy reason

1 driving 51.35(2)(b) is so that we don't have a complete bastardization of
2 justice, so that we don't pretend like there's just a special world of facts where
3 we just keep out things that are ugly for the Defendant that leave kind of a
4 false impression about someone's motive when they're giving a statement.
5 That's what this is about.

6 And that's hard to weigh when I don't know what you're going to
7 say.

8 MR. O'BRIEN: Your Honor, I apologize for interrupting, but didn't I
9 start my argument by saying what we were --

10 THE COURT: This is a whodunnit. Yes, you did. And you said we
11 reserve the right to, how did you say, inversely lean to something else? You
12 had a very interesting phrase that I liked because I've never heard it before.

13 MR. O'BRIEN: Pivot.

14 THE COURT: Pivot. I heard pivot. I never heard pivot before. And
15 so, can you give me an example of pivot before I chisel a ruling into Moses'
16 tablet and you all carry it to the mountain, because I'm subject to revisiting
17 anything if I hear questioning, and I think there's extreme prejudice on either
18 side, quite frankly.

19 MR. O'BRIEN: Your Honor --

20 THE COURT: For example --

21 MR. O'BRIEN: -- here --

22 THE COURT: -- let me just give you an example so you can
23 address it. Let's say I make a ruling, and I allow some generically coded
24 version of what they want to do in in the event that the witness is significantly
25 pursued on cross-examination about truthfulness and voracity related to the

1 first statement versus the second. Because let's face it, I guess that's an
2 important part and there'll be some motive I guess to make up something
3 within 24 hours of your husband being shot on a stairway. I guess I'll know it
4 when I see it.

5 If it's not that significant, then, you know, Count 2 and, yeah, I
6 knew him to be a violent person, would probably be allowed as much as I
7 allow it to go. If the entire trial is, she's a big fat liar because, you know, they
8 were in with the mob, and that's who had to do it, and she has a motive to
9 fabricate for my client because of X, Y, and Z, and I hear this big elaborate
10 version of whatever, then I guess, you know, I would take a different approach
11 in my ruling. And it's hard to do that in advance.

12 MR. O'BRIEN: Your Honor, I apologize if I said it sloppily. I said
13 that our theory is whodunnit.

14 THE COURT: Right.

15 MR. O'BRIEN: It's the first time that I've really ever revealed a
16 theory on the record, but I went out on that ledge.

17 THE COURT: Right. I know that.

18 MR. O'BRIEN: And so, I've said that it's whodunnit. However,
19 Your Honor, to give you an example of what a pivot would be, when I told --
20 when essentially in ex parte communication one time told Judge Herndon
21 what our theory of defense was, and he said, I'm telling you ahead of time I'm
22 not allowing that testimony in, it pushed me into changing the defense based
23 on the Court's ruling.

24 So, I am saying this is a whodunnit. If the Court rules in a way that
25 leaves that to be a straightforward guilty finding, and we have no other option,

1 then I think the defense would reserve the right to pivot. However, that said,
2 this case has been prepped as a whodunnit. This opening has been prepped
3 as a whodunnit. It is a whodunnit case.

4 MR. STANTON: Well, then, Your Honor, I guess the probative
5 value is from the State's perspective could not be higher to explain 1.0 versus
6 2.0, especially in light of the fact of their knowledge of the Defendant, the
7 failure to give descriptive -- his name, his description, and all the other
8 attended facts that they give in 2.0 is now couldn't be highlighted as more
9 probative.

10 MR. O'BRIEN: Just the last thing I'll say, Your Honor, and I
11 appreciate the Court's time and letting us talk multiple times. Every other
12 statute that talks about admitting the prior conviction employs a balancing
13 test. Even when the defendant takes the stand and the State is presumptively
14 allowed to impeach, the balancing act exists. And it exists for this reason.

15 You talked about creating a fair trial for both sides so that the
16 scales aren't tipped on one way or the other so that we're not hiding
17 information from the jury. But in doing that, to create a fair trial, we do hide
18 information from the jury. We make sure that the unfairly prejudicial
19 information is kept out of the jurors' hands. That's what we're asking for here
20 is if your ruling is under a whodunnit that the prior statement of witnesses
21 would be open to these women's discussion of their hearsay or their hearing
22 of rumors about Shawn Glover, Your Honor, we would ask that you keep out
23 any information about any prior conviction and anything we would
24 characterize as a prior bad act. Thank you.

25 THE COURT: Anything else?

1 MR. STANTON: Your Honor, the comment, and I wrote it down
2 when counsel said it, he goes: The count of assault with a deadly weapon
3 when a man at the bottom of the stairs is pointing a gun at them and saying,
4 the language that he used from -- quoting from the witness's statement, that's
5 sufficient to explain 1.0 from 2.0. Well, that may be Counsel's view of it, but
6 what he's saying is, look, that's sufficient because that should be sufficient for
7 the trier of fact, the twelve, to make that determination. Well, he can't make
8 that claim.

9 And, thus, when your case is hinged as it is that these people are
10 describing an alternative suspect and in conjunction with that, I'm going to be
11 presenting photographs and testimony through cross-examination that the
12 State or the detectives did an incomplete investigation, then it begs for that
13 evidence to be introduced so that the jury can put it into proper context.

14 And we're not seeking to admit a prior conviction as the case law
15 from the Nevada Supreme Court that I believe counsel is citing without
16 quotation to the name, is a reference to a conviction, a felony conviction. The
17 type of conviction has such a prejudicial impact, it was certainly admissible for
18 impeachment purposes, but that there was a weighing between the type of
19 conviction and its relevance for the fact that someone has been a prior
20 convicted felon of which that felony conviction was irrelevant for the
21 testimony, but substantially prejudicial. There is no, in my opinion, analytical
22 framework where that is the same thing as what's being addressed here.

23 THE COURT: Anything else because I'm not cutting you short?

24 MR. STANTON: Not on behalf of the State.

25 THE COURT: Anything else?

1 MR. O'BRIEN: Your Honor, we'll submit.

2 THE COURT: By the way, did we ever make a record with the case
3 that you gave to the defense and to the Court to look at to draw a brief analogy
4 to?

5 MR. STANTON: No, we didn't, Your Honor. It was *People v.*
6 *Williams*, found at 315 P.2d 1.

7 MR. O'BRIEN: I apologize, Your Honor. P.3d.

8 MR. STANTON: P.3d. Sorry.

9 THE COURT: Okay. A couple of things. Knowing very little about
10 the examination of the witnesses in advance, exactly how cross will go, and
11 how direct will go, I am just making a ruling anticipatorily that the -- that there
12 will be pursuit of these witnesses with 1.0 and 2.0 impeachment because this
13 is an identity case. And, you know, I appreciate that *People v. Williams* -- I
14 mean it's kind of demonstrative of the underlying problem, but it's not exactly
15 on point. But the gist of it is exactly what I already talked about with 50.135,
16 which is like (2)(b), which is the whole public policy behind allowing someone
17 to explain themselves.

18 The problem I have here, is I'm not going to allow someone to
19 explain themselves with a couple of murders. So, I am going to allow -- and,
20 you know, this is where witness prep is going to be so crucial. So crucial. And
21 I might require a quick evidentiary hearing outside the presence with each
22 witness, because I am going to allow the State to inquire if they have a
23 knowledge of his history of -- that he had a history of violence in his past. And
24 I may allow gang membership, no GPK in Gerson Park this or that. Just gang
25 membership generically once I hear their basis for that understanding. I need

1 to have some understanding of the context of what they think before I can
2 decide.

3 I'm on a -- I feel like I'm on a tight rope balancing. But at some
4 point, there's just no you can't say anything about the fact that you know he's
5 a violent person, and your opinion, and that he's a gang member, and that he
6 made a threat to you because the two go hand in hand. And so -- but I'm not
7 going to allow prior murders. It's over the top, and I'll get reversed even
8 though you make a good argument and, you know, it is what it is.

9 So, I don't know what you want to do with that, but I'm on the cusp
10 on gang membership and leaning towards allowing it in generic terms. And
11 that they're familiar that he has a history of violence against persons. And I
12 would do a little evidentiary hearing, maybe talk to them myself once I hear
13 what they would say outside the jury about their parameters and cross my
14 fingers that -- and I'm going to allow the State to lead.

15 MR. STANTON: And, Judge, I think we are in agreement, full
16 agreement with that procedure, because I think it's clear then from the record
17 and doesn't need to delve into have any evidentiary hearing about what we
18 did or didn't prep them on. They're both very receptive. They know that there
19 is a danger zone, and we told them be very careful about what you answer and
20 listen to the directions of the Court. So, I think that --

21 THE COURT: Did you hear about Barker's trial?

22 MR. STANTON: Pardon me.

23 THE COURT: Did you hear about Barker's trial?

24 MR. STANTON: I did.

25 THE COURT: With the cop that was told that --

1 MR. STANTON: I did.

2 THE COURT: -- there's a parameter.

3 MR. STANTON: Yeah.

4 THE COURT: And the cop just ignored the parameter. You know,
5 sometimes it's just they get caught up in whatever, and they're not thinking,
6 and it slips out. So --

7 MR. STANTON: I don't think that person had testified before, so --
8 but in our discussion with these two witnesses -- and I can't say this in all my
9 cases -- but these two witnesses are cognitive, understand the principles, are --
10 will take advice and directive from the Court. So, I think that is an excellent
11 thing.

12 Now, they're our first two witnesses. So, after openings when we
13 open this case, we start with them.

14 THE COURT: Okay. So, that was the first part of my ruling. The
15 second part of my ruling is that if the Defense requests -- because this is
16 clearly being -- this is not evidence that the Defendant committed a bad act.
17 And the jury has to be -- well, doesn't have to be, but will be instructed at your
18 request. This is evidence of the mindset of the witness to possibly explain in
19 her own words why she might change her story. It's not evidence that the
20 Defendant did anything. It's just what evidence she thinks in her head, and
21 that's it.

22 And so, a jury gets told those things at the time that it's admitted.
23 You've heard evidence that this witness had certain beliefs about the
24 Defendant's past. That evidence was not offered and may not be considered
25 by you to find that he is a person of bad character or had a propensity to, you

1 know, commit crimes. That evidence was offered to you for your
2 consideration as to how that understanding might have affected the witness' --
3 you know, might affect the witness or might affect the witness' recollection or
4 statements, or may or may not affect the witness' statements, or may have or
5 may have not affected the witness' statements, something to that effect.

6 Now, clearly, that's a strategic thing. You know, *Williams* talks
7 about it in that case that the State -- but that's just generic 101. Every time
8 you're going to let something in, you give an instruction, especially when it's a
9 nuanced purpose of admission under 50.135(2)(b). And so, especially you got
10 a lawyer on the panel, she'll get it right away. That's just what this lady thinks,
11 and because she thinks it, that may have had an impact on her statements.
12 Maybe it did, maybe it didn't. That's for you to determine, but it doesn't mean
13 he did anything.

14 Come up with an instruction if you want, and I will give it. If you
15 don't want, we'll make a great record about strategically you don't want it. I
16 can't imagine it, though. I think you want it.

17 MR. O'BRIEN: And, Your Honor, I think our instructions are due
18 tomorrow morning. Is that what we agreed to?

19 MR. STANTON: Mr. Bashor --

20 MR. BASHER: Yeah.

21 MR. STANTON: -- agreed to it.

22 MR. O'BRIEN: Okay. We'll have that in the packet, Your Honor.

23 THE COURT: Okay. And then, you know, I'll look at it while your --
24 I don't know, they're the first witnesses. So, maybe I need to look at it like first
25 thing in the morning.

1 MR. O'BRIEN: Okay.

2 THE COURT: Because I might make suggestions you like. If you
3 don't, believe me, I have no -- but, you know, if you think about it, I think you
4 can come up with something that specifically tells the jury this is how you're to
5 consider this, blah-blah-blah. It's kind of a -- what's the name of that case that
6 we do the instructions all the time? *Tavares*?

7 MR. STANTON: Yes, *Tavares* the --

8 THE COURT: The hybrid. Because it really is --

9 MR. STANTON: It's a hybrid of *Tavares* is what --

10 THE COURT: Yes.

11 MR. STANTON: -- I was thinking as you were making that.

12 THE COURT: It's only because it relates to the witness' state of
13 mine and nothing to do with anything about the Defendant. So, you can even
14 -- you know, just because a witness may have heard things doesn't mean the
15 Defendant committed any crime, and it cannot be considered by you that he
16 committed any crime. The real issue is how it may or may not impact the
17 mindset of the witness. That's what the relevance is, and if you come up with
18 something, you know I'll give it.

19 MR. O'BRIEN: Understood, Your Honor.

20 THE COURT: Anything else?

21 MR. STANTON: Not on behalf of the State, Your Honor.

22 THE COURT: Okay.

23 /////

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MR. BASHER: 9:00 tomorrow, correct, Judge?

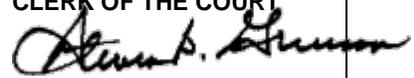
THE COURT: 9:00 tomorrow.

[Proceedings concluded at 3:57 p.m.]

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



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DISTRICT COURT
CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

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Plaintiff,

CASE NO. C-16-312448-1

DEPT. IX

10

vs.

11

12 SHAWN GLOVER, aka SHAWN LYNN
GLOVER, JR.,

13

Defendant.

14

15 BEFORE THE HONORABLE JENNIFER P. TOGLIATTI, DISTRICT COURT JUDGE
16 WEDNESDAY, AUGUST 1, 2018

17

RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 3

18

APPEARANCES:

19

20 For Plaintiff:

DAVID STANTON, ESQ.
WILLIAM FLINN, ESQ.

21

22 For Defendant:

ROBERT E. O'BRIEN, ESQ.
RYAN J. BASHOR, ESQ.

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RECORDED BY YVETTE G. SISON, COURT RECORDER

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1 Las Vegas, Nevada, Tuesday, August 1, 2018

2
3 [Case called at 9:07 a.m.]

4 [Outside the presence of the Jury]

5 THE COURT: Okay. So, this is the time set for the continued trial
6 on State vs. Shawn Glover, C-3124481. Counsel, could you state your
7 appearance before we bring in the jury?

8 MR. STANTON: David Stanton and William Flinn on behalf of the
9 State.

10 MR. BASHOR: Ryan Bashor and Robert O'Brien on behalf of Mr.
11 Glover who's present and dressed appropriately.

12 THE COURT: All right. Is there anything outside the presence of
13 the jury before you do your opening statements, and then I'll -- or I don't know
14 if you're going to do an opening statement, but if you choose to do an opening
15 statement, then I would take maybe a short rest. How long are they going to
16 be?

17 MR. STANTON: I would imagine mine's about a half an hour --

18 THE COURT: Okay.

19 MR. STANTON: -- 35 minutes.

20 THE COURT: What about you?

21 MR. O'BRIEN: Probably around 20 minutes, Your Honor.

22 THE COURT: So, then we could just take a quick break and
23 perhaps calls your first witnesses and do the little mini hearing that I
24 suggested.

25 MR. STANTON: Yes.

1 THE COURT: And then we'll go from there. There was something I
2 said -- you walked out yesterday. I think the phrase I used was flew out of here
3 like Batman. You were like phoom (phonetic).

4 MR. STANTON: Yeah.

5 THE COURT: And I had an after thought --

6 MR. STANTON: The kids.

7 THE COURT: -- that I wanted to tell you, and I mentioned it to the
8 defense to tell you, which was --

9 MR. STANTON: They did.

10 THE COURT: -- I made -- okay, I made that ruling yesterday and on
11 -- I turned around, and you were gone. So, I told the defense to tell you if
12 there was a pivot, the likes of which we discussed yesterday, then I would
13 revisit the ruling that I had made. And I know I haven't made a specific
14 detailed ruling on the -- you know, there's what I may allow after we hear from
15 the two witnesses, but I just wanted to tell you that because I didn't tell you
16 that before you left.

17 MR. STANTON: I appreciate it.

18 THE COURT: Thank you.

19 MR. STANTON: And Counsel did inform me.

20 THE COURT: Thank you.

21 MR. O'BRIEN: And then obviously after that, before we bring the
22 jury back in, we'll refine my poorly worded limiting instruction?

23 THE COURT: Your what?

24 MR. O'BRIEN: We'll refine the --

25 THE COURT: Oh, yeah. Yeah.

1 MR. O'BRIEN: Okay.
2 THE COURT: Can I have whatever you're looking at?
3 MR. O'BRIEN: Sure. I emailed it to --
4 THE COURT: So, I can look at it while you're doing your opening?
5 MR. STANTON: I actually thought it was pretty good.
6 MR. O'BRIEN: Well, thanks.
7 MR. STANTON: The hybrid Tavares [phonetic] I think is what it's
8 now going to be called.
9 THE COURT: We're going to call it the Togliatti.
10 MR. STANTON: The Tog.
11 THE COURT: The Tog.
12 [Pause]
13 THE COURT: Do you have a problem on line 4 with saying instead
14 of these beliefs, either the witnesses' beliefs or any beliefs by the witnesses?
15 MR. O'BRIEN: Not at all. That's fine.
16 THE COURT: You see, I'm just being really specific.
17 MR. O'BRIEN: I appreciate it. I told you it was poorly worded.
18 THE COURT: Can you send this to --
19 MR. O'BRIEN: I did. To Diane.
20 THE COURT: Oh. Is she here today?
21 THE CLERK: She'll be in later.
22 MR. O'BRIEN: I can --
23 THE COURT: She'll be in later.
24 MR. O'BRIEN: I have it on my phone Dropbox, I believe. I can
25 email it to anybody.

1 THE COURT: Can you email it to my --

2 THE LAW CLERK: Just email it to me.

3 THE COURT: -- Nick Lasso, my law clerk, please? All right. So, I'm
4 going to make -- I don't know. I'll propose some changes. I just --

5 MR. O'BRIEN: Great, Your Honor. Thank you.

6 THE COURT: -- want to sit with it for a minute.

7 MR. O'BRIEN: Sure.

8 THE COURT: Okay. Anything else before you do your opening
9 statements?

10 MR. STANTON: Not on behalf of the State.

11 MR. BASHOR: Not on behalf of the Defense, Your Honor.

12 THE COURT: And you're doing the opening statement?

13 MR. O'BRIEN: Yes, Your Honor.

14 THE COURT: Do you all have the technology that you need?

15 MR. STANTON: I am hooked up and test run it, so I'm good.

16 MR. O'BRIEN: Good over here.

17 THE COURT: Okay. Do you have a hard copy of any PowerPoints
18 you're using?

19 MR. STANTON: I do. And I can deliver that. There are some
20 notes, but I'll bring over a clean copy.

21 THE COURT: Okay. So, if you could do that after the lunch hour,
22 I'd appreciate it.

23 MR. STANTON: Sure.

24 THE COURT: Do you --

25 MR. O'BRIEN: And no PowerPoint here, Your Honor.

1 THE COURT: Okay. All right. So, at this time --

2 THE CLERK: (Indiscernible).

3 THE COURT: Sure. If he could bring them in.

4 THE MARSHAL: All rise for the jury. The jurors are all present,
5 ma'am.

6 [In the presence of the jury]

7 THE COURT: Counsel, will you stipulate to the presence of the
8 jury?

9 MR. STANTON: Yes, Your Honor.

10 MR. BASHOR: Yes, Your Honor.

11 THE COURT: Okay. Ladies and gentlemen, unless any of you have
12 any questions this morning about the process, we're going to begin the trial.
13 We'll hear the opening statements. Then I'll take a recess -- a morning recess
14 for you to take a restroom break, stretch your legs. And then we're kind of
15 going into, you know, your participation mode and more of an observation
16 mode except for at the end of each witness I will ask you if you have any
17 questions you wish the Court to ask the witness as I told you about yesterday.
18 Okay.

19 So, does anybody have any questions before we start about the
20 process? All right. There being no questions, at this time, State, opening
21 statement.

22 MR. STANTON: Thank you, Your Honor. Madam Recorder, can I
23 have -- thank you.

24 [OPENING STATEMENT BY THE STATE]

25 Ladies and gentlemen, this case begins factually in the time of the

1 murder itself, which is January 1st, 2016. And this is the location where
2 Patrick Fleming was murdered. In this home during this day are four adults.
3 There are some minor children, but the four adults inside the home are
4 Miranda Sutton. She is Patrick Fleming's, the victim in this case, wife. Also
5 present in the home is Akira Veasley. She is the stepdaughter to Mr. Fleming
6 and the daughter to Ms. Sutton. She's in her early twenties. There is Patrick
7 Fleming, as I just mentioned. And there's the Defendant.

8 In this case, you will hear that on January 1st, the beginning of a
9 series of dominoes that falls leading up to Mr. Fleming's murder is an
10 argument -- a verbal argument between Mr. Fleming and his stepdaughter.
11 You'll hear briefly about the nature of that argument, that Mr. Fleming was
12 upset about his stepdaughter seeing another young man under circumstances
13 that he and Akira did not agree.

14 During that verbal argument, you'll hear from Miranda Sutton and
15 from Akira that Ms. Sutton intervenes on her daughter's behalf on the side of
16 the argument -- the verbal argument. You will also hear, and I ask, as I'm sure
17 you will, to pay special attention to the facts as they describe it about the
18 Defendant's behavior as this argument is ongoing in the home.

19 You will hear that the Defendant gets involved in the argument,
20 and he gets involved in a couple of different ways. And you'll hear that from
21 Ms. Sutton and Ms. Veasley about how that occurs, and when that occurs, and
22 with whom.

23 Suffice it to say, that just prior to the critical events and the murder
24 itself, there is a time where the Defendant speaks to Ms. Sutton alone. And the
25 victim, Mr. Fleming, sees that, and he's not happy about it. And so, he and the

1 Defendant are engaged in now a verbal argument about the Defendant's
2 ongoing interjection into a family dispute that he has no standing to. Once
3 again, this is from Mr. Fleming's perspective.

4 And right at a critical moment, you will see several photographs in
5 this case of a portion of that interior of the home. So, if you go back and recall
6 in the first photograph, there's a garage door open. And at the back of that
7 garage doors, there's a door that leads into the home itself. And immediately
8 upon entering that door is a stairwell up into the general residence where the
9 rooms, the kitchen, and everything else is located.

10 So, after this final confrontation occurs, you will hear that the
11 Defendant makes some comments to Miranda prior to them being seen
12 coming out of the bedroom or from a room. She will describe to you what the
13 Defendant tells her and the words that she remembers him uttering to her
14 about what he is willing to do and get involved in in this case.

15 Then, ladies and gentlemen, there is a discussion between the
16 Defendant and Mr. Fleming about going outside of the home to talk this out.
17 And what happens is that Ms. Sutton and Ms. Veasley are at the top of the
18 stairs. They're observing the argument and what's occurring. And then
19 there's the interjection of let's go outside.

20 And to go outside, Mr. Fleming makes a fatal error. And what he
21 does, ladies and gentlemen, is he walks down the stairs first with the
22 Defendant behind him. Ms. Veasley and Ms. Sutton who -- have known the
23 Defendant for a period of time, he is a friend or an acquaintance of Mr.
24 Fleming, and Ms. Sutton and Ms. Veasley know him and have seen him
25 repeatedly in the past.

1 So, Mr. Fleming walks down the stairwell. You can see the width
2 and the length of the stairwell in the photos and you're about to see that in a
3 photo that I'm going to show you. Behind him, as I mentioned, Mr. Glover
4 was walking. Unbeknownst to anybody, Mr. Glover is armed. He's armed
5 with a .40 caliber semi-automatic handgun.

6 Ms. Sutton and Ms. Veasley will tell you that after they see them
7 walking down the stairs after that discussion, they turn their attention to what
8 they're going to do next. And almost immediately, they hear three gunshots
9 ring out. They run to the stairs -- the top of the stairs and they look down the
10 stairs and this is what they see. That is Mr. Fleming. He is dead. He's been
11 murdered.

12 You're going to hear testimony about his wounds that are critical
13 in this case. And, ladies and gentlemen, the door that you see down there is
14 the door that I mentioned earlier. One is the exit to the garage and to outside.
15 And as I mentioned to you, there's wounds to Mr. Fleming. Mr. Fleming, you
16 will hear from a witness I believe today -- this afternoon, a doctor, -- a
17 specialized doctor. Her name is Jennifer Corneal.

18 She is a physician, and she deals as a medical examiner at the
19 coroner's office with a medical procedure called an autopsy. And she's
20 dealing with a subspecialization called pathology and forensic pathology. It's,
21 as she will describe to you, the study of injuries, the cause and manner of
22 death and the injuries that cause death. You will hear from her some very
23 specific aspects of the wounds to Mr. Fleming because while Mr. Fleming will
24 not be here to testify, the wounds and evidence on his body is telling,
25 compelling evidence to tell you how he was killed and by whom.

1 First of all, Dr. Corneal will tell you that he died from multiple
2 gunshot wounds, one in particular. And I'll get to that in just a moment. She
3 will describe the locations of the wounds. And, ladies and gentlemen, you will
4 hear that Mr. Fleming was shot in three areas of his body, generally his leg, his
5 torso, and the fatal gunshot wound, a massive injury, a headshot with a .40
6 caliber semi-automatic handgun.

7 She will also talk about the directionality. And by that, in an
8 autopsy, the observations both externally to show, in a gunshot wound, what
9 wound is the entrance and whether or not there is a corresponding exit. In this
10 case, Mr. Fleming suffered three gunshot wounds. Two were what's called
11 penetrating gunshot wounds, meaning that the bullet went in but did not exit.
12 Those bullets or fragments thereof were removed as evidence during the
13 autopsy procedure. And one wound was what's referred to as a perforated
14 gunshot wound with a recognized entrance and a recognized exit. And you
15 will hear Dr. Corneal, and through photographs of those injuries, describe how
16 she can determine what are entrance and what are exit gunshot wounds.

17 But in addition to that examination, there is an internal
18 examination. And in the internal examination, it is noted and marked about
19 what damage is done internally. And you will hear that. And you will also
20 hear the directionality, the directionality of how that bullet passed through Mr.
21 Fleming. And that is important, ladies and gentlemen, because it absolutely
22 corroborates Ms. Veasley and Ms. Sutton about what they observed just
23 before the gunshots. And that is the Defendant, Mr. Glover, following right
24 behind Mr. Fleming as he's walking down the stairs because you will see, in
25 especially the head wound, the trajectory is downward.

1 In addition, you will hear the doctor testify about in her medical
2 opinion which of these gunshot wounds are lethal and those that are not,
3 independently of one another. And certainly, when you hear the testimony
4 regarding the head wound, you will hear testimony from Dr. Corneal that that
5 is an instantaneously incapacitating wound and a fatal wound.

6 In addition, ladies and gentlemen, you're going to see that there is
7 a shot from behind multiple -- that there are two bullets recovered from both
8 Mr. Fleming's head as well as his arm, that there is from the crime scene
9 evidence of one round that strikes ultimately directly under Mr. Fleming's
10 body. And so, let me show you that.

11 So, what you're looking at here is the close-up at the bottom of the
12 stairs. Mr. Fleming has now been taken from the scene. The carpet in the left-
13 hand photograph has been pulled back. You will see closer photographs of a
14 bullet hole in that carpeting. And in the center is the tile with distinct marks
15 showing a bullet impact at that site. And what that means from a homicide
16 detective's perspective as to how Mr. Fleming is positioned, the number of
17 wounds, and the exiting of wounds, that tells you where Mr. Fleming was
18 when that shot entered and exited his body.

19 Immediately adjacent to Mr. Fleming's body at the bottom of the
20 stairs are two expended cartridge cases. They're both .40 caliber. They are
21 semi-automatic rounds. And you will hear from the primary homicide
22 detective in this case, Detective Wilson, that as of today or her testimony
23 tomorrow, there's been no weapon recovered by their investigation associated
24 with those two and ultimately three rounds.

25 You will also hear testimony that when they examined the scene,

1 once again, which include Mr. Fleming's body, right at his waist band is a gun.
2 Mr. Fleming was carrying a semi-automatic handgun on his person as you see
3 it there, not withdrawn, but literally that's the condition at the scene. And,
4 ladies and gentlemen, you're going to hear evidence in this case about that
5 weapon because as you can imagine, this weapon is part of a crime scene.
6 And you're going to hear from a crime scene analyst and from the detective
7 about the condition of this weapon and how a weapon like this is handled and
8 processed at the scene.

9 You're going to hear that it is photographed both in its natural
10 condition as you see here, but that after the scene is processed, and you see in
11 that photograph the yellow, what we call, evidence tents, with the numbers on
12 them, have a very specific purpose and design, that they are to mark evidence
13 in a crime scene and that they have a corollary cognition to the crime scene
14 diagram.

15 So, there's a crime scene diagram that will be introduced as
16 evidence in this case. And certain items of evidence are denoted in the index
17 by a number, and those numbers on the index correspond to the evidence
18 tents that you see actually at the crime scene.

19 So, what you see here at the scene in the photographs and in all
20 the photographs that will be admitted, you will see numbers. It will tell you,
21 number one, that the scene has been processed, and it's towards the end of
22 the process, but, also, that it will tell you, and you can use as reference when
23 you look at the crime scene diagram where those items are located and a
24 reminder what each one of those items are.

25 So, in this particular case, that weapon was discovered and as you

1 will hear from the crime scene analyst, after it is collected physically as
2 evidence, it is examined by crime scene investigators in a methodical
3 patterned way. And one of the things that they do in the methodical manner is
4 that they photograph it, and they note the condition of the weapon as they find
5 it.

6 So, what you see here are two photographs in that progression of
7 processing the weapon Mr. Fleming had. And there's two very important
8 things about it. Number one, it's in the condition on his body as you see on
9 the left. Number two, ladies and gentlemen, it's a 9 millimeter. It's a 9
10 millimeter semi-automatic handgun. And on the right, you will see the
11 depiction of it now in a what's referred to as a render-safe condition. The slide
12 is ejected and locked back. And you will hear testimony that it had
13 ammunition in the magazine which is on the far-right upper portion, that's in
14 the handle portion of the semi-automatic handgun.

15 So, it had ammunition in it, but it had no round in the barrel of the
16 weapon. And, thus, this weapon is -- has ammunition, but it's not ready to
17 fire. So, anybody that pulled the trigger, as you will hear from witnesses, this
18 weapon would not have fired. It physically has to be loaded by sliding back
19 the handle that you see in the condition it is, and the handle has to come
20 forward to then load the weapon.

21 So, ladies and gentlemen, the facts of this case as I've just outlined
22 is that there is a three-shot close -- or at least relatively close range firing once
23 into the head, into the body, and into the central area of the pelvic region,
24 actually the leg. And those wounds are fatal to Mr. Fleming. And as I
25 mentioned to you in the last part of this story and what the evidence will show

1 you, is that Ms. Sutton and Ms. Veasley are staring down the stairs at a scene
2 that they know -- is becoming real to them. That from Ms. Sutton's
3 perspective, her husband is lying dying on the floor. And Ms. Veasley
4 observes her stepdad in the same condition.

5 But Ms. Sutton will tell you that when she's staring down the
6 stairwell and what leads to Count 2 of this case, the assault with a deadly
7 weapon, because as she's staring down and absorbing what she's seen, after
8 she heard the gunshots, went to the stairwell and looked down, at the bottom
9 of that stairwell is Shawn Glover. And what does Mr. Glover do? He points
10 the gun at Ms. Sutton, and he utters these words: If you and your kids don't
11 want to -- or want to make it, shut the fuck up. And then he flees from the
12 home.

13 Ladies and gentlemen, at the end of this case, Mr. Flinn and myself
14 are going to ask you to find the Defendant guilty of first-degree murder with
15 the use of a deadly weapon, assault with a deadly weapon, and discharging a
16 firearm in a structure. And that is going to be based upon the evidence in this
17 case. Thank you.

18 THE COURT: All right. At this time does the Defense wish -- does
19 the Defense wish to make an opening statement?

20 MR. O'BRIEN: Yes, Your Honor. If we can just clear the screen.

21 [OPENING STATEMENT BY THE DEFENSE]

22 MR. O'BRIEN: Shawn Glover did not kill Patrick Fleming and yet he
23 was put in handcuffs, arrested, and charged with a crime he -- crimes he did
24 not commit. Now, he sits at a table with Mr. Bashor and is forced to defend
25 himself against a crime he didn't commit. This is exactly why there's a

1 presumption of innocence in this country.

2 Now, the question for you in this case is going to be does the
3 prosecution have enough evidence to show that Shawn Glover committed
4 these crimes beyond a reasonable doubt. The judge has already told you, as
5 the jury, you are the people in this trial who find the facts. You'll sit through
6 the evidence, you'll sit through the testimony. And at the end, you'll weigh out
7 who is credible, what to rely on, and to evaluate whether the prosecution has
8 met its burden of proving that Shawn Glover committed these crimes beyond
9 a reasonable doubt.

10 Now, in order to try to figure out what happened, you might look
11 to physical evidence. But in this trial, you will hear that there are no
12 fingerprints, no DNA, no gunshot residue, no video surveillance, none of those
13 things to tie Shawn Glover to these crimes. What you will be relying on is the
14 testimony of Ms. Veasley and Ms. Sutton. They're the two adults who were at
15 the property at the time, as the prosecution said. The problem is going to be
16 that they gave three versions of what happened that day to police.

17 On New Year's Day when Ms. Sutton is at the bottom of the stairs,
18 she calls 911. And the version she tells the police is that she doesn't know
19 who shot her husband. Someone knocked on the door, shot her husband.
20 She didn't see anything. She doesn't know anything.

21 A couple of hours later the police arrive or a couple of hours later
22 into the investigation, police talk to Ms. Veasley. And she says, actually the
23 suspect is a man named Hatch, my father deals marijuana. Patrick Fleming
24 deals marijuana. And Hatch is a customer of my father's. He was sitting on
25 the couch for a while. I was having an argument with my dad down in the

1 garage. And then Hatch talked to my mom, Miranda, for a minute, and then he
2 ultimately shot Patrick. She'll explain Miranda doesn't know this person. She
3 -- Ms. Sutton has never met this person, and Akira does not know this person
4 either. Ms. Veasley does not know this person.

5 She'll explain to police at that time that when Ms. Sutton and her
6 hear three gunshots, they run over to the stairwell to look down. And what
7 they see is the body of Patrick Fleming. He is dying, or he is dead due to
8 multiple gunshot wounds. Ms. Veasley tells the police she sees no one else.
9 The suspect must have run out the door, but she does know that Patrick
10 Fleming's Dodge Durango was missing. They keep the keys on the counter.
11 They always keep them on the counter, and the keys aren't there, and the
12 Dodge Durango's gone.

13 The same day, New Year's Day 2016, the police interview Miranda
14 Sutton. They want to find out what she saw, what she knows. She explains to
15 police at that time, I think there was a guy here. He's a customer of my
16 husband's. He's a customer of Patrick Fleming's. He was sitting on the couch.
17 My daughter, Akira Veasley, and my husband were arguing down in the
18 garage. I went down to check on what happened with them.

19 I don't really know this guy. I've seen him maybe one time before
20 at a previous house that we had. And she'll explain to police that she does not
21 know information about who this person is. But if they give her until 6:00 p.m.
22 that night, she will come back and give them the name of the person who shot
23 her husband.

24 The very next day, January 2nd, Akira Veasley and Miranda Sutton
25 will tell police we lied yesterday. It was Shawn Glover who shot Patrick

1 Fleming. We were scared because he threatened us. With these three
2 versions of what happened on January 1st, 2016, and you trying to sort
3 through what is true and what is not, you would usually want to rely on some
4 type of evidence beyond the statements, but you will not have that here. You
5 will not have the fingerprints of the man who ran out the door of the
6 townhome from the door. You will not see evidence about fingerprints on the
7 door of the Dodge Durango or inside the Dodge Durango that the suspect
8 stole.

9 You will not hear if there's any DNA evidence tying Mr. Glover to
10 that townhome. You will not hear that there's any DNA evidence tying Mr.
11 Glover to the Dodge Durango. You will not see any video surveillance of the
12 suspect running out of the townhome into a townhome community, a gated
13 townhome community. You will not hear about gunshot residue testing on
14 Mr. Glover or anyone else.

15 At the end of this trial, you'll be left with the word of these two
16 women to determine is there enough evidence to find a man guilty of murder.
17 And at the conclusion of this trial, we are going to say we are going to ask you
18 to find Shawn Glover not guilty of these crimes because there's simply not
19 enough evidence. Thank you.

20 THE COURT: Okay. Ladies and gentlemen, we're going to take a
21 brief recess for you to use the restroom and us to address a couple of matters.
22 During this recess, you're admonished not to talk or converse among
23 yourselves or with anyone else on any subject connected with this trial.
24 You're not to read, watch, or listen to any report of or commentary on the trial
25 by any person connected with this case or any medium of information,

1 including without limitation, newspaper, television, the Internet, or radio.
2 You're not to form or express any opinion on any subject connected with this
3 trial until the case is finally submitted to you.

4 Oh, I don't know exactly how long it'll be, but I appreciate your
5 patience, and we'll bring you back in when we're ready. Please follow my
6 Marshal.

7 THE MARSHAL: All rise. The jurors are exiting.

8 [Outside the presence of the jury.]

9 THE COURT: Counsel?

10 [Sidebar begins at 9:43 a.m.]

11 THE COURT: Just a suggestion, it's your instructions. I'll read
12 them any way you want me to read them. Just a suggestion. Here's your
13 original to compare and contrast. This is the original. Oh, you have that,
14 right?

15 UNIDENTIFIED ATTORNEY: Yes. Right.

16 THE COURT: Okay. So that just has --

17 UNIDENTIFIED ATTORNEY: This is the --

18 THE COURT: -- that's just a couple -- a little nuanced --

19 MR. O'BRIEN: Okay.

20 THE COURT: -- changes.

21 MR. STANTON: Judge, how do you want to do this? Do you want
22 it one at a time or both together?

23 THE COURT: Yeah.

24 MR. STANTON: One at a time?

25 THE COURT: You mean those ladies?

1 MR. STANTON: Yes.

2 THE COURT: One at a time. I wanted to hear exactly what they
3 were going to say about the gang membership, specifically. If you could like
4 run through that real quick before I go and say -- also, I want it made very
5 clear, and I'll say this on the record, that this was what they heard, not who
6 they heard it from or anything else, but that's what they heard. I mean I'll
7 assume they didn't watch anybody -- they didn't watch him shoot somebody
8 other than allegedly, you know -- didn't see him in a gang or --

9 MR. STANTON: They heard it from him.

10 MR. BASHOR: He's told them, and he sat there showing them
11 videos of these are my homies in New York and stuff doing, you know, this
12 and that with their guns.

13 THE COURT: It's still --

14 MR. BASHOR: And they know he couldn't have killed somebody
15 because he just got out of prison for --

16 THE COURT: It's still --

17 MR. BASHOR: -- manslaughter.

18 THE COURT: It's still a hearing. Sorry.

19 MR. STANTON: From a reliable source.

20 THE COURT: No elaboration, just hearing. I heard.

21 MR. STANTON: And he's the father of her grandchildren. It's not
22 like they're strangers. That's the scenario.

23 THE COURT: Well, that would explain why we hang out with
24 people who we think more than other people. Okay. Well, that makes more
25 sense to me. None of that made any sense. I have no pride of ownership or

1 authorship.

2 MR. O'BRIEN: I like it.

3 THE COURT: I don't care.

4 MR. O'BRIEN: I'm fine. This is fine.

5 THE COURT: I'm just throwing it out there.

6 MR. O'BRIEN: This is -- actually, the wording especially at the end
7 is better, so.

8 THE COURT: Okay. You need to say, if believed. That's what I --
9 you know, because you need to put out there that it's subject to belief.

10 MR. O'BRIEN: Right.

11 MR. STANTON: Fine.

12 THE COURT: Okay. So --

13 MR. BASHOR: And then you're requesting?

14 MR. STANTON: Yes.

15 MR. BASHOR: Okay.

16 THE COURT: My other question is this. You're entitled to have it
17 read as each witness says their thing, I think. Also, at the -- if you want to --
18 me to give it in the actual instructions at the end.

19 MR. O'BRIEN: Uh-huh.

20 THE COURT: I might change that first sentence to say, ladies and
21 gentlemen, because --

22 MR. O'BRIEN: Right.

23 THE COURT: -- that's at the end.

24 MR. O'BRIEN: No, and I -- yeah, and there might be a -- there's an
25 instruction that's a little less specific, too, that's usually given at the end. It

1 references this more specific instruction.

2 THE COURT: Okay. So, whatever you want to do for the end, let
3 me know.

4 MR. O'BRIEN: Okay.

5 THE COURT: Because right now this doesn't say, you know,
6 instruction blank.

7 MR. O'BRIEN: No, it does not. Absolutely not.

8 THE COURT: This is just what I'll do right now.

9 MR. O'BRIEN: I appreciate that.

10 THE COURT: And then give me in your -- I'm just going to read it.
11 I don't think you need to file it --

12 MR. O'BRIEN: That's fine, Judge. And --

13 THE COURT: -- unless you want to.

14 MR. O'BRIEN: No.

15 THE COURT: Okay. So, let's hear from the witnesses first.

16 [Sidebar ends at 9:46 a.m.]

17 [Outside the presence of the jury.]

18 THE COURT: Okay. So, there's a limited instruction or a
19 cautionary instruction that has been proposed by the defense. Oh, I'm sorry.
20 He's not here. One moment. I can wait. He's using the restroom?

21 MR. O'BRIEN: No, he's not.

22 MR. BASHOR: No, he's going to get the witnesses.

23 THE COURT: I meant the Defendant.

24 MR. BASHOR: Okay. Sorry.

25 THE COURT: I can wait if he has to use the restroom.

1 UNIDENTIFIED MALE: Oh, no. He's --

2 THE CLERK: We just had him in there.

3 THE COURT: Okay. So, we're back on the record. We had a brief
4 bench conference so that I could give the defense a slightly amended version
5 of a cautionary instruction, which I think is, you know, better. Nothing
6 personal to you. I think yours is great. I just think this is better, but I have no
7 pride of authorship, and I told you if you don't want to use it, don't use it.
8 And --

9 MR. O'BRIEN: I would like to use it.

10 THE COURT: And you would like to use it?

11 MR. O'BRIEN: Yes.

12 THE COURT: So, I'll read it into the record: Now I'm going to
13 caution the ladies and gentlemen of the jury that the testimony that the
14 witness believed the Defendant was gang-affiliated and/or had a history of
15 violence against persons is being offered and may only be considered by you
16 solely for the purpose of explaining the state of mind of the witness at the time
17 she made her statement to police on January 1st, 2016. The testimony, if
18 believed, was not to be -- excuse me -- is not to be considered as substantive
19 evidence that the Defendant is in fact gang-affiliated, and/or has a history of
20 violence against persons, or that he is a person of bad character.

21 So, what I think I didn't mention yesterday, but I will when the
22 witnesses come in here, is that I'm allowing -- aware of a history of violence
23 against persons and general, vague gang affiliation potentially depending on
24 what I hear with the understanding that the witness can say she heard it. She
25 can't say she heard it from the Defendant. She can't say anything else. Let's

1 just keep it contained. And I will give you some latitude to lead the witness so
2 that there is no -- while I know the district attorney's position, the State, is that
3 the source of information that she has that would give her this state of mind
4 was, fill in the blank.

5 MR. STANTON: From the Defendant.

6 THE COURT: And unless you want me to allow such a thing?

7 MR. O'BRIEN: No.

8 THE COURT: I didn't think so. I think it's enough to show her state
9 of mind, and why she might change her story over time to show that he -- that
10 she believed he was -- had been violent against people in the past, that he was
11 a gang member, and that's what she heard and believed, and that's it.

12 So, if we could bring --

13 MR. STANTON: Judge, is it proper for us within your ruling to ask
14 the witness that they heard it, and they believed it to be true? That they
15 personally believed it to be true?

16 THE COURT: Yes. That's kind of the point.

17 MR. STANTON: I think so, too.

18 MR. FLINN: And I did, in speaking with them, advise them because
19 I've obviously been talking to them about -- that there's going to be limitations,
20 but that the purpose of this is that the Court would advise them --

21 MR. STANTON: What those limitations are --

22 THE COURT: I will advise them.

23 MR. FLINN: -- so they're prepared for that.

24 THE COURT: I will advise them.

25 MR. STANTON: Miranda Sutton, Your Honor.

1 THE COURT: So, the record should reflect we've been outside the
2 presence of the jury since they've been excused. And we're calling in the first
3 witness.

4 THE MARSHAL: Follow me, please.

5 THE COURT: Ma'am, if you could approach the witness stand.
6 Once you're there and you're ready, if you could face my clerk. Raise your
7 right hand and be sworn.

8 MIRANDA SUTTON, PLAINTIFF'S WITNESS, SWORN

9 THE MARSHAL: Please be seated.

10 THE COURT: Okay. I'm sorry about this. One second. We're
11 outside the presence of the jury right now. The district attorney is going to ask
12 you some questions. The defense counsel may also ask you some questions.
13 And then we're going to talk about your testimony before the jury. Regardless
14 of what is asked of you in front of the jury, we're not going to discuss this little
15 hearing right here in front of the jury. We might say things like, you said
16 before, or you've said in the past, but we're not going -- you know, your
17 answer shouldn't be, yeah, in the little mini hearing five minutes ago, right,
18 because this is off -- outside of their consideration.

19 THE WITNESS: Okay.

20 THE COURT: Okay.

21 DIRECT EXAMINATION

22 BY MR. FLINN:

23 Q So, Ms. Sutton, you've testified in this case before, correct? You
24 remember that?

25 A Yes.

1 Q And you testified about giving statements about what happened
2 on January 1st, 2016 to police, correct?

3 A Yes.

4 Q And I know that on the day of the murder of your husband, you
5 told police one version of what happened that day, correct?

6 A Yes.

7 Q Yes. And then on the next day, January 2nd, you and your family
8 reached out to police and you told them a different version or a more detailed
9 version of what happened the previous day, and that included who shot your
10 husband?

11 A Correct.

12 Q What I'd like for you to tell the Court, because you previously
13 testified that you -- the second statement was truthful and that the first version
14 was not because you were afraid --

15 A Exactly.

16 Q -- is that correct?

17 A Yes.

18 Q So, what I'd like, if you could tell the Court, please, the reasons,
19 whatever they may be, however many or how few there are, that you were
20 afraid at that particular time that you gave the statement and what about it
21 made you change your mind the following day?

22 A During the interview, I felt intimidated because once I asked the
23 officers if they could stay there with us, because I was in fear of my life, they
24 told me, no, they could not. There was not enough police officers to stay. All I
25 could see was my husband on the ground. That's all I could see. I was in fear

1 of my life. I had already been threatened. And I was not okay until my family
2 came in.

3 Q Did you also previously explain, and I believe in that second
4 statement to police, that there were things that in addition to having just been
5 threatened the day before by the Defendant, that you knew about him that
6 made you believe those threats to be true; is that correct?

7 A Yes.

8 Q Could you explain what - what those are to the Judge, please?

9 A I know that he has a violent past, that my husband is laying on the
10 floor, that he had just been murdered, and that I had been threatened. And I
11 still had my kids and myself inside of the apartment there in the townhouse.
12 And my biggest fear was getting out alive.

13 Q You, in that second statement to police also talked to them about
14 the Defendant, his family and friends, and, for example, videos he had shown
15 you, things of that nature, correct?

16 A Yes.

17 Q What were you talking about when you explained that to the
18 detectives?

19 A The nature of -- I know who he is.

20 Q What do you mean by that, who he is?

21 A That he was an active gang member. That -- you know, that he
22 was sitting there watching the videos that morning of different instances that
23 had happened the night before, New Year's Eve. The simple fact that my
24 husband was laying on the floor was the biggest part of everything.

25 MR. FLINN: No more questions, Your Honor.

1 THE COURT: So, when you say I know he had a violent past, you
2 know that how; all the possible ways you know that?

3 THE WITNESS: Because I knew that he had been in prison before.
4 I knew that --

5 THE COURT: I mean how did you know that?

6 THE WITNESS: From my daughter --

7 THE COURT: Okay.

8 THE WITNESS: -- Angela.

9 THE COURT: So, someone told you?

10 THE WITNESS: Yes. She had told me that -- of his past that
11 he -- you know, I knew that myself, that he had been in prison
12 before, but I thought that everything was okay.

13 THE COURT: So, what you knew about the Defendant's past you
14 either knew from the Defendant or your daughter?

15 THE WITNESS: I knew from the Defendant, his self, because I
16 knew that he had gotten out of prison. I knew that him and my daughter had
17 dated before when they were in high school. And I knew that she told me that
18 he had went to prison, you know, when he disappeared for a long period of
19 time. I knew that he had just murdered my husband, and he was laying on the
20 floor and that's all I could really see.

21 THE COURT: Do you have any questions for the witness on this
22 specific topic?

23 MR. FLINN: No.

24 THE COURT: Okay. So, because --

25 MR. BASHOR: Your Honor, I would like to be heard --

1 THE COURT: Yes. Do you want to --

2 MR. BASHOR: -- outside the presence of the witness.

3 THE COURT: Can you step out just for one second in the hallway --
4 I mean in the little room there?

5 THE MARSHALL: Follow me, please.

6 [Outside the presence of the witness]

7 MR. BASHOR: I guess, Judge, you know, yesterday it was
8 proffered that --

9 THE COURT: Why don't we hear from both of them and then you
10 can argue?

11 MR. BASHOR: Okay.

12 THE COURT: Because otherwise we're going to -- we're going to
13 have --

14 MR. BASHOR: That makes sense, Your Honor.

15 THE COURT: Does that make sense?

16 MR. BASHOR: Yes, it does.

17 THE COURT: Okay. Let's call the other witness in.

18 MR. FLINN: It's Akira Veasley.

19 THE MARSHAL: Akira Veasley. Follow me, please. Watch your
20 step.

21 THE COURT: If you could face my Clerk, raise you right hand and
22 be sworn.

23 AKIRA VEASLEY, STATE'S WITNESS, SWORN

24 THE CLERK: Please be seated.

25 THE COURT: Okay. Before the District Attorney and possibly the

1 Defense Attorney or myself ask you any questions, we're doing this hearing
2 outside the presence of the jury. And later when you testify before the jury,
3 we're not going to reference this hearing. They're not even going to know
4 what happened.

5 THE WITNESS: Okay.

6 THE COURT: And so, if you say something today in this hearing
7 and one of the attorneys asks you about it, they may say something like you
8 testified before or you testified in the past, such and such.

9 THE WITNESS: Okay.

10 THE COURT: It would be helpful if you didn't say oh, you mean in
11 the little mini hearing when no jury was here? Do you see what I'm getting at?

12 THE WITNESS: Uh-huh.

13 THE COURT: Is that a yes?

14 THE WITNESS: Yeah.

15 THE COURT: Okay. So, at this time, State, if you want to ask
16 questions about our narrowed topic for the purpose of this hearing?

17 MR. FLINN: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. FLINN:

20 Q So, Ms. Veasley, I'm just going to ask you a few questions about
21 statements you gave to police on January 1st, 2016 and January 2nd, 2016,
22 okay?

23 A Okay.

24 Q And so, January 1st, was the day your stepdad, Patrick Fleming, of
25 course, was killed in the home, right?

1 A Yes.

2 Q So, that day you told police that the man that shot your dad was
3 somebody by the name of Hatch, right?

4 A Yes.

5 Q The following day you and your mom, Miranda Sutton, went to the
6 police and told them what you explained was the truth and that it was actually
7 Shawn Glover, correct?

8 A Correct.

9 Q Now, what I want you to tell the Court is the reasons that you have
10 for telling one thing on the 1st, and then telling something else on the 2nd.
11 So, what about the events that day, what you know about Shawn Glover, and
12 anything else that was in your head made you do that course action?

13 A I was just scared. After the events that happened, I didn't know
14 what to do. I just never been in that predicament before. And just the events
15 that happened that day I was scared. I looked in my mom's eyes, and she just
16 looked at me, and I was scared. I didn't know what else to do.

17 Q What, in particular, made you scared?

18 A Shawn, the way -- you know, what happened right there, you
19 know. Just everything that happened that day made me scared, you know.
20 The prior things before made me scared.

21 Q What prior things?

22 A As far as like behavior, you know, the way he acted towards
23 people, the things that were happening that day, the event that happened.
24 And, again, I was just scared. I didn't know what else to do. I didn't know
25 what I should do being in this predicament.

1 Q Did -- you testified about when your dad was shot --

2 A Yes.

3 Q -- and that you heard the Defendant make threats to you and your
4 mom, correct?

5 A Correct.

6 Q Did you have reasons, based on your knowledge of Shawn, and
7 anything you knew about him, and his relationship with your family, did you
8 have any reason that you thought he was serious about that threat?

9 A Yeah, just due to the threats and what happened in the past, what
10 he had stated that day, you know, as far as if -- if you, you know, do this, I'm
11 going to do that. So, that did make me scared. It made me, you know, feel in
12 fear of my life, so I didn't know what else I should do. I -- I didn't know.

13 Q Were -- at the -- were you aware at that time about Shawn Glover's
14 past and having been in prison?

15 A Yes.

16 Q How were you -- how did you know about that?

17 A Just through people, you know, he say, she say. As far as social
18 media, as far as things I looked up, as far as things, you know, what has been
19 said. Again, with those prior events I was in fear.

20 Q Did you know or believe you knew why he had been in prison?

21 A Yeah. For -- for I think it was, if I'm not mistaken, a murder. I'm
22 not sure.

23 Q And --

24 THE COURT: What prior events are you talking about? Are you
25 talking about that or something else?

1 THE WITNESS: No. The events that happened that day.

2 THE COURT: Okay.

3 THE WITNESS: As far as him, you know, doing what he did, as far
4 as what was said that day, as far as me being scared, as far as me, you know,
5 knowing that the kids were in the house and, you know, trying to defend them,
6 as well.

7 BY MR. FLINN:

8 Q Now, this house was your sister, Angela's, right?

9 A Correct.

10 Q And Angela and Shawn Glover had a relationship, right?

11 A Correct.

12 Q Did Angela talk to you about Shawn Glover and things that went
13 on with them?

14 A No, she did not.

15 Q She left that out?

16 A She didn't really mention like the full extent, but she did mention
17 that, you know, that they did have arguments, that they did have their own
18 problems, as well.

19 Q So, when the -- when you said that you knew that the Defendant
20 had been in prison, you believed it was for a murder, are you talking
21 about -- you're not talking about what happened that day, right; you're talking
22 about a murder from before, and he was in prison and then released for that?

23 A That's correct.

24 Q Were you familiar with the Defendant's gang affiliations?

25 A I was not, but I was aware of it, but I -- I didn't know.

1 Q You were made aware by somebody else?

2 A Yes, that's correct.

3 Q But you didn't have, like, firsthand knowledge of it?

4 A Through Facebook. That was the only thing, but other than that,
5 no.

6 Q How so through Facebook?

7 A Because we were Facebook friends, so I can see everything that
8 was being posted.

9 Q So, did he post things that you interpreted as related to gang
10 activity?

11 A Yes.

12 Q And his affiliations with gang -- with a gang?

13 A Yes.

14 Q When you made the decision to tell -- to leave Shawn Glover's
15 name out of your statement to police on January 1st, and you used the name
16 Hatch, were any of these things, other than just I know you've already talked
17 about the obvious events that day --

18 A Uh-huh.

19 Q -- the shooting of your dad and the threats, did any of these things
20 factor into whether or not you believed Shawn Glover was serious about those
21 threats?

22 A Yeah. I felt that he was serious about the threats. I didn't doubt
23 him at all.

24 Q Did you have -- that day, the following day, did you have concerns
25 about your own safety?

1 A Yeah. That night -- the following night after I was receiving
2 random friend requests, after, you know, certain threats were made, I was in
3 danger and scared for my life, so I did feel that way. I -- I felt like I was in
4 danger, and I was -- I was scared.

5 THE COURT: I'm sorry, could you repeat, random friend requests
6 and then you said something else, something about threats; is that what you
7 said?

8 THE WITNESS: Yeah. Yes. I -- I'm not completely sure, but I heard
9 that there was a threat about me and my mom if we told, we were going to be
10 killed next or something to that stipulation.

11 MR. FLINN: No other questions, Your Honor.

12 MR. BASHOR: No questions.

13 THE COURT: Okay. Could you step outside for a second, please?

14 THE WITNESS: Yes.

15 THE COURT: I'd appreciate it.

16 THE BAILIFF: Watch your step, follow me.

17 [Outside the presence of the witness]

18 THE COURT: Well, before I hear from you, I would -- do you have
19 your -- can you give me your proposed instructions, please, the ones I just
20 gave you?

21 MR. BASHOR: Yes.

22 THE COURT: Could you approach? Okay. Can you approach
23 again? I'm sure Mr. Stanton appreciates you getting his paper for him. This is
24 what you're arguing about?

25 MR. BASHOR: Yes, Your Honor. I think you read my mind.

1 THE COURT: Okay. So, based upon the testimony of the
2 witnesses, balancing -- all the balancing in the world, I appreciate that there's
3 some evidence of knowledge of gang affiliation, but the gist of this is that
4 these women both believed he went to prison before for some kind of death of
5 another, at the hands of another, and the mother -- I mean the wife of the
6 decedent testified that she knew he had a violent past. And so, that's where
7 I'm going to leave it. I'm going to allow the District Attorney to talk about the
8 witness' beliefs of the history of violence, but I'm going to exclude gang
9 affiliation because it's not really the impetus of this. It's mostly a deceased
10 relative, a very serious threat, and a history of violence.

11 MR. BASHOR: And, Your Honor, just in case an appellate tribunal
12 were to think that I've acquiesced, obviously, our objections from yesterday as
13 to any of this I would renew. You've ruled, but I don't want someone to say --

14 THE COURT: Well, that's fine.

15 MR. BASHOR: -- well, he was okay with the instruction later on.

16 THE COURT: No, I know. The record should reflect that you've
17 objected to any history of violence or any testimony about any history of
18 violence. And, honestly, you know, the problem I have is I don't know what
19 those videos -- you know, once I open the door a little bit, I don't know what
20 it's all about, and we could have a collateral trial on how that message of
21 violence was communicated to these witnesses. And I don't want to get -- I
22 don't want to get into it that far. I will tell you, though, depending on what
23 questions you ask, if you open the door to how they knew this information --

24 MR. BASHOR: Yeah, I'm not --

25 THE COURT: -- the fact that the Defendant is the one they know it

1 from is, you know -- I'm not going to thought to exclude it if you ask.

2 MR. BASHOR: I'm going to put a deadbolt on that door, Judge.

3 THE COURT: All right. Just checking. Okay. So, what I'm inclined
4 to do now is bring in the witnesses, tell them about the Court's ruling. I would
5 -- on one hand I want to encourage leading. On the other -- you know, just to
6 confine them. On the other hand, which one of you is examining these
7 witnesses in front of the jury? Because if it's you, you're going to have to
8 change your style a little bit. Leading is to keep the deadbolt on what I've
9 allowed, not to spoon feed the witness your words.

10 MR. FLINN: No, I understand.

11 THE COURT: So, like I just heard some of those leading questions.
12 So, do you understand what I'm getting at?

13 MR. FLINN: I do, Your Honor.

14 THE COURT: Okay.

15 MR. FLINN: I was trying to direct them just to get through the
16 short hearing versus what I would ask in front of a jury.

17 THE COURT: Okay.

18 MR. FLINN: Based on all of their conversations with us previously.

19 THE COURT: Okay. I understand. I'm just saying I don't know
20 what you're going to do.

21 MR. FLINN: No, I understand.

22 THE COURT: I'm just trying to give you a head's up --

23 MR. FLINN: No, I understand.

24 THE COURT: -- that if there's an objection to leading questions like
25 that, I'm going to sustain them. Okay. So, could you bring in the ladies,

1 please?

2 [In the presence of the witnesses]

3 THE COURT: Okay. If you could just stand right there by the
4 District Attorneys. Okay. So, here's the thing. You're both going to testify in
5 this trial. I know testifying can be very stressful. And I've made a few rulings
6 based upon arguments of the attorneys and some testimony that you gave
7 here today. And the rulings relate to what the District Attorneys can have you
8 say on the witness stand, okay?

9 And so, what I'm going to do is I'm going to give them some
10 latitude to ask you specific questions when it gets to the area of Mr. Glover's
11 history, meaning they'll ask you questions like then what happened, then what
12 happened; open-ended questions. When we get to things that you know about
13 his history, they're going to be very specific, because I'm not allowing you to
14 testify about his gang membership, okay? What I'm allowing you to testify
15 about is that you have a belief about his violent past. You can't say murder,
16 you can't say prison; violent past. That's what I heard from both of you here
17 today. It's a more general phrase for the prison case, okay?

18 So please don't reference prison. The District Attorney's not going
19 to ask you about prison. Please don't reference the gang membership. The
20 District Attorney's not going to ask you about the gang membership. And then
21 if, you know, the Defense were to ask you, I'll cross that bridge when I come to
22 it, okay?

23 And so, when they're getting to the point of what you know about
24 Mr. Glover, they're really just talking about did you understand -- you know,
25 had you heard he had a violent past? We're not going to talk about videos or

1 things that he said or told you, just did you hear that he had a violent past and,
2 you know, whatever you believed about him having a violent past as far as I
3 believed he was violent, you can say that, but no gang membership, okay?

4 Okay. Any questions?

5 And here's the thing. If I - I'm going to be listening really carefully.
6 So, if I interrupt you, if I say oh, excuse me, just stop and the District Attorney
7 will re-guide you. I know it's awkward and I'm sorry. Okay?

8 UNIDENTIFIED FEMALE: Okay.

9 THE COURT: Okay. Thank you very much. Anything else?

10 MR. BASHOR: Not from the Defense, Your Honor.

11 MR. FLINN: Nothing.

12 THE COURT: Okay. I'm going to look to you, Mr. Bashor or
13 whoever's witness this is.

14 MR. BASHOR: It will be me, Your Honor.

15 THE COURT: To when you want me to read this? You know, look
16 at me because there's a time usually before, or in the middle, or during or at
17 the -- you know, I'll be looking for you to, you know, right after she says it.

18 MR. BASHOR: Right.

19 THE COURT: If you could just give me the --

20 MR. BASHOR: Okay.

21 THE COURT: -- you know, some kind of sign --

22 MR. BASHOR: All right.

23 THE COURT: -- when you'd like that done.

24 MR. BASHOR: You know, the --

25 THE COURT: Yeah. Not the sign of the cross or the sign for a

1 strike, but.

2 MR. BASHOR: Okay.

3 THE COURT: All right. Perfect. Anything else?

4 MR. FLINN: No, Your Honor.

5 THE COURT: Okay.

6 [Pause]

7 THE MARSHAL: All rise. The jury is entering. The jury is all
8 present, Your Honor.

9 [In the presence of the jury.]

10 THE COURT: Counsel, will you stipulate to the presence of the
11 jury?

12 MR. FLINN: Yes, Your Honor.

13 MR. BASHOR: Yes, Your Honor.

14 THE COURT: All right. At this time, State, call your first witness.

15 MR. FLINN: The State calls Miranda Sutton, Your Honor.

16 THE MARSHAL: Follow me, please.

17 THE COURT: Ma'am, if you could face my Clerk, raise your right
18 hand, and be sworn.

19 MIRANDA SUTTON, STATE'S WITNESS, SWORN

20 THE MARSHAL: Please be seated. State and spell your name for
21 the record.

22 THE WITNESS: Miranda Sutton, M-I-R-A-N-D-A S-U-T-T-O-N.

23 THE COURT: State, when you're ready.

24 MR. FLINN: Thank you, Your Honor. Can I kind of drag this back a
25 little bit --

1 THE COURT: Sure.

2 MR. FLINN: -- so I'm out of the way?

3 DIRECT EXAMINATION

4 BY MR. FLINN:

5 Q Good morning, Ms. Sutton.

6 A Good morning.

7 Q Is it all right if I call you Miranda?

8 A Yes.

9 Q Miranda, I want to talk to you about January 1st, 2016, specifically,
10 okay?

11 A Okay.

12 Q At that time, back then on January 1st, a little over two years ago,
13 where were you living?

14 A With my daughter at 38 -- it was Foggy Smock -- Smokey Fog
15 Avenue. I remember that.

16 Q Okay. You're not sure of the number, but Smokey Fog Avenue?

17 A Right.

18 Q And when -- and that's in North Las Vegas?

19 A Yes.

20 Q City of North Las Vegas, correct?

21 A Yes.

22 Q Here in the county. You said you lived with your daughter; who is
23 that?

24 A Angela. It was my goddaughter, Angela.

25 Q Your goddaughter, Angela. The house itself, what I want you to do