

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 No. 82740

3
4 **JORGE MENDOZA,**

5
6 Appellant,

7
8 vs.

9 **THE STATE OF NEVADA,**

10 Respondent.

11
12 **Appeal from the Postconviction Denial of Relief for Writ of Habeas**
13 **Corpus - Eighth Judicial District Court, Clark County**
14 **The Honorable Judge Bita Yeager 8th Judicial District Court Judge**
15 **Department 1, Presiding, Findings of Fact, Conclusions of Law and**
16 **Order Issued April 2, 2021, District Court Case No. A-19-804157-W**

17
18 **APPELLANT'S APPENDIX VOLUME III**

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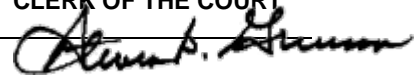
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Dated July 25, 2021
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IN THE SUPREME COURT OF THE STATE OF NEVADA

JORGE MENDOZA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Case Number: 72056

Appeal from Judgment of Conviction
Eighth Judicial District Court, Clark County
The Honorable Carolyn Ellsworth, District Court Judge
District Court Case No. C-15-303991-1

APPELLANT'S AMENDED APPENDIX VOLUME III

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1 PROSPECTIVE JUROR NO. 403: Yes.

2 MS. LEXIS: Okay. Are you the type of person who
3 can be easily swayed to go with the group's decision?

4 PROSPECTIVE JUROR NO. 403: Not if I feel very
5 strongly what I feel, so no, I don't think so.

6 MS. LEXIS: Okay. What do you do in your spare
7 time?

8 PROSPECTIVE JUROR NO. 403: I play a lot of computer
9 games and I feed my tortoise.

10 MS. LEXIS: I have to ask now because we --

11 PROSPECTIVE JUROR NO. 403: Yeah, no.

12 MS. LEXIS: -- have a Shih Tzu, a Chihuahua, we have
13 some Pugs, but mostly on this side. What kind of dog do you
14 have?

15 PROSPECTIVE JUROR NO. 403: I have a Pit Bull.

16 MS. LEXIS: Okay.

17 PROSPECTIVE JUROR NO. 403: She's 18, though so.

18 MS. LEXIS: 18 years old?

19 PROSPECTIVE JUROR NO. 403: She's 18, yeah. Her
20 birth just passed.

21 MS. LEXIS: Happy birthday. What's your dog's name?

22

23 PROSPECTIVE JUROR NO. 403: Morena (phonetic).

24 MS. LEXIS: Morena?

25 PROSPECTIVE JUROR NO. 403: Um-h'm.

1 MS. LEXIS: Okay. What about the turtle?

2 PROSPECTIVE JUROR NO. 403: Her name is Chubby.
3 She's over 50 pounds.

4 MS. LEXIS: Oh, my God.

5 PROSPECTIVE JUROR NO. 403: Yeah. She's very big.
6 Yeah.

7 MS. LEXIS: Is this a desert tortoise or --

8 PROSPECTIVE JUROR NO. 403: Yes, she's a Sulcata
9 tortoise, yeah.

10 MS. LEXIS: My God. Keep it in the backyard?

11 PROSPECTIVE JUROR NO. 403: Yeah.

12 MS. LEXIS: Oh, okay.

13 PROSPECTIVE JUROR NO. 403: With my dog.

14 MS. LEXIS: Okay. Off topic, I'm sorry.

15 PROSPECTIVE JUROR NO. 403: Yeah. That's okay.

16 MS. LEXIS: Let me see, you watch TV?

17 PROSPECTIVE JUROR NO. 403: I do.

18 MS. LEXIS: What do you watch?

19 PROSPECTIVE JUROR NO. 403: I watch pretty much
20 anything that's on Netflix. I don't watch crime, sort of,
21 shows very often. I was trying to remember because I figured
22 I would be asked this question. When I was younger, I used to
23 watch -- it was a detective/court show, and it was black and
24 white. I don't remember the name of the show, but I grew up
25 watching it, but it's very old.

1 MS. LEXIS: Matlock?

2 PROSPECTIVE JUROR NO. 403: Yeah, I think it was.
3 I'm not sure, though.

4 MS. LEXIS: And FYI, you're still young. How old
5 are you?

6 PROSPECTIVE JUROR NO. 403: Twenty-seven.

7 MS. LEXIS: Okay. You're like when I was younger.

8 PROSPECTIVE JUROR NO. 403: Okay. Well, when I was
9 very young.

10 MS. LEXIS: Are you the type of person who can
11 follow the law even if you disagree with it?

12 PROSPECTIVE JUROR NO. 403: Yes.

13 MS. LEXIS: Okay. You heard about the marijuana
14 example?

15 PROSPECTIVE JUROR NO. 403: Yes.

16 MS. LEXIS: Yeah. Okay. You're good on that?

17 PROSPECTIVE JUROR NO. 403: Yeah.

18 MS. LEXIS: Okay. And you don't watch the news?

19 PROSPECTIVE JUROR NO. 403: No, I don't have a TV so
20 I can't.

21 MS. LEXIS: Netflix?

22 PROSPECTIVE JUROR NO. 403: Yeah.

23 MS. LEXIS: Okay. Have you had any positive or
24 negative contact with law enforcement, whether it be a ticket,
25 you know?

1 PROSPECTIVE JUROR NO. 403: No.

2 MS. LEXIS: Undisputed, anything like that?

3 PROSPECTIVE JUROR NO. 403: Positive, yes, but no,
4 negative. I mean, it sucks when you get a ticket, but, I
5 mean, that's my fault.

6 MS. LEXIS: Okay.

7 PROSPECTIVE JUROR NO. 403: Yeah.

8 MS. LEXIS: What was the positive contact?

9 PROSPECTIVE JUROR NO. 403: Well, one of my parents
10 is actually the school police so I am always talking to him.

11 MS. LEXIS: Okay. So --

12 PROSPECTIVE JUROR NO. 403: Yeah.

13 MS. LEXIS: -- one of your parents is a school
14 police?

15 PROSPECTIVE JUROR NO. 403: Yes.

16 MS. LEXIS: Okay. Which parent? Was it -- I
17 thought your dad worked --

18 PROSPECTIVE JUROR NO. 403: His name is Officer
19 Maddox (phonetic). My -- my parents as in the parents of the
20 children that I watch, sorry.

21 MS. LEXIS: Oh, okay, okay. And so what's his name?

22 PROSPECTIVE JUROR NO. 403: His name is Officer
23 Maddox.

24 MS. LEXIS: Okay.

25 PROSPECTIVE JUROR NO. 403: Yeah.

1 MS. LEXIS: And you have a lot of contact with this
2 school police officer?

3 PROSPECTIVE JUROR NO. 403: I mean, just from when
4 he comes to visit.

5 MS. LEXIS: Okay.

6 PROSPECTIVE JUROR NO. 403: That's it, yeah.

7 MS. LEXIS: And you have a pretty good impression of
8 this particular officer?

9 PROSPECTIVE JUROR NO. 403: Yeah.

10 MS. LEXIS: Okay.

11 PROSPECTIVE JUROR NO. 403: I think he's nice.

12 MS. LEXIS: Okay. Would you agree with me that as
13 we've talked about there's good and bad in every profession?

14 PROSPECTIVE JUROR NO. 403: Yes.

15 MS. LEXIS: Okay. Does your contact with this
16 particular school district police officer, do you think that
17 would cause you to give more weight or credibility to the
18 testimony of a police officer?

19 PROSPECTIVE JUROR NO. 403: Absolutely not.

20 MS. LEXIS: How do you feel about guns?

21 PROSPECTIVE JUROR NO. 403: I don't think that
22 they're necessary. I don't agree with them. My dad has a
23 rifle, and I have shot guns before, but I don't think that
24 they're necessary.

25 MS. LEXIS: You don't think they're necessary in

1 society?

2 PROSPECTIVE JUROR NO. 403: Necessary as in I don't
3 think -- yeah. I don't think people should have them in
4 general, yeah.

5 MS. LEXIS: Okay. But would you agree with me that
6 people have right, I mean --

7 PROSPECTIVE JUROR NO. 403: Yes.

8 MS. LEXIS: -- to bear arms?

9 PROSPECTIVE JUROR NO. 403: Yes, um-h'm.

10 MS. LEXIS: Okay. And so you don't hold anything
11 against people who do have them?

12 PROSPECTIVE JUROR NO. 403: No. Like I said, my
13 father has one. My family goes out shooting all the time
14 and --

15 MS. LEXIS: So it's more of a philosophical belief?

16 PROSPECTIVE JUROR NO. 403: Yeah.

17 MS. LEXIS: Okay.

18 PROSPECTIVE JUROR NO. 403: Yeah.

19 MS. LEXIS: Court's brief indulgence. Anything else
20 about you? How do you say your last name?

21 PROSPECTIVE JUROR NO. 403: Wynants.

22 MS. LEXIS: Ms. Wynants --

23 PROSPECTIVE JUROR NO. 403: Um-h'm.

24 MS. LEXIS: -- that we should know about you when
25 we're trying to decide whether this would be a good case for

1 you to sit on?

2 PROSPECTIVE JUROR NO. 403: Not that I know of, no.

3 MS. LEXIS: Thank you very much. I appreciate it.

4 THE COURT: Mr. Landis.

5 MR. LANDIS: (Inaudible). Good afternoon.

6 PROSPECTIVE JUROR NO. 403: Hi.

7 MR. LANDIS: You used the word interesting as a
8 potential result of being a juror, yeah?

9 PROSPECTIVE JUROR NO. 403: Yes.

10 MR. LANDIS: Which I think potentially could be
11 true. Do you think it's also possibly true it could be
12 exhausting?

13 PROSPECTIVE JUROR NO. 403: Not -- not really, no.

14 MR. LANDIS: How about potentially -- and I'm not
15 saying this trial will or will not be, but could you see how
16 it could be frustrating?

17 PROSPECTIVE JUROR NO. 403: Yeah, but most things in
18 life are pretty frustrating so.

19 MR. LANDIS: Sure. And obviously, you'd agree with
20 me that at the end of the trial, the jurors are making a
21 serious, serious --

22 PROSPECTIVE JUROR NO. 403: Yes.

23 MR. LANDIS: -- decision about other people's life,
24 right?

25 PROSPECTIVE JUROR NO. 403: Um-h'm.

1 MR. LANDIS: Which I expect no one would take
2 lightly.

3 PROSPECTIVE JUROR NO. 403: Um-h'm.

4 MR. LANDIS: Would you agree that's a fairly awesome
5 responsibility?

6 PROSPECTIVE JUROR NO. 403: Awesome?

7 MR. LANDIS: I'll use a different word if -- serious
8 responsibility?

9 PROSPECTIVE JUROR NO. 403: Yes, it is a very --
10 it's their lives, of course, it is.

11 MR. LANDIS: If you had your choice, and I asked
12 this question yesterday, if you had your choice when you came
13 here to choose the direction of what trial you'd be headed to,
14 one being criminal, one being civil, do you think you'd have a
15 strong preference?

16 PROSPECTIVE JUROR NO. 403: No, I don't.

17 MR. LANDIS: Are there any kinds of cases you can
18 think of that you might not want to be a juror on?

19 PROSPECTIVE JUROR NO. 403: I guess, I don't know
20 enough of what kind of cases I would potentially be on so I
21 wouldn't really know how to answer.

22 MR. LANDIS: No, that's a fair answer.

23 PROSPECTIVE JUROR NO. 403: Yeah.

24 MR. LANDIS: I mean, that is a fair answer. I'm not
25 trying to say you should know. I was just trying to think if

1 I should give you an example, but I won't. Going back to
2 another question I asked yesterday, do you see one as worse
3 between the wrongful conviction and the innocent person and
4 the guilty person getting off?

5 PROSPECTIVE JUROR NO. 403: One is worse -- how do
6 you mean?

7 MR. LANDIS: Do you believe one is worse than the
8 other?

9 PROSPECTIVE JUROR NO. 403: Like a guilty person --

10 MR. LANDIS: Getting off.

11 PROSPECTIVE JUROR NO. 403: Well, I believe in karma
12 and I think that what goes around comes around so not really.
13 I think people will get what they deserve in the end so.

14 MR. LANDIS: You've heard tons of talk over the past
15 days about presumption of innocence, and I'm going to assume
16 that that's something you're comfortable applying.

17 PROSPECTIVE JUROR NO. 403: Yes.

18 MR. LANDIS: Do you think that something that the
19 people in this country generally do a good job of applying?

20 PROSPECTIVE JUROR NO. 403: Not really. I think
21 once there are people in here and they're accused of it, most
22 people assume that that's -- that they're guilty.

23 MR. LANDIS: Or how about like when somebody just
24 reads a news headline that says so and so was arrested for
25 blah, blah, blah --

1 PROSPECTIVE JUROR NO. 403: Um-h'm.

2 MR. LANDIS: -- you think people tend to jump to
3 conclusions just based on an arrest in those situations?

4 PROSPECTIVE JUROR NO. 403: Yeah.

5 MR. LANDIS: And that's probably human nature,
6 right?

7 PROSPECTIVE JUROR NO. 403: Yeah.

8 MR. LANDIS: Having said that, though, whatever you
9 may or may not do, in day-to-day life, as far as this trial is
10 concerned, you're comfortable that you will --

11 PROSPECTIVE JUROR NO. 403: Yes.

12 MR. LANDIS: -- apply that principle?

13 PROSPECTIVE JUROR NO. 403: Yes.

14 MR. LANDIS: Thank you for your time. I'd pass for
15 cause, Judge.

16 THE COURT: Mr. Wolfbrandt.

17 MR. WOLFBRANDT: I just have -- I need to clarify
18 something here in my own way. In your job at Parks and
19 Recreation, I'm still just a little bit unclear as to actually
20 what do you do day-to-day there.

21 PROSPECTIVE JUROR NO. 403: I take care of the
22 children. So I supervise three other staff and we basically
23 set up activities for the kids to do throughout the day, feed
24 them lunch and, yeah.

25 MR. WOLFBRANDT: And this is at one particular park?

1 PROSPECTIVE JUROR NO. 403: School, yeah.

2 MR. WOLFBRANDT: It's a school?

3 PROSPECTIVE JUROR NO. 403: Um-h'm.

4 MR. WOLFBRANDT: Okay.

5 PROSPECTIVE JUROR NO. 403: Yes.

6 MR. WOLFBRANDT: Now, you said your brother works
7 also for Parks and Recreation at the Hollywood Rec Center?

8 PROSPECTIVE JUROR NO. 403: Yes.

9 MR. WOLFBRANDT: What does he do there?

10 PROSPECTIVE JUROR NO. 403: He works front desk, so
11 he helps people if they want to sign up for classes or
12 purchase Safe Key passes.

13 MR. WOLFBRANDT: Okay. And I realize that this
14 happened in the middle of the night, but there was an incident
15 that happened there?

16 PROSPECTIVE JUROR NO. 403: It was in the middle of
17 the day, actually. Are you talking about the break-in, sorry?

18 MR. WOLFBRANDT: No.

19 PROSPECTIVE JUROR NO. 403: Go ahead.

20 MR. WOLFBRANDT: No, there was a big shooting that
21 happened up there --

22 PROSPECTIVE JUROR NO. 403: Oh.

23 MR. WOLFBRANDT: -- at the park about four months
24 ago.

25 PROSPECTIVE JUROR NO. 403: At Hollywood Rec Center?

1 I didn't know.

2 MR. WOLFBRANDT: Right near there?

3 PROSPECTIVE JUROR NO. 403: No.

4 MR. WOLFBRANDT: Okay. Well, then never mind. All
5 right, so in your job, other than the one parent being a
6 school district police, your job doesn't ever have you come
7 into contact usually with the park police, does it?

8 PROSPECTIVE JUROR NO. 403: No, no.

9 MR. WOLFBRANDT: Okay, and well, thank you.

10 THE COURT: Ms. McNeill.

11 MS. McNEILL: Thank you, Your Honor. Just briefly,
12 and I apologize if you answered this. It says here that you
13 attended some college.

14 PROSPECTIVE JUROR NO. 403: Yes.

15 MS. McNEILL: Are you still in school now?

16 PROSPECTIVE JUROR NO. 403: No. Currently, no.

17 MS. McNEILL: Okay. Was that at UNLV or --

18 PROSPECTIVE JUROR NO. 403: No, at CSN.

19 MS. McNEILL: CSN. What kind of classes were you
20 taking?

21 PROSPECTIVE JUROR NO. 403: Well, my major when I
22 got out of high school was zoology, and I switched to
23 elementary education.

24 MS. McNEILL: Okay. That's kind of very different,
25 right?

1 PROSPECTIVE JUROR NO. 403: Very different, yes.

2 MS. McNEILL: So why the change?

3 PROSPECTIVE JUROR NO. 403: I think -- I don't know.

4 I -- I guess I was trying to look for something that was a
5 little more practical, I guess. I do enjoy working with
6 children, and I felt like I would be a good fit for it.

7 MS. McNEILL: Okay.

8 PROSPECTIVE JUROR NO. 403: Yeah.

9 MS. McNEILL: What is it that you like about working
10 with kids?

11 PROSPECTIVE JUROR NO. 403: I guess, because I'm
12 silly, and they're silly so I --

13 MS. McNEILL: So do you think you kind of bond with
14 them because you are very -- I don't want to say a big kid,
15 but kind of young at heart, I guess?

16 PROSPECTIVE JUROR NO. 403: Yes.

17 MS. McNEILL: Okay. And so do you think that kids
18 respond well to you?

19 PROSPECTIVE JUROR NO. 403: Yeah, for the most part.

20 MS. McNEILL: Okay.

21 PROSPECTIVE JUROR NO. 403: I don't deal with
22 attitude very well, but, yes.

23 MS. McNEILL: That's a good thing to do when you are
24 dealing with kids. Do you feel maybe because you feel like
25 your kind of a silly personality, do you feel comfortable in

1 groups of adults?

2 PROSPECTIVE JUROR NO. 403: Yes.

3 MS. McNEILL: Yeah?

4 PROSPECTIVE JUROR NO. 403: Yes.

5 MS. McNEILL: Okay. So you'd feel comfortable
6 deliberating with your fellow jurors?

7 PROSPECTIVE JUROR NO. 403: Yes.

8 MS. McNEILL: Okay. All right. I'll pass for
9 cause, Your Honor.

10 THE COURT: Thank you. All right. It is the
11 defense third peremptory challenge.

12 MR. LANDIS: Court's brief indulgence.

13 (Defense counsel conferring)

14 MS. McNEILL: All right, Your Honor, at this time
15 the defendants would thank and excuse, Mr. Troy. He is in
16 seat 7 -- or 8, sorry. I can't count.

17 THE COURT: Badge No. 383, Ryan Troy.

18 MS. McNEILL: Yes, Your Honor.

19 THE COURT: Thank you.

20 THE CLERK: Badge 408, Jose Amaya.

21 PROSPECTIVE JUROR NO. 408: Good afternoon, Your
22 Honor.

23 THE COURT: Good afternoon, Mr. Amaya. Welcome to
24 seat 8, which is today the hot seat.

25 PROSPECTIVE JUROR NO. 408: It's my hot seat.

1 THE COURT: Can't seem to keep anybody in there.

2 PROSPECTIVE JUROR NO. 408: Been waiting for three
3 days for this seat.

4 THE COURT: You have. You've been very patient.
5 Have you ever served as a juror before?

6 PROSPECTIVE JUROR NO. 408: No, I never.

7 THE COURT: Have you ever served in law enforcement?

8 PROSPECTIVE JUROR NO. 408: No.

9 THE COURT: Anyone in your family closely associated
10 with you in law enforcement?

11 PROSPECTIVE JUROR NO. 408: No.

12 THE COURT: Have you ever been the victim of a
13 crime?

14 PROSPECTIVE JUROR NO. 408: No.

15 THE COURT: Has anyone in your family are closely
16 associated with you been the victim of what you consider to be
17 a serious crime?

18 PROSPECTIVE JUROR NO. 408: Well, my house got
19 robbed a couple of times about ten years ago. I was having
20 issues with young kids around the neighborhood. Nobody ever
21 got caught for it, but they took some jewelry and a couple
22 things. Police came, made a report, but nobody ever was
23 caught with it so.

24 THE COURT: Okay. So you were the victim of a
25 crime, then?

1 PROSPECTIVE JUROR NO. 408: I suppose, yeah, we
2 were. Yeah, we were.

3 THE COURT: Was that a long time ago?

4 PROSPECTIVE JUROR NO. 408: About ten years ago.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 408: About ten years ago.

7 THE COURT: And so when you say "we", who do you
8 mean?

9 PROSPECTIVE JUROR NO. 408: My wife and I, my kids,
10 you know, uh-huh.

11 THE COURT: Were you ever home during any of those?

12 PROSPECTIVE JUROR NO. 408: No, most of the time it
13 happened when we were not home, yeah.

14 THE COURT: Are you able to put that aside in this
15 case, that experience, and decide this case based upon the
16 evidence that you hear in this case?

17 PROSPECTIVE JUROR NO. 408: Yeah, I would. I just
18 -- I don't know, my -- I have a different opinion on how to
19 present the -- the case for the little bit of evidence that I
20 -- that I've been told. I think that if a person committed a
21 crime, I'm going to find him guilty just from knowing that a
22 person is -- is -- is been committing the crime.

23 So me, I'm going to -- I'm going to make him guilty
24 from the beginning and I'm going to have a hard time finding
25 another excuse for those people not to be guilty, even if they

1 have an explanation, just because they got in the house, and
2 as soon as they walk in that house, they were already guilty
3 to me. And on the top of that, they end up killing somebody,
4 then I don't think our system is hard enough on people that
5 commit crimes like that. They should get away no less than
6 what they deserve.

7 THE COURT: Okay. But you haven't heard any
8 evidence. The defendants are presumed to be innocent unless
9 the State proves the case, and you haven't heard any evidence
10 yet.

11 PROSPECTIVE JUROR NO. 408: No, I --

12 THE COURT: You just heard what the charges are.

13 PROSPECTIVE JUROR NO. 408: And that's what I have a
14 problem with because to me they already guilty.

15 THE COURT: So you've already made up your mind?

16 PROSPECTIVE JUROR NO. 408: I think they have a
17 second chance, but just for the little bit of information that
18 you guys told us, I -- I -- I find them already guilty, you
19 know what I mean? That's -- that's -- that's my problem, you
20 know.

21 THE COURT: All right. So the State doesn't oppose
22 my dismissing --

23 MR. DiGIACOMO: Correct.

24 THE COURT: -- and I suppose the defense would move
25 for --

1 MR. LANDIS: Correct.

2 MS. McNEILL: Yes.

3 THE COURT: You're excused. Thank you.

4 PROSPECTIVE JUROR NO. 408: Thank you.

5 THE COURT: Call the next in order.

6 THE CLERK: Badge 420, Yulin Hail.

7 THE COURT: Hello, Ms. Hail. How are you?

8 PROSPECTIVE JUROR NO. 420: Good. How are you?

9 THE COURT: Very well, thank you. Have you ever
10 served as a juror before?

11 PROSPECTIVE JUROR NO. 420: No.

12 THE COURT: Have you ever been in law enforcement?

13 PROSPECTIVE JUROR NO. 420: No.

14 THE COURT: How about anyone in your family or
15 closely associated with you?

16 PROSPECTIVE JUROR NO. 420: No.

17 THE COURT: Have you ever been the victim of a
18 crime?

19 PROSPECTIVE JUROR NO. 420: No.

20 THE COURT: Anyone in your family closely associated
21 with you been the victim of a serious crime?

22 PROSPECTIVE JUROR NO. 420: Only my daughter has car
23 being, you know, smashed window, probably like five years ago.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 420: And she didn't report

1 anything just because she -- her shift is in the midnight and
2 nowhere to go, just to call the -- you know, absent for the
3 work.

4 THE COURT: Okay. And have you ever been accused of
5 or convicted of a crime?

6 PROSPECTIVE JUROR NO. 420: No.

7 THE COURT: Anyone in your family closely associated
8 with you been accused of or convicted of a crime?

9 PROSPECTIVE JUROR NO. 420: No.

10 THE COURT: Do you think that you could be a fair
11 and impartial juror in this case?

12 PROSPECTIVE JUROR NO. 420: I'm not really sure
13 because I have a health condition. I have a vertigo problem.

14 THE COURT: I'm sorry, a what?

15 PROSPECTIVE JUROR NO. 420: Vertigo.

16 THE COURT: Oh, vertigo?

17 PROSPECTIVE JUROR NO. 420: Yeah.

18 THE COURT: So you're dizzy?

19 PROSPECTIVE JUROR NO. 420: I don't have any reason
20 just a certain day. I don't know, it's the check out. They
21 say I have a low blood pressure and also whether they call
22 some dizzy, I don't remember.

23 THE COURT: Okay. So how have you been feeling?

24 PROSPECTIVE JUROR NO. 420: Because not that all the
25 time, but just, you know, when you go to bed so you feel good

1 in certain dizzy, and I couldn't get up.

2 THE COURT: Okay. So are you having that problem
3 now?

4 PROSPECTIVE JUROR NO. 420: Most every day just
5 different time.

6 THE COURT: Okay. So when you have one of these
7 episodes of vertigo --

8 PROSPECTIVE JUROR NO. 420: Yeah.

9 THE COURT: -- how does that affect you?

10 PROSPECTIVE JUROR NO. 420: I just couldn't do
11 anything. Just couldn't stand up.

12 THE COURT: Okay. So you might suddenly have an
13 attack during court and you would not be able to stand up?

14 PROSPECTIVE JUROR NO. 420: I will worry about that.

15 THE COURT: You would worry about that?

16 PROSPECTIVE JUROR NO. 420: Um-h'm.

17 THE COURT: Yeah, well, we would worry about that as
18 well. Do you have any objection to letting --

19 MS. McNEILL: No, Your Honor.

20 THE COURT: All right. You're dismissed. Thank
21 you.

22 THE CLERK: Badge 432, Donald Walker.

23 THE COURT: Hello, Mr. Walker. How are you?

24 PROSPECTIVE JUROR NO. 432: I'm doing okay.

25 THE COURT: Okay. No vertigo?

1 PROSPECTIVE JUROR NO. 432: No vertigo. And I'm a
2 little chillier today than I was yesterday.

3 THE COURT: Yeah, we all had vertigo, about to pass
4 out yesterday. All right. So have you ever served as a juror
5 before?

6 PROSPECTIVE JUROR NO. 432: Yes. I was on a federal
7 jury in 2009 right over here in the federal building.

8 THE COURT: Okay. And was that in a criminal case
9 or a civil case?

10 PROSPECTIVE JUROR NO. 432: It was a civil case.

11 THE COURT: Without telling us what the verdict was,
12 did the jury reach a verdict?

13 PROSPECTIVE JUROR NO. 432: Yes, we -- we reached a
14 verdict.

15 THE COURT: Were you the foreperson?

16 PROSPECTIVE JUROR NO. 432: I was not the
17 foreperson, no.

18 THE COURT: Anything about that experience that
19 makes you think that you just would not or could not want to
20 be a juror?

21 PROSPECTIVE JUROR NO. 432: No.

22 THE COURT: Have you ever been the victim of a
23 crime?

24 PROSPECTIVE JUROR NO. 432: Yeah. Our house was
25 burglarized in a couple, three years after we moved in.

1 THE COURT: And how long ago was that?

2 PROSPECTIVE JUROR NO. 432: That's been about 25
3 years.

4 THE COURT: Was that here in Clark County?

5 PROSPECTIVE JUROR NO. 432: Yes.

6 THE COURT: Did you call the police?

7 PROSPECTIVE JUROR NO. 432: Oh, yes.

8 THE COURT: Did they come?

9 PROSPECTIVE JUROR NO. 432: Oh, yes.

10 THE COURT: And did they ever determine who broke
11 in?

12 PROSPECTIVE JUROR NO. 432: They did, actually. I
13 got a call one day from Mississippi Highway Patrol, and they
14 said are you missing a suitcase, and I said what do you mean?
15 They said, well, they had pulled a couple over and it had all
16 -- a whole bunch of stuff in their car. And one of the things
17 was one of my suitcases with my name tag on it. They had
18 taken the suitcase and filled it up with stuff in my house,
19 and they had gone -- they had driven to Florida, they were
20 fencing it or whatever they were doing and they got caught.
21 And so yeah, they -- they did get caught for the crime.

22 THE COURT: All right. Did you get your belongings
23 back?

24 PROSPECTIVE JUROR NO. 432: I did not. And I did
25 not go to trial or anything. I -- I -- I think they -- I

1 don't know the particulars. I they plea bargained or
2 whatever, I -- what happened, but I did not get anything back.

3 THE COURT: All right. Okay. Anything about that
4 that makes you think you could not be fair and impartial juror
5 in this case?

6 PROSPECTIVE JUROR NO. 432: Oh, no. Not at all.

7 THE COURT: Have you -- has anyone in your family or
8 closely associated with you been the victim of a violent type
9 of crime?

10 PROSPECTIVE JUROR NO. 432: No.

11 THE COURT: Okay. And have you ever been accused of
12 or convicted of a crime?

13 PROSPECTIVE JUROR NO. 432: No.

14 THE COURT: Anyone in your familiar, closely
15 associated with you been convicted or accused of a crime?

16 PROSPECTIVE JUROR NO. 432: No.

17 THE COURT: Any reason whatsoever that you can tell
18 us -- you've been sitting through this for almost three days
19 now -- that would make us think that you would not be
20 qualified to sit as a juror in this case?

21 PROSPECTIVE JUROR NO. 432: No.

22 THE COURT: Tell us about yourself.

23 PROSPECTIVE JUROR NO. 432: Well, I've been in Las
24 Vegas since 1967. I -- I'm married. I have to daughters.
25 They were born in the '70s, and I'm 71 years old, by the way.

1 And my older one is -- lives in Texas, in Austin, Texas, and
2 we have two grandkids there. And she works in a law office in
3 Austin, Texas.

4 My younger one has her own business here in town,
5 which is an engineering firm, civil engineering firm. And I'm
6 kind of semi-retired because I go in three days a week and
7 help her out.

8 THE COURT: At her engineering firm?

9 PROSPECTIVE JUROR NO. 432: That's correct.

10 THE COURT: What do you do there when you help her
11 out?

12 PROSPECTIVE JUROR NO. 432: My expertise is IT. I
13 worked for a lot of years on the Yucca Mountain project, and I
14 took care of -- my speciality is taking care of servers. So
15 when she started her business, to get her business going, I
16 set her up a server to support all her data. And so I take
17 care of all her IT, her -- she's up to about 20 people now.
18 So all her computers, and I have a -- an array of servers that
19 support her data and take care of her domain and everything
20 she needs.

21 THE COURT: Wow, she's pretty lucky.

22 PROSPECTIVE JUROR NO. 432: Yeah, she's darn lucky.

23 THE COURT: And does she pay you well?

24 PROSPECTIVE JUROR NO. 432: I'm sorry?

25 THE COURT: Does she pay you well?

1 PROSPECTIVE JUROR NO. 432: You know, when I first
2 -- well, let me finish on the Yucca Mountain project. I
3 worked for a company at the Nevada Test Site for a lot of
4 years, a contractor, but I moved over to the Yucca Mountain
5 project in the '90s. And in 2009, when Harry Reid and Obama
6 finally put the project out of business, I -- I wasn't quite
7 ready to retire, but I kind of went into semi-retirement then
8 because the daughter had started her business just a few years
9 earlier, and I start -- I was with her business from day one.

10 So she asked me to come in and -- and help her out,
11 and you know, do the IT stuff and whatever that I was also
12 still doing. And so I said okay, I'll -- I'll do it, but I'll
13 only do it three days a week. I'll only do it part-time. And
14 I said okay. She said okay, and I -- so I started doing that.
15 Well, she came to one day, and it just happened to be April
16 1st, and I thought it was an April 1st, April fools joke, she
17 says, you can't work here any longer unless you go on the
18 payroll.

19 And I said, what? She said, I have to put you on
20 the payroll if you're going to continue to work here, so I
21 said okay. She put me on her payroll. So does she pay me a
22 lot? No. But the bonuses are pretty good.

23 THE COURT: All right. And there's that warm and
24 fuzzy feeling, too, right?

25 PROSPECTIVE JUROR NO. 432: There's that one what?

1 THE COURT: The warm and fuzzy feeling you get --

2 PROSPECTIVE JUROR NO. 432: Oh, yeah, I -- you know,
3 I'm helping my daughter out.

4 THE COURT: Right.

5 PROSPECTIVE JUROR NO. 432: Absolutely.

6 THE COURT: Okay. Well, good. Thank you. And you
7 said you're single, divorced, significant --

8 PROSPECTIVE JUROR NO. 432: Oh, I -- no, I'm sorry,
9 I'm -- I'm married.

10 THE COURT: Okay. What does your wife do?

11 PROSPECTIVE JUROR NO. 432: My wife does the same
12 thing. She's an IT person for the contractor that supports
13 the Nevada Test Site.

14 THE COURT: All right. Family business. All right,
15 thank you. Would the State like to inquire further?

16 MR. DiGIACOMO: Just briefly. I'm almost afraid to
17 ask a question because apparently no juror can stay in that
18 seat. You mentioned that one of our daughters works in a law
19 firm in Texas. What does she do for the law firm?

20 PROSPECTIVE JUROR NO. 432: To the best of my
21 ability, knowledge, I mean, she is a office manager.

22 MR. DiGIACOMO: And what kind of law firm is it? A
23 civil, general litigation, criminal? Do you know?

24 PROSPECTIVE JUROR NO. 432: I do not know.

25 MR. DiGIACOMO: Okay. And so I'm assuming there's

1 nothing about that that's going to cause -- that's going to
2 affect your ability in this case or affect even what you do in
3 this case?

4 PROSPECTIVE JUROR NO. 432: No. We have no
5 conversations about law.

6 MR. DiGIACOMO: Perfect. So I'm assuming that you
7 believe you're an individual who's capable of assessing
8 information and making decisions based upon what you hear and
9 applying it to some set of rules and deciding did something
10 happen or not happen?

11 PROSPECTIVE JUROR NO. 432: Absolutely.

12 MR. DiGIACOMO: And I guess, I don't know if this is
13 true, but I'm assuming from your answer since you've been here
14 for three days that you don't have any issues with sitting in
15 judgment and deciding the penalty?

16 PROSPECTIVE JUROR NO. 432: No.

17 MR. DiGIACOMO: Thank you very much, sir. Judge,
18 I'd pass for cause.

19 THE COURT: Thank you. All right, correct me if I'm
20 wrong, but I think this is the defense's third --

21 MR. DiGIACOMO: Do they get --

22 THE COURT: Is that right?

23 THE CLERK: They haven't talked yet.

24 THE COURT: Oh, I'm sorry, you haven't --

25 MR. WOLFBRANDT: Yeah.

1 THE COURT: Sorry.

2 MR. LANDIS: It happens. People try to shut us up
3 all the time so.

4 THE COURT: I know. He's so maligned. Poor man. I
5 apologize, Mr. Landis.

6 MR. LANDIS: No problem. How long have you been in
7 that information technology profession?

8 PROSPECTIVE JUROR NO. 432: Well, I started out --
9 the company I worked for at the Nevada Test Site, probably got
10 into the computer stuff in the early '70s, and I've been
11 involved in it since then.

12 MR. LANDIS: For you worked for them, then, before,
13 you kind of transferred into IT; is that what you're saying?

14 PROSPECTIVE JUROR NO. 432: No, no. I -- I was -- I
15 got a little bit of -- I -- I was an electronics technician in
16 the Navy. When I got out of the Navy, I hired on with a
17 company at the test site, and I was doing electronic stuff,
18 and we were collecting data using mostly oscilloscopes. Well,
19 the transition considered to start using computers when the PC
20 started coming out and whatever. And I was one of the first
21 ones that got into that.

22 MR. LANDIS: So you learned as kind of the
23 technology grew?

24 PROSPECTIVE JUROR NO. 432: I -- I'm sorry?

25 MR. LANDIS: You learned the computer field as the

1 technology kind of grew into the masses?

2 PROSPECTIVE JUROR NO. 432: Oh, yes. I've been with
3 it since -- since that time, yeah.

4 MR. LANDIS: Has your -- sorry to cut you off. Has
5 your focus always been what you said meaning the server,
6 servers?

7 PROSPECTIVE JUROR NO. 432: No, I -- I -- you know,
8 I -- I came up the line. I mean, I started with -- with just
9 a personal computer and then I graduated into somebody's got
10 to set up the servers. And so then I went -- I -- you know, I
11 went and got certified in -- in -- from different places like
12 Microsoft and Novell and whatever, and -- and took a lot of
13 training classes. And my -- I didn't do it all on my own. My
14 company sent me to a lot of training classes. And it -- it
15 evolved into the fact that I -- I started taking care of the
16 servers and --

17 MR. LANDIS: This might --

18 PROSPECTIVE JUROR NO. 432: -- grew from there.

19 MR. LANDIS: -- sound like a silly question. I'm
20 only asking you because of some of the things we're going to
21 hear during this trial. So you have any experience with cell
22 phone data? In other words, cell phone location data,
23 anything like that?

24 PROSPECTIVE JUROR NO. 432: No. Absolutely none.

25 MR. LANDIS: You're comfortable being on this jury,

1 if selected?

2 PROSPECTIVE JUROR NO. 432: Sure.

3 MR. LANDIS: Thank you, sir. I'd pass for cause.

4 THE COURT: Thank you.

5 MR. WOLFBRANDT: And Judge --

6 THE COURT: Mr. Wolfbrandt.

7 MR. WOLFBRANDT: -- I would pass for cause.

8 THE COURT: Okay. Ms. McNeill.

9 MS. MCNEILL: Your Honor, I would pass for cause.

10 THE COURT: All right. Thank you. Now -- I jumped
11 the gun before, but is it the defense's third? Is that where
12 we are?

13 MR. WOLFBRANDT: No.

14 THE COURT: No.

15 MS. MCNEILL: I think it's your turn, isn't it?

16 MR. DiGIACOMO: I think it's my fourth.

17 THE COURT: State's fourth. Okay. I thought I
18 might have been behind. All right. Fourth peremptory
19 challenge of the State. Thank you.

20 MR. DiGIACOMO: We would thank and excuse the juror
21 in Seat No. 3, Ms., is it Quiros, Quiros?

22 THE COURT: Jennifer Quiros, Badge No. 291.

23 THE CLERK: Badge 461, Jennifer Jo.

24 PROSPECTIVE JUROR NO. 461: Good afternoon.

25 THE COURT: Good afternoon. How are you doing?

1 PROSPECTIVE JUROR NO. 461: Good. How are you?

2 THE COURT: Good, thank you. Have you ever served
3 as a juror before?

4 PROSPECTIVE JUROR NO. 461: No.

5 THE COURT: Have you ever been in law enforcement?

6 PROSPECTIVE JUROR NO. 461: No.

7 THE COURT: Anyone in your family, closely
8 associated with you in law enforcement?

9 PROSPECTIVE JUROR NO. 461: My best friend back home
10 in Virginia, her husband is a deputy in the sheriff's
11 department. My boyfriend was a police officer, I think, in
12 the Navy a long time ago.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 461: Yep.

15 THE COURT: Does that impact your ability at all to
16 be fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 461: No.

18 THE COURT: Have you ever been the victim of a
19 crime?

20 PROSPECTIVE JUROR NO. 461: Yes.

21 THE COURT: What's that?

22 PROSPECTIVE JUROR NO. 461: My house was burglarized
23 about, I think it was December of 2014 when I was at home.

24 THE COURT: Okay. Tell us about that.

25 PROSPECTIVE JUROR NO. 461: I mean, I -- it's -- I

1 would say it was kind of my fault, but I have a dining room
2 table near a window. A couple of the blinds were a little
3 bent. I had placed my purse on the dining room table. I had
4 fallen asleep in the living room, and when I woke up, I heard
5 a noise, and the first thing I saw was a arm coming through a
6 window and it grabbed my purse and ran.

7 THE COURT: And what did you do?

8 PROSPECTIVE JUROR NO. 461: I yelled. I kind of
9 opened the door. I was going to try and chase them, but I
10 didn't. I called the police. They came out, they took a
11 report, nobody was found.

12 THE COURT: Okay. How about any of your belongings?

13 PROSPECTIVE JUROR NO. 461: My belongings were found
14 in a neighborhood right next to my apartment complex. So most
15 of my items were retrieved. The only thing that was taken out
16 of my purse was, I think, like \$8, a set of headphones and a
17 little clutch purse that I had. But everything else was
18 there.

19 THE COURT: And so they never did catch anyone
20 because --

21 PROSPECTIVE JUROR NO. 461: No.

22 THE COURT: -- you couldn't identify just the arm --

23 PROSPECTIVE JUROR NO. 461: Right.

24 THE COURT: -- correct? Okay. So how about anyone
25 in your family or closely associated with you been the victim

1 of --

2 PROSPECTIVE JUROR NO. 461: My mom's car was
3 burglarized as well, I think, around the same time that my --
4 I was, but she was back home. They just took a couple of
5 things. She was moving -- in the process of moving, and I
6 think she might have left her car door open and somebody took
7 some stuff out of her car.

8 THE COURT: Okay. But I'm more interested if there
9 anybody in your family or closely associated with you that's
10 been the victim of a violent --

11 PROSPECTIVE JUROR NO. 461: No, um-um.

12 THE COURT: -- crime? No? Anything about that
13 burglary or your mother's car burglary that makes you think
14 you couldn't be fair and impartial in this case?

15 PROSPECTIVE JUROR NO. 461: No.

16 THE COURT: Have you ever been accused of or
17 convicted of a crime?

18 PROSPECTIVE JUROR NO. 461: No.

19 THE COURT: How about anyone in your family or
20 closely associated with you?

21 PROSPECTIVE JUROR NO. 461: No.

22 THE COURT: Any reason whatsoever that you think you
23 could not be fair and impartial in this case?

24 PROSPECTIVE JUROR NO. 461: No.

25 THE COURT: And if the defendants or any one of them

1 or all of them are convicted of first degree murder and you
2 were called upon to sit in a penalty phase and determine the
3 punishment, would you be able to consider each of the three
4 punishments?

5 PROSPECTIVE JUROR NO. 461: Yes.

6 THE COURT: Would you tell us about yourself,
7 please.

8 PROSPECTIVE JUROR NO. 461: I'm originally from
9 Virginia. I was born and raised. I received my BA in
10 communications, concentration in public relations with a minor
11 in business. Back home I used to be a public relations and
12 event specialist for Ringling Brothers Barnum Bailey Circus.

13 I'm in the process of finalizing my divorce. I have
14 no children. Here in Las Vegas, I'm a senior account
15 executive at a full-service marketing agency. I have a dog.
16 It's a Corgi named Gus. I do own a gun. It is a Glock .40
17 caliber. We -- I purchased it a long time ago when I lived in
18 Virginia, more for recreational. I still use it
19 recreationally, and now it's kind of more for safety as well.
20 I do have a boyfriend that I live with. That's it.

21 THE COURT: And what does he do?

22 PROSPECTIVE JUROR NO. 461: He is a case manager.
23 He does social work.

24 THE COURT: And what caused you to run away from the
25 circus?

1 PROSPECTIVE JUROR NO. 461: Actually, the company
2 was moving down to Florida. I had lived in Virginia all my
3 life, and I just wanted a change of scenery so I seeked out
4 work here in Las Vegas.

5 THE COURT: All right. Would the State like to
6 inquire further?

7 MS. LEXIS: Yes, Your Honor. Good afternoon, Ms.
8 Jo.

9 PROSPECTIVE JUROR NO. 461: Hello.

10 MS. LEXIS: Do you want to be a juror?

11 PROSPECTIVE JUROR NO. 461: Yes.

12 MS. LEXIS: Why?

13 PROSPECTIVE JUROR NO. 461: I mean, it's kind of
14 funny, but I've always kind of thought that it was an
15 interesting process. The three days that we've been here I've
16 learned a lot. I think I'm pretty, you know, analytical, a
17 problem-solver, a good listener, detail oriented so.

18 MS. LEXIS: All the traits we want as a juror,
19 right?

20 PROSPECTIVE JUROR NO. 461: Sure.

21 MS. LEXIS: Are you the type of person who can wait
22 until after you've heard all of the evidence, the testimonies,
23 before forming an opinion?

24 PROSPECTIVE JUROR NO. 461: Yes.

25 MS. LEXIS: Okay. I asked one of the other jurors,

1 but do you have certain expectations of the State -- you
2 understand we have the burden of proof?

3 PROSPECTIVE JUROR NO. 461: Yes.

4 MS. LEXIS: Do you have these expectations of, you
5 know, CSI, Law & Order mixed in with Matlock or Perry Mason --

6 PROSPECTIVE JUROR NO. 461: No.

7 MS. LEXIS: -- you know, do you have any --

8 PROSPECTIVE JUROR NO. 461: No.

9 MS. LEXIS: -- any of that?

10 PROSPECTIVE JUROR NO. 461: Um-um.

11 MS. LEXIS: Okay. You have no problem holding us to
12 our burden of proof?

13 PROSPECTIVE JUROR NO. 461: Yes.

14 MS. LEXIS: Okay. And you have no problem of
15 finding the defendants not guilty if we don't meet that
16 burden?

17 PROSPECTIVE JUROR NO. 461: Yes.

18 MS. LEXIS: Okay. You're not expecting the
19 defendants to have to come up and testify?

20 PROSPECTIVE JUROR NO. 461: No.

21 MS. LEXIS: Prove anything?

22 PROSPECTIVE JUROR NO. 461: No.

23 MS. LEXIS: Okay. The gun, the Glock --

24 PROSPECTIVE JUROR NO. 461: Yes.

25 MS. LEXIS: -- you've shot it before?

1 PROSPECTIVE JUROR NO. 461: Yes.

2 MS. LEXIS: You said you use it recreationally.

3 PROSPECTIVE JUROR NO. 461: Yes.

4 MS. LEXIS: Okay. And did you have this gun back
5 when your purse was taken?

6 PROSPECTIVE JUROR NO. 461: Yes.

7 MS. LEXIS: Okay. And you didn't -- did you ever --
8 did you reach for it?

9 PROSPECTIVE JUROR NO. 461: No, no.

10 MS. LEXIS: Okay.

11 PROSPECTIVE JUROR NO. 461: Um-um.

12 MS. LEXIS: Did it not enter your mind or --

13 PROSPECTIVE JUROR NO. 461: No, it didn't.

14 MS. LEXIS: Okay. The situation didn't call for
15 it --

16 PROSPECTIVE JUROR NO. 461: No.

17 MS. LEXIS: -- I guess. Okay. And you keep it for
18 safety --

19 PROSPECTIVE JUROR NO. 461: Yes.

20 MS. LEXIS: -- now?

21 PROSPECTIVE JUROR NO. 461: Um-h'm.

22 MS. LEXIS: Okay. Any opinions about gun ownership
23 one way or the other?

24 PROSPECTIVE JUROR NO. 461: No.

25 MS. LEXIS: The affiliations with, you know, the

1 family -- was it your best friend's husband?

2 PROSPECTIVE JUROR NO. 461: Yes.

3 MS. LEXIS: Okay.

4 PROSPECTIVE JUROR NO. 461: Um-h'm.

5 MS. LEXIS: What part of Virginia are you from?

6 PROSPECTIVE JUROR NO. 461: Northern Virginia. I
7 was born and raised in Arlington, lived in Alexandria,
8 Fairfax.

9 MS. LEXIS: Okay.

10 PROSPECTIVE JUROR NO. 461: Yep.

11 MS. LEXIS: What brought you to Las Vegas?

12 PROSPECTIVE JUROR NO. 461: Just change the scenery.
13 Wanted to experience something outside of Virginia.

14 MS. LEXIS: Okay. The law enforcement affiliations,
15 that's not going to cause a problem in terms of --

16 PROSPECTIVE JUROR NO. 461: No.

17 MS. LEXIS: -- accessibility --

18 PROSPECTIVE JUROR NO. 461: I don't really talk to
19 them anymore just because time difference. I'm usually at
20 work and no, so.

21 MS. LEXIS: Okay. You said something that -- you
22 said it was kind of your fault that you left the purse out --

23 PROSPECTIVE JUROR NO. 461: Yeah.

24 MS. LEXIS: -- within view.

25 PROSPECTIVE JUROR NO. 461: Yeah.

1 MS. LEXIS: Why do you say that? Do you think
2 people have the right to come into your home and take stuff?

3 PROSPECTIVE JUROR NO. 461: No, but I think I should
4 have been a little bit more careful about placing it out of
5 sight. You know, I didn't really realize that you could see
6 inside my house because, like I said, a couple of the blinds
7 were like folded. So, I mean, I -- I can -- I guess, I can
8 just blame myself for that because I feel like I should have
9 probably, you know, put it in my bedroom or on the ground
10 where it wasn't visible so.

11 MS. LEXIS: You could.

12 PROSPECTIVE JUROR NO. 461: Yeah.

13 MS. LEXIS: Somewhere by yourself.

14 PROSPECTIVE JUROR NO. 461: Right.

15 MS. LEXIS: Certainly you'd agree with me that if
16 someone was caught, they should have been prosecuted?

17 PROSPECTIVE JUROR NO. 461: I agree, yes.

18 MS. LEXIS: A crime was committed?

19 PROSPECTIVE JUROR NO. 461: Right.

20 MS. LEXIS: Court's brief indulgence. I have no
21 more questions. Thank you, Ms. Jo.

22 PROSPECTIVE JUROR NO. 461: Thank you.

23 THE COURT: Defense.

24 MS. McNEILL: Thank you, Your Honor. Ms. Jo, it
25 says you have a bachelor's degree. I'm sorry, did you say

1 what that was in?

2 PROSPECTIVE JUROR NO. 461: Public relations.

3 MS. McNEILL: Public relations.

4 PROSPECTIVE JUROR NO. 461: Um-h'm.

5 MS. McNEILL: Okay. And is that what you do for
6 your employer now?

7 PROSPECTIVE JUROR NO. 461: I do some but most of
8 the items that I handle is marketing and advertising now.

9 MS. McNEILL: Okay. And you moved down to Las Vegas
10 for a change of scenery --

11 PROSPECTIVE JUROR NO. 461: Yep.

12 MS. McNEILL: -- you said.

13 PROSPECTIVE JUROR NO. 461: Um-h'm.

14 MS. McNEILL: Did you have a job when you moved out
15 here?

16 PROSPECTIVE JUROR NO. 461: Yes. When I first moved
17 out here, I worked as a public relations specialist for
18 Caesars Entertainment overseeing their shows across their nine
19 properties here.

20 MS. McNEILL: Okay. So did you move here because
21 this -- I mean, were you looking for jobs and --

22 PROSPECTIVE JUROR NO. 461: Yes.

23 MS. McNEILL: -- this is just where you got one or
24 you just thought Las Vegas? I mean, it seems like it couldn't
25 really be more different than Virginia, I'm guessing.

1 PROSPECTIVE JUROR NO. 461: I mean, my first choice
2 would have been to move to New York just because they do have
3 a lot more opportunities there as far as my field goes, but
4 because you was already in the entertainment business, Las
5 Vegas was my second choice just because cost of living was a
6 lot cheaper here.

7 MS. McNEILL: Okay. Do you regret your decision to
8 move here?

9 PROSPECTIVE JUROR NO. 461: A little bit. It's not
10 -- I kind of have like a love/hate relationship with Vegas.
11 And I -- I'm sure most people can say that, but you know, I
12 think the -- the people here, I guess, are a little different.
13 They're not -- to me, I don't think they're as friendly
14 meaning like outgoing. They don't say hello when you're
15 walking down the street or open the door for you and things
16 like that.

17 MS. McNEILL: Okay. All right.

18 PROSPECTIVE JUROR NO. 461: Yeah.

19 MS. McNEILL: Okay, that makes sense. I think
20 that's a fairly common reaction.

21 PROSPECTIVE JUROR NO. 461: Yeah.

22 MS. McNEILL: So the Glock, you said you have it for
23 -- you bought it for recognize recreational. So I'm assuming
24 that means you just like to go out shooting?

25 PROSPECTIVE JUROR NO. 461: Yes, um-h'm.

1 MS. McNEILL: And what is it about that that you
2 like? You don't see a lot of women who say like, you know, I
3 got a gun for recreational purposes.

4 PROSPECTIVE JUROR NO. 461: No. I mean, I
5 originally had bought it for me and my soon to be ex-husband
6 just for something to do. I mean, I still like, I've shot it
7 maybe a dozen times. I mean, I still kind of get a little,
8 you know, jumpy when I shoot it just because the sound of it.
9 Like, I don't even like balloons popping, to tell you the
10 truth, but, I mean, it is for fun.

11 I -- I think the last time I probably went shooting
12 was a couple of weeks so I'm trying to get more comfortable
13 with it.

14 MS. McNEILL: Okay.

15 PROSPECTIVE JUROR NO. 461: Yeah.

16 MS. McNEILL: Do you feel -- is that may be one of
17 the reasons that it didn't come to your mind when you had this
18 burglary was maybe you're not that comfortable with the gun?

19 PROSPECTIVE JUROR NO. 461: No, not really. To tell
20 you the truth, even though I have the gun, I never had bullets
21 at the house anyways. I would only purchase bullets when I go
22 shooting for recreation so it's not like I would have had any
23 bullets anyways.

24 MS. McNEILL: Okay. So it really wasn't at that
25 time --

1 PROSPECTIVE JUROR NO. 461: No.

2 MS. McNEILL: -- for protection --

3 PROSPECTIVE JUROR NO. 461: No.

4 MS. McNEILL: -- in any way?

5 PROSPECTIVE JUROR NO. 461: Um-um.

6 MS. McNEILL: Okay. All right, fair enough. You've
7 been sitting here, you've -- you know, we've worked this way
8 through all these questions we had had asked. Is there
9 anything you have heard that you have a problem with, the
10 State having the burden of proof, us not having to present
11 evidence?

12 PROSPECTIVE JUROR NO. 461: Nope.

13 MS. McNEILL: Anything? You think you're
14 comfortable with all of those?

15 PROSPECTIVE JUROR NO. 461: Yes.

16 MS. McNEILL: You feel like you can work with all of
17 those?

18 PROSPECTIVE JUROR NO. 461: Yes.

19 MS. McNEILL: Okay. I'll pass for cause, Your
20 Honor.

21 THE COURT: Thank you. Mr. Wolfbrandt.

22 MR. WOLFBRANDT: Just to follow up on a few
23 questions. And this has to do with -- these are related to
24 your boyfriend. You mentioned he's a case manager in social
25 work.

1 PROSPECTIVE JUROR NO. 461: Yes.

2 MR. WOLFBRANDT: Does he work for the Clark County
3 Department of Family Services?

4 PROSPECTIVE JUROR NO. 461: He works for a agency, a
5 local agency here. I think it's called Moving Forward. It --
6 they help underprivileged families.

7 MR. WOLFBRANDT: Okay. So that clears it up
8 quickly. All right, thank you.

9 THE COURT: All right, it is the defense's fourth
10 peremptory challenge.

11 MR. LANDIS: Were we are going to push through to
12 the end of 5:00 or was another break in the offing? Because
13 we'll push through and get this done. If the Court was going
14 to take another break, I was just going to say it might be
15 more efficient to do it now. Not that I'm telling you what to
16 do but --

17 THE COURT: No, we're going to push through.

18 MR. LANDIS: Okay.

19 MS. McNEILL: Okay. If we could just have the
20 Court's indulgence.

21 MR. LANDIS: We'd thank and excuse Ms. Wynants,
22 which is Badge 403, seat 5.

23 THE COURT: Thank you.

24 THE CLERK: Badge 463, Michael Clark.

25 THE COURT: Welcome, Mr. Clark.

1 PROSPECTIVE JUROR NO. 463: Thank you.

2 THE COURT: Do you feel like the last man standing?

3 PROSPECTIVE JUROR NO. 463: I'm the last man.

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

5 PROSPECTIVE JUROR NO. 463: No, I haven't.

6 THE COURT: Have you ever been in law enforcement?

7 PROSPECTIVE JUROR NO. 463: No.

8 THE COURT: Anyone in your family, closely
9 associated with you in law enforcement?

10 PROSPECTIVE JUROR NO. 463: No.

11 THE COURT: Ever been the victim of a crime?

12 PROSPECTIVE JUROR NO. 463: No.

13 THE COURT: Anyone in your family, closely
14 associated with you been the victim of what you consider to be
15 a serious crime?

16 PROSPECTIVE JUROR NO. 463: No.

17 THE COURT: Have you ever been accused of or
18 convicted of a crime?

19 PROSPECTIVE JUROR NO. 463: No.

20 THE COURT: Anyone in your family, closely
21 associated with you convicted of or accused of a crime?

22 PROSPECTIVE JUROR NO. 463: No.

23 THE COURT: Okay. Any reason whatsoever that you
24 think you could not be a fair and impartial juror in this
25 case?

1 PROSPECTIVE JUROR NO. 463: No reason.

2 THE COURT: Tell us about yourself.

3 PROSPECTIVE JUROR NO. 463: All right. I'm married.
4 I have a five year -- or a 17-year-old son and a five-year-old
5 daughter. I am retired from the military. I spent 20 years
6 in the Air Force. I've been in Las Vegas for about 21-and-a-
7 half years. My wife is assistant clinical director at the
8 UNLV Dental School, and anything else you'd like to know?

9 THE COURT: When you were in the Air Force, what was
10 your assignment?

11 PROSPECTIVE JUROR NO. 463: My assignment was I
12 spent my whole time at Nellis Air Force Base.

13 THE COURT: Okay. What did you do there?

14 PROSPECTIVE JUROR NO. 463: My job was actually fuel
15 specialist, in which we handled all the jet fuel, all the
16 liquid oxygen, nitrogen, anything that had to do with
17 refueling the aircraft or storing it we handled it. So I was
18 basically, started out as a driver and then ended up as being
19 the person in charge.

20 THE COURT: All right. And you were there for your
21 entire service?

22 PROSPECTIVE JUROR NO. 463: I was there for my
23 entire service, except for deployments.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 463: And a couple schools I

1 went to.

2 THE COURT: All right. So you did deploy?

3 PROSPECTIVE JUROR NO. 463: I did deploy six times.

4 THE COURT: Six. All right. So -- and where did
5 you serve on those deployments?

6 PROSPECTIVE JUROR NO. 463: I went to Saudi Arabia
7 twice, Iraq twice, Arab Emirates once and Kyrgyzstan once.

8 THE COURT: So no assignments in Germany or France
9 or --

10 PROSPECTIVE JUROR NO. 463: No, none -- none of
11 those good places.

12 THE COURT: Now, you're retired but still yet very
13 young man. Are you doing anything else?

14 PROSPECTIVE JUROR NO. 463: I'm not doing anything
15 right now. Like I said, I have a five-year-old daughter. She
16 just started kindergarten this year so I've been kind of being
17 the -- the house husband for a little while. I do have a CDL
18 license. I have a background in heavy equipment so
19 eventually, I'm going to get back into something like that.

20 THE COURT: And your wife, you already said. And
21 your son, is he still in high school?

22 PROSPECTIVE JUROR NO. 463: He is a senior this
23 year.

24 THE COURT: Would the State like to inquire further?

25 MS. LEXIS: Yes, Your Honor. Hello, Mr. Clark.

1 PROSPECTIVE JUROR NO. 463: Hello.

2 MS. LEXIS: Can you hear me, Lara? Mr. Clark, do
3 you want to be a juror?

4 PROSPECTIVE JUROR NO. 463: Yes.

5 MS. LEXIS: Why?

6 PROSPECTIVE JUROR NO. 463: I think it's my
7 obligation, and also, I would be -- I'm a real fair person.
8 I'm real open-minded so I have no problem listening or looking
9 at evidence or anything like that. I can be totally fair on
10 any issue.

11 MS. LEXIS: Thank you, sir. By the way, thank you
12 for your service.

13 PROSPECTIVE JUROR NO. 463: Thank you.

14 MS. LEXIS: Can you consider all the different forms
15 of punishment?

16 PROSPECTIVE JUROR NO. 463: Yes.

17 MS. LEXIS: Have you been a prior jury --

18 PROSPECTIVE JUROR NO. 463: No.

19 MS. LEXIS: -- on a jury before?

20 PROSPECTIVE JUROR NO. 463: No.

21 MS. LEXIS: Okay. Victim of a crime?

22 PROSPECTIVE JUROR NO. 463: No.

23 MS. LEXIS: Accused of a crime?

24 PROSPECTIVE JUROR NO. 463: No.

25 MS. LEXIS: You or anyone close to you?

1 PROSPECTIVE JUROR NO. 463: No.

2 MS. LEXIS: You're familiar with guns?

3 PROSPECTIVE JUROR NO. 463: Yes.

4 MS. LEXIS: Any problems --

5 PROSPECTIVE JUROR NO. 463: I don't own any guns.

6 MS. LEXIS: You don't own any guns?

7 PROSPECTIVE JUROR NO. 463: None -- none in Clark
8 County, no.

9 MS. LEXIS: Okay. Court's brief indulgence. I
10 don't have anymore questions. Thank you, Mr. Clark.

11 PROSPECTIVE JUROR NO. 463: Thank you.

12 THE COURT: Defense.

13 MS. McNEILL: Thank you, Your Honor. You said you
14 don't have any guns in Clark County. Did you own guns
15 somewhere else?

16 PROSPECTIVE JUROR NO. 463: Yeah, I'm originally
17 from Michigan so I have a couple rifles back there. And
18 that's basically from where I was it's all about hunting so.

19 MS. McNEILL: Oh, okay. So --

20 PROSPECTIVE JUROR NO. 463: So I got a .22 rifle and
21 a 30/30 so it was all recreational.

22 MS. McNEILL: Okay. So more for support than --

23 PROSPECTIVE JUROR NO. 463: Yes.

24 MS. McNEILL: -- for protection?

25 PROSPECTIVE JUROR NO. 463: Right.

1 MS. McNEILL: Okay. And I'm guessing not a lot of
2 places to hunt in Las Vegas. (Inaudible).

3 PROSPECTIVE JUROR NO. 463: Not -- well not -- not
4 too much, but I just didn't really like any areas around here.
5 You can -- you can do a lot of target practicing and that's
6 about it, but I in every really got into that here so.

7 MS. McNEILL: Okay. And your entire time in the Air
8 Force was Nellis?

9 PROSPECTIVE JUROR NO. 463: At Nellis, yes.

10 MS. McNEILL: How does that happen? You know, isn't
11 that why you joined the military, to travel?

12 PROSPECTIVE JUROR NO. 463: I hear -- I hear that
13 all the time, and I really don't have a good answer for that.
14 The only -- the only thing I can suggest of me being there is
15 I got lucky. When I first came, I was going to spend four
16 years, but I ended up getting married and divorced. That's
17 where my 17-year-old son came from. And I didn't want to have
18 to leave him because of the divorce or anything so I just left
19 everything ride to kind of roll the dice and walked on
20 eggshells basically for 20 years so.

21 MS. McNEILL: So, but it worked out for your --

22 PROSPECTIVE JUROR NO. 463: It worked out for my
23 advantage.

24 MS. McNEILL: -- (inaudible)? You said that you
25 think you'd be a good juror because you're open-minded and

1 fair?

2 PROSPECTIVE JUROR NO. 463: Yes.

3 MS. McNEILL: Why do you think you're open-minded?

4 PROSPECTIVE JUROR NO. 463: I can -- well, 20 years
5 in the military and being in the middle east for a bunch of
6 time, I've seen quite a bit of stuff. So run across a lot of
7 different faces, a lot of different cultures and stuff like
8 that. So I basically -- I can be fair on pretty much
9 anything. I mean, open-minded means I don't judge anybody.
10 I'm not going to judge anybody for looking at them and
11 thinking this person is wrong or right or whatever. I'm just
12 going to, you know, keep my mind open and just go with
13 whatever evidence is presented and go from there.

14 MS. McNEILL: Okay. So it sounds like you're saying
15 based on your life experiences, you've met people from a wide
16 variety of backgrounds?

17 PROSPECTIVE JUROR NO. 463: Correct.

18 MS. McNEILL: Okay. So you're not sitting here
19 looking at any of these gentlemen --

20 PROSPECTIVE JUROR NO. 463: No.

21 MS. McNEILL: -- and judging them --

22 PROSPECTIVE JUROR NO. 463: No.

23 MS. McNEILL: -- anything you've seen?

24 PROSPECTIVE JUROR NO. 463: Absolutely not.

25 MS. McNEILL: Okay. And do you think that's

1 important for a jury to do?

2 PROSPECTIVE JUROR NO. 463: I think that's very
3 important.

4 MS. McNEILL: Okay. Do you think that most people
5 are able to do that?

6 PROSPECTIVE JUROR NO. 463: It just depends on the
7 person. I couldn't -- I can't answer that for anybody because
8 I don't know, you know, who would be asked that question. If
9 you knew them maybe, but -- but I can't really answer that for
10 anybody else.

11 MS. McNEILL: Okay. And that's probably a very
12 open-minded answer that you just came. So I like that. And
13 then when you say fair, you mean you're going to hold them to
14 their burden, right?

15 PROSPECTIVE JUROR NO. 463: Yes.

16 MS. McNEILL: Okay. So do you think that we have
17 any burden or any duty to you?

18 PROSPECTIVE JUROR NO. 463: No.

19 MS. McNEILL: Is it going to bother you --

20 PROSPECTIVE JUROR NO. 463: It's not going to bother
21 me.

22 MS. McNEILL: Okay. So you're absolutely --

23 PROSPECTIVE JUROR NO. 463: And I'm not going to
24 also be individualized on it. It's going to be a team effort
25 so.

1 MS. McNEILL: Okay. So you're going to work with
2 your fellow jurors to --

3 PROSPECTIVE JUROR NO. 463: Exactly.

4 MS. McNEILL: Hold them --

5 PROSPECTIVE JUROR NO. 463: Right.

6 MS. McNEILL: -- make them hold the State to their
7 burden?

8 PROSPECTIVE JUROR NO. 463: Yes.

9 MS. McNEILL: Okay. Perfect. Thank you. I'll pass
10 for cause.

11 THE COURT: Mr. Wolfbrandt.

12 MR. WOLFBRANDT: You know what, I'll pass for cause.

13 MR. LANDIS: Same.

14 THE COURT: So ladies and gentlemen, there are 50
15 more people waiting outside the door because we've -- as you
16 can see, we've run out of jurors and we're not done yet.

17 So what I'm going to do is I'm going to let you all
18 go home tomorrow while we talk for a little while with this
19 new group and then you'll all come back tomorrow.

20 (Court/Clerk conferring)

21 THE COURT: So we're not going to be able to start
22 until 1:30 because my drug court calendar is huge again. So I
23 will see you tomorrow at 1:30. I'm going to read you the
24 admonition. Ladies and gentlemen --

25 MR. DiGIACOMO: Judge, may we approach before you

1 read that admonition?

2 THE COURT: Pardon me?

3 MR. DiGIACOMO: Before we approach before you read
4 the admonition?

5 THE COURT: Of course.

6 (Off-record bench conference)

7 THE COURT: -- it's a good idea that the State -- it
8 is the State's next peremptory challenge and so whoever is
9 going to get dismissed shouldn't have to come back tomorrow.
10 And so I'm grateful and whoever that is will be grateful that
11 they don't have to come back. And so fifth peremptory
12 challenge for the State.

13 MR. DiGIACOMO: Thank you. The State would thank
14 and excuse the juror in Seat No. 4, Mr. Goehring.

15 THE COURT: Okay, Mr. Goehring. Thank you,
16 Mr. Goehring. All right. And we don't have anybody to
17 replace yet so back to the admonition.

18 So ladies and gentlemen, we're going to take an
19 overnight recess. During this recess, it is your duty not to
20 converse among yourselves or with anyone else on any subject
21 connected with the trial or read, watch or listen to any
22 report of or commentary on the trial by any person connected
23 with the trial or by any medium of information, including
24 without limitation, newspaper, television, radio or Internet.
25 You are not to form or express an opinion on any subject

1 connected with the case until it's finally submitted to you.

2 Actually, I don't want them to come back until 2:00.

3 Okay? So you may still have to wait around a little bit but

4 2:00 o'clock. But we should have room by that time for

5 everybody to get in the courtroom.

6 THE MARSHAL: Okay. All rise for the venire panel.

7

8 (First Panel of prospective jurors recessed at 4:32 p.m.)

9 THE COURT: All right. The venire has left the

10 courtroom. We're outside their presence. Marshal has

11 something about the list that he's giving you. Go ahead.

12 Yeah, we're on the record. What about the list, Marshal?

13 THE MARSHAL: The Jury Service had an issue with the

14 printout of the list. You'll notice that the first five names

15 on the list are the last five from the previous panel. So

16 you're going to be starting with number 51. Does that make

17 sense?

18 MS. LEXIS: Yes.

19 MR. DiGIACOMO: Yes.

20 THE MARSHAL: Okay.

21 THE COURT: Thank you.

22 THE MARSHAL: Um-h'm.

23 THE COURT: And let's bring them in.

24 (Court/Marshal conferring)

25 THE MARSHAL: All rise for the venire panel.

1 (In the presence of the second panel of prospective jurors)

2 THE MARSHAL: Your Honor, all members of the venire
3 panel are present and accounted for.

4 THE COURT: Thank you. Please be seated. All
5 right. And this is Case No. C-303991, State of Nevada versus
6 Jorge Mendoza, Joseph Laguna and David Murphy. The record
7 will reflect that the presence of the -- all three defendants
8 is noted as well as their respective attorneys, the Chief
9 Deputies District Attorney prosecuting the case are present,
10 as are all officers of the court.

11 Ladies and gentlemen, welcome to Department 5. I
12 apologize that you've been waiting all afternoon. You're not
13 going to be here all that long this evening because you have
14 been waiting all afternoon and we've been working all
15 afternoon to select a jury.

16 The good news for you is that the last 50 people who
17 were summonsed have been here for the past three days, and we
18 are halfway through selecting the jury for this case. And so
19 you've missed having to be here for the last three days so
20 that's -- that's the good news. I mean, I mean try and be a
21 glass half full kind of person.

22 And so thank you for your patience. What I'm trying
23 to do and all the lawyers here interested if doing is
24 selecting a fair and impartial jury for this case. And we do
25 that through a process that is known as voir dire wherein, we

1 ask questions of the jurors.

2 Everything that happens in this courtroom is
3 reported via a court recording system. There are microphones
4 that are located throughout the courtroom. You'll see the one
5 here on the bench. There's one on the witness stand. They're
6 here and there and everywhere. And it picks up the audio as
7 well as there are cameras in the courtroom that pick up. And
8 they're voice activated based upon who's speaking, either me
9 sitting here on the bench, the witness stand or counsel
10 tables.

11 The cameras do not focus, however, on the jury box
12 at any time regardless of whether someone's speaking. But
13 because we're going to have to be asking you questions, if
14 someone speaks during this process, any of you all, then we
15 need to know who you are for the record. And so if you're
16 called upon to give a response of any kind, before you speak
17 into the microphone, which is a handheld microphone, I'd ask
18 you to give me your full name and the last three digits of
19 your badge number before you speak, and that's for the purpose
20 of making an entire record in this matter.

21 Now, this handheld microphone, you have to hold it
22 up, and you have to -- you'll see, it's a normal microphone
23 that you're kind of used to having. So hold the microphone.
24 If you're the kind of person that gestures when you speak, do
25 not gesture with the microphone hand. Gesture with this hand.

1 Okay? Got that? Okay.

2 So we're going to swear you all in.

3 THE CLERK: Can everybody please stand and raise
4 your right hand.

5 (CLERK SWEARS IN SECOND VENIRE PANEL)

6 THE COURT: So there aren't too many excuses for not
7 serving on a jury. There used to be years ago automatic
8 exclusions for teachers, doctors, you know, lawyers, whatever.
9 But they've eliminated that quite some time ago, leaving only
10 two. The first one being if you are 70 years of age or older,
11 and you do not much to wish on this jury, then you may request
12 to be excused. In fact, you may request of the Jury
13 Commissioner that you be dropped entirely from the roll so
14 that you aren't part of the pool to be called again.

15 Of course, if you want to serve, we certainly would
16 encourage you to do so because our seniors have a lot to bring
17 to jury service, and they have a lot of wisdom. So if you
18 happen to qualify for that exclusion and didn't want to
19 exercise it, that would be wonderful. But if you do, as I
20 peruse the jury, okay, I don't see anybody that looks like
21 they qualify because it looks like a pretty young group to me.
22 But I've been fooled before by youthful appearances.

23 However, since you do look like a very youthful
24 group, then I would need you to show the Marshal your
25 identification to show that, in fact, you are 70. Is there

1 anyone who can't hear very well that needs -- uh-huh, okay, we
2 have hearing headphones for you. Testing. Can you hear me?
3 Four by four, five by five.

4 All right. So the next thing I want to do is tell
5 you what the second exemption is. Oh, is there anybody that's
6 70 or older and wishes to avail themselves? Record will
7 reflect a negative response.

8 Next exception is or exemption is if you are 65
9 years of age or older and you live at least 65 miles from the
10 courthouse, then you -- which means you'd have to live in
11 Laughlin or Mesquite, then you also don't have to serve if you
12 don't wish to. Although, I have had people serve when live in
13 those communities. They either drive in each day or they stay
14 with friends in town or something of that nature. So is there
15 anyone who qualifies for that and wants to avail themselves?
16 Okay.

17 THE MARSHAL: State your name and last three of your
18 badge number.

19 PROSPECTIVE JUROR NO. 844: Dolores Buccicardi, and
20 844.

21 THE COURT: Where do you live, ma'am?

22 PROSPECTIVE JUROR NO. 844: Mesquite, Nevada.

23 THE COURT: Do you have your license?

24 PROSPECTIVE JUROR NO. 844: Yes.

25 THE COURT: Okay. Show that to the Marshal. Are

1 you 65?

2 PROSPECTIVE JUROR NO. 844: No.

3 THE COURT: Oh, I thought you looked pretty
4 youthful.

5 PROSPECTIVE JUROR NO. 844: (Inaudible).

6 THE COURT: You have to be 65. Okay. So don't
7 bother to show your identification to the Marshal because it's
8 only for folks that are 65. I guess, they presume that folks
9 over 65 can't drive for 70 miles, but sort of silly but
10 anyway, it is what it is.

11 All right. The other thing is, is there anyone here
12 who is not a citizen of the United States? Record will
13 reflect a negative response. Is there anyone here who has
14 been convicted of a felony, but has not had their civil rights
15 restored so they're not permitted to serve on a jury? And
16 again, record will reflect a negative response.

17 Okay. Next thing we're going to do is I'm going to
18 have the -- one of the Chief Deputies introduce the case to
19 you, just a brief synopsis of what the charges are, and where
20 it occurred and the date, that type of thing because you're
21 going to be asked if you have ever heard of this case.

22 Also, they're going to read to you a quite lengthy
23 list of potential witnesses. These are not all of the
24 witnesses that will be actually called, but any one of them
25 could be called, so you need to pay attention because you're

1 going to be asked if you know any of these people. All right.
2 Ms. Lexis.

3 MS. LEXIS: Yes, Your Honor. Good afternoon,
4 everyone. My name is Agnes Lexis. This is my co-counsel Marc
5 DiGiacomo. We are chief deputy district attorneys with the
6 Clark County District Attorney's Office. We are the
7 prosecutors who have been assigned this particular case.

8 The charges in this case as set forth in the Second
9 Superseding Indictment are conspiracy to commit robbery,
10 burglary while in possession of a deadly weapon, home invasion
11 while in possession of a deadly weapon, attempt robbery with
12 use of a deadly weapon, murder with use of a deadly weapon,
13 attempt murder with use of a deadly weapon.

14 The State is alleging that on September 21st, 2014,
15 at about 8:00 p.m., four men attempted to commit a robbery,
16 burglary, home invasion on a home located at 1661 Broadmere in
17 Pecccole Ranch. That's off of Charleston and Hualapai. Two
18 people were home at the time, Joey Larsen and Monty Gibson.

19 A gun fight ensued between the homeowners and
20 invaders and Monty Gibson was killed subsequently -- or during
21 the gun fight.

22 In our case-in-chief, and I apologize in advance,
23 this is a lengthy list, the State could call any of the
24 following witnesses: Officer D. Abraham, Officer R. Agin,
25 Officer N. Alexander, Officer C. Alfonsi, Officer C. Allen,

1 Officer C. Arnold, Officer A. Baca, Officer A. Bauman, Officer
2 Shawn Beck (phonetic), Officer K. Bell, Officer T. Bernard, a
3 witness by the name of Elizabeth Bird and Jeffrey Bonne,
4 Officer C. Bunn, Officer B. Burns, a crime scene analyst M.
5 Charlton, a Clark County Coroner's Office investigator Aleen
6 Chinn, Officer B. Choat, Officer D. Chudoba, a witness by the
7 name of Cindy Cruz, custodians of records from the Clark
8 County Detention Center, EZ Pawn, Las Vegas Metropolitan
9 Police Department, Officer D. Darragh, Officer J. David, a
10 witness by the name of Roger Day, Officer Christopher Donohue,
11 one of our Clark County District Attorney investigators,
12 criminal investigators, Ed Dougherty, Ron Acuna, our designee,
13 Officer D. Eason, Officer M. Eshe, that's spelled E-s-h-e.

14 A witness by the name of Michelle Estavillo, Officer
15 E. Fields, an individual by the name of Robert Figueroa,
16 Officer D. Fletcher, Officer J. Giannone, a witness by the
17 name of Latonya Gibson, Officer S. Giles, an individual Ashley
18 Hall, Officer A. Hardman, Officer F. Harrison, Officer R.
19 Hart, Officer J. Haynes, special agent with the FBI S.
20 Hendricks, Officer K. Holloway, canine Officer M. Horn, he's a
21 handler to a canine by the name of Paco.

22 Officer C. Howell, Officer S. Hurley, Officer M.
23 Ibarra, Detective Barry Jensen, Officer B. Jones, Officer A.
24 Kazee, K-a-z-e-e, Officer M. Kennoy, an officer by the name of
25 M. Kovacich, Officer J. Langenhan, Officer A. Lardomita, an

1 individual by the name of Joseph Larsen, Steven Larsen, Summer
2 Larsen, Officer C. Lavole, Officer B. Lee, Officer E.
3 Lindberg, Officer C. Loucks, Officer A. Macias, Officer B.
4 Martinez, Officer J. McCarthy, an individual by the name of
5 Dan Michalski, Officer C. Mikalonis, Officer J. Miller,
6 Officer J. Milligan, Officer C. Necas, N-e-c-a-s, a canine
7 Officer Newton, who is handle letter to a canine named Wilco.

8 Officer M. Nitzel, Officer F. Pacchiega, Officer K.
9 Page, Officer A. Pennucci, Officer R. Peterson, Officer C.
10 Pittit, Officer M. Pluck, Officer K. Prior, a witness by the
11 name of Chandlea Pruse, an AMR unit Officer N. Reale,
12 R-e-a-l-e, Officer C. Reich, Officer H. Rivers, Officer B.
13 Roberts. Bless you. Officer K. Romane, Officer -- excuse me,
14 a witness by the name of Tracy Rowe, a witness by the name of
15 Renee Salgado, Officer R. Scavone, Officer B. Sette,
16 S-e-t-t-e, Officer W. Smith and another AMR unit A. Snyder,
17 witness by the name of Gabriel Sotelo, Lt. Steiber with Metro.

18 Officer R. Theobald, Officer M. Thiele, Officer
19 Gregory Thielen, Officer C. Travis, Officer Sonny Yarphe, a
20 witness by the name of Gene Walker, a detective by the name of
21 Marty Wildemann, Detective Tod Williams, Officer B. Woolard.

22 This list isn't as long. A detective with Metro by
23 the name of Gino Basilotta, B-a-s-i-l-o-t-t-a, crime scene
24 analyst Noreen Charlton, custodians of records for AT&T,
25 Cricket Wireless, Metro PCS, Neustar, T-Mobile, Verizon

1 Wireless, medical examiner Dr. Timothy Dutra, crime scene
2 analyst Adam Felabom, a Metropolitan Police Department Officer
3 Chris Gandy, crime scene analyst Daniel Holstein, firearms
4 examiner James Krylo, firearms examiner Anya Lester, crime
5 scene analyst Kristen Meckler, Amy Nemcik, who's also a crime
6 scene analyst. Another crime scene analyst Shelly Shrum,
7 crime scene analyst Joseph Szukiewicz, a DNA analyst by the
8 name of Jennifer Thomas, crime scene analyst Kristina Thomas.
9 And that would conclude our list of potential witnesses.

10 THE COURT: Thank you.

11 MS. LEXIS: Thank you for your indulgence.

12 THE COURT: And ladies and gentlemen, I'm going to
13 have the defense lawyers introduce themselves and their
14 clients and read any witnesses that they might wish to call.
15 The defense doesn't have to do any proving. It's the State's
16 burden of proof, but if they wish to call a witness, they may.
17 But the defendants are presumed innocent unless and until the
18 State proves otherwise. So the State has the burden of proof
19 in this matter. Defense doesn't have to call any witnesses,
20 but they may have some that they want to advise you. Go
21 ahead.

22 MS. McNEILL: Thank you, Your Honor. My name is
23 Monique McNeill, and I represent Mr. Joey Laguna who has pled
24 not guilty to the crimes that he's charged with. Our
25 potential witnesses are my investigator Craig Recky (phonetic)

1 and Darcy Flores-Nocedal. Thank you.

2 MR. WOLFBRANDT: And good afternoon, my name is Lou
3 Wolfbrandt, and I represent Jorge Mendoza. Thank you.

4 MR. LANDIS: Good afternoon. My name is Casey
5 Landis. My client's directly behind me, David Murphy. The
6 State named most of the potential witnesses in this case. We
7 may call some of them if they don't. Beyond that, the
8 witnesses we may call are Larry Smith and Rick Frankie
9 (phonetic). Thank you.

10 THE COURT: Thank you very much. All right. So now
11 the next questions I'm going to pose, I'm asking for a show of
12 hands, and if you raise your hand, then we're going to -- and
13 we do it in order of how you are seated by your badge number.
14 I would have the Marshal hand you the microphone so we could
15 get your response on the record.

16 So are there any of you who believe that you are
17 acquainted with any of the three defendants in this case,
18 Jorge Mendoza, Joseph Laguna or David Murphy? And the record
19 will reflect a negative response.

20 Are there any of you that are acquainted with any of
21 the three or all of them defense lawyers in the case? Again,
22 the record will reflect a negative response. Are there any of
23 you who are acquainted with either of the Chief Deputy DAs who
24 are prosecuting the case? The record will again reflect a
25 negative response.

1 Are there any of you who believe that you're
2 acquainted with any of the witnesses whose names were read to
3 you?

4 THE MARSHAL: One over there.

5 PROSPECTIVE JUROR NO. 832: Michael Guerrieri, 832.
6 I believe, I know the Officer McCarthy. I dated their younger
7 sister for years. I know them all, Matt McCarthy, Jeff
8 McCarthy, Ryan McCarthy, CJ McCarthy. They're all officers of
9 the law.

10 THE COURT: Okay. All right. And so close personal
11 relationship?

12 PROSPECTIVE JUROR NO. 832: I know them all. I
13 mean, I talk to them every once in a while.

14 THE COURT: Okay. So the question would be if
15 Officer McCarthy was called to the stand, could you be a fair
16 and impartial juror given the fact that you know him?

17 PROSPECTIVE JUROR NO. 832: Yeah. I haven't talked
18 -- I never talk to him about work so.

19 THE COURT: Okay. And when would the last time be
20 that you talked to him about anything?

21 PROSPECTIVE JUROR NO. 832: May. We were all on a
22 bowling league together.

23 THE COURT: Okay. So you do socialize with --

24 PROSPECTIVE JUROR NO. 832: Yes.

25 THE COURT: -- this person? And -- all right, so

1 you go out bowling with --

2 PROSPECTIVE JUROR NO. 832: It was every Thursday
3 night for like six months. We were on the bowling league at
4 Sun Coast.

5 THE COURT: Okay. So that's a fairly close
6 relationship. You're talking -- you may not be talking about
7 his day-to-day work. Do you ever talk about goings on in
8 town, crime in general, anything of that nature?

9 PROSPECTIVE JUROR NO. 832: Unless if he like brings
10 it up, a lot of it's past history. Like he was involved in a
11 shooting years ago on super bowl Sunday, so a lot of that work
12 aspect gets brought up just --

13 THE COURT: All right. So let us assume that
14 Officer McCarthy's on the stand, and he's testifying. Will
15 you, because you know him and you have information about him
16 that's outside what everybody else knows, are you going to be
17 assessing his testimony differently than anyone else, any of
18 the other witnesses because you know him personally?

19 PROSPECTIVE JUROR NO. 832: The only thing I can say
20 is I'd probably take it as more truth because I know him.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 832: Like I would believe
23 what he was saying just --

24 THE COURT: All right. Thank you.

25 MS. McNEILL: I would make a motion, Your Honor.

1 THE COURT: Any opposition?

2 MR. DiGIACOMO: I believe it's the one McCarthy that
3 is not related to all the brothers. May I ask him a question,
4 please?

5 THE COURT: Yes.

6 MR. DiGIACOMO: The officer that was listed is the
7 Detective Jason McCarthy from homicide. Is he related to the
8 rest of the McCarthys or do you even know Jason McCarthy?

9 PROSPECTIVE JUROR NO. 832: I don't know Jason. I
10 -- I just know it was J. so I was thinking it was their
11 brother Jeff.

12 MR. DiGIACOMO: There is a Jeff McCarthy. He's a
13 totally unrelated individual so if a homicide detective you
14 don't know just happens to have the last name McCarthy, do you
15 think you could assess his credibility since you don't know
16 him and he's not related to the family you know?

17 PROSPECTIVE JUROR NO. 832: Yeah.

18 MR. DiGIACOMO: Thank you.

19 THE COURT: All right. Thank you. That clears that
20 up. Yeah, unfortunately, there are some common names here,
21 and if we don't have the first name, we're not sure. So if
22 you have a suspicion, perhaps, it's better to err on the side
23 of caution and then we can determine whether it's the same
24 person. So anyone else? All right. No further affirmative
25 responses in that regard.

1 All right. Are there any of you who believe from
2 that synopsis of the date and general location and charges,
3 believe that you may have heard or read about this incident
4 before you came to court today? And we just have one person
5 on the end.

6 PROSPECTIVE JUROR NO. 745: Ricardo
7 Rodriguez-Vasquez, Badge No. 745.

8 THE COURT: Okay. I don't want you to tell us what
9 you heard. I want to know, though, where you heard?

10 PROSPECTIVE JUROR NO. 745: I live in that
11 neighborhood. I was there the night.

12 THE COURT: Okay. So you have personal -- did you
13 go out and look at things?

14 PROSPECTIVE JUROR NO. 745: I was questioned a
15 little bit by police. They searched our yard.

16 THE COURT: Okay. So I think he needs to be
17 excused.

18 MR. DiGIACOMO: Yes, Your Honor.

19 THE COURT: All right. Thank you very much. We
20 need -- for the clerk's -- could you give us your badge number
21 again?

22 PROSPECTIVE JUROR NO. 745: 745.

23 THE COURT: Thank you, sir. And was there anyone
24 else?

25 PROSPECTIVE JUROR NO. 813: I just remember reading

1 about it.

2 THE COURT: Wait, wait. Name, badge number.

3 PROSPECTIVE JUROR NO. 813: Excuse me, Steve Borgna,
4 813.

5 THE COURT: All right. And you think you remember
6 reading something?

7 PROSPECTIVE JUROR NO. 813: Yes.

8 THE COURT: Where?

9 PROSPECTIVE JUROR NO. 813: It was on the Internet.
10 Maybe the Las Vegas Review Journal.

11 THE COURT: Okay. And do you -- I don't want you to
12 tell me what you remember, but do you remember specifics?

13 PROSPECTIVE JUROR NO. 813: No, ma'am. I just
14 remember that it was a home invasion and I have a particular
15 interest in that.

16 THE COURT: Would you be able to set what you --
17 what little you remember reading about and set that aside and
18 make your decision based upon what you hear on the stand and
19 in the -- in this courtroom as opposed to what you might have
20 read because, of course, as we all know there are often
21 mistakes in newspaper accounts of almost everything?

22 PROSPECTIVE JUROR NO. 813: Yes, Your Honor.

23 THE COURT: Thank you. All right. Anyone else?

24 All right, no. Okay. So now I'm going to tell you about the
25 schedule and how long we are expecting this trial to last. We

1 started picking the jury this week on Monday, and because I
2 have a very busy docket that includes a criminal docket as
3 well as drug court, my department's a little unusual in that I
4 have court in the morning every day except for Fridays so that
5 we have to do trials in the afternoons Monday through Thursday
6 in the afternoon only. Friday we can go all day.

7 But so our anticipated schedule is basically on
8 Tuesdays and Thursdays we'd have to start at 1:30 because drug
9 court goes a long time, like yesterday the drug court calendar
10 had almost 100 people on it. So it takes a long time to talk
11 100 people.

12 So, as I say, 1:30 on Tuesdays and Thursdays, and we
13 would go through until 5:00. You'll notice it's 5:00 o'clock
14 right now. We're going to go a little longer today just
15 because I'm going to try and get through some of these early
16 questions so that those of you who don't need to return
17 tomorrow, don't have to. But otherwise, we're trying to
18 adhere to 5:00 as close as possible.

19 On Monday and Wednesday, most of those days we
20 should be able to start at 1:00. I know it's not a lot of
21 difference, but it's an extra half hour that we should be able
22 to pick up that time. And then on Friday we would go from
23 8:30 or 9:00 until 5:00. If we're going all day, obviously,
24 we'd take a lunch break, we would take a morning break. You
25 know, we'd go for about two hours then we'd take a break to

1 let you use the restroom, stretch, move around. So we would
2 take a morning break and afternoon break of that nature.

3 This is not a forced march. So if you need a break,
4 you need to raise your hand and let me know. That's our
5 schedule each day of the week. We're expecting -- we're
6 actually hoping that it won't go as long, but we like to er on
7 the side of caution. And we had hoped to have a jury by today
8 and we have not. So we're, though, expecting the trial to
9 last a total of three weeks, which would put the ending date
10 on September 30th.

11 So as I say, we've already gone through half the
12 week of the first week. So that's what we're looking at.

13 Now, I tell you that because the next question that
14 I'm going to be asking you is -- and I don't want to see hands
15 yet because I have a little talk to give you before you answer
16 the question. But I'm going to be asking you whether there is
17 any reason that you can't possibly serve on that schedule for
18 those days.

19 Now, that being said, of course, as citizens of the
20 United States, you have a duty and obligation to serve on
21 juries and it's a really important obligation because that's
22 our system of justice. And people who come to court want to
23 have a jury of their peers decide on that matter. Whether
24 it's a civil case or a criminal case, it's extremely important
25 to all the participants that they have a fair and impartial

1 jury.

2 And if people just got off because they just didn't
3 want to have to be bothered and they didn't want to take away
4 from their normal activities, well, you can see that that
5 would cause problems for us having our system of justice work
6 effectively.

7 So this is one of the few times that you can serve
8 your country outside of military service. It's a really
9 important job, and it's particularly in this kind of case with
10 very serious charges, a very serious job.

11 So there are certain things that I do need to hear
12 about. So, for instance, this is not an exhaustive list, but
13 it is something that I would say I need to hear about. So if
14 any of you are going to have a baby between now and the 30th,
15 I need to know about that. If you are not actually having the
16 baby yourself, but are expected to be present at the delivery
17 of said baby, then I need to know about that.

18 If you have surgery scheduled between now and the
19 30th, and then obviously, I need to know about that. If
20 you're -- you don't have the actual surgery schedule between
21 now and the 30th, but say your surgery is the first week of
22 October and you need to go in for your post -- or pre-op
23 checkup to make sure that your heart can withstand the
24 surgery, et cetera, then I need to know about that. Or if you
25 have a serious medical appointment that you scheduled six

1 months ago with a specialist and you need to make that
2 appointment -- we're not talk being a routine physical that
3 you could change -- I need to know about that.

4 If you have a fabulous prepaid vacation where you
5 have airline tickets and hotel reservations, we'll all be
6 jealous that you'll be able to take that vacation, but we need
7 to know about that. That's, as I say, not an exclusive list.

8 Things that I'm not as interested in, that your boss
9 can't live without you. Yeah. Sadly, all of us can be
10 replaced. And so if your boss said I need you to go to court
11 and you need to get out of jury duty, that's not a proper --
12 that would not have been a proper instruction to you.

13 Moreover, you cannot be terminated from your job,
14 it's illegal to dismiss someone from their job because they
15 are serving on a jury. Many of our employers in this town pay
16 for their employees when they're on jury service. So all of
17 the large employers, the school district, the state, the
18 county, the power company, the phone company, the gas company,
19 most of the major gaming properties and companies all pay
20 their lawyer -- or their employees when they are serving on
21 jury service.

22 And so don't tell me that you're not going to be
23 paid unless you have checked, and I assume that you have a
24 checked because you got your jury summons sometime ago. It's
25 not like this was a surprise.

1 So those are the kind of things. Now, if you
2 actually have a hardship, you know, that you need to tell me
3 about, then you need to tell me about that. That you don't
4 have transportation, we have public transportation. You know,
5 you can take the bus. So those are some of the things that I
6 want you to know that I consider.

7 Now, I'm going to -- once I ask this question and
8 I'm going to have a show of hands, and again, we're going to
9 go in order starting with the people up here and then we'll go
10 to this side and then this side. And I hear all the excuses.
11 I write notes. I ask you questions and I write it down. And
12 then after I've heard from everybody, then we make the
13 decision. I consult with the lawyers and I decide then who
14 gets to stay and who gets to go.

15 All right. With that long prefatory statement made,
16 I know pose the question, is there anyone who feels that they
17 can't possibly serve during the time frame that I've explained
18 as well as the -- on the schedule? Starting here. And those
19 of you don't let the blood drain out of your arm. We'll get
20 back to you.

21 PROSPECTIVE JUROR NO. 688: My name is Brian and my
22 jury number --

23 THE MARSHAL: Full name.

24 PROSPECTIVE JUROR NO. 688: Brian Cielasek, and my
25 -- what is that, (inaudible)? 688. I found out Monday that

1 my brother had passed away. And so he's in Los Angeles right
2 now. And I'm going to have to go down sometime this week and
3 deal with, you know, his situation. So I'm not in really good
4 frame of mind right now.

5 THE COURT: All right. I'm very sorry for your
6 loss.

7 PROSPECTIVE JUROR NO. 688: Well, thank you.

8 THE COURT: That's -- and so that was an
9 unexpected --

10 PROSPECTIVE JUROR NO. 688: Yes, yes.

11 THE COURT: -- loss? Okay. All right. And you
12 need to go to LA. All right, thank you.

13 THE MARSHAL: No one else here? Raise your hands
14 high, folks.

15 PROSPECTIVE JUROR NO. 693: Hi, my name is Albert
16 Isip, Badge No. 693. I supposed to drop off my mother-in-law
17 in LAX airport on 22nd of September to go to Philippines.

18 THE COURT: Sorry, you're supposed to drop her off
19 at the LAX airport?

20 PROSPECTIVE JUROR NO. 693: Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 693: Because they the ticket
23 already and everything. She's going to take her two cousin
24 who is -- she need to take them to Philippines because they --
25 they cannot take care of themselves already.

1 THE COURT: Okay. So when was it you were supposed
2 to drive to Los Angeles?

3 PROSPECTIVE JUROR NO. 693: On the 22nd.

4 THE COURT: And there's no one else to take her to
5 the airport?

6 PROSPECTIVE JUROR NO. 693: No. Just me.

7 THE COURT: And you put her on a plane to LA --

8 PROSPECTIVE JUROR NO. 693: No, because they already
9 -- it's too expensive for them to -- it's a -- they can only
10 take the Philippines airline to go to Philippines. They
11 cannot do a connecting flight because it's hard for --

12 THE COURT: Well, you can take a -- you can get to
13 Los Angeles like --

14 PROSPECTIVE JUROR NO. 693: No, but it's --

15 THE COURT: -- every hour.

16 PROSPECTIVE JUROR NO. 693: -- it's too tiring for
17 those two ladies.

18 THE COURT: It's too -- how old is your
19 mother-in-law?

20 PROSPECTIVE JUROR NO. 693: My mother-in-law is 67
21 and the two ladies are 80.

22 THE COURT: Oh, she's going -- she's taking --

23 PROSPECTIVE JUROR NO. 693: She's going to take them
24 because nobody's taking -- cannot -- nobody can take care of
25 them here in America so.

1 THE COURT: Going to take them back to --

2 PROSPECTIVE JUROR NO. 693: -- we have relatives in
3 the --

4 THE COURT: -- the Philippines?

5 PROSPECTIVE JUROR NO. 693: Yeah.

6 THE COURT: I see. Okay. I think I've got it.
7 Thank you. Who's next?

8 THE MARSHAL: Anybody else?

9 PROSPECTIVE JUROR NO. 700: Jeffrey Karshnock,
10 Number 700 is I think is my badge number. And basically, both
11 of my parents are infirmed. They're both currently in
12 hospitals right now. Six weeks ago the doctor gave my dad two
13 weeks to live so it's just a matter of days before, you know,
14 somebody's going to go. And my mother isn't any better. They
15 can't even get a word out of their mouth.

16 My whole job now is to go see them every day, and
17 that's basically what I do. And, you know, I spend hours and
18 just like the gentleman down here who said, you know, I'm
19 really in no frame of mind for this. I mean, it's not that I
20 don't want to do it, it's just, I'm in no frame of mind for
21 it. And, you know, like I said, it's going to be a matter of
22 time then we're going to ship the bodies to -- back to
23 Michigan, but neither one of them really haven't got that much
24 time left, according to the doctors.

25 THE COURT: All right. So do you spend all day at

1 the hospital?

2 PROSPECTIVE JUROR NO. 700: Pretty much, ma'am.

3 THE COURT: Is your father -- you said the doctors
4 said he had six weeks to live.

5 PROSPECTIVE JUROR NO. 700: He gave him two weeks to
6 live, and that was six weeks ago.

7 THE COURT: All right.

8 PROSPECTIVE JUROR NO. 700: So he's a paraplegic
9 and --

10 THE COURT: Is he --

11 PROSPECTIVE JUROR NO. 700: -- and he -- I mean, he
12 does dialysis, and then when I take him off that, hospice is
13 going to basically, just let him end.

14 THE COURT: Is he in --

15 PROSPECTIVE JUROR NO. 700: And that could be --

16 THE COURT: -- hospice?

17 PROSPECTIVE JUROR NO. 700: -- any day.

18 THE COURT: Is he in a hospice facility?

19 PROSPECTIVE JUROR NO. 700: He's in -- going to go
20 into it soon. My mother's also in hospice.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 700: She's at the -- I got
23 her at a nursery home, and I got my dad, he's at the Mountains
24 Edge Hospital. He's been there for a year.

25 THE COURT: Oh, my goodness.

1 PROSPECTIVE JUROR NO. 700: And basically, I gave up
2 my whole job, my whole life to come here and take care of them
3 because they were living at the house, but you know, things
4 have gotten worse. I -- that's all I can say.

5 THE COURT: All right. It sounds like you've got a
6 lot on your plate. All right. Thank you. Who's next?

7 THE MARSHAL: Anybody in the front row? You sir.

8 PROSPECTIVE JUROR NO. 704: My name is Biju. The
9 badge number is 704. Me and my wife -- I work three days and
10 my wife works also three days, alternate days. Then when
11 she's off, I have to take care of two kids. They are seven
12 and eight. Then after that one from my work we are short. I
13 am a nurse. We are really short. Today also I got excuse
14 because we are three nurses already short.

15 The manager is working for me then we
16 (indecipherable). Wife is working Sunday, Tuesday and
17 Thursday. I work Monday, Wednesday, Friday. Then that's
18 where -- my parents went India. They will be back only in
19 December. After December, I'm okay. But right now I have,
20 you know, other day -- then we are really short staff. We
21 hiring three nurses right now.

22 THE COURT: All right. Well, what hospital do you
23 work at?

24 PROSPECTIVE JUROR NO. 704: I'm a dialysis nurse of
25 Fresenius Dialysis in the certain unit.

1 THE COURT: Okay. I'm not so --

2 PROSPECTIVE JUROR NO. 704: We have 40 patient in
3 the morning. We need three nurse at least in the morning.

4 THE COURT: I'm not so concerned about that your
5 employer hasn't hired enough employees --

6 PROSPECTIVE JUROR NO. 704: No, but --

7 THE COURT: -- but --

8 PROSPECTIVE JUROR NO. 704: Right.

9 THE COURT: -- I need to know about this childcare
10 arrangement.

11 PROSPECTIVE JUROR NO. 704: Yeah, that's very
12 important.

13 THE COURT: So when your wife is working, you're --

14 PROSPECTIVE JUROR NO. 704: Yeah.

15 THE COURT: -- taking care of the children?

16 PROSPECTIVE JUROR NO. 704: Yeah, wife --

17 THE COURT: And their ages?

18 PROSPECTIVE JUROR NO. 704: -- is Sunday, Tuesday,
19 Thursday. I work Monday, Wednesday, Friday.

20 THE COURT: Right, I got that. How old are your
21 kids?

22 PROSPECTIVE JUROR NO. 704: Six and seven. No,
23 seven and eight, sorry. Well, another one is coming that's
24 six month already. She's pregnant and so January is due.
25 Then she's also getting tired. When I need to help her --

1 she's pregnant already.

2 THE COURT: All right. But she's still working?

3 PROSPECTIVE JUROR NO. 704: Yeah, still working.

4 THE COURT: And that baby -- she's got -- that
5 baby's got a caretaker until January. All right. Seven and
6 eight. Are they in school?

7 PROSPECTIVE JUROR NO. 704: Yeah. It's the first
8 (indecipherable) and third one. Yes, Your Honor.

9 THE COURT: So could those children go into Safe Key
10 after school?

11 PROSPECTIVE JUROR NO. 704: No, we don't have Safe
12 Key.

13 THE COURT: You don't have --

14 PROSPECTIVE JUROR NO. 704: No.

15 THE COURT: Where do they go to school?

16 PROSPECTIVE JUROR NO. 704: Glen Taylor.

17 THE COURT: And they don't -- you don't know whether
18 they have Safe Key? It's a public school, isn't it?

19 PROSPECTIVE JUROR NO. 704: Public school but we
20 want to -- we -- you know, because we have a soccer after, you
21 know, 4:00 o'clock, then we need (indecipherable) that one,
22 then we will -- 3:30 they are coming back then I will pick up
23 from the bus and to home.

24 THE COURT: Okay. So -- all right. All right.

25 And, let's see, your badge number again was 704?

1 PROSPECTIVE JUROR NO. 704: 704. Yeah.

2 THE COURT: Thank you. Who's next?

3 PROSPECTIVE JUROR NO. 704: You're welcome.

4 THE MARSHAL: Anyone else in the box? Okay.

5 THE COURT: This side.

6 THE MARSHAL: Over here? Everyone who -- raise your
7 hand.

8 PROSPECTIVE JUROR NO. 744: Yes, the number that's
9 744. My problem there's no understand -- oh, my name is Maria
10 Arteaga. My problem this I don't understand a lot English.
11 That's too difficult for understand what are you talking.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 744: This is my problem.

14 THE COURT: What is your first language?

15 PROSPECTIVE JUROR NO. 744: Spanish.

16 THE COURT: And you're a citizen of the United
17 States. How long have you been here?

18 PROSPECTIVE JUROR NO. 744: I live for -- I think 40
19 years.

20 THE COURT: Forty?

21 PROSPECTIVE JUROR NO. 744: Uh-huh.

22 THE COURT: Forty years.

23 PROSPECTIVE JUROR NO. 744: I went to the school,
24 but that's too hard to to -- to, you know, keep on my mind.
25 This is my problem.

1 THE COURT: Okay. Do you work?

2 PROSPECTIVE JUROR NO. 744: Yes.

3 THE COURT: Where do you work?

4 PROSPECTIVE JUROR NO. 744: To Circus Circus.

5 THE COURT: What do you do at Circus Circus?

6 PROSPECTIVE JUROR NO. 744: Floor supervisor.

7 THE COURT: Floor supervisor?

8 PROSPECTIVE JUROR NO. 744: Yes.

9 THE COURT: How many people do you supervise?

10 PROSPECTIVE JUROR NO. 744: Excuse me?

11 THE COURT: How many people do you supervise?

12 PROSPECTIVE JUROR NO. 744: Ten. But all they speak
13 Spanish.

14 THE COURT: Okay. Do you ever have to talk to
15 customers?

16 PROSPECTIVE JUROR NO. 744: Yes, a little.

17 THE COURT: And when you say you're a floor
18 supervisor, do you mean in the casino?

19 PROSPECTIVE JUROR NO. 744: No, to the housekeeping.

20 THE COURT: Okay. So in the housekeeping department
21 or the porter department?

22 PROSPECTIVE JUROR NO. 744: No, the housekeeping
23 department.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR NO. 744: No.

1 THE COURT: No? Have you ever been married?

2 PROSPECTIVE JUROR NO. 744: Yes.

3 THE COURT: Do you have any children?

4 PROSPECTIVE JUROR NO. 744: Yes.

5 THE COURT: How many children?

6 PROSPECTIVE JUROR NO. 744: Four.

7 THE COURT: Four. What are their ages?

8 PROSPECTIVE JUROR NO. 744: 38, 34, 32 and 27.

9 THE COURT: Do you have any grandchildren?

10 PROSPECTIVE JUROR NO. 744: Yes.

11 THE COURT: Do they live here?

12 PROSPECTIVE JUROR NO. 744: Yes.

13 THE COURT: Do all of your children live here in Las
14 Vegas?

15 PROSPECTIVE JUROR NO. 744: Yes.

16 THE COURT: That's nice. Okay. And have you your
17 children always lived here in Las Vegas?

18 PROSPECTIVE JUROR NO. 744: Yes. But sometimes I
19 have problem because I don't understand when they talking to
20 me.

21 THE COURT: Sometimes you don't understand what your
22 children are saying?

23 PROSPECTIVE JUROR NO. 744: No. Sometimes I don't
24 understand.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 744: I -- you know, that's
2 too my problem.

3 THE COURT: All right. Well --

4 PROSPECTIVE JUROR NO. 744: They need to repeat
5 sometimes two or three times or they -- they show me how that
6 (indecipherable).

7 THE COURT: Okay. All right. So as you're
8 answering my questions you've seemed to understand everything
9 I've said to you, and you've answered appropriately. And so I
10 know that you're worried that you're not going to understand,
11 but I think it's a little early in the process. So let me
12 know as we go on, and if there's further questions.

13 But the question right now is just -- is not about
14 your language skills. It's about whether you can be here.
15 And if you work at Circus Circus, you could be here. Okay,
16 thank you. Next person.

17 THE MARSHAL: Raise your hands, folks. Full name
18 and badge number, please.

19 PROSPECTIVE JUROR NO. 746: My name is Ruth
20 Legaspi-Fitzpatrick, Badge No. --

21 THE MARSHAL: Hold the mic up.

22 PROSPECTIVE JUROR NO. -- 7 -- 746. I have a medical
23 condition that I don't know from day to day if I'm able to get
24 up. I have multiple sclerosis, and sometimes I cannot talk
25 so.

1 THE COURT: Okay. And you've had this condition for
2 sometime?

3 PROSPECTIVE JUROR NO. 746: Yes.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 746: Three years.

6 THE COURT: Three years?

7 PROSPECTIVE JUROR NO. 746: I am -- I retired
8 because I got -- I keep falling so.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 746: Yeah.

11 THE COURT: I have a very close friend in the same
12 situation so I know what you're talking about.

13 PROSPECTIVE JUROR NO. 746: And my husband has to
14 wait out there for me all day.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 746: Because -- because he
17 has to drive me.

18 THE COURT: Okay. You can't drive anymore?

19 PROSPECTIVE JUROR NO. 746: Sometimes I can. When I
20 drive, I go all over the place, but (indecipherable).

21 THE COURT: You mean all over the road?

22 PROSPECTIVE JUROR NO. 746: I go shopping everywhere
23 (indecipherable), but otherwise, I'm in bed. Today is a real
24 good day but --

25 THE COURT: Okay. Well, I'm glad you're having a

1 good day. All right. I've got that. Thank you. Who's next?

2 THE MARSHAL: Who else? There you go.

3 PROSPECTIVE JUROR NO. 765: Hi, my name is Anita Van
4 Thiel, 765. I have a physician appointment on the 22nd that
5 I've been waiting for, for three months. It is a specialist.
6 I've been dealing with an illness for about a year, and I
7 cannot get my prescription renewed without seeing a physician.

8 THE COURT: And when is that appointment?

9 PROSPECTIVE JUROR NO. 765: The 22nd at 11:30.

10 THE COURT: Okay. So --

11 PROSPECTIVE JUROR NO. 765: Other than that, I'm
12 available. I just -- I need this appointment.

13 THE COURT: Yeah. We won't start court until 1:30.
14 Does your doctor often keep you for --

15 PROSPECTIVE JUROR NO. 765: Yes.

16 THE COURT: -- many hours?

17 PROSPECTIVE JUROR NO. 765: Yes. I've been waiting
18 for sometimes three hours.

19 THE COURT: All right. So if you call ahead and
20 tell them you have to be back to court, maybe they can not --

21 PROSPECTIVE JUROR NO. 765: I can do that.

22 THE COURT: -- keep you waiting. So your
23 appointment -- do you know what the earliest appointment is
24 there?

25 PROSPECTIVE JUROR NO. 765: Well, they were

1 completely booked and I made this two months ago, and she's
2 also a OB/GYN. So sometimes I've waited and waited and she
3 doesn't come back because she's delivering so I've been
4 postponing --

5 THE COURT: Right, right.

6 PROSPECTIVE JUROR NO. 765: -- and postpone.

7 THE COURT: I understand. That he is an always
8 frustrating to, you know, be waiting and then oh, baby's
9 arrived so she's gone. Okay. I've got that. Thank you.

10 PROSPECTIVE JUROR NO. 765: Thank you.

11 PROSPECTIVE JUROR NO. 777: Hi. My name is Orlando
12 and --

13 THE MARSHAL: Full name, please.

14 PROSPECTIVE JUROR NO. 777: Orlando Cortez, and the
15 number is 777.

16 THE COURT: Lucky number. Yes, Mr. Cortez?

17 PROSPECTIVE JUROR NO. 777: Yes. I will be flying
18 the September 28th to Columbia.

19 THE COURT: Okay. And is that a pleasure trip or
20 business?

21 PROSPECTIVE JUROR NO. 777: Yeah, it's see my
22 family.

23 THE COURT: Okay. And you already have your
24 tickets?

25 PROSPECTIVE JUROR NO. 777: Yes, I do.

1 THE COURT: And when did you make your reservation?

2 PROSPECTIVE JUROR NO. 777: Like -- like two weeks
3 ago, something like that.

4 THE COURT: After you got your Jury Summons?

5 PROSPECTIVE JUROR NO. 777: No. No. I already have
6 the plans and my company, they already know that I have the
7 plans already all set up, and I already -- I mean, I have
8 everything already done.

9 THE COURT: Okay. All right. Thank you.

10 PROSPECTIVE JUROR NO. 783: My name is Praleerat
11 Lesuer. The number's 783. And the -- I have a problem with
12 my English, too. I can't understand, but like just like when
13 it -- the big word, I'm not really like Korea. Like, I'm not
14 understand much. Like I -- my husband have to explain to me
15 all the time or somebody have to explain to me what were going
16 on and then I think I'm scared that I'm not going to
17 understand enough that I can, like, I don't know if you ask me
18 question, I don't -- if I not understand, I don't -- I'm -- I
19 don't want to -- I'm sort of whatever did I not understand it.
20 I don't know what to say.

21 THE COURT: All right. So can you give me an
22 example of a big word?

23 PROSPECTIVE JUROR NO. 783: Like, right now I have a
24 problem with my breathing, too. I have really bad allergy.
25 My lung and not really breathing good. Any time I have to go

1 to the doctor, I have to take my mother-in-law with me or
2 somebody have to be with me because when the doctor explain to
3 me, I'm not really know or understand or I cannot answer them.
4 Like, sample like they ask me like, do you have diarrhea or
5 something like that, I don't know -- I'm sorry, if I -- if
6 they ask me another words that I'm better understand that.

7 THE COURT: So if they're using medical words that
8 you have a difficult time?

9 PROSPECTIVE JUROR NO. 783: Yeah, or like, some word
10 that I never hear before, I -- I'm going to be like what is
11 that, like that.

12 THE COURT: Okay. All right. So do you work?

13 PROSPECTIVE JUROR NO. 783: Yeah.

14 THE COURT: Where do you work?

15 PROSPECTIVE JUROR NO. 783: I work at the Switch.

16 Is I work the cleaning to the woman restroom at the Switch.

17 THE COURT: At Switch?

18 PROSPECTIVE JUROR NO. 783: Yeah.

19 THE COURT: Okay. And you said you're married?

20 PROSPECTIVE JUROR NO. 783: Yeah.

21 THE COURT: What does your husband do?

22 PROSPECTIVE JUROR NO. 783: He work with the
23 computer. He try to explain to me, but I not understand. But
24 I know they work something computers.

25 THE COURT: I have to get my 18-year-old to explain

1 my phone to me so.

2 PROSPECTIVE JUROR NO. 783: I don't know.

3 THE COURT: -- so that's not -- yeah, that --

4 PROSPECTIVE JUROR NO. 783: Yeah.

5 THE COURT: -- that's not unusual that he needs to
6 explain the computer to you. Would you have any problem if
7 you didn't understand something, you know, a question or
8 something, writing the question down --

9 PROSPECTIVE JUROR NO. 783: I mean, I --

10 THE COURT: Writing a question down because the jury
11 will be able to ask questions.

12 PROSPECTIVE JUROR NO. 783: I'm not -- I'm not
13 reading and I'm not writing good. Any time I have to writing
14 or reading, I always spell wrong. And then I have to ask or
15 open dictionary to reading or writing, you know, like, but
16 when I speak, I speak better because I speak a lot with my
17 friends, and she tease me. But for like a big word or come to
18 big -- big story, I confused. Like, or any time I watching
19 the movie, and I always ask somebody with me like what -- what
20 happened? What's wrong? Because I don't understand like all
21 of it, you know. And I kind of like, miss the part like, the
22 story wasn't, like, direction correctly.

23 THE COURT: Okay. All right, thank you. I've made
24 a note of that. Thank you. Who's next?

25 PROSPECTIVE JUROR NO. 792: I'm Carla Turner, 792.

1 I am an OB/GYN. I have patients due. I do have one partner.
2 She's leaving town for Europe next week. I also have surgery
3 scheduled two on Friday and several next Wednesday as well as
4 office and patients pregnant that are due.

5 THE COURT: Okay, thank you.

6 THE MARSHAL: Over here everyone raise your hand.

7 PROSPECTIVE JUROR NO. 803: My name is Debra Butler.
8 My badge number is 803. And I am responsible for picking up
9 my five grandchildren/children. I have one grandchild and the
10 other four grandchildren I adopted. So I have to pick them up
11 from school every day. Some from the bus stop and some from
12 schools and their after school activities.

13 The four children that I have are special needs so
14 I'm tied up with them a lot. Sometimes I can get baby
15 sitters, sometimes I can't. So because my 23-year-old today
16 didn't have to work, thank God, so she could take -- pick up
17 the kids for me. But a lot of times I have nobody to pick
18 them up.

19 THE COURT: Okay. So the four that -- you say four
20 of your kids are special needs and are they going to a special
21 needs school or are they mainstreamed?

22 PROSPECTIVE JUROR NO. 803: No, they're in regular
23 school, but two of them are in special ed. So the bus comes
24 to the house at 2:32 and someone has to be at the house to
25 meet the kids. But like today, I was blessed by having the

1 one child not work so she could do all the running around to
2 pick up all the kids for me.

3 THE COURT: All right, thank you. Who's next?

4 PROSPECTIVE JUROR NO. 806: Hi, my name is Kristin
5 McKeague, No. 806. I'm a full-time student at UNLV School of
6 Nursing, and I'm just afraid I'm not going to be able to make
7 the court dates because we have this hour thing with our
8 clinicals, and I'm not able to get out of those.

9 THE COURT: And did you say you're at UNLV?

10 PROSPECTIVE JUROR NO. 806: Yes.

11 THE COURT: Okay. Who's next?

12 THE MARSHAL: Everyone raise your hand, please. All
13 the way down to the end. Going back this way.

14 PROSPECTIVE JUROR NO. 814: Laura Mechling, 814.

15 THE CLERK: 8 what?

16 THE COURT: 814.

17 THE CLERK: Okay.

18 PROSPECTIVE JUROR NO. 814: Yes.

19 THE COURT: Go ahead.

20 PROSPECTIVE JUROR NO. 814: Your Honor, I'm a mother
21 to a five-year-old girl, who is at C.T. Sewell in Henderson.

22 THE COURT: I'm sorry, I'm having trouble hearing
23 you. She's -- have you a five-year-old daughter?

24 PROSPECTIVE JUROR NO. 814: Daughter, yes.

25 THE COURT: And --

1 PROSPECTIVE JUROR NO. 814: She's a student at C.T.
2 Sewell in Henderson, and I go pick her up from school every
3 day and right now she's at Safe Key. And I have to pick her
4 up before 6:00, and my husband works from 4:00 to 4:00 a.m.,
5 12 hours at Time It. So I'm solely responsible to take care
6 of her. As well as I have a legal parenting agreement with my
7 ex-husband, and we meet in Barstow, California twice a month
8 on a Friday to exchange the child. And she also has a
9 doctor's appointment on Monday at 4:15 p.m.

10 THE COURT: And you have to pick up your daughter
11 every day from Safe Key, you said?

12 PROSPECTIVE JUROR NO. 814: Usually, I just pick her
13 up after school at 3:20.

14 THE COURT: Oh, but she's at Safe Key today?

15 PROSPECTIVE JUROR NO. 814: She's at Safe Key right
16 now.

17 THE COURT: I see. Okay. All right, who's next?

18 PROSPECTIVE JUROR NO. 822: Douglas Debelak, Badge
19 No. 822. I've got a procedure on September 30th. I've been
20 waiting for a year. On my left leg I've got bad circulation
21 in my lower legs. I've had my right leg done already.
22 Waiting on my left leg now.

23 THE COURT: Okay. And that's September 30th, a
24 Friday, and --

25 PROSPECTIVE JUROR NO. 822: Yes, ma'am.

1 THE COURT: Okay. Okay, thank you.

2 PROSPECTIVE JUROR NO. 824. Wendy Weisbart, Badge
3 No. 824.

4 THE COURT: Yes.

5 PROSPECTIVE JUROR NO. 824: And I travel for work.
6 I usually travel anywhere from two to three weeks out of town.
7 It just so happens that I have a trip planned for fun on
8 September 21st. I will be gone the 21st through -- for six
9 days because my birthday is the 28th so.

10 THE COURT: Happy birthday.

11 PROSPECTIVE JUROR NO. 824: Thank you. And I have
12 had these plane tickets for a long time if I need to produce
13 that.

14 THE COURT: Okay. And they're prepaid, right?

15 PROSPECTIVE JUROR NO. 824: Yes.

16 THE COURT: Okay. Thank you.

17 PROSPECTIVE JUROR NO. 832: Michael Guerrieri, 832.
18 I -- same thing, I have a special needs child, but I'm a
19 single father. My child's mother lives up north in Lake
20 Tahoe. My son's in early intervention program Lummi
21 Elementary. He doesn't go until -- he doesn't get on the bus
22 until 8:24. He's bused because of how far it is from my
23 house. He's automatically bused to and from.

24 And he gets on the bus at 8:24, so I would need to
25 be able to make it before 8:00 and same thing, he gets bused

1 home.

2 THE COURT: And when does he get home?

3 PROSPECTIVE JUROR NO. 832: 3:24.

4 THE COURT: Okay, thank you.

5 THE MARSHAL: Anyone in the back? Full name and
6 badge number, please.

7 PROSPECTIVE JUROR NO. 842: Vivianne Lee, Badge No.
8 842. Your Honor, I have two reasons why. The first important
9 ones are my doctor appointments because on the September 23rd,
10 I have one with my orthopedic surgeon, and on the 29th I have
11 one with my family physician regarding the medical condition I
12 was diagnosed last year, which I've been seeing the doctor.

13 And the second reason was for my job because we
14 already have organized company meeting in Los Angeles on the
15 27th and the 28th, and our agents are all coming from
16 different part of different states and we're going to get our
17 meeting there on the 29th.

18 THE COURT: I thought you had a medical
19 appointment --

20 PROSPECTIVE JUROR NO. 842: Oh, 28th -- I'm sorry,
21 27th, 28th in LA, 29th is my doctor's appointment and the 23rd
22 is another doctor's appointment.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 844: My name is Dolores
25 Buccicardi, and my badge number is 844. I have three kids and

1 I baby sit one. Two of them, I pick up from school and take
2 them to school. And the other one just the -- I babysit a
3 little girl that stays at my house every day.

4 THE COURT: All right. So is that your job?

5 PROSPECTIVE JUROR NO. 844: Yes.

6 THE COURT: Okay. So you have two of your own and
7 then you babysit a third?

8 PROSPECTIVE JUROR NO. 844: Yes.

9 THE COURT: And how old are they?

10 PROSPECTIVE JUROR NO. 844: One is 15, 12 and the
11 baby -- the little girl I baby sit is three years old.

12 THE COURT: Okay, so you have a 15-year-old and a
13 12-year-old?

14 PROSPECTIVE JUROR NO. 844: Yes.

15 THE COURT: Obviously, old enough to be home by
16 themselves. They're old enough to baby sit. So who is
17 this --

18 PROSPECTIVE JUROR NO. 844: But I pick them up from
19 school.

20 THE COURT: -- child that you're baby sitting for
21 somebody else?

22 PROSPECTIVE JUROR NO. 844: Yes.

23 THE COURT: Who is that?

24 PROSPECTIVE JUROR NO. 844: It's a -- a neighbor. I
25 don't know.

1 THE COURT: And you babysit her child every day?

2 PROSPECTIVE JUROR NO. 844: Every -- Monday through
3 Friday because she goes to work, and the -- I sit with the
4 little kid because I don't work. And I have -- I just go pick
5 up my kids from school and take them to school.

6 THE COURT: Okay. But they could take the bus
7 because --

8 PROSPECTIVE JUROR NO. 844. They've never taken the
9 bus, but I imagine.

10 THE COURT: They could take the bus, though. But
11 this three-year-old, you get paid for that?

12 PROSPECTIVE JUROR NO. 844: Yes.

13 THE COURT: Okay. And this -- did you tell this
14 woman hey, I've got jury duty?

15 PROSPECTIVE JUROR NO. 844: Yes, I did, and right
16 now she -- the little girl is at my house with my kids so.
17 because she -- she was supposed to get out of work early to go
18 take care of them, but she -- she didn't give her the day off.

19 THE COURT: Okay. All right. Is that it,
20 everybody? We already passed this. Now we've got something
21 -- somebody's remembering something they didn't know before?

22 PROSPECTIVE JUROR NO. 715: I have a question.

23 THE COURT: Okay. I can entertain a question. Wait
24 a minute, though. You can't speak yet fully you get the
25 microphone.

1 PROSPECTIVE JUROR NO. 715: Lindsey Albright, 715.

2 THE COURT: Yes.

3 PROSPECTIVE JUROR NO. 715: So I'm not going out of
4 town or anything, but I have hotel -- prepaid hotel plans and
5 tickets to something here in Vegas the 24th through the 26th.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 715: And does it count if I
8 already have hotel prepaid plans?

9 THE COURT: Well, the 24th is a Saturday and the
10 25th is a Sunday.

11 PROSPECTIVE JUROR NO. 715: Okay. It's -- the --
12 it's Life is Beautiful, the Friday, Saturday, Sunday.

13 THE COURT: Okay. Friday, Saturday, Sunday. All
14 right, so Saturday, Sunday we're not going to be in court.

15 PROSPECTIVE JUROR NO. 715: In court, right.

16 THE COURT: No trial on Saturdays and Sundays. And
17 the Friday -- this is like it lasts all day, right?

18 PROSPECTIVE JUROR NO. 715: Yeah.

19 THE COURT: Okay. So you bought the -- my son has
20 gone to that. So it starts when on a Friday?

21 PROSPECTIVE JUROR NO. 715: It starts at 10:00 a.m.

22 THE COURT: All right. And so you might have to
23 miss a little bit if you were on the jury of it. Because you
24 bought the full three-day pass, but --

25 PROSPECTIVE JUROR NO. 715: Yeah.

1 THE COURT: Okay. But you could go for the rest --
2 you could go all night on the 23rd and you could go all day
3 and night on the 24th and the 25th, right?

4 PROSPECTIVE JUROR NO. 715: That's why I was just
5 asking. I was like -- it's just --

6 THE COURT: Okay. Thank you. All right. That's
7 everybody. So I'm going to let you all -- I'm going to read
8 you a brief admonition so that you can use the restroom and
9 stretch while I meet with the lawyers and then I'll have the
10 Marshal bring you back in and we'll let you know who's going
11 to be allowed to go and then we'll be recessing for the
12 evening.

13 So ladies and gentlemen, we're going to take a ten
14 minute recess. During this recess, it is your duty not to
15 converse among yourselves or with anyone else on any subject
16 connected with the trial or to read, watch or listen to any
17 report of or commentary on the trial by any person connected
18 with the trial or by any medium of information, including
19 without limitation, newspaper, television, radio or Internet.
20 That includes your smartphones. You're not to form or express
21 an opinion on any subject connected with this case until it's
22 finally submitted to you.

23 We'll be in recess for ten manipulates.

24 THE MARSHAL: All ride for the venire panel.

25 (Court recessed at 5:39 p.m. until 5:50 p.m.)

1 (In the presence of the prospective jurors)

2 THE MARSHAL: All members of the venire panel are
3 present and accounted for, Your Honor.

4 THE COURT: Thank you. Please be seated. And the
5 record will reflect we're back within the presence of the
6 venire. All three defendants are present with their
7 respective counsel, the Deputies District Attorney prosecuting
8 the case are present as are all officers of the court.

9 Ladies and gentlemen, I'm going to read the names
10 and badge numbers of the people that are excused. If you do
11 not hear your name and badge number, that means you weren't
12 excused and that you will need to return tomorrow at 1:30.

13 So these are the names, and when I call your name,
14 if your name is called, then you can get up and leave. So
15 first is Badge No. 688, Brian Cielasek. Next is Badge No.
16 693, Albert Isip. Next is Badge No. 700, Jeffrey Karshnock.
17 Next is Badge No. 704, Biju Kallupurackal. I know I murdered
18 your last name. I apologize. Badge No. 744, Maria Arteaga.
19 Badge No. 746, Ruth Legaspi-Fitzpatrick. Badge No. 777,
20 Orlando Cortes. Badge No. 783, Praleerat Lesuer. Badge No.
21 803, Debra Butler. Badge No. 806, Kristin McKeague. Badge
22 No. 814, Laura Mechling. Badge No. 822, Douglas Debelak.
23 Badge No. 824, Wendy Weisbart. Badge No. 832, Michael
24 Guerrieri. Badge No. 842, Vivianne Lee. Badge No. 844,
25 Dolores Buccicardi. And that's all. All right.

1 So ladies and gentlemen, everybody else needs to
2 come back at 1:30 tomorrow where we'll pick up and we should
3 have the jury selected by tomorrow. That is our hope and
4 prayer.

5 Ladies and gentlemen, we're going to take an
6 overnight recess. During this recess, it is your duty not to
7 converse among yourselves or with anyone else on any subject
8 connected with the trial or to read, watch or listen to any
9 report of or commentary -- what?

10 THE CLERK: I think our Life is Beautiful girl left.

11 THE COURT: She better not have left.

12 MR. WOLFBRANDT: No, no, she's back here.

13 THE COURT: No, she's here.

14 THE CLERK: Okay.

15 THE COURT: All right.

16 THE CLERK: Well, they didn't get back in their same
17 seats so.

18 THE COURT: Okay. That's all right. I don't care
19 where --

20 THE CLERK: Well, we just weren't aware.

21 THE COURT: I'm going to start over.

22 THE CLERK: Sorry.

23 THE COURT: All right. During this recess, it is
24 your duty not to converse among yourselves or with anyone else
25 on any subject connected with the trial or to read, watch or

1 listen to any report of or commentary on the trial by any
2 person connected with the trial or by any medium of
3 information, including without limitation, newspaper,
4 television, radio or Internet. And you are not to form or
5 express an opinion on any subject connected with this case
6 until it's finally submitted to you.

7 I should just tell you that anybody that is told to
8 come back tomorrow, that's an order of the court. If you do
9 not come back tomorrow, you are in disobedience of a court
10 order. I will issue an order to show cause why you should not
11 be held in contempt if you don't come back. And then, you
12 know, bad things happen. So I know nobody will do that. I'll
13 see you all tomorrow.

14 THE MARSHAL: All rise for the venire panel.

15 (Second panel of prospective jurors recessed at 5:55 p.m.)

16 THE COURT: All right. And the record will reflect
17 the venire has departed the courtroom. So we'll pick up
18 tomorrow at 1:30. So I'll ask this panel, and they'll get
19 here at 1:30. The other panel is supposed to get here at
20 1:00, so I'll ask them some of the general questions we can
21 knock out so we -- like prior jury service. That's an easy
22 one. We'll kind of bide the time until 2:00 and then we'll
23 pick up. Any matters outside the presence?

24 MR. DiGIACOMO: No.

25 THE COURT: All right. Thank you. I'll see you

1 tomorrow.

2 MR. LANDIS: Thank you.

3 MS. LEXIS: Thank you.

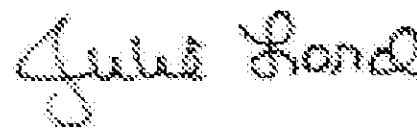
4 (Court recessed at 5:56 p.m. until Thursday,
5 September 15, 2016, at 2:07 p.m.)

6 * * * * *

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

10

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JULIE LORD, INDEPENDENT TRANSCRIBER

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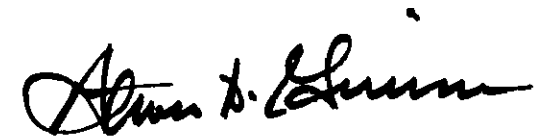
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-15-303991-1
	.	CASE NO. C-15-303991-4
Plaintiff,	.	CASE NO. C-15-303991-5
	.	
vs.	.	DEPT. V
	.	
JORGE MENDOZA,	.	TRANSCRIPT OF
DAVID MURPHY, a/k/a	.	PROCEEDINGS
DAVID MARK MURPHY,	.	
JOSEPH LAGUNA, a/k/a	.	
JOEY LAGUNA,	.	
Defendants.	.	
.	

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

THURSDAY, SEPTEMBER 15, 2016

APPEARANCES:

FOR THE STATE:	MARC P. DiGIACOMO, ESQ. AGNES M. LEXIS, ESQ.
FOR DEFENDANT MENDOZA:	WILLIAM L. WOLFBRANDT, ESQ.
FOR DEFENDANT MURPHY:	CASEY A. LANDIS, ESQ.
FOR DEFENDANT LAGUNA	MONIQUE A. McNEILL, ESQ.

COURT RECORDER:

LARA CORCORAN
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 15, 2016, 2:07 P.M.

2 (In the presence of the prospective jurors)

3 THE MARSHAL: Your Honor, with the exception of
4 Mr. John Seltene, Juror Badge 774, all members of the venire
5 panel are present and accounted for.

6 THE COURT: All right. And --

7 THE CLERK: Well, where is Juror Number -- oh,
8 that's --

9 THE COURT: And so we'll issue an Order to Show
10 Cause as to why she should not be held in contempt for failure
11 to obey the Court's order for appearance today. And if the
12 Court Clerk will please call the next in order to fill that.
13 Please be seated, gentlemen.

14 The record will reflect the presence of all three
15 defendants with their counsel, the Deputies District Attorney
16 prosecuting the case, all Officers of the Court. We need to
17 fill Seat No. 4.

18 (Court/Clerk conferring)

19 THE CLERK: Badge 686, Leiali, Vida.

20 THE COURT: Leiali Vida.

21 THE MARSHAL: Go ahead and walk around this way.

22 THE CLERK: Or Vida.

23 THE COURT: Vida.

24 Ms. Vida, you have the microphone. All right. Have
25 you ever served as a juror before?

1 PROSPECTIVE JUROR NO. 686: No.

2 THE COURT: Okay, hold that microphone in front of
3 your face. All right. Have you ever been in law enforcement?

4 PROSPECTIVE JUROR NO. 686: No.

5 THE COURT: Have you ever had anybody in your family
6 or closely associated with you in the past or currently in law
7 enforcement?

8 PROSPECTIVE JUROR NO. 686: No.

9 THE COURT: Have you ever been the victim of a
10 crime?

11 PROSPECTIVE JUROR NO. 686: No.

12 THE COURT: Has anyone in your family or closely
13 associated with you been the victim of what you would consider
14 to be a serious crime?

15 PROSPECTIVE JUROR NO. 686: Yes.

16 THE COURT: What's that?

17 PROSPECTIVE JUROR NO. 686: Well, it's my family
18 that lives back home in Hawaii.

19 THE COURT: Okay. What --

20 PROSPECTIVE JUROR NO. 686: They -- they're in jail
21 right now for drugs.

22 THE COURT: Okay. So not the victims, they were the
23 perpetrators of --

24 PROSPECTIVE JUROR NO. 686: Yeah.

25 THE COURT: -- a drug -- drug crimes? And who are

1 we talking about? Your -- when you say --

2 PROSPECTIVE JUROR NO. 686: My cousins.

3 THE COURT: Your cousins. How many cousins?

4 PROSPECTIVE JUROR NO. 686: About three.

5 THE COURT: Were they all put into jail at the same
6 time?

7 PROSPECTIVE JUROR NO. 686: No. It's -- it
8 fluctuated.

9 THE COURT: Okay. Are these cousins that you're
10 close to?

11 PROSPECTIVE JUROR NO. 686: I don't talk to them on
12 a daily basis, but -- but when I go back home, I hang out with
13 them.

14 THE COURT: Okay. Not now that they're in prison?

15 PROSPECTIVE JUROR NO. 686: Yeah.

16 THE COURT: All right. So you said drugs, drug
17 offenses? Is that what they're there for?

18 PROSPECTIVE JUROR NO. 686: Yes.

19 THE COURT: How long ago were they put into custody?

20 PROSPECTIVE JUROR NO. 686: Well, one of my cousins,
21 she's in right now. She's been in there for, I think, three
22 years. She comes out in January.

23 THE COURT: Okay. So do you know anything about the
24 details of the cases?

25 PROSPECTIVE JUROR NO. 686: No.

1 THE COURT: You weren't present at any of the
2 trials?

3 PROSPECTIVE JUROR NO. 686: No.

4 THE COURT: Do you feel like they were treated
5 fairly?

6 PROSPECTIVE JUROR NO. 686: Well, yeah.

7 THE COURT: Okay. So you don't feel like they were
8 innocent and were wrongfully imprisoned?

9 PROSPECTIVE JUROR NO. 686: No, because they did
10 what they did, and now they have to pay the consequences.

11 THE COURT: Anything about that makes you think that
12 you could not be fair and impartial in this case?

13 PROSPECTIVE JUROR NO. 686: No.

14 THE COURT: Okay. Have you -- do you have any
15 religious or moral beliefs that makes you think you could not
16 be, you know, sit as a juror in this case and pass judgment
17 upon another person?

18 PROSPECTIVE JUROR NO. 686: Well, my -- my parents
19 are pastors of a church.

20 THE COURT: Okay. But nothing about that that says
21 that you can't serve on a jury, right?

22 PROSPECTIVE JUROR NO. 686: I don't think so.

23 THE COURT: Okay. What type of church are your
24 parents pastors?

25 PROSPECTIVE JUROR NO. 686: Christian.

1 THE COURT: Non-denominational?

2 PROSPECTIVE JUROR NO. 686: Yeah.

3 THE COURT: Okay. Have you ever been accused of or
4 convicted of a crime?

5 PROSPECTIVE JUROR NO. 686: Maybe before I turned
6 16.

7 THE COURT: Okay. As a juvenile --

8 PROSPECTIVE JUROR NO. 686: Yeah.

9 THE COURT: -- you had some issues?

10 PROSPECTIVE JUROR NO. 686: Yeah.

11 THE COURT: All right. And did you feel like you
12 were treated fairly in the juvenile justice system?

13 PROSPECTIVE JUROR NO. 686: Yeah.

14 THE COURT: So how about other than those cousins,
15 have you had anybody else in your family convicted of or
16 accused of a crime?

17 PROSPECTIVE JUROR NO. 686: I don't think so.

18 THE COURT: Anyone in your family closely associated
19 with you been a victim of or perpetrator of a serious crime, a
20 violent crime?

21 PROSPECTIVE JUROR NO. 686: No.

22 THE COURT: Okay. Tell us about yourself. And what
23 I want to know when I say that is this, I want to know how
24 long you've been in Clark County. I want to know if you're
25 married, divorce, single, significant other. I want to know

1 what you do for a living. If you are married or have a
2 partner, or a significant other, I want to know what that
3 person does.

4 I want to know if you have any kids, their ages and
5 if they're adult children, I want to know what they do for a
6 living, and I want to know your education background. So tell
7 me about yourself.

8 PROSPECTIVE JUROR NO. 686: Okay. I've been in
9 Clark County for about 15 years. I'm married to
10 (indecipherable). He is -- me and him, we both work at a
11 construction company owned by my parents. I'm a office
12 manager and he's a estimator. And we have no kids. And --

13 THE COURT: Okay. What's your education background?

14 PROSPECTIVE JUROR NO. 686: Oh, high school
15 graduate.

16 THE COURT: And what's the name of the company that
17 you work for?

18 PROSPECTIVE JUROR NO. 686: K & G Construction.

19 THE COURT: Thank you. Would the State like to
20 inquire further?

21 MR. DiGIACOMO: Yes, Your Honor. I think I may need
22 to move this microphone for Lara.

23 THE COURT RECORDER: Yeah.

24 MR. DiGIACOMO: I'll put the other one on the --
25 thank you, sir.

1 THE MARSHAL: You bet.

2 MR. DiGIACOMO: How are you, ma'am?

3 PROSPECTIVE JUROR NO. 686: I'm good. How are you?

4 MR. DiGIACOMO: Good. Did you go to high school
5 here in Las Vegas?

6 PROSPECTIVE JUROR NO. 686: Spring Valley High
7 School.

8 MR. DiGIACOMO: Spring Valley?

9 PROSPECTIVE JUROR NO. 686: Yeah.

10 MR. DiGIACOMO: And how long have you been out of
11 high school?

12 PROSPECTIVE JUROR NO. 686: I'd say I graduated in
13 2011, so about five years.

14 MR. DiGIACOMO: About five years now?

15 PROSPECTIVE JUROR NO. 686: Yeah.

16 MR. DiGIACOMO: And how long have you been mother
17 married?

18 PROSPECTIVE JUROR NO. 686: For four months.

19 MR. DiGIACOMO: Four months, so well,
20 congratulations.

21 PROSPECTIVE JUROR NO. 686: Thank you.

22 MR. DiGIACOMO: Since high school or maybe even
23 during high school, did you always work for your parents'
24 construction company?

25 PROSPECTIVE JUROR NO. 686: No. I had other jobs.

1 MR. DiGIACOMO: Like what?

2 PROSPECTIVE JUROR NO. 686: I worked -- when I
3 graduated, I worked at Mandalay Bay as a life guard and then I
4 went into an insurance agency, and then I was a customer
5 representative, and then I went into this.

6 MR. DiGIACOMO: Okay. How long have you been there
7 as an office manager?

8 PROSPECTIVE JUROR NO. 686: Two, almost three years.

9 MR. DiGIACOMO: Three years now?

10 PROSPECTIVE JUROR NO. 686: Almost, yeah.

11 MR. DiGIACOMO: You talked a little bit about your
12 cousins, the drug problems that they had and you said there
13 was three of them, but there's only one left that's currently
14 still in custody?

15 PROSPECTIVE JUROR NO. 686: Um-h'm.

16 MR. DiGIACOMO: Is that a, yes? I'm sorry.

17 PROSPECTIVE JUROR NO. 686: Yes, sorry.

18 MR. DiGIACOMO: That's going to happen a lot in this
19 trial with witnesses and everybody else, but since they're
20 going to type down what everybody says, it doesn't work great
21 on a transcript.

22 And how old were you when you learned that they were
23 having drug problems?

24 PROSPECTIVE JUROR NO. 686: I've known about it off
25 and on since I was say 14.

1 MR. DiGIACOMO: Okay. And you said that when you
2 would go back, you'd sort of hang out with your cousins. Are
3 they generally your age?

4 PROSPECTIVE JUROR NO. 686: Yeah. Well, one, say,
5 she's almost 30. And the other one, he's about -- they're all
6 before like 30.

7 MR. DiGIACOMO: I imagine that, you know, their
8 drugs led them to make some poor choices in life. That's why
9 some of them have gone to jail and/or prison, right?

10 PROSPECTIVE JUROR NO. 686: Yeah.

11 MR. DiGIACOMO: Okay. Do you agree with the
12 concept, though that, you know, people who make poor choices
13 in this world, they still are entitled to the protection of
14 the law? For example, if one of your cousins was a victim of
15 a violent crime, you'd expect the law to do something to
16 protect them; would you agree with that statement?

17 PROSPECTIVE JUROR NO. 686: Yes.

18 MR. DiGIACOMO: I mean, there are people in this
19 world that would say hey, if you're doing something wrong, I
20 don't really care and we shouldn't be spending our time here
21 in a courtroom talking about it. Would you subscribe to that
22 or would you think, hey, look, everybody makes mistakes in
23 life, but they still are entitled to the protection of the
24 law?

25 PROSPECTIVE JUROR NO. 686: Well, I believe that

1 they did what they did. They should have thought about it
2 before, but --

3 MR. DiGIACOMO: Okay.

4 PROSPECTIVE JUROR NO. 686: -- they just had to pay
5 for their consequences.

6 MR. DiGIACOMO: Sure. And I'm talking more on the
7 victim's side than the suspect side --

8 PROSPECTIVE JUROR NO. 686: Yeah.

9 MR. DiGIACOMO: -- you know. For example, a dope
10 dealer can be robbed, right?

11 PROSPECTIVE JUROR NO. 686: Yeah.

12 MR. DiGIACOMO: And even if it's a dope dealer who's
13 being robbed, the people who are robbing should still be held
14 responsible for the crime; would you agree with that
15 statement?

16 PROSPECTIVE JUROR NO. 686: Yes.

17 MR. DiGIACOMO: I imagine before coming down here,
18 you're young enough that you've never even received a Jury
19 Summons before, correct?

20 PROSPECTIVE JUROR NO. 686: Yes.

21 MR. DiGIACOMO: Okay. When you got that Jury
22 Summons, what was your reaction?

23 PROSPECTIVE JUROR NO. 686: Oh, great.

24 MR. DiGIACOMO: Right. That might be the best
25 answer we've had in the last four days. But it sums up,

1 generally, what everybody thinks. Had you ever thought about
2 being a juror before?

3 PROSPECTIVE JUROR NO. 686: No.

4 MR. DiGIACOMO: Okay. This is a -- you know, a
5 fairly weighty decision, you know, that you have to make. Do
6 you think that you're a type of person who one, is capable of
7 making that decision as to whether or not someone's guilty or
8 not guilty?

9 PROSPECTIVE JUROR NO. 686: I don't think I'm that
10 worthy enough to judge someone on that.

11 MR. DiGIACOMO: Okay. Well, and that's sort of what
12 I want to talk about is that, you know, this is a Civic duty
13 of our citizens and nobody probably thinks that they should be
14 the person that's the expert in being a juror, nobody is.

15 PROSPECTIVE JUROR NO. 686: Yeah.

16 MR. DiGIACOMO: I mean, we put 12 people in a room
17 and we ask them, did Ms. Lexis and I prove beyond a reasonable
18 doubt the guilt of one or all three of these defendants.

19 PROSPECTIVE JUROR NO. 686: Um-h'm.

20 MR. DiGIACOMO: And so I don't think anyone can
21 prepare for that, study for it, or do anything, but life
22 experience is probably something that you do have to have to
23 do that. Do you feel like you have the kind of life
24 experience where you could make that kind of decision?

25 PROSPECTIVE JUROR NO. 686: Well, I'm only 23. I'm

1 still young. I -- I don't know.

2 MR. DiGIACOMO: And unfortunately, for us, we only
3 get one chance to talk to you. And once we're done and
4 there's 12 people and some alternates sitting here, we'll talk
5 at you, but we will never get an answer back from you until
6 you come in the room and tell us what your verdict's going to
7 be. So it's -- and it's terrible to say, hey, tell me an
8 answer one way or the other right now, but we really -- only
9 you know yourself. It's not, I don't want to. It's not that
10 this is going to be hard. The question is, in your own mind,
11 are you capable of doing it?

12 PROSPECTIVE JUROR NO. 686: Yes.

13 MR. DiGIACOMO: Okay. So you haven't been here, and
14 I apologize to all the people who have been here because
15 there's going to be a lot more questions asked of you being
16 the first juror in the next group, than any of them probably
17 that follow you. So what the Judge hasn't talked about yet is
18 in a murder case, and I mean, this is a murder case, if a jury
19 returns a verdict of first degree murder against one or more
20 of these defendants, then there is a second phase.

21 So what happens is, the jury goes in the back in the
22 beginning after the first phase happens, they sit down and
23 they have a discussion. Here's what the evidence is, here's
24 what the law is. We apply the law to the evidence or the
25 evidence to the law, I guess, technically, and this is our

1 decision. Either they're guilty or they're not guilty.

2 And you come back here and you announce it in the
3 open court. And if you say they're guilty of first degree
4 murder, then what happens is we start a second trial. It's
5 much shorter. You get some different information. At the end
6 of that, you're going to go back to that room with your 11
7 fellow jurors and you're going to make a decision as to what
8 should happen to the individuals you've already convicted.
9 And there's three possible punishments in this case.

10 And let me allay some fears for pretty much
11 everybody in the room who hasn't been here before. This is
12 not a capital case. There's no death penalty that's available
13 for these defendants and so that's not going to be something
14 we're going to be talking about in this case. But the three
15 penalties are still fairly severe. There's life without the
16 possibility of parole, there's life with the possibility of
17 parole, and then there's what we call a term of years, which
18 is a very large sentence. It's a very large term of years
19 that these defendants could be sentenced to.

20 And there's some people in this world who say, look,
21 it's my Civic duty, I can do the first part. I can look at
22 what the facts are, I can apply them to the law, and I can
23 decide hey, did State meet their burden or not. And then
24 there's people in the world that say, but, I can't do that
25 second part. That that's sitting in judgment of somebody and

1 it is not my place to make a determination as to what should
2 happen to them.

3 Do you think that you, along with your fellow
4 jurors, could make that type of decision?

5 PROSPECTIVE JUROR NO. 686: I don't know if I want
6 that on my back, though.

7 MR. DiGIACOMO: Well, that's -- you know, I don't
8 think that anybody is going to find it easy or take it not
9 seriously, or not have some stress imposed upon them by having
10 to make that decision. I mean, that's really not the
11 question. There isn't really a choice. Twelve people are
12 going to have to do it. The question is, is are you capable
13 of doing it, much like I kind of talked about in the first
14 phase? In your mind, do you think you're going to get to that
15 back room and just go, look, this is too much for me, I can't
16 possibly make that determination and so I'm not going to pick
17 any of the three because I just can't do it?

18 PROSPECTIVE JUROR NO. 686: No.

19 MR. DiGIACOMO: No --

20 PROSPECTIVE JUROR NO. 686: I don't think I can do
21 that.

22 MR. DiGIACOMO: You don't think you can do that?

23 PROSPECTIVE JUROR NO. 686: No.

24 MR. DiGIACOMO: And that's fair. Now, I imagine
25 this is the first time you've thought about this, right?

1 PROSPECTIVE JUROR NO. 686: Yeah.

2 MR. DiGIACOMO: Okay. So ultimately, I guess, right
3 now I'm going to stop asking questions and see if the other --
4 the lawyers for the defendants want to ask you anything.
5 Thank you, ma'am.

6 PROSPECTIVE JUROR NO. 686: Okay.

7 THE COURT: I want to ask her a question before that
8 happens. Why do you think you can't? Why can't you consider
9 those three penalties and make a decision with the help of
10 your fellow jurors?

11 PROSPECTIVE JUROR NO. 686: Because I don't want
12 that in the back of my mind. I'm no one to judge. I can't
13 judge them for what they did.

14 THE COURT: Well, our system of law says that for
15 this particular crime, that instead of the Judge doing the
16 sentencing, which in other -- for other crimes the Judge does,
17 that the decision is that the jury, that 12 people instead of
18 one person should do it. And you don't think that you can
19 talk with your other fellow jurors and come up after
20 discussing it with a consensus decision?

21 PROSPECTIVE JUROR NO. 686: I don't know.

22 THE COURT: Well, you're the only one that knows. I
23 need to know yes or no?

24 PROSPECTIVE JUROR NO. 686: No.

25 THE COURT: You're dismissed. Thank you. Call the

1 next in order.

2 THE CLERK: Badge 692, Sara Palma-Garcia.

3 THE COURT: Ms. Palma, do you have the microphone?

4 All right. So have you ever served as a juror before?

5 PROSPECTIVE JUROR NO. 692: No, this is my first
6 time.

7 THE COURT: Have you ever been summons before --

8 PROSPECTIVE JUROR NO. 692: No.

9 THE COURT: -- to be a juror? And have you ever
10 been in law enforcement?

11 PROSPECTIVE JUROR NO. 692: No.

12 THE COURT: Anyone in your family or closely
13 associated with you in law enforcement?

14 PROSPECTIVE JUROR NO. 692: No.

15 THE COURT: Have you ever been the victim of a
16 crime?

17 PROSPECTIVE JUROR NO. 692: No.

18 THE COURT: And so you've never had your house
19 burglarized, your --

20 PROSPECTIVE JUROR NO. 692: No.

21 THE COURT: -- purse stolen, your --

22 PROSPECTIVE JUROR NO. 692: Well, now that you've
23 said that, yes, someone came into our house once.

24 THE COURT: And did what?

25 PROSPECTIVE JUROR NO. 692: We were actually asleep.

1 I don't know how I didn't remember that. I woke up and I
2 thought it was my brother in the room, and I was like what are
3 you doing here, and then my dog started barking. The guy ran
4 out. And they left the door unlocked and we found my mom's
5 wallet outside.

6 THE COURT: Okay. So basically, you were -- the
7 house burglarized while everybody was home and sleeping?

8 PROSPECTIVE JUROR NO. 692: Yes.

9 THE COURT: All right. When did that happen?

10 PROSPECTIVE JUROR NO. 692: Probably like about a
11 year ago.

12 THE COURT: Okay. And was the police called?

13 PROSPECTIVE JUROR NO. 692: Yeah.

14 THE COURT: Did someone call the police?

15 PROSPECTIVE JUROR NO. 692: I called the police
16 right away.

17 THE COURT: And what happened, did they come?

18 PROSPECTIVE JUROR NO. 692: Yeah, they came and they
19 took fingerprints because there was \$20 missing from the diner
20 table, but they didn't find anything.

21 THE COURT: So to your knowledge, the person was not
22 caught that did this?

23 PROSPECTIVE JUROR NO. 692: No, not that I know of.

24 THE COURT: How did that make you feel when you
25 realized someone was in your bedroom?

1 PROSPECTIVE JUROR NO. 692: I felt very violated and
2 afraid especially because we were home. I mean, they had some
3 nerve to do that.

4 THE COURT: Any other crimes that -- now that
5 you've --

6 PROSPECTIVE JUROR NO. 692: No, I think that was the
7 only time that something happened to us.

8 THE COURT: Anyone in your family or closely
9 associated with you been the victim of a -- what you would
10 consider to be a serious crime or a violent crime?

11 PROSPECTIVE JUROR NO. 692: Yeah.

12 THE COURT: What's that?

13 PROSPECTIVE JUROR NO. 692: My sister, she was beat
14 by her ex-boyfriend.

15 THE COURT: All right. So a domestic violence case.
16 And was she seriously injured?

17 PROSPECTIVE JUROR NO. 692: Yeah, she was.

18 THE COURT: Did she have to go to the hospital?

19 PROSPECTIVE JUROR NO. 692: I think she did. I know
20 he hit my nephew, too, because she was holding him while it
21 happened.

22 THE COURT: That happened here in Clark County?

23 PROSPECTIVE JUROR NO. 692: It happened in
24 California.

25 THE COURT: Do you know whether she called the

1 police?

2 PROSPECTIVE JUROR NO. 692: I think neighbors heard
3 them arguing and they called.

4 THE COURT: So after that occurred, did she stay
5 with him or she leave?

6 PROSPECTIVE JUROR NO. 692: She left him.

7 THE COURT: And do you know whether she prosecuted
8 him for that?

9 PROSPECTIVE JUROR NO. 692: I know he was deported
10 so.

11 THE COURT: He was deported?

12 PROSPECTIVE JUROR NO. 692: Yeah.

13 THE COURT: Okay. Have you ever been accused of or
14 convicted of a crime yourself?

15 PROSPECTIVE JUROR NO. 692: No.

16 THE COURT: How about anyone in your family or
17 closely associated with you?

18 PROSPECTIVE JUROR NO. 692: My dad.

19 THE COURT: What was that?

20 PROSPECTIVE JUROR NO. 692: He doesn't really talk
21 about it. My kind of told me an overview about it. Like 21
22 years ago or more, he was with this woman and I think he beat
23 her. I'm not 100 percent sure. That's all I know.

24 THE COURT: Okay. So he's never talked to you about
25 it and --

1 PROSPECTIVE JUROR NO. 692: No.

2 THE COURT: -- your mother has only told you a
3 little bit?

4 PROSPECTIVE JUROR NO. 692: Yeah.

5 THE COURT: Is that right? Okay. Other than that,
6 nobody in your family? So you don't know any of the
7 details --

8 PROSPECTIVE JUROR NO. 692: No, I don't know
9 anything.

10 THE COURT: -- of that? Was that before you were
11 born?

12 PROSPECTIVE JUROR NO. 692: Yeah. Way before.

13 THE COURT: All right. How old are you?

14 PROSPECTIVE JUROR NO. 692: Twenty-one.

15 THE COURT: Do you know what the presumption of
16 innocence is in our system of justice?

17 PROSPECTIVE JUROR NO. 692: The -- like proven -- a
18 guilty until proven guilty or --

19 THE COURT: Innocent until proven guilty --

20 PROSPECTIVE JUROR NO. 692: Yeah.

21 THE COURT: -- exactly. That in our system the
22 defendant that's in a criminal case is presumed to be innocent
23 until the State proves beyond a reasonable doubt otherwise.
24 And so it's the burden of proof of the State to prove the
25 case. Defendants don't have to do any proving. So are you

1 comfortable with that?

2 PROSPECTIVE JUROR NO. 692: I think I am.

3 THE COURT: Okay. So most people when I ask them
4 that question say yes, but then when I ask them other
5 questions, they say things like well, I want to hear the
6 defendant's side of the story. Okay. So the thing is the
7 defendants don't have to tell their side of the story. They
8 don't have to present any evidence, give any testimony. The
9 State has to do all the proving. So do you understand that?

10 PROSPECTIVE JUROR NO. 692: Yes.

11 THE COURT: Okay. And so they sit here today
12 presumed to be innocent. Do you understand that?

13 PROSPECTIVE JUROR NO. 692: Yes.

14 THE COURT: And you have no problem with that? Do
15 you have any problem with that?

16 PROSPECTIVE JUROR NO. 692: No, I don't think so.

17 THE COURT: Okay. Will you be able to follow the
18 law as I instruct you, even if you don't necessarily agree
19 with what the law is, would you still be able to follow the
20 law as I instruct you?

21 PROSPECTIVE JUROR NO. 692: Yes.

22 THE COURT: Tell me about yourself.

23 PROSPECTIVE JUROR NO. 692: I'm single. I go to
24 CSN. I work as a pharmacy tech, and I've been in Clark County
25 for about eight years.

1 THE COURT: Do you live on your own or do you live
2 with your parents?

3 PROSPECTIVE JUROR NO. 692: I live with my parents.

4 THE COURT: What do your parents do?

5 PROSPECTIVE JUROR NO. 692: My mom is a supervisor
6 for housekeepers. And my dad works as a plastic bag company.

7 THE COURT: I'm sorry, what --

8 PROSPECTIVE JUROR NO. 692: My dad works at a
9 plastic bag company.

10 THE COURT: Okay. And about a does he do there, do
11 you know?

12 PROSPECTIVE JUROR NO. 692: I think he packages the
13 bags.

14 THE COURT: Okay. So now, you heard the prosecutor
15 describe how if the jury returns a verdict of first degree
16 murder, that there would be immediately following and that in
17 the time frame that I've given you for the length of the
18 trial, that is included in that time frame. So it's not
19 adding on to the entire time of the trial. It would
20 immediately follow the, what we call the guilt phase.

21 There would be a penalty phase. So first, the jury
22 has to determine whether or not the State has proved its case,
23 and if they find any of the defendants, one of them or more of
24 them of first degree murder, then there's the penalty phase
25 where the jury is asked to decide upon three -- one of three

1 available penalties.

2 Would you be able to consider all three of those
3 penalties in making a decision?

4 PROSPECTIVE JUROR NO. 692: Yes, I could.

5 THE COURT: Is there any reason whatsoever that you
6 think you could not be a fair and impartial juror in this
7 case?

8 PROSPECTIVE JUROR NO. 692: There's no reason.

9 THE COURT: Thank you. Would the State like to
10 inquire further?

11 MR. DiGIACOMO: Yes. Ma'am, did you go to high
12 school here?

13 PROSPECTIVE JUROR NO. 692: Yes. I went to Cheyenne
14 High School.

15 MR. DiGIACOMO: Cheyenne High School? Okay. So
16 you're from actually Las Vegas?

17 PROSPECTIVE JUROR NO. 692: Yeah.

18 MR. DiGIACOMO: Okay. You indicated that your
19 father works at a plastic bag company --

20 PROSPECTIVE JUROR NO. 692: Yeah.

21 MR. DiGIACOMO: -- packaging bags. That's here in
22 Las Vegas?

23 PROSPECTIVE JUROR NO. 692: Yeah.

24 MR. DiGIACOMO: Not in Mesquite?

25 PROSPECTIVE JUROR NO. 692: It's in Henderson.

1 MR. DiGIACOMO: Okay. Perfect. You kind of heard
2 some of the questions I asked, and I will tell you this, that
3 as we get farther and farther along, this is probably more for
4 the rest of the people, this is going to go a lot faster
5 because everybody's going to hear the questions.

6 So we've already -- you've already talked with the
7 Judge about penalty. There's no issue with you sitting there
8 making a decision with 11 other jurors?

9 PROSPECTIVE JUROR NO. 692: No, there's no issue.

10 MR. DiGIACOMO: Okay. Let's talk a little bit about
11 this is a homicide case. Some of the evidence, a good portion
12 of the evidence is going to be graphic in the sense that there
13 will be photographs that display not only a human being that
14 has died, but a lot of blood and those type of things. There
15 are some people in this world who say I just can't look at
16 that. And we're not offering it to you to upset or anything
17 else like that, but there's evidentiary value associated with
18 the information.

19 Are you someone that can look at that type of
20 information for what it's worth, the evidentiary value, or are
21 you one of those people who just says I can't look at bloody
22 pictures, it will make me sick or something like that?

23 PROSPECTIVE JUROR NO. 692: I think I can look at
24 it.

25 MR. DiGIACOMO: You think you can do that?

1 PROSPECTIVE JUROR NO. 692: Yeah.

2 MR. DiGIACOMO: Okay. I don't know, you might be
3 too young to actually own a weapon, but does anybody in your
4 family own a weapon?

5 PROSPECTIVE JUROR NO. 692: No, nobody.

6 MR. DiGIACOMO: Have you ever fired a weapon?

7 PROSPECTIVE JUROR NO. 692: No.

8 MR. DiGIACOMO: Okay. Do you watch any of the TV
9 shows on law? Either the -- you know, the what I would call
10 the fictional CSI stuff and the semi-fictional Dateline, 48
11 Hours type of stuff because they don't tell the whole story?

12 PROSPECTIVE JUROR NO. 692: I've seen SVU. Like,
13 that's the only thing.

14 MR. DiGIACOMO: Okay. And I'm assuming this is
15 probably, you know, obvious, but I mean, you recognize that
16 that's fiction and this is a --

17 PROSPECTIVE JUROR NO. 692: Yeah.

18 MR. DiGIACOMO: -- courtroom?

19 PROSPECTIVE JUROR NO. 692: Yeah, I understand
20 completely.

21 MR. DiGIACOMO: And certainly, the jurors who have
22 been here for four days know it's a heck of a lot slower than
23 an hour for us to resolve this. And you're willing to accept
24 the idea that, look, all that stuff I see on TV, it may be
25 based on the idea what's possible, but the majority of it may

1 be impossible?

2 PROSPECTIVE JUROR NO. 692: Yeah.

3 MR. DiGIACOMO: Okay. Is there anything that you
4 can think of as you're sitting here that in your mind you
5 think to yourself, you know, this might potentially be a
6 problem for me?

7 PROSPECTIVE JUROR NO. 692: No, I don't think
8 there's a problem.

9 MR. DiGIACOMO: Are you somebody who's willing to
10 wait to the end to gather all the evidence before you make a
11 decision in.

12 PROSPECTIVE JUROR NO. 692: Definitely. I don't
13 want to make the wrong one.

14 MR. DiGIACOMO: Are you someone who is both, but
15 let's start with first, are you someone who can feel
16 comfortable in making a decision?

17 PROSPECTIVE JUROR NO. 692: Yeah.

18 MR. DiGIACOMO: And do you think that you're someone
19 who's also willing to listen to 11 other people and come to
20 kind of a group decision?

21 PROSPECTIVE JUROR NO. 692: Yes.

22 MR. DiGIACOMO: Do you think you're essentially a
23 fair person?

24 PROSPECTIVE JUROR NO. 692: Yeah, I think I am.

25 MR. DiGIACOMO: Thank you very much, ma'am. Judge,

1 we'd pass for cause.

2 THE COURT: Thank you. Defense.

3 MR. LANDIS: Good afternoon. Do you view yourself
4 as somebody who would make a good juror?

5 PROSPECTIVE JUROR NO. 692: I think so, yes.

6 MR. LANDIS: I'm sure you were listening a little
7 bit ago where the young lady in front of you thought maybe her
8 age was a problem. You don't share those viewpoints?

9 PROSPECTIVE JUROR NO. 692: No.

10 MR. LANDIS: Do you have an idea what you're working
11 towards in school as far as your degree or is it something
12 you're still feeling out?

13 PROSPECTIVE JUROR NO. 692: For nursing.

14 MR. LANDIS: And as a pharmacy tech, do you work at
15 Walgreens, CVS, one of those major?

16 PROSPECTIVE JUROR NO. 692: Yeah.

17 MR. LANDIS: And what does that job entail? What
18 exactly are you doing?

19 PROSPECTIVE JUROR NO. 692: Well, I fill the
20 prescriptions. I deal with a lot of customers. That's pretty
21 much it, insurance and everything.

22 MR. LANDIS: A lot of computer --

23 PROSPECTIVE JUROR NO. 692: Yeah, a lot of the
24 computer.

25 MR. LANDIS: -- software? Very detail-oriented, I

1 assume, right?

2 PROSPECTIVE JUROR NO. 692: Yes.

3 MR. LANDIS: The Court talked to you some about the
4 presumption of innocence, right? How do you feel about the
5 constitutional right that a defendant gets to choose if they
6 testify at their own trial? In other words, let me make sure
7 I'm being clear. My client and myself will decide if he
8 testifies at this trial. Oftentimes defendants don't.
9 Sometimes they do.

10 If we make the decision together that he will not
11 testify, the jury will be instructed that they're not to
12 consider that when they're making a decision. Is that
13 something you're comfortable with?

14 PROSPECTIVE JUROR NO. 692: I think so. There must
15 be reasons behind it so.

16 MR. LANDIS: Are you able to not speculate as to
17 those reasons as you go into the deliberation?

18 PROSPECTIVE JUROR NO. 692: I don't think I'll
19 speculate, no.

20 MR. LANDIS: And would you agree with me that's kind
21 of something that the mind might naturally do is speculate as
22 to that, right?

23 PROSPECTIVE JUROR NO. 692: Yeah, of course.

24 MR. LANDIS: And that's why as the defense we're
25 concerned about it because we're kind of asking you to do

1 something that might be unnatural.

2 PROSPECTIVE JUROR NO. 692: Yeah.

3 MR. LANDIS: But confident you can handle that?

4 PROSPECTIVE JUROR NO. 692: I think I could.

5 MR. LANDIS: Let me ask you one more question or
6 group of questions. At the end of this trial if you're on the
7 jury, you'll be in a deliberation and it might be a situation
8 where you're the only one who disagrees with the 11 people
9 there. And everybody will know that once they make their
10 decision, they're going home, this case is over, they can get
11 back to their lives. It's natural, I think, for people to
12 want it to end.

13 Are you confident that if you're sincere in your
14 beliefs that you'll stand your ground and won't just give into
15 the pressure of the numbers?

16 PROSPECTIVE JUROR NO. 692: Yeah, I'm pretty
17 confident. I usually don't give in.

18 MR. LANDIS: Thank you for your time. I'll pass for
19 cause.

20 THE COURT: Thank you. Ms. McNeill.

21 MS. MCNEILL: Thank you, Your Honor. It's almost
22 over. The Judge and Mr. Landis were kind of talking to you
23 about the State's burden of proof and if you're comfortable
24 with that, so I wanted to touch on it a little bit because
25 there's obviously three gentlemen sitting over there and three

1 lawyers.

2 Do you understand that I am only responsible for my
3 client?

4 PROSPECTIVE JUROR NO. 692: Yes, I understand that.

5 MS. McNEILL: Okay. So it's almost like you're
6 having to sit through three trials. Do you think you'll be
7 capable of kind of keeping evidence separate against each --
8 that they're able to present against each person?

9 PROSPECTIVE JUROR NO. 692: Yes.

10 MS. McNEILL: Okay. And sort of look at them
11 individually?

12 PROSPECTIVE JUROR NO. 692: Yes.

13 MS. McNEILL: Okay. Do you -- and the Judge was
14 talking about president burden of proof and that it's the
15 State -- State has to prove that to you. Do you have any
16 expectations from any of the defense attorney?

17 PROSPECTIVE JUROR NO. 692: Well, just to defend
18 their -- you know, their rights.

19 MS. McNEILL: Okay.

20 PROSPECTIVE JUROR NO. 692: That's pretty much it.

21 MS. McNEILL: I like that answer. Sometimes will
22 say well, I expect you to prove something. You understand we
23 don't have to prove anything?

24 PROSPECTIVE JUROR NO. 692: Um-h'm.

25 MS. McNEILL: So I like that you expect us to at

1 least defend them, right? Okay. You said that your mom had
2 discussed with you the allegations that your dad's old
3 girlfriend had made against him. How did that conversation
4 arise where she told you about that?

5 PROSPECTIVE JUROR NO. 692: Well, they weren't good
6 as, you know, husband and wife so there was always issues
7 between them. So we just always talk about how things used to
8 be and how things are.

9 MS. McNEILL: I'm sorry. Did that -- when she told
10 you that about your dad, did that affect your relationship
11 with him?

12 PROSPECTIVE JUROR NO. 692: No, not at all.

13 MS. McNEILL: Okay. So you were able to set that
14 aside and just think of your dad as the person that you knew?

15 PROSPECTIVE JUROR NO. 692: Yeah, the person I've
16 known, um-h'm.

17 MS. McNEILL: Okay. Are you -- do you think that
18 you're kind of a judgmental person or are you able to look at
19 the big picture when you look at people?

20 PROSPECTIVE JUROR NO. 692: I usually look at the
21 big picture.

22 MS. McNEILL: Okay. And are some things more
23 important than others when you're deciding how you feel about
24 a person?

25 PROSPECTIVE JUROR NO. 692: Well, yeah.

1 MS. McNEILL: All right. I'll pass for cause, Your
2 Honor.

3 THE COURT: Thank you. Mr. Wolfbrandt.

4 MR. WOLFBRANDT: All the questions I had have been
5 asked so I would pass for cause.

6 THE COURT: All right, thank you. It's the
7 defense's fifth peremptory challenge.

8 MS. McNEILL: I'm sorry, if we can have Court's
9 brief indulgence.

10 (Defense counsel conferring)

11 MR. LANDIS: We'd thank and excuse Mr. Walker, seat
12 8, 432.

13 THE COURT: Thank you, Mr. Walker. Call the next in
14 order.

15 THE CLERK: Badge 697, Sara Victorson.

16 THE COURT: Ms. Victorson, how are you?

17 PROSPECTIVE JUROR NO. 697: Good. How are you?

18 THE COURT: Good, thank you. So have you ever
19 served as a juror before?

20 PROSPECTIVE JUROR NO. 697: No, ma'am.

21 THE COURT: Have you ever been in law enforcement?

22 PROSPECTIVE JUROR NO. 697: No.

23 THE COURT: Anyone in your family closely associated
24 with you in law enforcement?

25 PROSPECTIVE JUROR NO. 697: My stepfather is retired

1 Metro.

2 THE COURT: And how long ago did he retire?

3 PROSPECTIVE JUROR NO. 697: 2005.

4 THE COURT: What's his name?

5 PROSPECTIVE JUROR NO. 697: Gary Nelson.

6 THE COURT: And do you know what his assignment --
7 his last assignment at Metro was?

8 PROSPECTIVE JUROR NO. 697: He was a sergeant.

9 THE COURT: Now, did you ever talk to him about his
10 work or the criminal justice system?

11 PROSPECTIVE JUROR NO. 697: I mean, not anything
12 specific. He -- no, not really.

13 THE COURT: All right.

14 PROSPECTIVE JUROR NO. 697: I'm not really
15 interested.

16 THE COURT: Has he offered any opinions to you that
17 might shape your opinions about the criminal justice system?

18 PROSPECTIVE JUROR NO. 697: No.

19 THE COURT: So we're going to have some officers
20 from law enforcement, you know, because you heard the witness
21 list, that may be testifying in this trial. Would you be able
22 to listen to the testimony of law enforcement officers and
23 assess their testimony in the same way you would other
24 witnesses by, for instance, observing their demeanor on the
25 stand, by listening to what they say and deciding whether it

1 makes common sense, by listening to what they say and
2 comparing it to the other evidence in the case that you
3 believe, by say comparing it to any written things that they
4 might have prepared before their testimony, by thinking about
5 their motives, those types of things? Would you be able to do
6 that for a law enforcement --

7 PROSPECTIVE JUROR NO. 697: Yes.

8 THE COURT: -- officer? Okay. So just because that
9 person is law enforcement, you're not going to say, well, I
10 don't care what he say, no matter how ludicrous, I'm going
11 with that?

12 PROSPECTIVE JUROR NO. 697: No.

13 THE COURT: Okay. Now, have you ever been the
14 victim of a crime?

15 PROSPECTIVE JUROR NO. 697: No.

16 THE COURT: Anyone in your family or closely
17 associated with you been the victim of what you'd consider to
18 be a serious crime?

19 PROSPECTIVE JUROR NO. 697: No.

20 THE COURT: Do you know anybody who's, you know,
21 talked to them about being the victim of a violent crime?

22 PROSPECTIVE JUROR NO. 697: No.

23 THE COURT: Have you ever been accused of or
24 convicted of a crime?

25 PROSPECTIVE JUROR NO. 697: No.

1 THE COURT: And anyone in your family or closely
2 associated with you been accused of or convicted of a crime?

3 PROSPECTIVE JUROR NO. 697: No.

4 THE COURT: Is there any reason whatsoever that you
5 can think of that you could not be a fair and impartial juror
6 in this case?

7 PROSPECTIVE JUROR NO. 697: No.

8 THE COURT: Do you believe that you could follow the
9 law as I instruct you in this case?

10 PROSPECTIVE JUROR NO. 697: Yes.

11 THE COURT: And you've heard the questions about the
12 penalties. Would you be able to consider each of those
13 penalties, if you were called upon to do so, could you
14 consider them each in --

15 PROSPECTIVE JUROR NO. 697: Yes.

16 THE COURT: -- making a decision?

17 PROSPECTIVE JUROR NO. 697: Yes.

18 THE COURT: Tell us about yourself.

19 PROSPECTIVE JUROR NO. 697: I've been in Clark
20 County my whole life. I was born in Las Vegas. I'm married.
21 I have two children. And I work at the Cosmopolitan Hotel.

22 THE COURT: What do you do there?

23 PROSPECTIVE JUROR NO. 697: I am a server.

24 THE COURT: And your husband, what does he do?

25 PROSPECTIVE JUROR NO. 697: He is a server as well.

1 THE COURT: And your children are how old?

2 PROSPECTIVE JUROR NO. 697: They're little. They're
3 three and six.

4 THE COURT: State like to inquire further?

5 MR. DiGIACOMO: You said you've lived here your
6 whole life.

7 PROSPECTIVE JUROR NO. 697: Yes, sir.

8 MR. DiGIACOMO: So I'm assuming that means you went
9 to high school here?

10 PROSPECTIVE JUROR NO. 697: Yes.

11 MR. DiGIACOMO: And where did you go?

12 PROSPECTIVE JUROR NO. 697: Coronado.

13 MR. DiGIACOMO: Coronado? Okay. Down in Henderson?

14 PROSPECTIVE JUROR NO. 697: Um-h'm.

15 MR. DiGIACOMO: I don't have a lot of questions for
16 you. It's getting to the point where you've probably heard
17 them all so I'm just going to briefly go through them so --

18 PROSPECTIVE JUROR NO. 697: Sure.

19 MR. DiGIACOMO: -- is there -- do you have any issue
20 with the idea that you would sit in judgment -- you know,
21 well, let's start first with the guilt phase. Any problem
22 with the idea that you have to match up evidence to the law
23 and make a decision here?

24 PROSPECTIVE JUROR NO. 697: No.

25 MR. DiGIACOMO: I don't know that I asked this of

1 everyone, but any concerns or -- well, let me ask you this, do
2 you think that people who make poor choices in life can still
3 be victims?

4 PROSPECTIVE JUROR NO. 697: Absolutely.

5 MR. DiGIACOMO: And the law should protect them?

6 PROSPECTIVE JUROR NO. 697: Absolutely.

7 MR. DiGIACOMO: Any issues with the three penalties
8 and having to impose one of those?

9 PROSPECTIVE JUROR NO. 697: No.

10 MR. DiGIACOMO: Do you think you're the type of
11 person who's capable of having a conversation with 11 other
12 people and making a decision?

13 PROSPECTIVE JUROR NO. 697: Yes.

14 MR. DiGIACOMO: Do you think that you're basically a
15 fair person?

16 PROSPECTIVE JUROR NO. 697: Yes.

17 MR. DiGIACOMO: And I know the Judge sort of asked
18 around this question, but let me just ask you, do you have an
19 opinion as to whether or not the criminal justice system is
20 fair or unfair?

21 PROSPECTIVE JUROR NO. 697: I don't really have an
22 opinion. I think it's fair. I'm grateful to be an more than
23 and I think it's a good justice system we have in place.

24 MR. DiGIACOMO: Sure. And that's sort of leads into
25 with the police officer thing, which is like police officers

1 are humans, right --

2 PROSPECTIVE JUROR NO. 697: Sure.

3 MR. DiGIACOMO: -- just like everybody else? And
4 there's good ones, there's bad ones, and even the good ones,
5 they can make mistakes sometimes?

6 PROSPECTIVE JUROR NO. 697: Sure.

7 MR. DiGIACOMO: You'd agree with that?

8 PROSPECTIVE JUROR NO. 697: Absolutely.

9 MR. DiGIACOMO: And that every person should be
10 judged on who they are and what they have to say and how that
11 is corroborated by other evidence from the witness stand?

12 PROSPECTIVE JUROR NO. 697: Right, correct.

13 MR. DiGIACOMO: What about you -- I don't think you
14 were in the room when the juror next to you was discussing --
15 other side --

16 PROSPECTIVE JUROR NO. 697: Oh.

17 MR. DiGIACOMO: -- her husband years ago had a
18 choice to make about whether or not he told on his friends or
19 he went to prison. You know, would you agree with the idea
20 that people in that position, they're in a pretty tough
21 position?

22 PROSPECTIVE JUROR NO. 697: Heck, yes. Yes.

23 MR. DiGIACOMO: And it's possible that, you know,
24 they're telling the truth, and it's possible they're lying
25 right?

1 PROSPECTIVE JUROR NO. 697: Sure.

2 MR. DiGIACOMO: And how you tell that is from what
3 they have to say, how reasonable it is, and from applying
4 corroborative evidence to see if what they're saying is true,
5 right?

6 PROSPECTIVE JUROR NO. 697: Right.

7 MR. DiGIACOMO: So you think you're capable of doing
8 that?

9 PROSPECTIVE JUROR NO. 697: Yes.

10 MR. DiGIACOMO: Do you think you'd be a good juror?

11 PROSPECTIVE JUROR NO. 697: I think so.

12 MR. DiGIACOMO: Well, thank you very much, ma'am.

13 PROSPECTIVE JUROR NO. 697: You're welcome.

14 MR. DiGIACOMO: Pass for cause, Judge.

15 THE COURT: Thank you. Defense.

16 MR. LANDIS: Thank you. Good afternoon.

17 PROSPECTIVE JUROR NO. 697: Hi.

18 MR. LANDIS: You lived in the same household with
19 your father until you were an adult, yes?

20 PROSPECTIVE JUROR NO. 697: He is my stepfather.

21 MR. LANDIS: I'm sorry if I missed that.

22 PROSPECTIVE JUROR NO. 697: That's okay.

23 MR. LANDIS: So obviously, the answer to that
24 question would be no. At what point did you guys live
25 together? How old were you?

1 PROSPECTIVE JUROR NO. 697: I was 11, 11.

2 MR. LANDIS: So I assume sometime around 18?

3 PROSPECTIVE JUROR NO. 697: Correct.

4 MR. LANDIS: You were still at teenager then during
5 that period of time when you lived with him?

6 PROSPECTIVE JUROR NO. 697: Yes.

7 MR. LANDIS: Maybe that had something to do with why
8 he didn't talk a lot with you. Maybe it didn't. But let me
9 ask you, do you guys talk more about it now that you've grown
10 up some?

11 PROSPECTIVE JUROR NO. 697: About his previous
12 police work?

13 MR. LANDIS: Yes.

14 PROSPECTIVE JUROR NO. 697: No. I -- no. He's been
15 retired for 15 years or I'm sorry, 11 years now, and no, not
16 really. He -- not really. I was kind of a troublesome
17 teenager so I -- you know, I -- so when I got in trouble by
18 him, his -- his parenting was maybe a little harsher than
19 someone who didn't have the background of the force, but --

20 MR. LANDIS: I smiled because that's exactly what I
21 was about to ask you is if you (inaudible) or not?

22 PROSPECTIVE JUROR NO. 697: Yes, very much so. I
23 did not care for him until I was an adult.

24 MR. LANDIS: And he kind of took over the
25 disciplinary role it maybe sounds like?

1 PROSPECTIVE JUROR NO. 697: He was really good at
2 not. He was really good at just stepping back and letting my
3 mom do all of the discipline. But at some point, he had to
4 cross that line and say, you know, this is -- this is
5 unacceptable behavior, we're not going to do this in this
6 house. But he was -- he was a really good stepfather. I
7 just --

8 MR. LANDIS: All right.

9 PROSPECTIVE JUROR NO. 697: -- you know, didn't care
10 for him.

11 MR. LANDIS: Authoritative figure, I get it. I get
12 it. But since then patched up, no hard feelings?

13 PROSPECTIVE JUROR NO. 697: Definitely. He's the
14 best man I know.

15 MR. LANDIS: If you had your choice, which I
16 understand you don't, would you be on this jury tomorrow or be
17 going to work?

18 PROSPECTIVE JUROR NO. 697: You know, I -- I think
19 that being object a jury is a really good learning experience.
20 I think as weird as it might sound, I'm a little excited just
21 because it's a different environment, different routine,
22 different things that I'm going to learn that I wouldn't learn
23 in the outside world. But of course, would I remember be
24 picking up my kids from school? Yeah, probably. It's a
25 little intimidating being up here --

1 MR. LANDIS: Sure.

2 PROSPECTIVE JUROR NO. 697: -- but it's a little
3 exciting.

4 MR. LANDIS: That's a great answer, to be honest
5 with you. And as far as making an important decision at the
6 end of this case that impacts people, both the defendants and
7 others, that's something you're not looking forward to
8 necessarily, but comfortable you can do when asked?

9 PROSPECTIVE JUROR NO. 697: Yes.

10 MR. LANDIS: Thank you for your time.

11 PROSPECTIVE JUROR NO. 697: Thank you.

12 MR. LANDIS: Pass for cause.

13 THE COURT: Thank you. Ms. McNeill.

14 MS. McNEILL: Thank you, Your Honor. Ms. Victorson,
15 the information that I have here says you have a bachelor's
16 degree?

17 PROSPECTIVE JUROR NO. 697: I do.

18 MS. McNEILL: Okay. What is your degree in?

19 PROSPECTIVE JUROR NO. 697: Behavioral science. I'm
20 sorry.

21 MS. McNEILL: Behavioral -- okay. So is that -- I
22 don't know, is that sort of like psychology?

23 PROSPECTIVE JUROR NO. 697: Correct.

24 MS. McNEILL: Okay.

25 PROSPECTIVE JUROR NO. 697: I have a minor in

1 psychology as well.

2 MS. McNEILL: Okay. Did you have -- what was your
3 plan to do with your degree?

4 PROSPECTIVE JUROR NO. 697: I'm getting my master's
5 degree in social work, and I would like to be a clinical
6 social worker.

7 MS. McNEILL: Okay. So you're still furthering your
8 education?

9 PROSPECTIVE JUROR NO. 697: Correct.

10 MS. McNEILL: Okay. And what drew you to social
11 work?

12 PROSPECTIVE JUROR NO. 697: I have a passion for the
13 disease of addiction, and I would like to help families who
14 have people in their family who suffer from it.

15 MS. McNEILL: Okay. So just sort of a desire to do
16 some good for people?

17 PROSPECTIVE JUROR NO. 697: Absolutely.

18 MS. McNEILL: Okay. You mentioned -- and I'm not
19 going to pry too much -- but you mentioned that you were sort
20 of a troublesome teenager.

21 PROSPECTIVE JUROR NO. 697: Sure.

22 MS. McNEILL: When do you think you sort of turned
23 that around?

24 PROSPECTIVE JUROR NO. 697: Twenty-three.

25 MS. McNEILL: Twenty-three, okay. And what made you

1 do that?

2 PROSPECTIVE JUROR NO. 697: I had a little girl.

3 MS. McNEILL: Okay. That's a good reason to do
4 that. Okay. So then you would probably agree that people are
5 capable of change?

6 PROSPECTIVE JUROR NO. 697: Absolutely.

7 MS. McNEILL: Okay. And you indicated that your
8 stepfather retired about 11 years ago so --

9 PROSPECTIVE JUROR NO. 697: Two thousand --

10 MS. McNEILL: -- it wasn't a long period of time
11 that you were in the home with him where he was actually
12 working as a police officer?

13 PROSPECTIVE JUROR NO. 697: Not really.

14 MS. McNEILL: Okay. Did he ever have any of his
15 friends over to the house or --

16 PROSPECTIVE JUROR NO. 697: He wasn't the social
17 type. I know a few of the people. I remember at his
18 retirement party, but not really.

19 MS. McNEILL: Okay. So it just really sounds like
20 him being a police officer is just kind of a nonissue for you?

21 PROSPECTIVE JUROR NO. 697: Kind of.

22 MS. McNEILL: Okay. All right, perfect. Thank you.
23 I have no further questions. I'll pass for cause.

24 THE COURT: Thank you. Mr. Wolfbrandt.

1 MR. WOLFBRANDT: Can we do it from here? I know you
2 can, but I'm asking her.

3 THE COURT: Yeah, no, that's fine. I'm just having
4 you get near that microphone.

5 MR. WOLFBRANDT: Where -- oh, there you are.

6 Just to follow up a little bit further. Okay,
7 obviously, him being -- ws with Metro, he had some weapons at
8 the house?

9 PROSPECTIVE JUROR NO. 697: Yes.

10 MR. WOLFBRANDT: All right. Did you ever go out
11 shooting with him?

12 PROSPECTIVE JUROR NO. 697: No, I've never been
13 actual shooting with him, no.

14 MR. WOLFBRANDT: Okay. Did he offer to take you out
15 and teach you how to shoot?

16 PROSPECTIVE JUROR NO. 697: Now as an adult I would
17 like that, to have like a father/daughter kind of bond, but
18 nope. He's offered, yes. I'm sorry, have I ever taken him up
19 on the offer, no.

20 MR. WOLFBRANDT: Once you had a kid you got real
21 busy didn't you?

22 PROSPECTIVE JUROR NO. 697: Right.

23 MR. WOLFBRANDT: Okay. I never did get quite -- he
24 retired as a sergeant, but was he in patrol? Was he a
25 detective? Was he --

1 PROSPECTIVE JUROR NO. 697: Traffic.

2 MR. WOLFBRANDT: He was traffic so --

3 PROSPECTIVE JUROR NO. 697: Traffic.

4 MR. WOLFBRANDT: -- and usually what I know of the
5 traffic cop is once they get into that, they don't change
6 that?

7 PROSPECTIVE JUROR NO. 697: They don't change that.
8 He -- no.

9 MR. WOLFBRANDT: His whole career --

10 PROSPECTIVE JUROR NO. 697: Was in traffic.

11 MR. WOLFBRANDT: Okay. You kind of touched on
12 something. You know, I've got older kids myself, and
13 somewhere right in the 20 range, especially when they had
14 kids, all of a sudden now your perspective on life changed
15 completely, didn't it?

16 PROSPECTIVE JUROR NO. 697: Yes.

17 MR. WOLFBRANDT: Okay. And did you finally kind of
18 realize that some of the things that your mom was doing that
19 you didn't agree with at that time, now you understand why --

20 PROSPECTIVE JUROR NO. 697: Yes.

21 MR. WOLFBRANDT: -- it was happening? Okay. So
22 same concept, too, of you're a little on the younger side.
23 Not quite as young as some of the others that have been up
24 there or are up there. But you understand you've got your
25 personal life experiences and your opinions that you're going

1 to bring into the jury room if you are selected on this jury,
2 if you make the jury, right?

3 PROSPECTIVE JUROR NO. 697: Right.

4 MR. WOLFBRANDT: Okay. And you've got 11 others
5 around you with this vast wide amount of history and knowledge
6 and opinions as well, too, correct?

7 PROSPECTIVE JUROR NO. 697: Correct.

8 MR. WOLFBRANDT: So each one of you, but I'm talking
9 to you right now, feel like you kind of on the hot seat
10 because all these questions are directed at you --

11 PROSPECTIVE JUROR NO. 697: Right.

12 MR. WOLFBRANDT: -- you know. Are you capable of
13 doing this? Can you consider this penalty? Could you, you
14 know, hold this? But the reality is, is you're going to come
15 up with a collective -- ideally, you come up with a collective
16 opinion, which would eventually become the verdict, whatever
17 the verdict may be, okay? Are you okay with that?

18 PROSPECTIVE JUROR NO. 697: Yes, sir.

19 MR. WOLFBRANDT: Okay. And like I think it might
20 have been asked, but if you're steadfast in your opinion and
21 some of the others maybe have their other opinion and they
22 can't convince you to sway to their side, can you hold true to
23 your beliefs as it comes and not feel compelled to cave in, if
24 you will, just for the sake of getting a verdict?

25 PROSPECTIVE JUROR NO. 697: Absolutely.

1 MR. WOLFBRANDT: All right. Thank you. That's all
2 I have.

3 PROSPECTIVE JUROR NO. 697: Thank you.

4 THE COURT: Thank you. It's State's sixth
5 peremptory challenge.

6 MR. DiGIACOMO: We would thank and excuse the juror
7 Seat No. 12, Ms. Hong.

8 THE COURT: Thank you, Ms. Hong. Call the next in
9 order.

10 THE CLERK: Badge 702, Nicole Vergan.

11 THE COURT: Ms. Vergan, welcome. How are you?

12 PROSPECTIVE JUROR NO. 702: Good. How are you?

13 THE COURT: Good, thank you. And have you ever
14 served as a juror before?

15 PROSPECTIVE JUROR NO. 702: Never served as a juror.

16 THE COURT: Have you ever been summonsed?

17 PROSPECTIVE JUROR NO. 702: Yes.

18 THE COURT: All right. And so have you just not
19 been selected or did you ever even get into the spot where
20 you --

21 PROSPECTIVE JUROR NO. 702: Nope, never made it out
22 of the jury selection room.

23 THE COURT: Okay. So have you ever been in law
24 enforcement?

25 PROSPECTIVE JUROR NO. 702: No.

1 THE COURT: Anyone in your family --

2 PROSPECTIVE JUROR NO. 702: No.

3 THE COURT: -- closely associated with you in law
4 enforcement? That's a no?

5 PROSPECTIVE JUROR NO. 702: No.

6 THE COURT: Okay. Let's try -- try not to talk over
7 each other because we have a record so eventually if they have
8 to type it up, it's a mess if we are talking over each other.
9 Okay. So have you ever been the victim of a crime?

10 PROSPECTIVE JUROR NO. 702: No.

11 THE COURT: Anyone in your family closely associated
12 with you been the victim of what you would consider to be a
13 serious crime?

14 PROSPECTIVE JUROR NO. 702: No.

15 THE COURT: Have you ever been accused of or
16 convicted of a crime?

17 PROSPECTIVE JUROR NO. 702: No.

18 THE COURT: You and your family closely associated
19 with you been accused of or convicted of a crime?

20 PROSPECTIVE JUROR NO. 702: We have past history of
21 crime, but nothing that I was in the picture with.

22 THE COURT: Okay. When you say "we", who are you
23 talking about?

24 PROSPECTIVE JUROR NO. 702: My husband.

25 THE COURT: So what was his history that he had --

1 was accused of a crime?

2 PROSPECTIVE JUROR NO. 702: He had crime in Chicago
3 and since then has been expunged.

4 THE COURT: All right. How long was that?

5 PROSPECTIVE JUROR NO. 702: Maybe 2000 -- between
6 2002, 2005.

7 THE COURT: And did you know him during that period?

8 PROSPECTIVE JUROR NO. 702: No.

9 THE COURT: So when did you meet your husband?

10 PROSPECTIVE JUROR NO. 702: 2007.

11 THE COURT: So it had been fairly close in time to
12 when those events had happened. Has he told you about it?

13 PROSPECTIVE JUROR NO. 702: No. We've -- really
14 haven't discussed it.

15 THE COURT: But you know about -- what do you know?

16 PROSPECTIVE JUROR NO. 702: I believe, it was a
17 felony charge on distribution.

18 THE COURT: Of drugs?

19 PROSPECTIVE JUROR NO. 702: Yes.

20 THE COURT: Okay. And since you've known him, has
21 he ever used drugs?

22 PROSPECTIVE JUROR NO. 702: No.

23 THE COURT: And so this was something that he was
24 convicted of and then later addressed. Did he tell you
25 whether he was in prison at any time?

1 PROSPECTIVE JUROR NO. 702: It's not that it was a
2 lengthy time. I think, it was more the juvenile system where
3 he had to go down there.

4 THE COURT: Oh, okay. So he was very young when
5 this occurred?

6 PROSPECTIVE JUROR NO. 702: Yes.

7 THE COURT: In discussing this with you in whatever
8 way he has, did you get the impression that he was treated
9 fairly by the criminal justice system?

10 PROSPECTIVE JUROR NO. 702: I don't know because I
11 don't feel I know enough information about his case.

12 THE COURT: Okay. Has he ever expressed to you that
13 he was treated unfairly?

14 PROSPECTIVE JUROR NO. 702: No.

15 THE COURT: Anything about that makes you think you
16 could not be a fair and impartial juror in this case?

17 PROSPECTIVE JUROR NO. 702: No.

18 THE COURT: Okay. Will you be able to follow the
19 law as I instruct you?

20 PROSPECTIVE JUROR NO. 702: Yes.

21 THE COURT: Anything problematic for you about the
22 penalty, potential penalty phase, if one occurs? Would you be
23 able to consider all three types of punishment --

24 PROSPECTIVE JUROR NO. 702: Yes.

25 THE COURT: -- available for first degree murder?

1 PROSPECTIVE JUROR NO. 702: Yes.

2 THE COURT: All right. And you understand that that
3 would only happen if the jury finds that this case as to that
4 has been proven beyond a reasonable doubt, correct?

5 PROSPECTIVE JUROR NO. 702: Yes.

6 THE COURT: Now, will you be able to assess the
7 charges against each individual defendant separately and
8 consider the evidence against each of them that's presented
9 separately in coming to your decision?

10 PROSPECTIVE JUROR NO. 702: Yes.

11 THE COURT: Okay. Do you have any reason whatsoever
12 that you can think of that you could not be fair and impartial
13 in this case?

14 PROSPECTIVE JUROR NO. 702: No.

15 THE COURT: Tell us about your yourself.

16 PROSPECTIVE JUROR NO. 702: I was born in Illinois.
17 I moved here in 2007. I've been here since. Two children,
18 married.

19 THE COURT: And what do you do for a living?

20 PROSPECTIVE JUROR NO. 702: I am a
21 hairstylist/teaching assistant. And mostly a stay-at-home
22 mom.

23 THE COURT: Teaching assistant for what?

24 PROSPECTIVE JUROR NO. 702: For preschool.

25 THE COURT: Okay. What about your husband? What

1 does he do?

2 PROSPECTIVE JUROR NO. 702: He is a foreman for the
3 Teamsters.

4 THE COURT: Does he work out of the union hall or
5 does he work for a particular employer?

6 PROSPECTIVE JUROR NO. 702: He works out of the
7 union hall.

8 THE COURT: So he gets dispatched to whatever jobs
9 become available, works those until they're over and then goes
10 on to the next one? Okay.

11 PROSPECTIVE JUROR NO. 702: Yes.

12 THE COURT: And what's your education background?

13 PROSPECTIVE JUROR NO. 702: High school graduate and
14 then trade school for cosmetology.

15 THE COURT: Are you thinking that you'll eventually
16 go back to cosmetology full-time after the children are older?

17 PROSPECTIVE JUROR NO. 702: At a certain age, I do
18 hope so.

19 THE COURT: How old are your kids now?

20 PROSPECTIVE JUROR NO. 702: Five and six.

21 THE COURT: Thank you. Would the State like to
22 inquire further?

23 MR. DiGIACOMO: How are you?

24 PROSPECTIVE JUROR NO. 702: Good. How are you?

25 MR. DiGIACOMO: Good. I don't want to dwell so much

1 on your husband's experience, although, I do have sort of a
2 question. You said that you met him in 2007, and you moved
3 here in 2007. Did you meet him here or back in Illinois
4 because he had problems in Chicago?

5 PROSPECTIVE JUROR NO. 702: I met him here. I came
6 out for a cosmetology convention.

7 MR. DiGIACOMO: Okay.

8 PROSPECTIVE JUROR NO. 702: So I happened to meet
9 him there.

10 MR. DiGIACOMO: And he just happened to be from
11 Chicago?

12 PROSPECTIVE JUROR NO. 702: He is actually part of
13 our group of friends.

14 MR. DiGIACOMO: Oh, okay.

15 PROSPECTIVE JUROR NO. 702: However, our paths never
16 crossed.

17 MR. DiGIACOMO: Oh, okay. That makes sense to me.
18 All right. And so, I mean, to a certain extent the only thing
19 I really want to talk to you about is as it relates to your
20 husband is, you know, whether or not he did it or didn't do it
21 is irrelevant. But, you know, do you think that someone like
22 -- who is involved in distribution of drugs or something like
23 that can still be a victim and should have the protections of
24 the law?

25 PROSPECTIVE JUROR NO. 702: I don't know how to

1 answer that. If you did something, if you distributed drugs,
2 you're in trouble, you're guilty.

3 MR. DiGIACOMO: Sure. You're in trouble, right?

4 PROSPECTIVE JUROR NO. 702: Yeah.

5 MR. DiGIACOMO: You know, the law's going to arrest
6 you and you're going to go to jail or prison or something else
7 like that. But for example, you know, a lot of people don't
8 die -- a lot of innocent people that are doing nothing wrong
9 don't wind up getting killed. Sometimes people make some bad
10 choices to put them in a situation where they wind up getting
11 hurt.

12 Do you think that we should all be spending our time
13 in a courtroom, you know, punishing the people who committed
14 that crime even though the victim may be involved in stuff he
15 shouldn't be?

16 PROSPECTIVE JUROR NO. 702: Should we stay in the
17 courtroom to find out?

18 MR. DiGIACOMO: Well, should the system care about
19 those cases?

20 PROSPECTIVE JUROR NO. 702: Yes.

21 MR. DiGIACOMO: Do you think -- I don't know if you
22 have an opinion -- do you have an opinion about the criminal
23 justice system as a whole?

24 PROSPECTIVE JUROR NO. 702: No.

25 MR. DiGIACOMO: So before coming down here today,

1 you really hadn't had much contact, I'm assuming, with it?

2 PROSPECTIVE JUROR NO. 702: No.

3 MR. DiGIACOMO: Okay. We've asked a bunch of
4 questions that -- any one of them stick out to you?

5 PROSPECTIVE JUROR NO. 702: No, I -- you know, I
6 think I was a little caught off with having your own opinion
7 and picking a side more, and I don't feel like I could pick a
8 side. I feel like when it's involved in a murder, that's --
9 that's it for me. I don't think I could listen to evidence or
10 anything like that.

11 MR. DiGIACOMO: Okay. I guess, maybe I don't know
12 how to ask the next question. So maybe could you explain to
13 me what you're saying about picking a side versus a murder?

14 PROSPECTIVE JUROR NO. 702: Well, you want the jury
15 to hear both sides.

16 MR. DiGIACOMO: Correct.

17 PROSPECTIVE JUROR NO. 702: I feel when it has
18 reached that level, there is no side.

19 MR. DiGIACOMO: Well, let me ask it this way, and
20 let me see if I can figure out. Are you saying essentially,
21 if you find out someone's killed, you're likely going to side
22 on the side of the victim as opposed to the perpetrator?

23 PROSPECTIVE JUROR NO. 702: Most likely.

24 MR. DiGIACOMO: What about the idea, though, that,
25 you know, these three individuals, they're presumed innocent.

1 That means as we sit here today, I haven't presented a piece
2 of evidence, Ms. Lexis hasn't done anything like that. They
3 may not be involved in this crime at all. I mean, are you
4 suggesting the idea that because it's a homicide case that
5 there should be a different standard associated with the
6 burden of proof than let's say a possession of stolen vehicle
7 case?

8 PROSPECTIVE JUROR NO. 702: Sure.

9 MR. DiGIACOMO: And thus, you'd be more willing to
10 side with hey, maybe the reasonable doubt is a little bit
11 wider. Maybe I could have a little bit more doubt because the
12 idea that I might release somebody who committed a homicide is
13 something that is scary to me?

14 PROSPECTIVE JUROR NO. 702: Yes.

15 MR. DiGIACOMO: Okay. Do you think that you're
16 capable of setting that aside and following the instructions
17 of the Court? She's going to give you a definition of what
18 reasonable doubt is, and I can tell you, it's the same
19 definition she would give if this was a possession of stolen
20 vehicle case. Do you think that you could follow that
21 instruction or do you think that, you know, you are not going
22 to be able to give them their presumption of innocence because
23 it's a murder case?

24 PROSPECTIVE JUROR NO. 702: When you say it like
25 that, there's more of a, I could do that.

1 MR. DiGIACOMO: Right. And I don't -- I'm not
2 trying to trick you, and I'm not trying to put words in your
3 mouth. I mean, it's hard for people to -- that haven't been
4 in the justice system to sort of grasp the idea of -- first of
5 the presumption of innocence because you would hope that
6 people like Ms. Lexis and I are not prosecuting people
7 everyday that every one of them is innocent, but the idea is,
8 is that they have nothing to prove.

9 As they sit here today, since there's no evidence
10 presented, they didn't have anything to do with this and there
11 is absolutely no evidence that suggests that they are, and
12 then as the evidence comes in, you're supposed to wait until
13 the very end, and when you go to the back room, you start off
14 with the idea, these guys had nothing to do with it, now what
15 evidence is there? And as you start getting there, if you get
16 to the point where you're like, yeah, there's no reasonable
17 doubt these individuals committed these crimes, then we
18 convict them.

19 And it doesn't matter what those crimes are. If I
20 had accused them of stealing a car, you'd do it the same sort
21 of way. That's sort of the way the system works. Do you
22 think you could do that?

23 PROSPECTIVE JUROR NO. 702: Yes.

24 MR. DiGIACOMO: Okay. And, you know, at the day,
25 there is going to be -- it's weighty, right? There's victims

1 here who are going to want justice, and there's defendants
2 here who have a lot on the line, and so everybody wants fair
3 jurors. Do you think that you're the type of person who's
4 going to be able to, with 11 people, go back there and do what
5 the Judge is asking you to do or is it going to be do you
6 think -- only you know because we don't get to talk -- that at
7 the end of the day you're going to get back there and go well,
8 they were close, but -- and I'm really scared to let these
9 guys go, so even though I think the State didn't quite prove
10 it beyond a reasonable doubt, I still think I'm going to
11 convict them and they're going to have to suffer the
12 consequences even though Ms. Lexis and I didn't do our job?

13 PROSPECTIVE JUROR NO. 702: No.

14 MR. DiGIACOMO: Okay. You think you could do what
15 we're asking you to do?

16 PROSPECTIVE JUROR NO. 702: Yes.

17 MR. DiGIACOMO: Thank you very much, ma'am.

18 THE COURT: Defense.

19 MS. McNEILL: Thank you, Your Honor. I don't want
20 you to feel like you're being picked on. I'm going to kind of
21 follow up on some of his questions. And there's no right
22 answer here. That's what, I think, is important. There's
23 just your honest feelings, and we just want to you to be
24 honest with us so that -- because it's really important to
25 these gentleman sitting over here to kind of get honest

1 answers.

2 One of the things that you indicated was that you
3 said you're going to have to listen to both sides. What if
4 you don't hear anything from these three gentlemen? What if
5 all you hear is from them?

6 PROSPECTIVE JUROR NO. 702: When yesterday, when
7 they gave that overview, I think that's more where my mind was
8 at.

9 MS. McNEILL: Okay. Do you understand the overview
10 they gave you is just what they think happened?

11 PROSPECTIVE JUROR NO. 702: Okay.

12 MS. McNEILL: Okay? It's not what -- I mean, that's
13 what we're here to decide, right? Okay. So that's their
14 theory about what happened. At this point, that's all it is;
15 do you understand that?

16 PROSPECTIVE JUROR NO. 702: Yes.

17 MS. McNEILL: Okay. Do you have any -- so going
18 back to that, they have to prove it to you. Okay. So you may
19 not hear two sides. And it's all about, can they prove their
20 theory to you beyond a reasonable doubt? Do you have any
21 problems with that? Do you have any problems with the fact
22 that Mr. Landis, Mr. Wolfbrandt and I might sit there and
23 drink coffee and read magazines. Would that bother you?

24 PROSPECTIVE JUROR NO. 702: Yes, it would.

25 MS. McNEILL: Well, it might bother you about our

1 work ethic, but would it bother you that you didn't hear from
2 us? I mean, would you be able to let that go and hold them to
3 their burden?

4 PROSPECTIVE JUROR NO. 702: No.

5 MS. McNEILL: You would not be able to do that? You
6 would feel like you needed to hear from them?

7 PROSPECTIVE JUROR NO. 702: Yes.

8 MS. McNEILL: Okay. And not hearing from this side
9 would make you feel like they must be guilty?

10 PROSPECTIVE JUROR NO. 702: Yes.

11 MS. McNEILL: Okay. Is that something that's just
12 what you believe about the justice system?

13 PROSPECTIVE JUROR NO. 702: Yes.

14 MS. McNEILL: Is that kind of rooted in, you would
15 feel like if it were and you were accused of a crime, you'd
16 get up there and tell what your version of events of was?

17 PROSPECTIVE JUROR NO. 702: Yeah.

18 MS. McNEILL: Your Honor, I would make a motion.

19 MR. DiGIACOMO: Submit it, Judge.

20 THE COURT: All right. You're excused, but I just
21 want to reemphasize to this group because this group's new --
22 you can go -- that the defense does not have the burden of
23 proof. State does all the proving.

24 Now, I know that they don't have to do any proving.
25 To think that these three fine lawyers are going to sit there

1 and drink coffee and read magazines, that's never going to
2 happen because they're good lawyers. But their duty is to
3 make sure their clients get a fair trial and they will make
4 sure their clients get a fair trial.

5 It's these prosecutors' job to prove their case
6 beyond a reasonable doubt. If they don't do that, then you
7 must acquit the defendants. If they do do that, and you feel
8 beyond a reasonable doubt that they have done that, then you
9 must find the defendants guilty.

10 But the defense doesn't have to do any affirmative
11 proving. The defendants never have to take the stand and
12 testify and tell their side of the story because there's a
13 fifth amendment right under our Constitution. They don't have
14 to do that. And so again, State does all the proving. Just
15 that's just the overview of what the law is, and we'll be
16 asking you further questions about that. But just so it's
17 clear. Call the next in order.

18 THE CLERK: Badge 703, Thad Simmons.

19 THE COURT: Hello, Mr. Simmons. How are you?

20 PROSPECTIVE JUROR NO. 703: Fine, thank you.

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

22 PROSPECTIVE JUROR NO. 703: Yes, I -- I did about 20
23 years ago.

24 THE COURT: Was that here in Clark County?

25 PROSPECTIVE JUROR NO. 703: Yes.

1 THE COURT: Was it a criminal case or a civil case?

2 PROSPECTIVE JUROR NO. 703: It was a criminal case.

3 THE COURT: And without telling us what the verdict
4 was, did the jury reach a verdict?

5 PROSPECTIVE JUROR NO. 703: Yes.

6 THE COURT: Were you the foreperson of the jury?

7 PROSPECTIVE JUROR NO. 703: Yes, I was.

8 THE COURT: So anything about that experience -- I
9 know it was a long time ago, but anything about that, as you
10 think back on it, that makes you think I am not suitable to be
11 a juror --

12 PROSPECTIVE JUROR NO. 703: No.

13 THE COURT: -- in this case? Okay. Have you ever
14 been the victim of a crime?

15 PROSPECTIVE JUROR NO. 703: No.

16 THE COURT: How about anyone in your family or
17 closely associated with you been the victim of a serious --
18 what you consider to be a serious crime?

19 PROSPECTIVE JUROR NO. 703: No.

20 THE COURT: Have you ever known anyone, conversed
21 with anyone that's been the victim of a violent crime?

22 PROSPECTIVE JUROR NO. 703: No, not that I can
23 recall.

24 THE COURT: Have you ever been in law enforcement?

25 PROSPECTIVE JUROR NO. 703: No, I haven't.

1 THE COURT: Anyone in your family closely associated
2 with you in law enforcement?

3 PROSPECTIVE JUROR NO. 703: No.

4 THE COURT: Have you ever been accused of or
5 convicted of a crime?

6 PROSPECTIVE JUROR NO. 703: No.

7 THE COURT: Anyone in your family closely associated
8 with you accused of or convicted of a crime?

9 PROSPECTIVE JUROR NO. 703: No.

10 THE COURT: Any reason whatsoever that you think you
11 could not be a fair and impartial juror in this case?

12 PROSPECTIVE JUROR NO. 703: I think I could be an
13 impartial juror.

14 THE COURT: And you understand the presumption of
15 innocence?

16 PROSPECTIVE JUROR NO. 703: Yes, I do.

17 THE COURT: And are you going to hold the State to
18 its burden of proof?

19 PROSPECTIVE JUROR NO. 703: Yes.

20 THE COURT: If the State doesn't meet that burden of
21 proof, would you have any difficulty finding the defendants
22 not guilty?

23 PROSPECTIVE JUROR NO. 703: I understand that the
24 State has to prove that the -- the case.

25 THE COURT: Okay. And so if they don't, would you

1 have any difficulty returning a not guilty verdict?

2 PROSPECTIVE JUROR NO. 703: I -- if the -- yes, I
3 would definitely -- not guilty would not be a problem in that
4 case.

5 THE COURT: Okay. But --

6 PROSPECTIVE JUROR NO. 703: I'm sorry, I'm sorry I
7 didn't --

8 THE COURT: That's all right. It's not a problem.

9 PROSPECTIVE JUROR NO. 703: -- answer that well.

10 THE COURT: Okay. And so obviously, the only reason
11 I'm reviewing that with you -- I know you would have applied
12 that same thing to this case 20 years ago because that's been
13 the law for more than 20 years, but I just -- it was a long
14 time ago, too, so I just want to make sure.

15 So you would be fine if none of the defendants took
16 the stand? You're not going to say, well, they have to. I
17 don't care what she says about they don't have to do any
18 proving, if they don't take the stand I'm going to hold it
19 against them.

20 PROSPECTIVE JUROR NO. 703: I believe in the
21 Constitution and that would not be a problem for me.

22 THE COURT: Thank you. Tell us about yourself.

23 PROSPECTIVE JUROR NO. 703: I'm a retired high
24 school math teacher. I taught for 34 years in Arizona and
25 here in Clark County. I'm married. My wife is a credit union

1 -- a card services manager. We have three adult children.
2 Two live in Las Vegas. One is in Texas.

3 THE COURT: What do your adult children do?

4 PROSPECTIVE JUROR NO. 703: Our oldest daughter is a
5 hairdresser. Our middle child, another daughter, is the
6 marketing director for Access Health Dental. Our son is 24
7 years old. He's in his last year of an accounting degree at
8 Texas Lutheran University. He's a former minor league
9 baseball player.

10 THE COURT: Now, you're retired. What do you do now
11 that you're retired?

12 PROSPECTIVE JUROR NO. 703: I tutor. I work
13 part-time for Nevada Virtual Academy.

14 THE COURT: So that's an online school?

15 PROSPECTIVE JUROR NO. 703: Yes, it is.

16 THE COURT: And do you teach your classes in front
17 of a camera that's projecting to your online students?

18 PROSPECTIVE JUROR NO. 703: Every morning at 8:00
19 o'clock. Yes, I do. Except on Fridays.

20 THE COURT: Okay. Okay. So you don't even have to
21 miss any classes, that's great. All right. Very good. Would
22 the State like to inquire further?

23 MR. DiGIACOMO: Briefly. Did you -- as a high
24 school math teacher, did you specialize in, you know, was it
25 Algebra, Trigonometry, calculus?

1 PROSPECTIVE JUROR NO. 703: I spent -- because of
2 the nature of -- of what students need, I spent most of my
3 time teaching Algebra, Algebra I and geometry.

4 MR. DiGIACOMO: And now that you're doing the
5 virtual school, do you focus on any particular area of math?

6 PROSPECTIVE JUROR NO. 702: Tutoring, I work all
7 levels from Trigonometry, pre-calculus. I've worked with
8 second and third graders. My class that I actually teach for
9 the school is an Algebra I class.

10 MR. DiGIACOMO: And the educational background that
11 you have, I don't know, maybe she asked you, I just didn't
12 hear it, I'm assuming you have some degree after high school?

13 PROSPECTIVE JUROR NO. 703: I have a bachelor's
14 degree and a master's degree. Master's degree was in school
15 administration, dual major as a undergraduate in social
16 sciences and education in math.

17 MR. DiGIACOMO: Where did you go to undergrad?

18 PROSPECTIVE JUROR NO. 703: My first two years I
19 went to the Air Force Academy. I got both of my degrees from
20 Northern Arizona University.

21 MR. DiGIACOMO: And did you get your advanced degree
22 from --

23 PROSPECTIVE JUROR NO. 703: Northern Arizona.

24 MR. DiGIACOMO: Okay. I just want to talk briefly
25 about the criminal trial. It was 20 years ago. Was it in

1 Arizona or was it here?

2 PROSPECTIVE JUROR NO. 703: It was here.

3 MR. DiGIACOMO: It was here in Las Vegas? So how
4 long you been here in Vegas?

5 PROSPECTIVE JUROR NO. 703: We moved here in 1984.

6 MR. DiGIACOMO: Oh, so for some period of time?

7 PROSPECTIVE JUROR NO. 703: Yes.

8 MR. DiGIACOMO: And do you remember the allegation
9 in the criminal case?

10 PROSPECTIVE JUROR NO. 703: It involved a sale of
11 drugs to an undercover police officer.

12 MR. DiGIACOMO: Did you find it to be a rewarding
13 experience at the end of the day?

14 PROSPECTIVE JUROR NO. 703: Yes.

15 MR. DiGIACOMO: Anything about that situation --
16 anything happen during that case that is memorable from you or
17 was it just kind of my Civic duty and it's done?

18 PROSPECTIVE JUROR NO. 703: The most memorable thing
19 I have from it is it -- was all the waiting that we did. I
20 read a lot of books. It seemed like we -- we spent a lot of
21 time in -- in a room. I think it was a different building
22 back then, but --

23 MR. DiGIACOMO: It was.

24 PROSPECTIVE JUROR NO. 703: -- it seemed like we
25 were in a room where we got to just lounge around and wait

1 until we got called in to sit and hear either testimony or
2 closing arguments.

3 MR. DiGIACOMO: We try and do better. I'm not sure
4 how much better we do after 20 years. There's probably still
5 a lot of waiting, but at least in this court she recognizes
6 she's not going to finish her morning calendar and has you
7 come at 1:30 instead of 10:00 and wait for three hours.

8 But ultimately, hopefully, we do better than we did
9 20 years ago. I'm assuming, you know, based upon your answers
10 here that there's nothing about anything -- any question
11 anybody's asked that you thought to yourself oh, I better tell
12 the lawyers about that?

13 PROSPECTIVE JUROR NO. 703: No, no.

14 MR. DiGIACOMO: The idea that you may have to look
15 at graphic pictures for their evidentiary value is not
16 something that concerns you?

17 PROSPECTIVE JUROR NO. 703: It definitely concerns
18 me, but I know it's something I can do.

19 MR. DiGIACOMO: Okay. Yeah, and that was a poor
20 choice of words, right? I don't think anybody should be happy
21 to look at these photographs, but ultimately, you think you
22 have the capacity to do so?

23 PROSPECTIVE JUROR NO. 703: Yes.

24 MR. DiGIACOMO: And you obviously, you must feel
25 since you've done it once before that you have the capacity to

1 talk with 11 fellow jurors and make a decision in both the
2 first phase, and if we get there, the second phase?

3 PROSPECTIVE JUROR NO. 703: Yes.

4 MR. DiGIACOMO: Thank you very much, sir. Judge,
5 we'd pass for cause.

6 THE COURT: Thank you. Before our defense goes,
7 I've got a bathroom break request, and so we're going to take
8 a recess until 3:30. It's about 3:20. So at least ten
9 minutes we'll give you.

10 During this recess, it is your duty not to converse
11 among yourselves or anyone else on any subject connected with
12 the trial or to read, watch or listen to any report of or
13 commentary on the trial by any person connected with the trial
14 or by any medium of information, including without limitation,
15 newspaper, television, radio or Internet. And you are not to
16 form or express an opinion on any subject connected with this
17 case until it's finally submitted to you. We're in recess.

18 THE MARSHAL: All rise for the venire panel.

19 (Court recessed at 3:20 p.m. until 3:35 p.m.)

20 (In the presence of the prospective jurors)

21 THE MARSHAL: Your Honor, all members of the venire
22 panel are present.

23 THE COURT: Thank you. Please be seated. The
24 record will reflect we're back within the presence of the
25 venire. All three defendants are present with their

1 respective counsel. The Deputies District Attorney
2 prosecuting the case are present, as are all officer of the
3 court, and defense may further inquire.

4 MR. WOLFBRANDT: Thank you. Mr. Simmons, just a
5 few. You've heard, we've talked with some of the others about
6 whether or not -- let me get to a different -- do you own any
7 firearms?

8 PROSPECTIVE JUROR NO. 703: No, I do not.

9 MR. WOLFBRANDT: Okay. Have you ever fired one?

10 PROSPECTIVE JUROR NO. 703: Only while I was in the
11 military service.

12 MR. WOLFBRANDT: Okay. That was a little while ago?
13 What branch?

14 PROSPECTIVE JUROR NO. 703: I went to the Air Force
15 Academy. It was my first college. I went there for two years
16 and three summers. We did survival training, we did basic
17 cadet training, we did a thing called recondo, and in all
18 those programs we fired weapons, pistols, M-16s, et cetera.
19 That was -- I left in 1976.

20 MR. WOLFBRANDT: Okay. So you started in '74, you
21 got out in '76?

22 PROSPECTIVE JUROR NO. 703: Yes.

23 MR. WOLFBRANDT: What caused you to decide to leave?

24 PROSPECTIVE JUROR NO. 703: I -- the Air Force
25 Academy trains pilots. I had a motion sickness issue that I

1 hadn't been aware of. I think we're about the same age. But
2 in our youths we didn't really fly like people do today so I
3 didn't really discover that until I went to the academy.

4 MR. WOLFBRANDT: Well, the reason I can ask certain
5 questions because one of my best friends started at the
6 academy and left after two years, and we are real close to the
7 same age.

8 So you got out before you owed any time?

9 PROSPECTIVE JUROR NO. 703: Correct.

10 MR. WOLFBRANDT: Had you -- they weren't going to
11 let you fly because of your motion sickness?

12 PROSPECTIVE JUROR NO. 703: No, that was the
13 problem. I was going to have to fly because I was medically
14 qualified to fly other than the motion sickness issues.

15 MR. WOLFBRANDT: First time they got you up on the
16 plane, they would have changed that, wouldn't they?

17 PROSPECTIVE JUROR NO. 703: We went for were called
18 motivational rides, and they were anything but motivational
19 for me.

20 MR. WOLFBRANDT: I'm sure they were. All right. So
21 from there then you went to NAU?

22 PROSPECTIVE JUROR NO. 703: Correct.

23 MR. WOLFBRANDT: Okay. Okay, that was kind of
24 little off track when we were talking about shooting a
25 firearm. Okay. Have you ever just done recreational shooting

1 or was that the only time?

2 PROSPECTIVE JUROR NO. 703: No, I have never done
3 recreational shooting.

4 MR. WOLFBRANDT: All right. I was going to ask this
5 line of questioning a couple of people before, but they got
6 excused before we got -- I want to go back a couple when
7 Mr. DiGiacomo was asking some questions, and he kind of
8 interchanged some terms, okay, that aren't -- from at least
9 our perspective, they're not necessarily interchangeable.

10 Okay, he was talking about -- he used the term
11 homicide and murder, all right, almost like they were
12 interchangeable, and do you understand that they're not?

13 PROSPECTIVE JUROR NO. 703: I understand the
14 difference --

15 MR. WOLFBRANDT: -- or do you --

16 PROSPECTIVE JUROR NO. -- between the two, that you
17 can have a homicide and it not be a murder.

18 MR. WOLFBRANDT: Okay. Now, there will be jury
19 instructions at the end of the case, so I don't want to get
20 too involved with that. But I anticipate you're going to get
21 a jury instruction that will tell you that a homicide is a
22 death of one human by another. All right?

23 PROSPECTIVE JUROR NO. 703: Yes.

24 MR. WOLFBRANDT: You okay with that? Okay. So
25 homicide in and of itself is not a crime, do you understand

1 that?

2 PROSPECTIVE JUROR NO. 703: Yes.

3 MR. WOLFBRANDT: Okay. Now, ultimately, at the end
4 of the case it would be the jury's collective decision as to
5 whether or not well, first off, a homicide happened in this
6 case, but then as to whether or not it was actually a crime,
7 be it, you know, it could be murder, it could be first degree,
8 second degree, voluntary manslaughter. It's up for you to
9 decide first off whether or not it was even a criminal act and
10 then secondly, which one of the crimes it would be.

11 PROSPECTIVE JUROR NO. 703: I understand that.

12 MR. WOLFBRANDT: Does that make sense?

13 PROSPECTIVE JUROR NO. 703: Yes, I understand that.

14 MR. WOLFBRANDT: Okay. You haven't gotten called
15 for jury duty in 20 years?

16 PROSPECTIVE JUROR NO. 703: No, I've been called
17 several times, but --

18 MR. WOLFBRANDT: Okay.

19 PROSPECTIVE JUROR NO. 703: -- I -- I haven't been
20 on a jury since.

21 MR. WOLFBRANDT: Gotcha. All right, thanks. That's
22 what I have.

23 THE COURT: Ms. McNeill.

24 MR. WOLFBRANDT: Pass for cause.

25 MS. MCNEILL: Thank you, Your Honor. Mr. Simmons,

1 your prior jury service, did you find that sort of talking
2 about things like the burden of proof or how you would not
3 hold it against the defendants if they didn't testify, all
4 those things were sort of vague concepts until you got back
5 into the room?

6 PROSPECTIVE JUROR NO. 703: We had a very simple
7 case. It was short. We didn't have to deliberate very long.

8 MS. McNEILL: Okay. But did you find any of the
9 jurors maybe thought they understood those concepts and then
10 got back there and maybe didn't really?

11 PROSPECTIVE JUROR NO. 703: We had one juror that
12 didn't have the life experiences probably that some other
13 people had, and maybe didn't listen real well at times. And
14 so we had to do some discussions within the jury to help that
15 person understand what the evidence was.

16 MS. McNEILL: Okay. So did you have any discussions
17 about the State's burden or anything like that or everyone
18 seemed to get what that --

19 PROSPECTIVE JUROR NO. 703: We all -- that was not
20 the problem.

21 MS. McNEILL: Okay. So it was just about how they
22 viewed the evidence?

23 PROSPECTIVE JUROR NO. 703: Yes.

24 MS. McNEILL: All right. Was there anything about
25 that deliberation process that you didn't like?

1 PROSPECTIVE JUROR NO. 703: No, that was actually a
2 -- it was a jury of people that seemed to be very polite, very
3 respectful to each other. It was really, you know, 12 pretty
4 good people.

5 MS. McNEILL: Okay. So sort of a healthy debate?

6 PROSPECTIVE JUROR NO. 703: Very little debate.
7 Like I said --

8 MS. McNEILL: Okay.

9 PROSPECTIVE JUROR NO. 703: -- we had a simple case.

10 MS. McNEILL: All right. Okay. But there's nothing
11 about that that you're uncomfortable with if you have to
12 engage in debating with other jurors? Because as you can
13 imagine, this may be a little more complex than undercover
14 drug sales?

15 PROSPECTIVE JUROR NO. 703: Yes. Yes, I understand
16 that.

17 MS. McNEILL: So you're comfortable kind of engaging
18 and debating with other people?

19 PROSPECTIVE JUROR NO. 703: I -- yes, I'm not
20 uncomfortable with it. I'm -- I'm not a big debate person. I
21 -- I tend to be more of a listener than I am a talker.

22 MS. McNEILL: Okay. And kind of along those lines,
23 even though you're more of a listener than a talker, are you
24 able to sort of hold firm with what you believe?

25 PROSPECTIVE JUROR NO. 703: Yes, I am.

1 MS. McNEILL: Okay. So you'll listen to other
2 people's opinions, but they're not necessarily going to sway
3 you?

4 PROSPECTIVE JUROR NO. 703: I can be persuaded, but
5 I -- I -- I feel like I'm fairly astute and listening and
6 engaging in what's going on. And if I do form an opinion, it
7 has some reasoning behind it.

8 MS. McNEILL: Okay. It sounds like kind of what
9 you're saying is you're open-minded to other people's
10 opinions, but once you form your own, you're good --

11 PROSPECTIVE JUROR NO. 703: I --

12 MS. McNEILL: -- with that?

13 PROSPECTIVE JUROR NO. 703: Yes, I respect the
14 opinions of others.

15 MS. McNEILL: Okay. So a math teacher? Guessing
16 fairly rule oriented, detail oriented?

17 PROSPECTIVE JUROR NO. 703: Yes.

18 MS. McNEILL: Yes? Okay. What do you do in your
19 spare time?

20 PROSPECTIVE JUROR NO. 703: I'm kind of a fitness
21 person. I used to be a runner. Now I'm a -- if -- if I'm
22 happy, I do 12 yoga classes a week.

23 MS. McNEILL: Okay, all right. Keep yourself
24 centered --

25 PROSPECTIVE JUROR NO. 703: Yes.

1 MS. McNEILL: -- right?

2 PROSPECTIVE JUROR NO. 703: Yes.

3 MS. McNEILL: All right. I have no further
4 questions. I'll pass for cause, Your Honor.

5 THE COURT: Mr. Landis.

6 MR. LANDIS: Briefly. Of the times you've been
7 summoned for jury service, other than the time that you were
8 on the jury, how many times did you get to this phase where
9 questions were asked?

10 PROSPECTIVE JUROR NO. 703: Never.

11 MR. LANDIS: You mentioned that with your teaching
12 career, you kind of went where there was a need. If you had
13 your choice, what would you have taught?

14 PROSPECTIVE JUROR NO. 703: Physical education.

15 MR. LANDIS: Well, how about if it was a math
16 subject?

17 PROSPECTIVE JUROR NO. 703: I'm sorry.

18 MR. LANDIS: No need to apologize.

19 PROSPECTIVE JUROR NO. 703: Probably Algebra II.

20 MR. LANDIS: What grade or --

21 PROSPECTIVE JUROR NO. 703: Algebra two's usually
22 juniors in high school, it could be some seniors and maybe
23 high achieving sophomores and freshmen.

24 MR. LANDIS: You mentioned -- going back to your
25 previous jury experience. You mentioned that the trial was

1 straightforward. You also mentioned there was a lot of
2 waiting, but nevertheless, I assume the total duration was
3 relatively short, a couple days?

4 PROSPECTIVE JUROR NO. 703: Total duration with some
5 days where we did not have to meet. We actually could -- for
6 my case, I went back to school. About a week.

7 MR. LANDIS: And I'm assuming there was one
8 defendant in that case?

9 PROSPECTIVE JUROR NO. 703: Yes.

10 MR. LANDIS: Obviously, both in time and in
11 complexity, as we've mentioned, this case is going to be
12 probably less straightforward in terms of facts, in terms of
13 your job. No qualms based on that previous experience that
14 you'll be able to do the job necessary here?

15 PROSPECTIVE JUROR NO. 703: I feel like I could
16 serve on this jury, yes.

17 MR. LANDIS: And a moment ago there was some talk
18 about maybe a juror not listening in that previous experience,
19 which is scary for an attorney because a person can be forced
20 to be on a jury, but you can't force somebody to listen. And
21 before I think you guys were here, we were talking about
22 experiences where you'll talk about something with juries
23 during this phase, and at the end of the trial, when you talk
24 to them, even though they said one thing, they're now saying
25 the other, and it can be frustrating, obviously.

1 I don't know the solution, but other than asking
2 people, I assume you understand why it's hard to see so I'm
3 going to actually follow through on what you're asking -- what
4 we're asking them to do, right, in terms of following the
5 instructions, listening to the evidence. It's a hard thing to
6 ferret out.

7 PROSPECTIVE JUROR NO. 703: I've dealt with probably
8 5,000 people as students so I understand that, yes, sir.

9 MR. LANDIS: Hopefully, easier than with students,
10 but with that I'll pass for cause. Thanks for your time.

11 PROSPECTIVE JUROR NO. 703: Thank you.

12 THE COURT: Thank you. It's the defense's sixth
13 peremptory challenge.

14 MR. LANDIS: We'd thank and excuse Ms. Jo, Seat 3,
15 461.

16 THE COURT: Ms. Jo, thank you very much. You're
17 excused.

18 THE CLERK: Badge 705, Matthew Mruzek.

19 PROSPECTIVE JUROR NO. 705: Correct.

20 THE CLERK: Is that right?

21 PROSPECTIVE JUROR NO. 705: Yes, that was right.

22 THE COURT: All right, sir, you have the microphone.
23 And have you ever been a juror before?

24 PROSPECTIVE JUROR NO. 705: No.

25 THE COURT: Have you ever been summonsed to be a

1 juror?

2 PROSPECTIVE JUROR NO. 705: Yes.

3 THE COURT: Did you ever get to the part where that
4 you'd be asked questions?

5 PROSPECTIVE JUROR NO. 705: No.

6 THE COURT: Okay. So you just did the waiting
7 around and then they said oh, we don't need you, you can go
8 home?

9 PROSPECTIVE JUROR NO. 705: No, I never even got
10 that far so.

11 THE COURT: Oh, you called the number and they --

12 PROSPECTIVE JUROR NO. 705: And they said don't
13 come.

14 THE COURT: Don't come. All right. Very good. And
15 so have you ever been in law enforcement?

16 PROSPECTIVE JUROR NO. 705: No.

17 THE COURT: Anyone in your family closely associated
18 with you in law enforcement?

19 PROSPECTIVE JUROR NO. 705: No.

20 THE COURT: How about have you ever been the victim
21 of a crime?

22 PROSPECTIVE JUROR NO. 705: No.

23 THE COURT: Never had anything stolen from you, a
24 car broken into, nothing?

25 PROSPECTIVE JUROR NO. 705: I had my phone stolen

1 out of my hand once, but we chased him down and got it back.

2 THE COURT: Okay. Still a crime. All right. Was
3 that here in Clark County?

4 PROSPECTIVE JUROR NO. 705: No. I'm originally from
5 the greater Detroit area --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 705: -- so.

8 THE COURT: So that happened in Detroit?

9 PROSPECTIVE JUROR NO. 705: Yes, we were downtown
10 for a Tigers game.

11 THE COURT: And did you hold the person that took
12 your phone and call the police and --

13 PROSPECTIVE JUROR NO. 705: No, we just got it back
14 and then he ran off.

15 THE COURT: Okay. So you never reported it to the
16 police?

17 PROSPECTIVE JUROR NO. 705: No.

18 THE COURT: Okay. You were satisfied with your
19 self-help methods and didn't care beyond that? Is that --

20 PROSPECTIVE JUROR NO. 705: It worked. It was
21 effective.

22 THE COURT: Okay. All right. Anyone in your family
23 or closely associated with you been the victim of what you
24 would consider to be a serious crime?

25 PROSPECTIVE JUROR NO. 705: No.

1 THE COURT: Okay. You kind of hesitated. Were you
2 thinking oh --

3 PROSPECTIVE JUROR NO. 705: I had a buddy in college
4 who was assaulted by a bum. Well, a homeless man, I guess,
5 one night, but he lived -- he lived right next door to us.

6 THE COURT: And was he seriously injured, your
7 friend?

8 PROSPECTIVE JUROR NO. 705: Not as bad as the other
9 guy.

10 THE COURT: All right some of the there became a
11 fight that ensued or something?

12 PROSPECTIVE JUROR NO. 705: Correct. He was -- he
13 was actually a marine, and he stole the knife back and stabbed
14 the guy, and the guy ran off, went to the hospital to get aid,
15 and they came -- the police came to our door, actually, and
16 then they were looking for my friend next door, and he got cut
17 across the face so.

18 THE COURT: Okay. And was your friend arrested by
19 the police, a rut of that or --

20 PROSPECTIVE JUROR NO. 705: No.

21 THE COURT: They were just investigating?

22 PROSPECTIVE JUROR NO. 705: Correct.

23 THE COURT: Asking questions about what happened?

24 PROSPECTIVE JUROR NO. 705: Correct. They
25 interviewed me too, yes.

1 THE COURT: Were you present when this event
2 happened?

3 PROSPECTIVE JUROR NO. 705: Actually, we had just
4 gone inside and he was walking just home next door. The guy
5 was waiting around the corner so.

6 THE COURT: So you didn't see what happened? He
7 just -- your friend just showed up at your door?

8 PROSPECTIVE JUROR NO. 705: No, he actually just
9 after it was over went inside to his house and that was pretty
10 much it.

11 THE COURT: I see. Okay. Anything about that
12 experience that makes you think you could not be a fair and
13 impartial juror in this case?

14 PROSPECTIVE JUROR NO. 705: No.

15 THE COURT: Have you ever been accused of or
16 convicted of a crime?

17 PROSPECTIVE JUROR NO. 705: No.

18 THE COURT: Anyone in your family closely associated
19 with you been accused of or convicted of a crime?

20 PROSPECTIVE JUROR NO. 705: No.

21 THE COURT: Do you understand the presumption of
22 innocence?

23 PROSPECTIVE JUROR NO. 705: Correct, yes.

24 THE COURT: And you agree with that?

25 PROSPECTIVE JUROR NO. 705: Yes.

1 THE COURT: Okay. Tell us about yourself.

2 PROSPECTIVE JUROR NO. 705: Let's see, I moved out
3 here about eight years ago now from Michigan. I have a
4 college degree in accounting and finance. I work at Las Vegas
5 Motor Speedway. I'm a controller out there. My wife is a bar
6 manager, and I have a son that's three, and my wife is due in
7 the end of November.

8 THE COURT: Congratulations. And so what caused you
9 to relocate to Las Vegas?

10 PROSPECTIVE JUROR NO. 705: Just job opportunity. I
11 graduated in the end of '08, and as you know, the economy
12 wasn't the greatest at the time, and just better opportunity
13 out here and here I've stayed.

14 THE COURT: And so how do you like it here versus
15 where you'd come from?

16 PROSPECTIVE JUROR NO. 705: It's much better.

17 THE COURT: Good. All right, that's good to hear.
18 So and you said the greater Detroit area. Were you in a
19 suburb or --

20 PROSPECTIVE JUROR NO. 705: Yeah, about a half an
21 hour south of Detroit.

22 THE COURT: Okay. Detroit has gotten a lot smaller
23 in the intervening years.

24 PROSPECTIVE JUROR NO. 705: Correct. Yes, it was.

25 THE COURT: Yeah. All right. Okay. So you've

1 heard some of the questions that is have been asked the other
2 jurors. Was there ever a time when those questions were asked
3 where you thought, well, when it's mine turn, you know, I'm
4 going to answer that differently or I need to tell the Judge
5 about this?

6 PROSPECTIVE JUROR NO. 705: No.

7 THE COURT: Thank you. Would the State like to
8 inquire further?

9 MS. LEXIS: Yes, Your Honor. Hello, sir.

10 PROSPECTIVE JUROR NO. 705: Hi.

11 MS. LEXIS: Sir, have you had any positive or
12 negative contact with law enforcement?

13 PROSPECTIVE JUROR NO. 705: I wouldn't call it
14 negative. I wouldn't call it -- I mean, it's not positive,
15 but yeah, I mean, I've -- yes.

16 MS. LEXIS: And what were the circumstances?

17 PROSPECTIVE JUROR NO. 705: Well, it was -- well,
18 I've had contact with them, I don't know, it was probably five
19 or six years ago.

20 MS. LEXIS: Okay. And what were the circumstances?

21 PROSPECTIVE JUROR NO. 705: Driving under the
22 influence.

23 MS. LEXIS: Okay. Were you -- was it you who was
24 driving under the influence?

25 PROSPECTIVE JUROR NO. 705: Yes.

1 MS. LEXIS: Were you arrested or cited? What
2 happened?

3 PROSPECTIVE JUROR NO. 705: I was cited.

4 MS. LEXIS: And were you actually cited with a DUI?

5 PROSPECTIVE JUROR NO. 705: Well, yes, and then it
6 was reduced.

7 MS. LEXIS: Oh, okay, okay. So you were let go at
8 the scene?

9 PROSPECTIVE JUROR NO. 705: No, I was not let go at
10 the scene.

11 MS. LEXIS: Okay.

12 PROSPECTIVE JUROR NO. 705: I guess I was arrested,
13 yes.

14 MS. LEXIS: Okay.

15 PROSPECTIVE JUROR NO. 705: Cited, arrested.

16 MS. LEXIS: Okay. And how long ago was that?

17 PROSPECTIVE JUROR NO. 705: I don't know, six years
18 ago.

19 MS. LEXIS: How do you think the police treated you?
20 Do you think they treated you fairly?

21 PROSPECTIVE JUROR NO. 705: Yeah, I mean, I was -- I
22 was guilty. I didn't fight it or anything like that, if
23 that's what you're asking.

24 MS. LEXIS: Okay, yeah. I mean, no, not
25 necessarily. You know, have you ever gotten a traffic ticket?

1 PROSPECTIVE JUROR NO. 705: Yeah.

2 MS. LEXIS: Okay. I mean, when we ask that
3 question, people are usually like, oh, I got a traffic ticket,
4 police officer made up some stuff, said I did something I
5 didn't do, I fought that tooth and nail.

6 PROSPECTIVE JUROR NO. 705: No, no.

7 MS. LEXIS: Then there are other people who say,
8 look, I was guilty, it was an okay experience.

9 PROSPECTIVE JUROR NO. 705: That's -- that's what I
10 took away from it, is I was guilty. I didn't fight anything.
11 Actually, in the police report, they said I was very nice.

12 MS. LEXIS: Okay. They said you were very
13 compliant, huh?

14 PROSPECTIVE JUROR NO. 705: Very compliant, yeah.

15 MS. LEXIS: Yes.

16 PROSPECTIVE JUROR NO. 705: And I was sorry for what
17 had had happened.

18 MS. LEXIS: Okay.

19 PROSPECTIVE JUROR NO. 705: We all make mistakes.

20 MS. LEXIS: Absolutely. And Mr. DiGiacomo asked
21 some of the other prior jurors, you know, your view -- their
22 views on whether crimes committed against people who have made
23 mistakes themselves, whether as the State of Nevada, as
24 prosecutors, whether we should pursue those cases the same way
25 we would if, you know, a little grandma got her purse stolen

1 outside of an Albertsons. Do you believe that? Do you think
2 we should treat all victims equally?

3 PROSPECTIVE JUROR NO. 705: Yes.

4 MS. LEXIS: Okay. So if we have a victim here who
5 may have made some mistakes, put themselves in situations that
6 might have invited some bad elements and you have an entirely
7 innocent victim here, do you think as the State of Nevada, as
8 prosecutors, we should pursue both cases the same way?

9 PROSPECTIVE JUROR NO. 705: I think -- I think that
10 -- I mean, I think that everybody -- every -- I believe what
11 the Constitution says, everybody is innocent proven until --
12 innocent until proven guilty, and I think that if you're not
13 guilty, then have you nothing to hide so.

14 MS. LEXIS: Okay. Let's --

15 PROSPECTIVE JUROR NO. 705: I think, I -- I guess,
16 then, yes, you should pursue both.

17 MS. LEXIS: Okay.

18 PROSPECTIVE JUROR NO. 705: Just because it's the
19 first time offense, doesn't mean it's not serious.

20 MS. LEXIS: Okay. I was talking more about victims,
21 though.

22 PROSPECTIVE JUROR NO. 705: Okay.

23 MS. LEXIS: Mr. DiGiacomo used an example of, you
24 know you've heard the expression of dope rip or, you know,
25 let's say somebody's out walking late at night and they get

1 their purse stolen or they get car jacked, they're at the ATM
2 late at night, you know. Certain times people make mistakes
3 as you say; would you agree?

4 PROSPECTIVE JUROR NO. 705: Correct.

5 MS. LEXIS: They put themselves in situations that
6 in hindsight they probably --

7 PROSPECTIVE JUROR NO. 705: Shouldn't have been.

8 MS. LEXIS: -- wouldn't.

9 PROSPECTIVE JUROR NO. 705: Yes.

10 MS. LEXIS: Okay. And those people are victimized.

11 PROSPECTIVE JUROR NO. 705: Yes.

12 MS. LEXIS: Okay. And just because they put
13 themselves in those situations, made some bad choices, doesn't
14 mean that they're not victims; would you agree with that?

15 PROSPECTIVE JUROR NO. 705: I agree.

16 MS. LEXIS: Okay. Are you the type of person who
17 can follow the law even if you disagree with it?

18 PROSPECTIVE JUROR NO. 705: Yes.

19 MS. LEXIS: Okay. I don't think I gave this example
20 with all of -- with this particular -- with the newer jurors,
21 potential jurors, but in State of Nevada, they're working
22 towards legalizing marijuana, medical marijuana. A lot of
23 people, there are arguments on both sides. It helps cancer
24 patients, you know, it's not as bad as all the other drugs
25 that could be used, right?

1 But we still have a law that says it's unlawful to
2 possess a certain amount of marijuana without a certain --
3 without a license or without a medical marijuana card. And, I
4 mean, depending on where you fall in your opinion, right, if
5 you were asked to sit on a jury, and the charge was not
6 murder, but possession of controlled substance, marijuana, but
7 you believe marijuana should be legal, you find that the
8 person did have marijuana, would you have trouble rendering a
9 guilty verdict because you disagree with --

10 PROSPECTIVE JUROR NO. 705: No.

11 MS. LEXIS: -- the law?

12 PROSPECTIVE JUROR NO. 705: No. I believe that if
13 that's the law, then that's the law. If -- if you're carrying
14 -- I think it's under an ounce. If you're carrying under an
15 ounce and you have the card and you're legally allowed to
16 carry it. If you're not, then you need to follow the rules.

17 MS. LEXIS: Okay. Gun ownership. You have some
18 young children.

19 PROSPECTIVE JUROR NO. 705: Yes, I do.

20 MS. LEXIS: One on the way. Congratulations.

21 PROSPECTIVE JUROR NO. 705: Thank you.

22 MS. LEXIS: Do you have guns in your home?

23 PROSPECTIVE JUROR NO. 705: I have one, yes.

24 MS. LEXIS: Okay. What kind?

25 PROSPECTIVE JUROR NO. 705: It's a shotgun, 12

1 gauge.

2 MS. LEXIS: You've shot it, obviously?

3 PROSPECTIVE JUROR NO. 705: Yes. I'm from Michigan,
4 and hunting is just something that we do and --

5 MS. LEXIS: Okay.

6 PROSPECTIVE JUROR NO. 705: -- I have it out here.
7 I have never taken it out out here. There's nowhere to hunt
8 around here. I have -- I guess, I was a little ambitious
9 thinking that I could go deer hunting out here when I first
10 moved here, but.

11 MS. LEXIS: So is it more for, what, self-defense
12 now?

13 PROSPECTIVE JUROR NO. 705: It sits in my closet. I
14 wouldn't say it's self-defense.

15 MS. LEXIS: Okay, okay. But it looks like you're --
16 I mean, you've given examples of times where self-defense or
17 self-help, as Judge Ellsworth called it, have kind of come
18 into play into your life?

19 PROSPECTIVE JUROR NO. 705: Correct.

20 MS. LEXIS: Okay. Would you -- are you opposed to
21 individuals having weapons or guns in their home for
22 self-defense purposes?

23 PROSPECTIVE JUROR NO. 705: No. You're allowed to
24 have them and you're allowed to defend yourself so.

25 MS. LEXIS: Okay. Let's see here. Do you watch the

1 news?

2 PROSPECTIVE JUROR NO. 705: Yes, I do.

3 MS. LEXIS: Okay. You keep up with current events,
4 things like that?

5 PROSPECTIVE JUROR NO. 705: More or less, yes.

6 MS. LEXIS: Okay. You've heard all over the news,
7 I'm sure, a lot of these officer-involved shootings, they're
8 very controversial. Thank goodness, not necessarily in Las
9 Vegas, but other places. What do you think about all that?
10 Does it affect --

11 PROSPECTIVE JUROR NO. 705: I --

12 MS. LEXIS: -- your opinion of law enforcement?

13 PROSPECTIVE JUROR NO. 705: No. I think that
14 there's circumstances that you're involved -- you're asked to
15 make a split second decision, and it's very difficult
16 sometimes to make that decision, and sometimes it's not always
17 the right one. But I think if you are a police officer and
18 you're thrown into a situation multiple times, it's -- you've
19 seen it a lot more than I have, and I'm -- I'm not sure
20 that -- yeah.

21 MS. LEXIS: Okay. Would you agree with me that just
22 as any other -- just as in your profession in accounting or
23 controlling -- it's an -- you're accountant, right?

24 PROSPECTIVE JUROR NO. 705: Controller, accountant,
25 yes.

1 MS. LEXIS: Controller, okay.

2 PROSPECTIVE JUROR NO. 705: I do the books.

3 MS. LEXIS: There are good accountants, bad
4 accountants, good DAs, bad DAs, things like that?

5 PROSPECTIVE JUROR NO. 705: Um-h'm.

6 MS. LEXIS: Would you agree with that?

7 PROSPECTIVE JUROR NO. 705: Yes, definitely.

8 MS. LEXIS: And same with police officers, right?
9 There are some who make mistakes or who act badly under color
10 of law, and there are others who protect and serve; would you
11 agree?

12 PROSPECTIVE JUROR NO. 705: Correct. I would say
13 the majority -- I would hope that the majority of them are
14 good.

15 MS. LEXIS: We would all hope, right? What about
16 the criminal justice system, if this is the first time that
17 you've been asked to -- that you've made it this far in
18 terms --

19 PROSPECTIVE JUROR NO. 705: Yep.

20 MS. LEXIS: -- of being a potential juror. What do
21 you think so far?

22 PROSPECTIVE JUROR NO. 705: I think it's an
23 interesting process so far. I'm curious about -- I guess, I
24 would be curious to -- I don't have any problems sitting up
25 here. I would be curious to see how this works further, but

1 I'm --

2 MS. LEXIS: And you have no problem, of course,
3 sitting in on -- if it's a three week trial, we're almost into
4 our first week trial now but --

5 PROSPECTIVE JUROR NO. 705: If I'm asked to, then
6 I'm asked to. I don't --

7 MS. LEXIS: Okay. So you'd like to be a juror, if
8 possible?

9 PROSPECTIVE JUROR NO. 705: I'm -- I don't really
10 have an opinion on it either way. If --

11 MS. LEXIS: If it happens, it happens.

12 PROSPECTIVE JUROR NO. 705: I'm okay with going back
13 to work, but.

14 MS. LEXIS: Okay. Court's brief indulgence. I have
15 no more questions. Thank you, sir.

16 PROSPECTIVE JUROR NO. 705: You're welcome.

17 THE COURT: Defense.

18 MR. LANDIS: When you did hunt in Michigan, what did
19 you hunt? Was it deer?

20 PROSPECTIVE JUROR NO. 705: Yes.

21 MR. LANDIS: And where exactly in Michigan were you
22 from? I know you gave us 30 miles south.

23 PROSPECTIVE JUROR NO. 705: Yeah, Monroe, and then I
24 used to -- my parents owned a cabin up in St. Helen, and
25 that's where we used go.

1 MR. LANDIS: Talking about this wallet theft and
2 recovery that you mentioned, I'm assuming you were with a
3 group of people it sounded like, right, friends?

4 PROSPECTIVE JUROR NO. 705: Yes. Me and my friends,
5 yeah. We were walking back to our car from a Tigers game, and
6 somebody came and literally swiped it out of my hand.

7 MR. LANDIS: How many of you guys?

8 PROSPECTIVE JUROR NO. 705: Oh, I think there was
9 four of us.

10 MR. LANDIS: All males?

11 PROSPECTIVE JUROR NO. 705: Yes.

12 MR. LANDIS: Night game, day game?

13 PROSPECTIVE JUROR NO. 705: It was a day game.

14 MR. LANDIS: Still light out when you guys were
15 leaving?

16 PROSPECTIVE JUROR NO. 705: Yes.

17 MR. LANDIS: You'd agree with me downtown Detroit's
18 probably not the safest place to chase criminals?

19 PROSPECTIVE JUROR NO. 705: Probably not. Depending
20 on where you're at.

21 MR. LANDIS: Yeah, a little bit. At least in my
22 opinion most people wouldn't do that.

23 PROSPECTIVE JUROR NO. 705: If I was alone, no.

24 MR. LANDIS: It was the strength of numbers?

25 PROSPECTIVE JUROR NO. 705: It was the spur of the

1 moment. You -- you know, you've been enjoying the day and we
2 just ran after him and --

3 MR. LANDIS: And it, worked out?

4 PROSPECTIVE JUROR NO. 705: It worked out, yes. It
5 may not have.

6 MR. LANDIS: What caused you to move out here? And
7 I'm sorry if you already answered that, but I didn't hear.

8 PROSPECTIVE JUROR NO. 705: Just job opportunity.
9 Like I said, I graduated in 2008, and the economy was just not
10 the greatest.

11 MR. LANDIS: Have you noticed any difference in the
12 people between where you're from and here?

13 PROSPECTIVE JUROR NO. 705: It's hard to say. I
14 think that most people in Vegas are transient and I think that
15 you meet some that are like people that I know from back
16 there, and there's some that are from California.

17 MR. LANDIS: I'm not from there, but I assume you
18 meant that positively, right?

19 PROSPECTIVE JUROR NO. 705: Something like that.

20 MR. LANDIS: I appreciate your time. I have no
21 further questions.

22 THE COURT: Ms. McNeill.

23 MS. McNEILL: Briefly, Your Honor. You said that
24 this incident you had where your phone was stolen, you had
25 been enjoying the day. I'm just going to guess by that, did

1 you mean you had been drinking?

2 PROSPECTIVE JUROR NO. 705: Of course.

3 MS. McNEILL: Okay. So maybe that -- that gave you
4 a little bit of liquid courage?

5 PROSPECTIVE JUROR NO. 705: A little bit, I would
6 say.

7 MS. McNEILL: Okay.

8 PROSPECTIVE JUROR NO. 705: Younger, too.

9 MS. McNEILL: Okay. So maybe that's not how you
10 normally would have acted in that situation?

11 PROSPECTIVE JUROR NO. 705: No, I would say
12 definitely not.

13 MS. McNEILL: More thought process?

14 PROSPECTIVE JUROR NO. 705: Not worth it anymore. I
15 have a child.

16 MS. McNEILL: Right, okay. When Ms. Lexis was
17 asking you questions about police officers, you said some
18 things like, you know, that's their job and that's what
19 they're trained to do, and you couldn't second guess that
20 because that's not your job, correct? You don't have those
21 experiences. It's hard --

22 PROSPECTIVE JUROR NO. 705: What do you mean not --
23 that I couldn't second guess a police officer?

24 MS. McNEILL: Yeah, that you wouldn't want to tell
25 -- you know, you wouldn't kind of want to tell them how to do

1 their job because you don't know what that job entails?

2 PROSPECTIVE JUROR NO. 705: Correct, yes. No --
3 people don't tell me how to do mine either so.

4 MS. McNEILL: Right. Okay. Would you agree with me
5 that that kind of goes for everybody. Some people's
6 backgrounds or life experiences are very different than yours?

7 PROSPECTIVE JUROR NO. 705: Yes.

8 MS. McNEILL: Okay. And it will be hard to second
9 guess why they might make the decisions they make?

10 PROSPECTIVE JUROR NO. 705: Correct.

11 MS. McNEILL: Okay. And do you kind of factor that
12 into when you're thinking about why someone else did
13 something, that maybe they're not like you?

14 PROSPECTIVE JUROR NO. 705: Yes.

15 MS. McNEILL: Okay.

16 PROSPECTIVE JUROR NO. 705: There's people from all
17 different kinds of backgrounds.

18 MS. McNEILL: Okay. You -- where did you go to
19 college?

20 PROSPECTIVE JUROR NO. 705: Western Michigan.

21 MS. McNEILL: Okay. And it sounds like you had kind
22 of a diverse group of friends. One of them was a marine?

23 PROSPECTIVE JUROR NO. 705: Yep. Most of them ended
24 up in business-like settings.

25 MS. McNEILL: Okay. Any exposure to people who come

1 from really different backgrounds than you while you were
2 growing up or --

3 PROSPECTIVE JUROR NO. 705: Sure.

4 MS. McNEILL: -- as an adult?

5 PROSPECTIVE JUROR NO. 705: Yeah.

6 MS. McNEILL: Okay. Where do you have those
7 experiences from?

8 PROSPECTIVE JUROR NO. 705: Work experiences,
9 mostly, I would say. Just and then being out here.

10 MS. McNEILL: Yeah, Vegas will expose you to a lot
11 of things but --

12 PROSPECTIVE JUROR NO. 705: To -- to a lot of
13 different things, yes. It's eye opening. I was always a
14 little bit -- I would say I was always a little bit more open-
15 minded than, I would say, where I come from. Some of those
16 people, if I was -- if I ever want to move back there, most of
17 those people are still there.

18 MS. McNEILL: Okay. All right. So you feel like
19 you're a little more open-minded than some of the people who
20 have stayed in that environment?

21 PROSPECTIVE JUROR NO. 705: Correct. And just open-
22 minded --

23 MS. McNEILL: Okay.

24 PROSPECTIVE JUROR NO. 705: -- more general.

25 MS. McNEILL: Great. Do you think that being open-

1 minded is important for a juror?

2 PROSPECTIVE JUROR NO. 705: Sure, I think you have
3 to keep an open mind. I mean, you don't know everything until
4 all the facts are given to you so.

5 MS. McNEILL: Okay, perfect. No more questions.
6 I'll pass for cause, Your Honor.

7 THE COURT: Thank you. Mr. Wolfbrandt.

8 MR. WOLFBRANDT: Sure. How are you doing this
9 afternoon?

10 PROSPECTIVE JUROR NO. 705: Good. How about
11 yourself?

12 MR. WOLFBRANDT: Ready to get this over with?
13 What's your wife think of you getting out of work and getting
14 out of the kid duty for a few days if you get on this jury?

15 PROSPECTIVE JUROR NO. 705: I don't know, she
16 watches them most days for most of the day and then I come
17 home and watch them afterwards so.

18 MR. WOLFBRANDT: Okay. Briefly, you came out to
19 Vegas. Have you always worked for the motor speedway?

20 PROSPECTIVE JUROR NO. 705: No, I worked at a tax
21 accounting firm out here for five years and then I realized
22 that I didn't like doing other people's taxes.

23 MR. WOLFBRANDT: Okay.

24 PROSPECTIVE JUROR NO. 705: They don't always tell
25 you everything.

1 MR. WOLFBRANDT: Right. And so then what, the
2 opportunity -- you found about an opportunity at the speedway
3 and --

4 PROSPECTIVE JUROR NO. 705: Yes. I got to do a lot
5 of different things in the accounting and figured out what I
6 liked in accounting, which was corporate accounting and then
7 the job opened up out there. I've been there ever since.

8 MR. WOLFBRANDT: Okay. And then your wife, did you
9 meet her here or --

10 PROSPECTIVE JUROR NO. 705: Yes.

11 MR. WOLFBRANDT: -- Michigan?

12 PROSPECTIVE JUROR NO. 705: I met her here.

13 MR. WOLFBRANDT: And when you say she's a bar
14 manager, is that -- is she like in a neighborhood bar or is
15 she one inside a --

16 PROSPECTIVE JUROR NO. 705: She's in a -- she's in a
17 neighborhood one. She's been there for 13 or 14 years.

18 MR. WOLFBRANDT: Okay. I'll pass for cause.

19 THE COURT: Thank you. It's the State's seventh
20 peremptory challenge.

21 MR. DiGIACOMO: The State would thank and excuse the
22 juror in Seat No. 10, Ms. Dean.

23 THE COURT: Ms. Dean, thank you very much.

24 THE CLERK: Badge 706, Theodore Foth.

25 THE COURT: Mr. Foth, do you have the microphone?

1 PROSPECTIVE JUROR NO. 706: Yes, ma'am.

2 THE COURT: Is it on? There it goes.

3 PROSPECTIVE JUROR NO. 706: Okay, yes.

4 THE COURT: All right. Have you ever been a juror
5 before, sir?

6 PROSPECTIVE JUROR NO. 706: No, ma'am.

7 THE COURT: Have you ever been in law enforcement?

8 PROSPECTIVE JUROR NO. 706: No, ma'am.

9 THE COURT: Anyone in your family closely associated
10 with you in law enforcement?

11 PROSPECTIVE JUROR NO. 706: No, ma'am.

12 THE COURT: Ever been the victim of a crime?

13 PROSPECTIVE JUROR NO. 706: No, ma'am.

14 THE COURT: Nothing, no crimes at all?

15 PROSPECTIVE JUROR NO. 706: Hum-um.

16 THE COURT: Anyone in your family closely associated
17 with you been the victim of what you consider to be a serious
18 crime?

19 PROSPECTIVE JUROR NO. 706: Yes, ma'am.

20 THE COURT: What was that?

21 PROSPECTIVE JUROR NO. 706: A friend of mine was
22 murdered in high school.

23 THE COURT: I'm very sorry to hear that. And was
24 that here in Clark County?

25 MR. DiGIACOMO: And Judge, I can hardly hear him.

1 THE COURT: Okay. You need to speak up.

2 PROSPECTIVE JUROR NO. 706: Yes, ma'am. A friend of
3 mine was murdered in high school.

4 THE COURT: And how long was that?

5 PROSPECTIVE JUROR NO. 706: 2009.

6 THE COURT: Was that here in Clark County?

7 PROSPECTIVE JUROR NO. 706: Yes, ma'am.

8 THE COURT: Were you present when this occurred?

9 PROSPECTIVE JUROR NO. 706: No, ma'am. No.

10 THE COURT: How is it that you know the
11 circumstances? Did you learn of it from other sources?

12 PROSPECTIVE JUROR NO. 706: I grew up with these
13 members of this family -- of the family and the individual
14 played sports and I found out the night of.

15 THE COURT: The night of you found out what
16 occurred? So what did happen?

17 PROSPECTIVE JUROR NO. 706: He was leaving a bar.
18 He had a fake ID, and he got into an altercation with another
19 gentleman in the parking lot over some money and he was shot
20 and killed.

21 THE COURT: And so was -- to your knowledge, was the
22 person that shot him known to him or was it a stranger?

23 PROSPECTIVE JUROR NO. 706: A stranger.

24 THE COURT: Did they apprehend the person who did
25 this?

1 PROSPECTIVE JUROR NO. 706: Yes, ma'am.

2 THE COURT: And was there a trial?

3 PROSPECTIVE JUROR NO. 706: Yes, ma'am.

4 THE COURT: Did you attend the trial?

5 PROSPECTIVE JUROR NO. 706: No, ma'am. I was away
6 at school.

7 THE COURT: Do you think that you could be a fair
8 and impartial juror in this case given that circumstance?

9 PROSPECTIVE JUROR NO. 706: No, ma'am.

10 THE COURT: All right. So you just can't be fair in
11 a murder trial because this is something that's still weighs
12 too heavily on your mind?

13 PROSPECTIVE JUROR NO. 706: Yes, ma'am.

14 THE COURT: All right. You're dismissed. Thank
15 you. Call the next in order.

16 THE CLERK: Badge 707, Darrell Goodman.

17 THE COURT: Hello, Mr. Goodman, how are you?

18 PROSPECTIVE JUROR NO. 707: Doing pretty good.
19 Thank you.

20 THE COURT: Good. And so tell me, have you ever
21 served as a juror before?

22 PROSPECTIVE JUROR NO. 707: Yes, I have.

23 THE COURT: Was that here in Clark County?

24 PROSPECTIVE JUROR NO. 707: Yes, it was.

25 THE COURT: How long ago?

1 PROSPECTIVE JUROR NO. 707: Sometime around 1984,
2 1985.

3 THE COURT: So quite a while ago?

4 PROSPECTIVE JUROR NO. 707: Yes, ma'am.

5 THE COURT: Back in the old courthouse?

6 PROSPECTIVE JUROR NO. 707: Yeah, that's correct.

7 THE COURT: So it was not federal court, but state
8 court?

9 PROSPECTIVE JUROR NO. 707: It was state court, yes.

10 THE COURT: Was the case a criminal case or a civil
11 case?

12 PROSPECTIVE JUROR NO. 707: It was a criminal case.

13 THE COURT: And without telling me what the verdict
14 was, did the jury reach a verdict?

15 PROSPECTIVE JUROR NO. 707: Yes, they did.

16 THE COURT: Were you the foreperson?

17 PROSPECTIVE JUROR NO. 707: I was not.

18 THE COURT: Anything about that experience that
19 makes you think you could not be a fair and impartial juror in
20 this case?

21 PROSPECTIVE JUROR NO. 707: No.

22 THE COURT: What were the charges in that case?

23 PROSPECTIVE JUROR NO. 707: Yes, the charges as far
24 -- as close as I can remember was attempted murder, car theft,
25 assault upon a person 70 years or older, I believe is the

1 term, and there might -- there might have been one more. I
2 can't -- I can't remember.

3 THE COURT: Now, since that time, have you been
4 summonsed again for jury service?

5 PROSPECTIVE JUROR NO. 707: I have.

6 THE COURT: And on those occasions, did you ever
7 make it into the courtroom?

8 PROSPECTIVE JUROR NO. 707: I did not.

9 THE COURT: Okay. So did you call the number and
10 weren't called or did you actually have to come down and wait?

11 PROSPECTIVE JUROR NO. 707: Called the number and
12 wasn't called.

13 THE COURT: So have you ever been in law
14 enforcement?

15 PROSPECTIVE JUROR NO. 707: I have not.

16 THE COURT: Anyone in your family or closely
17 associated with you?

18 PROSPECTIVE JUROR NO. 707: No.

19 THE COURT: Have you ever been the victim of a
20 crime?

21 PROSPECTIVE JUROR NO. 707: Yes, I have.

22 THE COURT: What was that?

23 PROSPECTIVE JUROR NO. 707: About 14 years ago I was
24 a victim of attempted home invasion.

25 THE COURT: Okay. Tell us what the circumstances --

1 what happened?

2 PROSPECTIVE JUROR NO. 707: I worked graveyard shift
3 and I came home and was up watching the news, and I heard the
4 -- I heard a knock at the door. And I ignored it because I
5 like to have my privacy. And we have a -- we have a do not
6 solicit sign on the door so I kind of figured they would just
7 probable yes walk away. And that did not happen.

8 After that, the doorbell rang, and I believe it rang
9 a couple of times. And -- and then I thought well, let me go
10 kind of take a peek, you know, through the hole and see what's
11 going on. And -- and I noticed a Caucasian young male
12 probably between 18 and 20 standing at the door, and -- and he
13 wasn't moving or -- or attempting to leave. Or actually, he
14 kind of did walk away and then sort of like came back.

15 And then all of a sudden he -- he started to try to
16 knock the door in. And --

17 THE COURT: Did you yell out?

18 PROSPECTIVE JUROR NO. 707: I did not at first. I
19 -- I wasn't sure exactly what to do. I -- at the time, I --
20 at the time, I thought well, I had a shotgun at that time, and
21 I thought, maybe I should protect myself or whatever, and then
22 I thought about the consequences of -- of him either breaking
23 in or whatever, what -- what would I do, and I thought the
24 best thing for me to do would be to just, you know, yell at
25 him through the door, and that's what I did. And he did run

1 off.

2 And I contacted the -- the police department and
3 gave a description, and that's where that kind of ended.

4 THE COURT: So in the future, if somebody rings your
5 doorbell in the middle of the night you're going to do what?

6 PROSPECTIVE JUROR NO. 707: Call the police right
7 away.

8 THE COURT: Let them know that somebody's home so
9 they --

10 PROSPECTIVE JUROR NO. 707: Yeah, for --

11 THE COURT: -- run off before they're --

12 PROSPECTIVE JUROR NO. 707: Right.

13 THE COURT: -- trying to break your door down?

14 Okay. All right.

15 PROSPECTIVE JUROR NO. 707: Well, it's just
16 something that never -- it's never happened to me, and it's
17 like wow, you know, it's --

18 THE COURT: Right, right.

19 PROSPECTIVE JUROR NO. 707: -- weird.

20 THE COURT: Yes, it is. So that was a pretty
21 disturbing --

22 PROSPECTIVE JUROR NO. 707: That's correct.

23 THE COURT: -- thing. Did you call the police?

24 PROSPECTIVE JUROR NO. 707: I did, yes.

25 THE COURT: And were they able to catch this young

1 man?

2 PROSPECTIVE JUROR NO. 707: That -- I never got a
3 call back.

4 THE COURT: Okay. So --

5 PROSPECTIVE JUROR NO. 707: Yes.

6 THE COURT: -- to your knowledge, nobody ever said
7 hey, we caught this guy and we need you to come down to
8 identify --

9 PROSPECTIVE JUROR NO. 707: No, that did not happen.

10 THE COURT: How did you -- emotionally, how did you
11 handle that?

12 PROSPECTIVE JUROR NO. 707: It -- I thought a lot
13 about it, you know, just like you -- you just commented. I
14 thought a lot about it after the fact, and -- and come to the
15 terms that you came up with, you know, don't -- don't dink
16 around, you know, get on the phone, call the police, try to
17 nip it bud as -- bud as, you know, as soon as possible and
18 deal with it in that manner.

19 THE COURT: But you didn't have any trouble sleeping
20 at night or --

21 PROSPECTIVE JUROR NO. 707: No. No.

22 THE COURT: -- dreaming about that? Okay.

23 PROSPECTIVE JUROR NO. 707: Not really.

24 THE COURT: All right.

25 PROSPECTIVE JUROR NO. 707: At that time -- at that

1 time, I was -- I wasn't home during the day and my wife, you
2 know, was -- would come home at night because of her job, and
3 -- and the -- the fact that there weren't anymore occurrences
4 and -- and of course, we talked to neighbors and -- and stuff
5 like that, you know, and there was no -- no more instances of
6 things like that so we pretty much well let it go.

7 THE COURT: Anyone in your family or closely
8 associated with you been the victim of a violent crime?

9 PROSPECTIVE JUROR NO. 707: No.

10 THE COURT: Have you ever been accused of or
11 convicted of a crime?

12 PROSPECTIVE JUROR NO. 707: Yes, I have.

13 THE COURT: What's that?

14 PROSPECTIVE JUROR NO. 707: I'm drawing a blank
15 here. Domestic violence.

16 THE COURT: And was that here in Clark County?

17 PROSPECTIVE JUROR NO. 707: Yes, it was.

18 THE COURT: How long ago was that?

19 PROSPECTIVE JUROR NO. 707: That was 15 years and 1
20 or 2 months ago.

21 THE COURT: Did the District Attorneys Office
22 prosecute that case or was it a city attorney?

23 PROSPECTIVE JUROR NO. 707: I believe, it was a city
24 -- I -- I don't think it involved the DA.

25 THE COURT: Okay. Did you have to go to court?

1 PROSPECTIVE JUROR NO. 707: Yes, I did.

2 THE COURT: Did you feel that you were treated
3 fairly in that?

4 PROSPECTIVE JUROR NO. 707: I was.

5 THE COURT: So now, I guess, one of the ways we
6 could maybe determine who prosecuted the case would be, where
7 did this incident occur?

8 PROSPECTIVE JUROR NO. 707: It occurred -- it
9 occurred in the city of Las Vegas.

10 THE COURT: Okay. All right, so it likely would
11 have been, then, the City Attorney's Office.

12 PROSPECTIVE JUROR NO. 707: I -- I believe, that's
13 what it would -- what it was.

14 THE COURT: All right. The person that that
15 involved, was that --

16 PROSPECTIVE JUROR NO. 707: That was my wife.

17 THE COURT: Your wife? And --

18 PROSPECTIVE JUROR NO. 707: Yes.

19 THE COURT: -- were you still together today?

20 PROSPECTIVE JUROR NO. 707: Yes, we are.

21 THE COURT: Okay. Did you go through some
22 counseling or anything?

23 PROSPECTIVE JUROR NO. 707: We did go through
24 counseling through UNLV, and over the years, we've had other
25 types of marital types of, you know, things -- things through

1 our church and other Civic functions and things like that to,
2 you know, work out differences that we might have and things
3 of that nature.

4 THE COURT: And that you found to be helpful?

5 PROSPECTIVE JUROR NO. 707: Absolutely.

6 THE COURT: All right. And anyone in your family or
7 closely associated with you been convicted of or accused of a
8 crime?

9 PROSPECTIVE JUROR NO. 707: No.

10 THE COURT: Okay. Any reason whatsoever you think
11 you could not be fair and impartial in this particular case?

12 PROSPECTIVE JUROR NO. 707: No reason at all.

13 THE COURT: Tell us about yourself.

14 PROSPECTIVE JUROR NO. 707: I'm a -- we moved to Las
15 Vegas when I was one-year-old in 1962. I was born in Socorro,
16 New Mexico. Went through the school system here in Clark
17 County. Graduated of Moapa Valley High School. Been an
18 employee of NV Energy for 32 years. Served as a volunteer
19 firefighter EMT for Clark County for 12 years in the Moapa
20 Valley area. And I enjoy spending time with my boy, Lincoln,
21 who's -- who's an 11-year-old and -- and we do a lot of things
22 together. We fish and -- and play ball and do a lot of things
23 with the family as far as camping and things like that goes.
24 Court.

25 (Cell phone ringing)

1 THE COURT: Does somebody have a phone? I keep
2 hearing it make noise.

3 PROSPECTIVE JUROR NO. 263: I keep -- I'm sorry,
4 Your Honor. I'm trying to turn it off. I turned it off and
5 then it came back on. I am so sorry.

6 THE COURT: Have you figured out how to turn it off?

7 PROSPECTIVE JUROR NO. 263: I'm not sure.

8 THE COURT: Yeah, we can't have it making all that
9 noise. You want to help her and see if you can get that phone
10 off.

11 (Marshal assisting juror with cell phone)

12 THE COURT: Okay, sorry. Go ahead. You were
13 telling us about yourself and I was about to ask you, does
14 your wife work?

15 PROSPECTIVE JUROR NO. 707: Yes, she does. She is a
16 teacher for the Clark County School District.

17 THE COURT: Subject does she teach?

18 PROSPECTIVE JUROR NO. 707: She's a music
19 specialist.

20 THE COURT: All right. Does she go around to
21 different schools to teach or does she -- assigned --

22 PROSPECTIVE JUROR NO. 707: No, she's -- she's --
23 she's basically an employee at one school.

24 THE COURT: And what grade level?

25 PROSPECTIVE JUROR NO. 707: Elementary.

1 THE COURT: Thank you. Would the State like to
2 inquire further?

3 MR. DiGIACOMO: Just very briefly. Sir, when you
4 had this situation in city court in, what, 15 years ago?

5 PROSPECTIVE JUROR NO. 707: That's correct.

6 MR. DiGIACOMO: Did you have your own lawyer or did
7 you represent yourself?

8 PROSPECTIVE JUROR NO. 707: No, I -- I represented
9 myself.

10 MR. DiGIACOMO: Okay. And did you enter into some
11 sort of negotiation or did you actually go through the whole
12 proceeding and have a bench trial?

13 PROSPECTIVE JUROR NO. 707: No, I -- I pled guilty.

14 MR. DiGIACOMO: Okay. And so ultimately, you felt
15 it was acceptable to resolve your case and you feel like the
16 system was just to you?

17 PROSPECTIVE JUROR NO. 707: Yes, it was.

18 MR. DiGIACOMO: Generally, overall, do you think the
19 system while made up of human beings at least tries to be
20 fair?

21 PROSPECTIVE JUROR NO. 707: That's correct.

22 MR. DiGIACOMO: Any reason you think you couldn't be
23 a fair and impartial juror?

24 PROSPECTIVE JUROR NO. 707: No reason.

25 MR. DiGIACOMO: Thank you very much, sir. Judge,

1 we'd pass for cause.

2 THE COURT: Defense.

3 MR. LANDIS: Also briefly. The answer to this is
4 probably "no", but did volunteer firemen duties ever cause you
5 to come to court?

6 PROSPECTIVE JUROR NO. 707: No.

7 MR. LANDIS: Why did you stop that? Just --

8 PROSPECTIVE JUROR NO. 707: I was starting to have
9 back problems. A lot of strenuous lifting involved with --
10 with EMS work, the same way with the firefighting and
11 everything. And -- and over time I started getting sciatica
12 in my legs, and I -- and I -- after going to the doctor, I
13 found out that I had a herniated disk, and I had to have a
14 discectomy laminectomy with my back so that pretty much well
15 ended all that.

16 MR. LANDIS: Less of a choice than a necessity?

17 PROSPECTIVE JUROR NO. 707: That's correct.

18 MR. LANDIS: And you were working a full-time career
19 when you started that, correct?

20 PROSPECTIVE JUROR NO. 707: That's right.

21 MR. LANDIS: Let me ask you, then, why did you start
22 it?

23 PROSPECTIVE JUROR NO. 707: You know, I started it
24 because when -- while I was employed with NV Energy, I -- I
25 worked out at Reid Gardner Generating Station in Moapa,

1 Nevada. And I had a supervisor come to me and who was on the
2 -- the Overton volunteer fire department come to me and say,
3 Darrell, would you consider becoming a volunteer?

4 And after looking into that, it was something that
5 was very enjoyable and there's a lot of really neat, neat
6 things where you could help your community and -- and you
7 know, learn some new stuff. And over that time frame I -- I
8 really started to -- to enjoy it and like it. And in fact, I
9 -- I started taking courses through the Community College of
10 Southern Nevada in fire science and -- and courses, you know,
11 related to that. And got a few ride-alongs and some training
12 with the Clark County Fire Department, and out at McCarran
13 International Airport with a crash rescue division and things
14 like that. And that's what kind of interested me and got me
15 involved in all of that.

16 MR. LANDIS: I appreciate your answers, sir. We'd
17 pass for cause.

18 THE COURT: Thank you. Ms. McNeill.

19 MS. MCNEILL: Thank you, Your Honor. Mr. Goodman,
20 you said you previously were on a jury so you have a little
21 bit of experience with that. On this one, I think you've
22 heard us talk a little bit about if we get through where you
23 render a guilty verdict, you'll have to then decide on
24 punishment. Do you have any problems with that?

25 PROSPECTIVE JUROR NO. 707: I don't

1 MS. McNEILL: You don't?

2 PROSPECTIVE JUROR NO. 707: Hum-um.

3 MS. McNEILL: Do you have any strong beliefs about
4 the type of sentence that someone should get if they're
5 convicted of a murder?

6 PROSPECTIVE JUROR NO. 707: Not really.

7 MS. McNEILL: No, okay. So you'd be willing to
8 listen to all the options and all the evidence and make a
9 decision about what you thought was appropriate based on that?

10 PROSPECTIVE JUROR NO. 707: That -- that's correct.
11 I'm very open-minded. And -- and, you know, I -- I view
12 whatever evidence or whatever is presented as, you know,
13 something that I take very seriously and -- and would view
14 upon whatever the -- you know, however the situation occurs.

15 MS. McNEILL: Okay. And I have similar questions
16 for you since you do have prior jury service. Did you find
17 that when you got back in the deliberation room there were
18 people who did have some confusion about the burden of proof
19 or what the defense attorney's job was?

20 PROSPECTIVE JUROR NO. 707: I -- I witnessed some of
21 that, yes.

22 MS. McNEILL: Okay. And how did you handle that in
23 the jury deliberation room?

24 PROSPECTIVE JUROR NO. 707: I just looked at it upon
25 as -- as that being their -- their opinion, the way they saw

1 it in their eyes, and -- and, you know, everybody has a
2 difference of opinion, you know. Not every -- not all times
3 does everyone come to the same conclusion.

4 MS. McNEILL: Okay. Did you feel like when it came
5 to something as important as the burden of proof, that you
6 should try to educate the other jurors a little bit or did you
7 just kind of sit back and let them figure that out?

8 PROSPECTIVE JUROR NO. 707: I witnessed some -- some
9 situations where a few of the people, you know, in -- in that
10 jury would just basically throw out the facts. And then what
11 I saw was -- was the -- the people that -- that was confused
12 or couldn't maybe up their mind, they thought that over more
13 in their head and then they'd kind of come to basically the
14 same conclusion as -- as everyone else did.

15 MS. McNEILL: Okay. And you were comfortable with
16 that process?

17 PROSPECTIVE JUROR NO. 707: Yes, I was.

18 MS. McNEILL: Okay. All right. I have nothing
19 further. Thank you. I'll pass for cause.

20 THE COURT: Thank you. Mr. Wolfbrandt.

21 MR. WOLFBRANDT: Just a couple of quick ones. All
22 right, Mr. Goodman, do you still live in the Moapa Valley
23 area?

24 PROSPECTIVE JUROR NO. 707: No, I don't.

25 MR. WOLFBRANDT: Okay. So I take it you now live

1 in --

2 PROSPECTIVE JUROR NO. 707: I live in North Las
3 Vegas.

4 MR. WOLFBRANDT: Okay. When did you leave the
5 Valley, the Moapa Valley?

6 PROSPECTIVE JUROR NO. 707: We left the Moapa Valley
7 in 1999.

8 MR. WOLFBRANDT: Okay. So by having grown up there,
9 what caused you then to move from there to here? Usually
10 people go from here to there.

11 PROSPECTIVE JUROR NO. 707: Getting married.

12 MR. WOLFBRANDT: Okay. Well, that was going to lead
13 my other question was your wife -- I mean, Clark County School
14 District encompasses the Overton area, but she works for
15 school here in town?

16 PROSPECTIVE JUROR NO. 707: That's correct.

17 MR. WOLFBRANDT: Okay. Does she work with special
18 Ed kids or is that --

19 PROSPECTIVE JUROR NO. 707: She works with all kids.
20 She's a music specialist. She works with -- with kids with
21 IEPs, she works with children of all types of --

22 MR. WOLFBRANDT: Typical --

23 PROSPECTIVE JUROR NO. 707: -- of intellectual
24 whatever.

25 MR. WOLFBRANDT: Okay. But she's at one school?

1 PROSPECTIVE JUROR NO. 707: She's at one school.

2 MR. WOLFBRANDT: Okay. All of your -- well, after
3 you moved to the Las Vegas Valley in North Las Vegas, did you
4 continue to do the volunteer firefighting up there or makes --

5 PROSPECTIVE JUROR NO. 707: No.

6 MR. WOLFBRANDT: -- it a little more difficult with
7 the --

8 PROSPECTIVE JUROR NO. 707: No, I -- I was a
9 volunteer firefighter from approximately, 1984 to 1996.

10 MR. WOLFBRANDT: Okay. While you were doing that,
11 give me an estimate or your best recollection as to about how
12 many let's say structure fire you responded to up in -- I
13 think it was all in Moapa Valley area, Logandale/Overton.

14 PROSPECTIVE JUROR NO. 707: That's correct.

15 MR. WOLFBRANDT: Okay.

16 PROSPECTIVE JUROR NO. 707: I might -- I might
17 possibly be involved in a structure fire probably maybe --
18 maybe two times out of the year because of the fact, you know,
19 you're -- if you're on call, you know, you have like a -- a
20 watch day or a watch, you know, several days that I would try
21 to be available. If I couldn't be available, and I was either
22 in town going to school or something like that, there's always
23 a possibility that you miss out on something like that.

24 MR. WOLFBRANDT: Okay.

25 PROSPECTIVE JUROR NO. 707: But I would say on -- on

1 the average of -- of a year, two -- two or three structure
2 fires and -- and possibly numerous brush fires because it's an
3 agriculture area and you've just got all that dense, you know,
4 undergrowth and -- and weeds and things like that that happen
5 to conflagrate just like what -- what we saw over the summer
6 in the Cajon Pass.

7 MR. WOLFBRANDT: Exactly. Well, that's why I was
8 trying to separate structure fire from brush fires and then
9 how about any hazardous material situations?

10 PROSPECTIVE JUROR NO. 707: Never witnessed a
11 hazardous materials incident.

12 MR. WOLFBRANDT: Okay. You were never involved with
13 any -- if there were meth labs out there, you never got
14 involved with anything like that?

15 PROSPECTIVE JUROR NO. 707: Never.

16 MR. WOLFBRANDT: Okay. Did any of the fires you
17 respond to, did you have to co-exist, if you will, with the
18 resident deputies out there?

19 PROSPECTIVE JUROR NO. 707: Yes. Whenever we would
20 have flooding as a result of, you know, inclement weather and
21 things of that nature, we would -- there would be -- there
22 would be some co-existence between, you know, the fire
23 department and Metro or the highway patrol, things of that
24 nature, yes.

25 MR. WOLFBRANDT: Okay. Yeah, that's one --

1 THE COURT: Mr. Wolfbrandt --

2 MR. WOLFBRANDT: -- anticipate --

3 THE COURT: -- I thought you said you were going to
4 be brief.

5 MR. WOLFBRANDT: The very last -- is -- did you --
6 lost my train of thought there. Anywhere you were involved as
7 a volunteer fireman where there may have been some criminal
8 charges that resulted?

9 PROSPECTIVE JUROR NO. 707: None to my knowledge.

10 MR. WOLFBRANDT: Okay. All right, thanks, and
11 that's all I have.

12 THE COURT: Thank you. How's everybody doing here?
13 We are staying here until we get a jury tonight so which, you
14 know, because I'm not going to have ya'll come back tomorrow
15 again. So we're going to press through. So how's everybody
16 doing? Anybody need a break? Break? Is that what we're --
17 no questions, if you need a break, raise your hand right now.
18 Okay. Nobody's raising their hand for a break.

19 If you have a issue then tell the Marshal and he'll
20 write it down, pass me a note. We're going to go to the
21 defense's seventh peremptory challenge.

22 MS. McNEILL: Yes, Your Honor. If we could have the
23 Court's indulgence.

24 THE COURT: Yes.

25 (Defense counsel conferring)

1 MS. McNEILL: Your Honor, at this time, the defense
2 would thank and excuse Mr. Goodman in Seat 10, Juror 707.

3 THE COURT: Thank you, Mr. Goodman.

4 THE CLERK: Badge --

5 THE COURT: Call the next one.

6 THE CLERK: -- 715, Lindsey Albright.

7 THE COURT: And will counsel approach, please.

8 (Off-record bench conference)

9 THE COURT: Defense, go ahead. Exercise your
10 peremptory challenge when you're ready, please.

11 THE CLERK: Oh, they did.

12 THE COURT: Oh, you did?

13 MS. McNEILL: We did.

14 THE COURT: You already did.

15 THE CLERK: (Inaudible), uh-huh.

16 THE COURT: Oh, that's right. Thank you. And did
17 you call the next in order?

18 THE CLERK: Yes.

19 THE COURT: All right. What was it because I didn't
20 write --

21 THE CLERK: No. 10, Lindsey Albright.

22 THE COURT: Okay, thank you. And is Ms. Albright --
23 there, you have the microphone. Excellent. And Ms. Albright,
24 have you ever served as a juror before?

25 PROSPECTIVE JUROR NO. 715: No.

1 THE COURT: Have you ever been in law enforcement?

2 PROSPECTIVE JUROR NO. 715: No.

3 THE COURT: Any your family and closely associated
4 with you in law enforcement?

5 PROSPECTIVE JUROR NO. 715: Yes, my grandfather,
6 Karl Albright (phonetic), was 25 plus years. My cousin's a
7 Corrections Officer out at the prison. I have a stepbrother
8 who's going through the process to become a cop right now. Do
9 lawyers count?

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 715: There's a lot of
12 people --

13 THE COURT: Is he in the --

14 PROSPECTIVE JUROR NO. 715: -- in my family.

15 THE COURT: Is he in the academy, you mean?

16 PROSPECTIVE JUROR NO. 715: Yes.

17 THE COURT: Okay. For the Las Vegas Metropolitan
18 Police Department or another department?

19 PROSPECTIVE JUROR NO. 715: I'm pretty sure it's the
20 Metropolitan one.

21 THE COURT: All right. So you heard me ask the
22 questions before. If there is a law enforcement officer on
23 the stand, will you be able to evaluate that person's
24 testimony the same way you would any other witness?

25 PROSPECTIVE JUROR NO. 715: Yes.

1 THE COURT: Have you ever been the victim of a
2 crime?

3 PROSPECTIVE JUROR NO. 715: Yes. I was getting --
4 it was like my first day of college, and I was getting ready
5 for school, and I had to take my -- my little brother was
6 sitting on my bed and somebody threw a backpack up on my
7 balcony, and I looked at it, and then a man hopped right up on
8 it, too, and he was going to come in to the house. It was
9 just me and him there, but I beat him to the door and locked
10 it.

11 And then I called -- like, we were looking at each
12 other, and I called the police, and then he ran off, but we
13 got his license plate from cameras and so.

14 THE COURT: All right. And so did you ever have to
15 come and testify against him?

16 PROSPECTIVE JUROR NO. 715: No.

17 THE COURT: Do you know whether the police caught
18 him?

19 PROSPECTIVE JUROR NO. 715: Yeah, no, they got him
20 from his license plate. I have no idea what happened after
21 that, though, my step dad dealt with everything.

22 THE COURT: Okay. So beyond that, is anyone -- have
23 you ever -- anyone in your family or closely associated with
24 you been the victim of a violent type of crime?

25 PROSPECTIVE JUROR NO. 715: This past year my uncle

1 was murdered by my cousin, and now he's in prison.

2 THE COURT: All right. That's a very serious -- and
3 this just happened you said?

4 PROSPECTIVE JUROR NO. 715: Earlier this year, yes.

5 THE COURT: Goodness. Was that here in Clark
6 County?

7 PROSPECTIVE JUROR NO. 715: Yes.

8 THE COURT: So that's a very traumatic occurrence.
9 Was there a family dispute that happened in that?

10 PROSPECTIVE JUROR NO. 715: My cousin had gotten
11 kicked out just because he would do drugs and stuff. And then
12 he came over in the morning to have breakfast with his father,
13 and then he -- my uncle tried to convince him to like, you can
14 move back in, you just have to be sober and stuff. And he was
15 already under the influence, and he doesn't recall the
16 altercation at all, but he did what he did, and then he ran
17 off, but the police caught him.

18 THE COURT: So do you think that you could sit as a
19 fair and impartial juror in this case?

20 PROSPECTIVE JUROR NO. 715: Honestly, I don't think
21 so. Once that was involved, I -- when there's an issue like
22 that, I just -- my mind goes -- I feel like I'm more biased
23 towards a victim than the accused.

24 THE COURT: All right. So you couldn't wait to see
25 whether the State had proved its case? You just feel like

1 you're already --

2 PROSPECTIVE JUROR NO. 715: I wouldn't --

3 THE COURT: -- made up your mind?

4 PROSPECTIVE JUROR NO. 715: Not necessarily, but it
5 would -- I feel like I would be harder to like, look at the
6 evidence and stuff and have a clear mindset necessarily. I'd
7 more weighed to like -- just be like oh, they're already
8 accused, there should be a reason for that, like, and I don't
9 really know how to explain it, but --

10 THE COURT: Court I understand what you're --

11 PROSPECTIVE JUROR NO. 715: -- this is the best way
12 I can.

13 THE COURT: -- saying. So you've really kind of
14 started already formed an opinion and you feel like the
15 defense really is going to have to convince you otherwise
16 rather than what it's supposed to be, which is State's
17 supposed to prove it?

18 PROSPECTIVE JUROR NO. 715: Yes. And I know that's
19 -- I should have a more open mind, but just from personal
20 experience, it's just --

21 THE COURT: I understand.

22 PROSPECTIVE JUROR NO. 715: -- I can't control.

23 THE COURT: Thank you very much. You're excused.
24 Call the next in order.

25 THE CLERK: Badge 716, Kendra Norman.

1 THE COURT: Hello, Ms. Norman. How are you?

2 PROSPECTIVE JUROR NO. 716: Good. How are you?

3 THE COURT: Good. Have you ever been a juror
4 before?

5 PROSPECTIVE JUROR NO. 716: No, ma'am.

6 THE COURT: Have you ever been in law enforcement?

7 PROSPECTIVE JUROR NO. 716: No, ma'am.

8 THE COURT: Anyone in your family closely associated
9 with you?

10 PROSPECTIVE JUROR NO. 716: My boyfriend's uncle was
11 a officer up in Hawthorne.

12 THE COURT: In Hawthorne?

13 PROSPECTIVE JUROR NO. 716: Um-h'm.

14 THE COURT: Okay. Don't know what the populations
15 these days is in Hawthorne, but it's pretty small.

16 PROSPECTIVE JUROR NO. 716: Yes.

17 THE COURT: Not a lot of crime there probably. But
18 it's your boyfriend's father? Uncle.

19 PROSPECTIVE JUROR NO. 716: Uncle, yes.

20 THE COURT: Uncle.

21 PROSPECTIVE JUROR NO. 716: Um-h'm.

22 THE COURT: So how often have you seen him?

23 PROSPECTIVE JUROR NO. 716: He comes down about two
24 times every month because he has a townhouse here.

25 THE COURT: Okay. So has he talked to you about his

1 theories of the justice system or anything of that nature?

2 PROSPECTIVE JUROR NO. 716: No, ma'am.

3 THE COURT: So do you feel like your opinions as to
4 the justice system are at all influenced by knowing him?

5 PROSPECTIVE JUROR NO. 716: No, ma'am.

6 THE COURT: To you even talk to him about work?

7 PROSPECTIVE JUROR NO. 716: No, hasn't talked
8 anything about work.

9 THE COURT: Okay. Would you be able to judge a law
10 enforcement witness in the same way you would other witnesses?

11 PROSPECTIVE JUROR NO. 716: Yes, ma'am.

12 THE COURT: Okay. Have you ever been the victim of
13 a crime?

14 PROSPECTIVE JUROR NO. 716: My car has been broken
15 into when it's at my house during nighttime.

16 THE COURT: How long ago was that?

17 PROSPECTIVE JUROR NO. 716: Probably about a year-
18 and-a-half ago. We moved into a new house so the first week I
19 was there, it was broken into and things were stolen out of
20 it.

21 THE COURT: Did you call the police?

22 PROSPECTIVE JUROR NO. 716: No.

23 THE COURT: Did you file a police report?

24 PROSPECTIVE JUROR NO. 716: No. My parents said we
25 just moved out of a gated community, that that's probably just

1 kind of what happens and something new. Maybe just kids in
2 the neighborhood so.

3 THE COURT: What was stolen out of your car?

4 PROSPECTIVE JUROR NO. 716: My license and money
5 that were in my console.

6 THE COURT: So you didn't think it might be good to
7 report that your license was stolen in case somebody tried to
8 use your ID?

9 PROSPECTIVE JUROR NO. 716: No, we just canceled it
10 and ordered a new one and just thought, you know, there was a
11 couple kids that were getting out of school and just like we
12 would see them, so we just thought it was them and kind of
13 just chopped it up to nothing.

14 THE COURT: All right. Have you ever been the
15 victim of a more serious crime than that?

16 PROSPECTIVE JUROR NO. 716: No.

17 THE COURT: How about anyone in your family or
18 closely associated with you?

19 PROSPECTIVE JUROR NO. 716: No, ma'am.

20 THE COURT: Have you ever been accused of or
21 convicted of a crime?

22 PROSPECTIVE JUROR NO. 716: No, ma'am.

23 THE COURT: Anyone in your family closely associated
24 with you?

25 PROSPECTIVE JUROR NO. 716: My uncle was convicted

1 of doing and distributing drugs.

2 THE COURT: Was that here in Clark County?

3 PROSPECTIVE JUROR NO. 716: No, it's in Texas.

4 THE COURT: Okay. Did you know anything about the
5 details?

6 PROSPECTIVE JUROR NO. 716: No, we -- I've always
7 known like, he's had a drug problem since he was younger just
8 because where they lived, that was kind of the only thing to
9 do. So when we'd go back and visit, like, I would see him on
10 drugs and the influences that it has and everything like that.

11 THE COURT: So did you feel he was treated fairly by
12 the criminal justice system?

13 PROSPECTIVE JUROR NO. 716: Yes, ma'am.

14 THE COURT: Any reason whatsoever you don't think
15 that you could be fair and impartial in this case?

16 PROSPECTIVE JUROR NO. 716: No.

17 THE COURT: Tell us about yourself.

18 PROSPECTIVE JUROR NO. 716: I'm a full-time student
19 at UNLV. I'm student -- currently student teaching right now
20 to a third grade class that are -- they're amazing. So I'm
21 learning a lot of new experiences, and then go to school
22 Monday -- Monday through Thursday full-time and then go to
23 work and that's kind of about it.

24 THE COURT: So are --

25 PROSPECTIVE JUROR NO. 716: And then I also lived in

1 here -- in Las Vegas my entire life.

2 THE COURT: So are you missing your classes now?

3 PROSPECTIVE JUROR NO. 716: Yes.

4 THE COURT: All right. So you didn't bring that up
5 before.

6 PROSPECTIVE JUROR NO. 716: Yes. Yesterday I
7 thought because you said like teaching or anything like that
8 so my mind like, I'm technically, a teacher, but with classes
9 and everything like that.

10 THE COURT: No, I just said that it used to be that
11 teachers just got automatically --

12 PROSPECTIVE JUROR NO. 716: Right.

13 THE COURT: -- excused, but I didn't -- I wasn't
14 talking about students --

15 PROSPECTIVE JUROR NO. 716: Right. I thought about
16 that yesterday --

17 THE COURT: Uh-huh.

18 PROSPECTIVE JUROR NO. 716: -- but my moment has
19 passed so.

20 THE COURT: Okay. So well, I appreciate your being,
21 you know, so concerned about not, you know, bringing it up
22 after you thought your opportunity was gone, but I am
23 concerned that in a three-week trial --

24 PROSPECTIVE JUROR NO. 716: Right.

25 THE COURT: -- you're a full-time student, that

1 you're missing a lot of classes as well as your student
2 teaching obligation that --

3 PROSPECTIVE JUROR NO. 716: Right.

4 THE COURT: -- you need to get to get your
5 credential.

6 PROSPECTIVE JUROR NO. 716: Yes.

7 THE COURT: So counsel. I mean, we would normally
8 dismiss --

9 MS. McNEILL: No objection, Your Honor.

10 MR. LANDIS: No objection.

11 MR. DiGIACOMO: No objection, unless she wants to
12 stay. But, I mean, if she wants --

13 THE COURT: Do you want to stay? I mean, it's
14 really up to you, but we're concerned. We would normally --

15 PROSPECTIVE JUROR NO. 716: I mean, since my
16 opportunity has passed, like, if I have to stay here, I will
17 just I will be missing classes and have to figure out how to
18 still graduate on time for May.

19 THE COURT: Okay. See, that's the difference. I
20 mean, it's not like you can arrange to have someone else take
21 tests or --

22 PROSPECTIVE JUROR NO. 716: Right.

23 THE COURT: -- cover you for class. It's, you know,
24 you're --

25 PROSPECTIVE JUROR NO. 716: Right.

1 THE COURT: -- a student still. So we're going to
2 dismiss you.

3 PROSPECTIVE JUROR NO. 716: Okay.

4 THE CLERK: Badge 720, Robert Hart.

5 THE COURT: Mr. Hart, how are you?

6 PROSPECTIVE JUROR NO. 720: Fabulous.

7 THE COURT: Okay. Well, that's good. And have you
8 ever served as a juror before?

9 PROSPECTIVE JUROR NO. 720: No.

10 THE COURT: Have you ever been in law enforcement?

11 PROSPECTIVE JUROR NO. 720: I do work for a crossing
12 guard right now.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 720: I heard they outsourced
15 it to my company.

16 THE COURT: Crossing guard? You act as a crossing
17 guard?

18 PROSPECTIVE JUROR NO. 720: Yes.

19 THE COURT: Okay. For kids going to school?

20 PROSPECTIVE JUROR NO. 720: Yes.

21 THE COURT: All right. And how long have you done
22 that?

23 PROSPECTIVE JUROR NO. 720: Five years.

24 THE COURT: Have you ever had to call the police to
25 assist you for anything?

1 PROSPECTIVE JUROR NO. 720: No.

2 THE COURT: Okay. Other than that, never in law
3 enforcement?

4 PROSPECTIVE JUROR NO. 720: No.

5 THE COURT: So really, your job is more not
6 enforcing the law, but the safety of the children?

7 PROSPECTIVE JUROR NO. 720: Yes.

8 THE COURT: Okay. And how about anyone in your
9 family or closely associated with you in law enforcement?

10 PROSPECTIVE JUROR NO. 720: No.

11 THE COURT: Have you ever been the victim of a
12 crime?

13 PROSPECTIVE JUROR NO. 720: Yes. We had a home
14 invasion when I was young.

15 THE COURT: How old were you?

16 PROSPECTIVE JUROR NO. 720: Six or so, think.

17 THE COURT: Do you remember what happened?

18 PROSPECTIVE JUROR NO. 720: I just remember coming
19 home and the house was a mess.

20 THE COURT: Okay. So was anyone home when it
21 happened?

22 PROSPECTIVE JUROR NO. 720: No.

23 THE COURT: So the house was burglarized when no one
24 was home, and they ransacked the place?

25 PROSPECTIVE JUROR NO. 720: Correct.

1 THE COURT: You don't really know anything else
2 about what happened?

3 PROSPECTIVE JUROR NO. 720: We found out it was may
4 neighbors about a week later.

5 THE COURT: Okay. Did your parents call the police?

6 PROSPECTIVE JUROR NO. 720: Yes.

7 THE COURT: Did they come to the house?

8 PROSPECTIVE JUROR NO. 720: Yes.

9 THE COURT: And aside from that, have you ever had,
10 you know, either you, yourself or anyone closely associated
11 with you been the victim of a violent or what you would
12 consider a serious crime?

13 PROSPECTIVE JUROR NO. 720: No.

14 THE COURT: Have you ever been about accused of or
15 convicted of a crime?

16 PROSPECTIVE JUROR NO. 720: No.

17 THE COURT: How about anyone in your family or
18 closely associated with you?

19 PROSPECTIVE JUROR NO. 720: My cousin, my cousin's
20 husband, a different cousin's husband, and my uncle.

21 THE COURT: And what kind of crimes?

22 PROSPECTIVE JUROR NO. 720: My first cousin, it was
23 possession and drunk and disorderly. My uncle, I'm not sure.
24 That's how we got my cousin to begin with. I was too young to
25 know then.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 720: And my other one just
3 for being drug use.

4 THE COURT: Do you know anything about the details
5 of those? It sounds like the first thing you, again, would
6 have been young, and then your family took your cousin in
7 because of that?

8 PROSPECTIVE JUROR NO. 720: Correct.

9 THE COURT: Okay. So do you know enough about the
10 details to form an opinion as to whether they were treated
11 fairly?

12 PROSPECTIVE JUROR NO. 720: No. No, I wouldn't
13 know.

14 THE COURT: Is there any reason whatsoever -- you've
15 been hearing all these questions for hours now -- that you
16 think you could not be a fair and impartial juror in this
17 case?

18 PROSPECTIVE JUROR NO. 720: I feel like I could be
19 fair and impartial.

20 THE COURT: Thank you. Tell us about yourself.

21 PROSPECTIVE JUROR NO. 720: So I graduated from
22 Bonanza in 2009. I have some college. I work two jobs right
23 now. Crossing guard and then a cashier.

24 THE COURT: Where do you cashier?

25 PROSPECTIVE JUROR NO. 720: Fabulous Freddy's.

1 THE COURT: Married, single, divorce?

2 PROSPECTIVE JUROR NO. 720: Single.

3 THE COURT: Single. Any kids?

4 PROSPECTIVE JUROR NO. 720: No kids.

5 THE COURT: Any significant other, girlfriend --

6 PROSPECTIVE JUROR NO. 720: No.

7 THE COURT: -- boyfriend?

8 PROSPECTIVE JUROR NO. 720: Never, no.

9 THE COURT: Partner? No. Okay. And do you live on
10 your own or with your folks?

11 PROSPECTIVE JUROR NO. 720: I live with my mother.

12 THE COURT: Okay. What does she do?

13 PROSPECTIVE JUROR NO. 720: She's a legal
14 administrator for Morris Law Group.

15 THE COURT: And Morris Law Group?

16 PROSPECTIVE JUROR NO. 720: Yes.

17 THE COURT: Okay. Steve Morris?

18 PROSPECTIVE JUROR NO. 720: Yes. And Kris
19 Pickering.

20 THE COURT: Right. Except she's on the Supreme
21 Court now.

22 PROSPECTIVE JUROR NO. 720: Correct.

23 THE COURT: Okay. And they practice, I believe,
24 exclusively civil law?

25 PROSPECTIVE JUROR NO. 720: Correct.

1 THE COURT: And do you ever talk to your mom about
2 the law biz?

3 PROSPECTIVE JUROR NO. 720: No. I did work for them
4 as a runner for a couple months, but that's about it.

5 THE COURT: All right. So you delivered things?

6 PROSPECTIVE JUROR NO. 720: Yes. Into this office.
7 Into this building.

8 THE COURT: All right. So you'd go and put papers
9 in the boxes for the Judges, things like that?

10 PROSPECTIVE JUROR NO. 720: Yes.

11 THE COURT: Okay. Thank you. State like to inquire
12 further?

13 MR. DiGIACOMO: Just briefly. How long you been a
14 crossing guard?

15 PROSPECTIVE JUROR NO. 720: Five years.

16 MR. DiGIACOMO: Five years or so? And how long you
17 been out of high school?

18 PROSPECTIVE JUROR NO. 720: '09, so seven years.

19 MR. DiGIACOMO: Okay. You look young. Okay.

20 PROSPECTIVE JUROR NO. 720: I'm 25.

21 MR. DiGIACOMO: Okay. Well, then good enough.

22 Look, you've heard everything we've had to say. I can't
23 imagine that there's anything that we could come up with, but
24 you don't have any issue with the idea of both guilt and
25 penalty potentially being an issue in this case?

1 PROSPECTIVE JUROR NO. 720: No.

2 MR. DiGIACOMO: And you think that you could get
3 along with 11 other people to make a decision?

4 PROSPECTIVE JUROR NO. 720: Yes.

5 MR. DiGIACOMO: Thank you very much, sir. Judge,
6 we'd pass for cause.

7 THE COURT: Thank you. Defense.

8 MR. LANDIS: Briefly. If you got to choose, do you
9 want to be on this jury?

10 PROSPECTIVE JUROR NO. 720: Yes, I do.

11 MR. LANDIS: Why?

12 PROSPECTIVE JUROR NO. 720: I would find it an
13 interesting -- interesting experience.

14 MR. LANDIS: Do you have any concerns that maybe it
15 would be more taxing or heavy than --

16 PROSPECTIVE JUROR NO. 720: No.

17 MR. LANDIS: You're okay making decisions that
18 impact others?

19 PROSPECTIVE JUROR NO. 720: For the most part, yeah.

20 MR. LANDIS: Are you the kind of person that stands
21 their ground or goes with the group?

22 PROSPECTIVE JUROR NO. 720: I stand on my ground.

23 MR. LANDIS: You mentioned that you started college
24 or you've done some college.

25 PROSPECTIVE JUROR NO. 720: Correct.

1 MR. LANDIS: Do you know what you're working towards
2 yet?

3 PROSPECTIVE JUROR NO. 720: An art degree, as far as
4 I know. I took a -- like, two art classes and a math and
5 that's about it.

6 MR. LANDIS: And do you see one of these two things
7 as worse than the other; the innocent person getting convicted
8 of something they didn't do, versus the guilty person getting
9 off of something they did do?

10 PROSPECTIVE JUROR NO. 720: The innocent person
11 being charged guilty.

12 MR. LANDIS: Why? I know it's a hard question. I
13 know.

14 PROSPECTIVE JUROR NO. 720: Yeah.

15 MR. LANDIS: And I won't even make you answer it. I
16 appreciate it. Thanks for your time. I'll pass for cause.

17 THE COURT: Ms. McNeill.

18 MS. McNEILL: Mr. Hart, just briefly. Yesterday,
19 did you indicate that you had -- you thought you read
20 something about this case on the Internet?

21 PROSPECTIVE JUROR NO. 720: No, I did not.

22 MS. McNEILL: No, you didn't? Okay. Then that was
23 just bad information. Do you follow the news at all?

24 PROSPECTIVE JUROR NO. 720: No.

25 MS. McNEILL: No? Not at all? Okay.

1 PROSPECTIVE JUROR NO. 720: I don't watch the news
2 at all or read it.

3 MS. McNEILL: Okay. Why is that?

4 PROSPECTIVE JUROR NO. 720: I just find it a little
5 boring and repetitive.

6 MS. McNEILL: Okay, all right. Fair enough. I'll
7 pass for cause, Your Honor.

8 THE COURT: Thank you. Mr. Wolfbrandt.

9 MR. WOLFBRANDT: Judge, I'll pass for cause.

10 THE COURT: Thank you. It's the State's final
11 peremptory challenge.

12 MR. DiGIACOMO: Judge, the State would thank and
13 excuse juror in Seat No. 7, Ms. Reep.

14 THE COURT: Thank you, Ms. Reep.

15 THE DEFENDANT: Badge 721, Brian Tedeschi.

16 THE COURT: Mr. Tedeschi, hello.

17 PROSPECTIVE JUROR NO. 721: Hello.

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

19 PROSPECTIVE JUROR NO. 721: I have not.

20 THE COURT: Have you ever been in law enforcement?

21 PROSPECTIVE JUROR NO. 721: I have not.

22 THE COURT: Anyone in your family closely associated
23 with you?

24 PROSPECTIVE JUROR NO. 721: No.

25 THE COURT: How about have you ever been the victim

1 of a crime?

2 PROSPECTIVE JUROR NO. 721: I have.

3 THE COURT: What's that?

4 PROSPECTIVE JUROR NO. 721: When I was younger, I
5 was jumped a lot. I went to a predominantly Hispanic school,
6 and I got jumped a lot by Hispanics when I was younger.

7 THE COURT: All right. And was that here in Clark
8 County?

9 PROSPECTIVE JUROR NO. 721: No, in Anaheim,
10 California.

11 THE COURT: Okay. Do you feel that you have as a
12 result of that experience prejudice against Hispanics?

13 PROSPECTIVE JUROR NO. 721: I do have biases.

14 THE COURT: Okay. So can you be fair and impartial
15 in this case?

16 PROSPECTIVE JUROR NO. 721: I think it might be
17 difficult, especially when they say that the burden of proof
18 lies on the prosecution, I think the defense should have to
19 prove as well.

20 THE COURT: All right. And I'm going to dismiss
21 you. Thank you very much.

22 PROSPECTIVE JUROR NO. 721: Thank you.

23 THE COURT: Call next.

24 THE CLERK: Badge 729, Angela Wood.

25 THE COURT: Hello, Ms. Wood. How are you?