

IN THE SUPREME COURT OF THE STATE OF NEVADA

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TROY WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

S.C. CASE NO. 82798

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APPEAL FROM DENIAL OF PETITION FOR WRIT OF HABEAS
CORPUS (POST CONVICTION)
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE RONALD J. ISRAEL, PRESIDING

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APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME III  
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OPENING BRIEF APPENDIX

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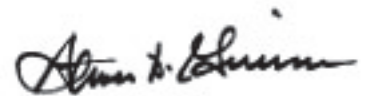
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/s/ Nancy Medina
An Employee of Christopher R. Oram, Esq.



CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA

Plaintiff

vs.

TROY RICHARD WHITE

Defendant
* * * * *

CASE NO. C-286357

DEPT. NO. XI

**Transcript of
Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

TUESDAY, APRIL 7, 2015

APPEARANCES:

FOR THE STATE:

ELIZABETH MERCER
JEFFREY S. ROGAN
Deputy District Attorneys

FOR THE DEFENDANTS:

SCOTT L. COFFEE
DAVID LOPEZ-NEGRETE
Deputy Public Defenders

COURT RECORDER:

JILL HAWKINS
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, TUESDAY, APRIL 7, 2015, 9:51 A.M.
2 (Court was called to order)
3 THE COURT: We're still missing jurors, guys.
4 Kevin, did you know about the who's sick?
5 THE MARSHAL: No.
6 THE COURT: There's one who's sick. Let me see.
7 Dulce, do you know the number?
8 THE CLERK: Carboni.
9 THE COURT RECORDER: 172.
10 MS. MERCER: Oh. Okay.
11 THE COURT: You can sit down if you want.
12 So he won't be joining us.
13 MS. MERCER: 172 is sick.
14 THE COURT: He was still in the audience.
15 MR. COFFEE: Okay.
16 THE COURT: So we're going to excuse him and order
17 him to be rescheduled due to his being ill.
18 (Pause in the proceedings)
19 THE COURT: Okay. Kevin, you're missing seven.
20 THE MARSHAL: Actually, Judge, after my final count,
21 I think I'm good.
22 THE COURT: Then bring them in.
23 Did Ms. Thompson come?
24 THE MARSHAL: She hasn't checked in with me yet,
25 Judge.

1 THE COURT: I asked Dan to try and reach her. I
2 don't know if he was able to.

3 MS. MERCER: Your Honor, would you like us to put
4 the stipulations on the record real quick?

5 THE COURT: I'd love any stipulations.

6 MS. MERCER: Exhibit 83 is admitted by stipulation,
7 as well as the Facebook records, which I believe was 86
8 through 91.

9 THE COURT: Okay. Hold on. Let me get to that
10 piece of paper on my list here.

11 So 83 and 86 through 91 will be admitted.

12 (State's Exhibits 83 and 86 through 91 admitted)

13 MS. MERCER: Thank you, Your Honor.

14 In addition, I've provided a copy of my opening
15 statement on a CD to your court clerk.

16 THE COURT: We've marked it as Court's Exhibit 1.

17 MS. MERCER: Thank you.

18 THE COURT: Anything else?

19 MR. ROGAN: Not from the State.

20 THE COURT: Okay.

21 So our goal this morning is to fill seats 13, 15, 17
22 and 20. I will hand the cards and do my little brief
23 discussion with those individuals, and then I will turn it
24 over to you guys.

25 (Pause in the proceedings)

1 THE COURT: What?

2 MR. COFFEE: It's actually two more. We were

3 talking about eight preempts, but we have preempts for the

4 alternates also, which gives --

5 THE COURT: You do.

6 MR. COFFEE: -- us nine each.

7 MR. ROGAN: Correct. Which is 18 and --

8 MR. COFFEE: We need to seat 30.

9 MS. MERCER: Right.

10 MR. ROGAN: Thirty-two.

11 THE COURT: Oh, I need to put two more people in.

12 MS. MERCER: Yeah.

13 MR. COFFEE: Yeah.

14 THE COURT: We'll add them.

15 MR. ROGAN: Thirty-two actually; right?

16 THE COURT: Twenty-nine and thirty. No, just two.

17 MR. ROGAN: We have two alternates.

18 MS. MERCER: Right. But there's 30 --

19 THE COURT: You only get one for each two

20 alternates. So that's too more. Good catch, guys. Who

21 caught that?

22 MR. COFFEE: I'll take credit.

23 THE COURT: Excellent job.

24 So we will seat somebody in Seat 29 and 30, as well.

25 MR. COFFEE: Okay. Blind luck.

1 THE COURT: Blind luck. I don't think so.

2 MS. MERCER: I think it's 32 actually, Your Honor,

3 because there's two alternates which would be 14, and then

4 each side gets --

5 MR. COFFEE: Oh, yeah.

6 MS. MERCER: -- essentially nine.

7 MR. COFFEE: They caught one too.

8 THE COURT: Here's the math. There are 12 jurors --

9 MS. MERCER: Correct.

10 THE COURT: Two alternates --

11 MS. MERCER: Correct.

12 THE COURT: -- eight peremptory challenges each, one

13 perempt for the alternates, eight peremptories and one for an

14 alternate. So it should be 28. Twelve, fourteen, twenty-two,

15 twenty-three, thirty-one, thirty-two.

16 MR. ROGAN: Three two.

17 MR. COFFEE: There we go.

18 THE COURT: That's 32.

19 (Pause in the proceedings)

20 (Prospective jurors present)

21 THE COURT: Good morning, ladies and gentlemen. To

22 the extent you can find a chair, please feel free to be

23 seated. Counsel, you may be seated.

24 Ladies and gentlemen, if I could have Ricky Gulati

25 come sit in Seat Number 15, in the second row.

1 MR. COFFEE: 13.

2 THE COURT: Is it 13?

3 THE CLERK: Yes.

4 THE COURT: I can't even read my own handwriting,
5 guys. Sorry.

6 And then if I could have Mr. -- Hailey Vanbuskirk.
7 Ms. Vanbuskirk, if you would come sit in Seat Number 15.
8 Cheryl Lind in Seat Number 17. Jeffrey Schulman to Seat
9 Number 20. Nadia Williams to Seat Number 29. Lenora Hausey
10 to Seat Number 30. Steven Jenkins-Edwards to Seat Number 31,
11 and John Morrison to Seat Number 32.

12 Kevin, if you could hand the microphone and the card
13 to Mr. Gulati. And, sir, I know you work as a pharmacy
14 consultant for Allergan, because we talked about that
15 yesterday. But now you have the handy plastic card in front
16 of you so you can tell me a little bit about yourself, and if
17 you forget any of those issues, I'll follow up with you.

18 PROSPECTIVE JUROR NUMBER 132: Sure. I've lived in
19 Clark County for 15 years; I have a Bachelors of Science
20 degree in biology-biochemistry; employed with Allergan,
21 pharmaceutical consultant, always been in the pharmaceutical
22 industry; single; no children; and I've never served on a jury
23 before; and I can be completely fair and impartial.

24 THE COURT: Thank you very much, sir. If you'd pass
25 the mike down to Ms. Vanbuskirk.

1 PROSPECTIVE JUROR NUMBER 133: Did you need me to
2 say my number?

3 THE COURT: Your number is 133.

4 PROSPECTIVE JUROR NUMBER 133: Okay.

5 THE COURT: So you can start now.

6 PROSPECTIVE JUROR NUMBER 133: I've live in Clark
7 County my whole life, 21 years; I have my high school degree -
8 well, not degree, but -- I'm a little nervous, I'm sorry.

9 THE COURT: It's okay.

10 PROSPECTIVE JUROR NUMBER 133: I have not attended
11 college, I'm a barista at Starbucks, I'm not retired or
12 unemployed, I am single, I do not have any children, I've
13 never served on a jury before, and I can be completely fair.

14 THE COURT: Thank you, ma'am. If you would pass it
15 down to Ms. Lind.

16 PROSPECTIVE JUROR NUMBER 136: Badge Number 136.
17 I've lived in Clark County for 23 years. I attended college
18 for two years. I am employed. I work for AT&T as a retail
19 account executive. I am married and have been married for 25
20 years -- almost 25 years. My husband works in North Dakota in
21 the oil industry. I have two adult children. They are both
22 in college in Colorado. I have not served as a juror before.
23 And I don't see any reason I couldn't be completely fair and
24 impartial.

25 THE COURT: Thank you very much. If you'd pass the

1 mike down to Mr. Schulman.

2 PROSPECTIVE JUROR NUMBER 140: Badge Number 140.
3 I've lived in Clark County for 25 years; high school graduate;
4 I'm employed by Sears as a consultant sales rep; I've been
5 married over 30 years, have three boys, 29, 23 and 20; the
6 oldest is 29, has a CCW, concealed weapon permit; my youngest
7 is in the military, an intel analyst; I've never served on a
8 jury before; I can be fair.

9 THE COURT: And what does your middle child do for a
10 living?

11 PROSPECTIVE JUROR NUMBER 140: He's a computer
12 programmer.

13 THE COURT: And your wife?

14 PROSPECTIVE JUROR NUMBER 140: My wife is assistant
15 manager for the Wynn Hotel & Casino.

16 THE COURT: Thank you very much, sir. If you'd pass
17 the mike to the marshal, who will take it to Ms. Williams.

18 PROSPECTIVE JUROR NUMBER 141: I'm Badge Number 141.
19 Let's see. I have lived in Clark County for 10 years; I'm
20 actually currently attending college as a elementary education
21 major; I am currently employed with a telecommunication
22 company; I am single; I have one child, she's nine; I've never
23 served for a jury before; and I can definitely be fair.

24 THE COURT: What is your current class schedule with
25 school?

1 PROSPECTIVE JUROR NUMBER 141: I go on-line so it's
2 pretty much when I have the free time between work, child.

3 THE COURT: So there's not a set time that you have
4 to sign-in?

5 PROSPECTIVE JUROR NUMBER 141: No there is not.

6 THE COURT: Okay. Thank you very much. If you
7 would please pass the mike to Ms. Hausey.

8 PROSPECTIVE JUROR NUMBER 144: Hausey.

9 THE COURT: Hausey.

10 PROSPECTIVE JUROR NUMBER 144: Yes. Okay. I have
11 lived in Clark County for 15 years; I lived in California
12 before moving here; I have my bachelors in criminal justice; I
13 am employed as a child protective services investigator.
14 Let's see. I am divorced; I have one adult child, she is in
15 college; I have served on a criminal jury before, we did reach
16 a verdict, I was not the foreperson; and I would be able to be
17 fair.

18 THE COURT: And if my instructions are different
19 than those you had in your prior case will you be able to
20 follow the instructions I give you?

21 PROSPECTIVE JUROR NUMBER 144: Absolutely.

22 THE COURT: All right. Thank you. If you'd please
23 possess the mike to the marshal who will carry it up to Mr.
24 Jenkins-Edwards.

25 PROSPECTIVE JUROR NUMBER 145: I've lived in Clark

1 County for 10 years; I have a bachelors degree in philosophy;
2 I am employed, I work as a poker dealer at a casino; I am
3 married, been married for six years; no children; I have never
4 served as a juror before; and I can be completely fair and
5 impartial.

6 THE COURT: What kind of work does your wife do?

7 PROSPECTIVE JUROR NUMBER 145: She's a poker dealer,
8 as well.

9 THE COURT: Okay. Thank you, sir. If you'd pass
10 the mike to Mr. Morrison.

11 Good morning, sir.

12 PROSPECTIVE JUROR NUMBER 146: Good morning. Badge
13 Number 146. I've lived in Clark County for 25 years; I have
14 five years -- three years at a major university and two years
15 at a private music school; I'm a retired professional
16 musician, I was in music for 25 years and I'm a part time
17 driver now; my wife passed aware last May so I'm a widower.

18 THE COURT: I'm sorry for your loss, sir.

19 PROSPECTIVE JUROR NUMBER 146: Thank you. And I
20 don't have any children; and I've never served on a jury
21 before; and let's see, there isn't any reason I couldn't be
22 completely fair and impartial juror if selected in this case.

23 THE COURT: Thank you very much.

24 PROSPECTIVE JUROR NUMBER 146: Thank you.

25 THE COURT: If you would hand the mike to the

1 marshal, I have a few extra questions for my newcomers to the
2 box.

3 First, have any of you ever been involved in law
4 enforcement or have a friend or close family member -- a
5 family member or close friend who's involved in law
6 enforcement?

7 If we could go individually, Mr. Marshal.

8 And if you will tell me your badge number as we go
9 through this one, Ms. Vanbuskirk. Anybody in that second
10 row.

11 PROSPECTIVE JUROR NUMBER 133: Badge Number 133. My
12 father was actually processing to be a Metro police officer
13 before he had an accident, which obviously delayed that, and
14 he has very many friends that are Metro police officers.

15 THE COURT: Okay. Thank you, ma'am.

16 Anybody else in my new group. If we could pass it
17 up.

18 Ms. Williams.

19 PROSPECTIVE JUROR NUMBER 141: Thank you. 141. My
20 father, he is now retired, but he served as 25 -- served 25
21 years as a homicide detective in Chicago, and my friend -- my
22 best friend, he is currently in the CL Academy in his fourth
23 week right now.

24 THE COURT: All right. Thank you.

25 PROSPECTIVE JUROR NUMBER 144: I am a former

1 probation officer. I have an uncle who is currently a Metro
2 police officer and my ex father-in-law is a retired LAPD
3 sergeant.

4 THE COURT: And the probation officer, was that
5 juvenile probation or adult probation?

6 PROSPECTIVE JUROR NUMBER 144: Juvenile.

7 THE COURT: Okay. Thank you.

8 And either of you two gentlemen.

9 Has anyone on the panel, you or a family member or a
10 close friend, been a victim of crime or accused of crime? My
11 new members only.

12 PROSPECTIVE JUROR NUMBER 145: Badge 145. A few
13 years ago a friend -- former friend of mine stole my checkbook
14 and forged some checks. That's it.

15 THE COURT: So you were a victim of crime.

16 PROSPECTIVE JUROR NUMBER 145: Yes.

17 THE COURT: Was that here in Clark County?

18 PROSPECTIVE JUROR NUMBER 145: Yes.

19 THE COURT: Okay. Thank you, sir.

20 PROSPECTIVE JUROR NUMBER 144: Am I supposed to be
21 saying my badge number?

22 THE COURT: Your Badge Number 144.

23 PROSPECTIVE JUROR NUMBER 144: Okay. I currently
24 have two brothers that are serving time in prison.

25 THE COURT: Is that here in Clark County?

1 PROSPECTIVE JUROR NUMBER 144: No.

2 THE COURT: Okay. Anybody else in my new group.

3 PROSPECTIVE JUROR NUMBER 136: My mother was --

4 THE COURT: You're Ms. Lind, Badge 136.

5 PROSPECTIVE JUROR NUMBER 136: Oh, 136. My mother

6 was beaten and rapped at gun point quite a few years ago. It

7 was in Minnesota.

8 THE COURT: Okay. Thank you very much, ma'am.

9 PROSPECTIVE JUROR NUMBER 133: My father's recent

10 girlfriend -- oh, sorry. Badge 133. Her previous marriage

11 she was a victim of domestic abuse. She was held captive and

12 rapped.

13 THE COURT: Okay. Thank you, miss.

14 Did I get all the answers?

15 Anyone in my new group attend or previously attended

16 the church known as the Potter's House?

17 Anyone in my new group seen any media coverage about

18 this case?

19 All right. Would the State like to inquire?

20 MR. ROGAN: Yes. Thank you, Your Honor.

21 THE COURT: And I don't think you were done with the

22 whole panel so you can keep going with where ever you are and

23 extend yourselves.

24 MR. ROGAN: Okay.

25 THE COURT: Because I know you were doing individual

1 questions when we broke yesterday.

2 MR. ROGAN: Right.

3 I'll start with Ms. Vanbuskirk.

4 PROSPECTIVE JUROR NUMBER 133: Vanbuskirk.

5 MR. ROGAN: Vanbuskirk, sorry.

6 You're Badge Number 133. You said that your father

7 was processing to be in the Las Vegas Metropolitan Police

8 Department.

9 PROSPECTIVE JUROR NUMBER 133: Yes, sir.

10 MR. ROGAN: But he didn't complete that.

11 PROSPECTIVE JUROR NUMBER 133: No. He had a dual

12 hip replacement a few years back and unfortunately the

13 replacement part was actually defective and it broke while he

14 was at work, and now he can't complete that.

15 MR. ROGAN: I see. So he's not an officer.

16 PROSPECTIVE JUROR NUMBER 133: No.

17 MR. ROGAN: Okay. And you also said your father's

18 new girlfriend previously had a criminal experience.

19 PROSPECTIVE JUROR NUMBER 133: Yes.

20 MR. ROGAN: Was this long before you knew her?

21 PROSPECTIVE JUROR NO. 133: Yeah. That was before I

22 knew her.

23 MR. ROGAN: Have you discussed this with her or is

24 it just something that you know?

25 PROSPECTIVE JUROR NUMBER 133: I've discussed this

1 with her.

2 MR. ROGAN: Was this discussion in depth about what
3 happened and her experience?

4 PROSPECTIVE JUROR NUMBER 133: Yes. She had to get
5 a restraining order on the father of her son and she was
6 telling me for my own safety, because I was watching her son.

7 MR. ROGAN: Okay. So while she's in this
8 relationship with your dad, she had to get a restraining order
9 against her ex-boyfriend?

10 PROSPECTIVE JUROR NUMBER 133: Yeah. She had to
11 have the restraining order before she even met us.

12 MR. ROGAN: I see. And that was still ongoing at
13 the time.

14 PROSPECTIVE JUROR NUMBER 133: Yes.

15 MR. ROGAN: Do you know if she still had any
16 interactions with that boyfriend; was he coming over, was he
17 bothering her?

18 PROSPECTIVE JUROR NO. 133: He was not.

19 MR. ROGAN: So there were no incidents as long as
20 you've known her with that past boyfriend.

21 PROSPECTIVE JUROR NUMBER 133: Yeah.

22 MR. ROGAN: Okay. Anything about that experience or
23 what she told you that's going to affect your ability to sit
24 as a juror here today?

25 PROSPECTIVE JUROR NUMBER 133: No.

1 MR. ROGAN: Okay. There were some questions, I
2 don't know if you heard them when you were sitting over on the
3 side that I asked the whole group and I just want to ask you a
4 couple of those while I have you here.

5 You said -- I'm sorry. I asked whether anybody
6 watched any of those television criminal programs. Do you
7 watch any of those?

8 PROSPECTIVE JUROR NUMBER 133: I do.

9 MR. ROGAN: Okay. Which ones?

10 PROSPECTIVE JUROR NUMBER 133: I watch criminal
11 minds.

12 MR. ROGAN: Okay. Anything about watching those
13 shows going to affect your ability to evaluate the real life
14 criminal work that's done by police officers?

15 PROSPECTIVE JUROR NUMBER 133: I know that's
16 hollywood.

17 MR. ROGAN: Great. Perfect.

18 Do you have any -- have you ever been a witness to a
19 crime or testified in a court proceeding?

20 PROSPECTIVE JUROR NUMBER 133: No.

21 MR. ROGAN: Okay. Do you have any family or friends
22 who are criminal defense attorneys or prosecutors?

23 PROSPECTIVE JUROR NUMBER 133: No.

24 MR. ROGAN: Do you have any prior -- well, you're
25 23. I'm presuming you don't have any prior military service.

1 PROSPECTIVE JUROR NUMBER 133: No.
2 MR. ROGAN: Do you own a gun?
3 PROSPECTIVE JUROR NUMBER 133: No.
4 MR. ROGAN: Okay. Does anybody in your family own a
5 gun?
6 PROSPECTIVE JUROR NUMBER 133: Yes.
7 MR. ROGAN: Your dad?
8 PROSPECTIVE JUROR NUMBER 133: Uh-huh.
9 MR. ROGAN: I'm sorry. You have to say yes or no.
10 PROSPECTIVE JUROR NUMBER 133: Oh, I'm sorry. Yes.
11 MR. ROGAN: Okay. Does he have a concealed weapons
12 permit?
13 PROSPECTIVE JUROR NUMBER 133: Yes he does.
14 MR. ROGAN: Okay. And what's your opinion on
15 whether people should have to get a permit to carry a
16 concealed weapon?
17 PROSPECTIVE JUROR NUMBER 133: I agree with it.
18 MR. ROGAN: Okay. Again, you're young, but have you
19 had any bad breakups in your life?
20 PROSPECTIVE JUROR NUMBER 133: High school bad
21 breakups, but they were childish.
22 MR. ROGAN: Childish. After the breakups were there
23 any kind of like texting or facebook posting, things like
24 that?
25 PROSPECTIVE JUROR NUMBER 133: No. They were pretty

1 cut and dry.

2 MR. ROGAN: Cut and dry. Just ended, over with.

3 PROSPECTIVE JUROR NUMBER 133: Uh-huh. I'm yes.

4 MR. ROGAN: Okay. Great.

5 Do you think you would be able to sit and consider
6 all three possible forms of punishment if the defendant were
7 found guilty of first degree murder?

8 PROSPECTIVE JUROR NUMBER 133: I do.

9 MR. ROGAN: Thank you very much, ma'am.

10 If you could just pass that along down to Number
11 136, Ms. Lind.

12 You said that your mom was beaten and rapped in
13 Minnesota some years ago.

14 PROSPECTIVE JUROR NUMBER 136: Uh-huh.

15 MR. ROGAN: I'm sorry to hear that. How long ago
16 was that?

17 PROSPECTIVE JUROR NUMBER 136: It was probably 20
18 years ago, now.

19 MR. ROGAN: Did she ever -- was the accuser -- or
20 was the perpetrator ever caught?

21 PROSPECTIVE JUROR NUMBER 136: Yeah. He was
22 sentenced to 18 years in prison.

23 MR. ROGAN: How do you feel about that?

24 PROSPECTIVE JUROR NUMBER 136: It was a pretty
25 violent crime, and someone she knew and thought of as a

1 friend, and knew his wife and two small children. So it was
2 pretty --

3 MR. ROGAN: It wasn't a stranger rape, then.

4 PROSPECTIVE JUROR NUMBER 136: No. It was -- she
5 let him in. He was in her house for probably 11 hours.

6 MR. ROGAN: Do you feel his punishment fit the
7 crime?

8 PROSPECTIVE JUROR NUMBER 136: Definitely.

9 MR. ROGAN: Of 18 years.

10 PROSPECTIVE JUROR NUMBER 136: Yeah.

11 MR. ROGAN: How's your mom doing?

12 PROSPECTIVE JUROR NUMBER 136: She's okay.

13 MR. ROGAN: Did it take her a long time to get over
14 that?

15 PROSPECTIVE JUROR NUMBER 136: Yeah.

16 MR. ROGAN: Okay.

17 PROSPECTIVE JUROR NUMBER 136: Just still probably
18 not over it.

19 MR. ROGAN: I'm sure. Did she have to testify?

20 PROSPECTIVE JUROR NUMBER 136: No.

21 MR. ROGAN: Did you have to testify?

22 PROSPECTIVE JUROR NUMBER 136: No. I was living
23 here.

24 MR. ROGAN: Did she talk to you about what it felt
25 like for her to have to testify against her accuser -- I'm

1 sorry, against the perpetrator?

2 PROSPECTIVE JUROR NUMBER 136: No. Not that
3 specifically, no.

4 MR. ROGAN: Did you notice any emotional changes in
5 your mom about the time that she had to testify?

6 PROSPECTIVE JUROR NUMBER 136: Yeah.

7 MR. ROGAN: So you understand that it's a difficult
8 process for family members or people to testify?

9 PROSPECTIVE JUROR NUMBER 136: Absolutely.

10 MR. ROGAN: Is that going to affect your ability to
11 judge the credibility or the testimony of witnesses that are
12 testifying in this case?

13 PROSPECTIVE JUROR NUMBER 136: I don't think so.

14 MR. ROGAN: Same questions I asked Ms. Vanbuskirk.
15 Do you watch those television programs?

16 PROSPECTIVE JUROR NUMBER 136: Yes.

17 MR. ROGAN: Those are fake; right?

18 PROSPECTIVE JUROR NUMBER 136: Yeah.

19 MR. ROGAN: Okay.

20 PROSPECTIVE JUROR NUMBER 136: Definitely.

21 MR. ROGAN: Have you ever been a witness to a crime
22 or testified in a court proceeding?

23 PROSPECTIVE JUROR NUMBER 136: No.

24 MR. ROGAN: Do you have any prior military service?

25 PROSPECTIVE JUROR NUMBER 136: No.

1 MR. ROGAN: Do you own a firearm?
2 PROSPECTIVE JUROR NUMBER 136: I do not, but my
3 husband owns several.
4 MR. ROGAN: Owns several. Does he have a CCW
5 permit?
6 PROSPECTIVE JUROR NUMBER 136: No.
7 MR. ROGAN: Do you agree that people should get a
8 CCW permit?
9 PROSPECTIVE JUROR NUMBER 136: Absolutely.
10 MR. ROGAN: If you were to sit as a juror and the
11 defendant were found guilty of first degree murder do you
12 believe you could consider all three possible forms of
13 punishment?
14 PROSPECTIVE JUROR NUMBER 136: Yes.
15 MR. ROGAN: Is there anything else that you want to
16 tell me that I'm not inquiring about?
17 PROSPECTIVE JUROR NUMBER 136: I don't think so.
18 MR. ROGAN: Thank you very much, ma'am.
19 If you could just pass it on to Mr. Schulman, Badge
20 Number 140. How are you today, sir?
21 PROSPECTIVE JUROR NUMBER 140: Fantastic. How are
22 you doing today?
23 MR. ROGAN: Good. You said that your son has a CCW
24 permit.
25 PROSPECTIVE JUROR NUMBER 140: Yes, my oldest.

1 MR. ROGAN: All right. So you were anticipating my
2 question I'm sure.

3 How long has he had that?

4 PROSPECTIVE JUROR NUMBER 140: He's had it four
5 years.

6 MR. ROGAN: Did he go through the training
7 procedures in order to get it?

8 PROSPECTIVE JUROR NUMBER 140: He went through each
9 procedure to get to where he was, yes.

10 MR. ROGAN: And do you agree that a person has to
11 obtain a CCW permit?

12 PROSPECTIVE JUROR NUMBER 140: I do.

13 MR. ROGAN: Do you watch those television programs I
14 mentioned?

15 PROSPECTIVE JUROR NUMBER 140: Rarely.

16 MR. ROGAN: Have you ever been a witness to a crime
17 or testified in a court proceeding?

18 PROSPECTIVE JUROR NUMBER 140: I was a witness to a
19 DUI.

20 MR. ROGAN: Did you have to testify?

21 PROSPECTIVE JUROR NUMBER 140: They sent me a letter
22 to testify, but it never came to that. I don't know what
23 happened.

24 MR. ROGAN: It was probably dealt out or dismissed
25 or something.

1 PROSPECTIVE JUROR NUMBER 140: Correct.
2 MR. ROGAN: Okay. So you never even had to come to
3 court.
4 PROSPECTIVE JUROR NUMBER 140: No.
5 MR. ROGAN: When you were a witness did you have to
6 fill out a statement about what you saw and what you heard?
7 PROSPECTIVE JUROR NUMBER 140: Yes.
8 MR. ROGAN: Were you treated by police fairly and
9 appropriately?
10 PROSPECTIVE JUROR NUMBER 140: Yes.
11 MR. ROGAN: Do you have any interactions other than
12 that with police in the past?
13 PROSPECTIVE JUROR NUMBER 140: Very little.
14 MR. ROGAN: Very little. Do you have any
15 preconsidered notions of police officers and bias for or
16 against police?
17 PROSPECTIVE JUROR NUMBER 140: No.
18 MR. ROGAN: Do you have any family or friends who
19 are criminal defense attorneys or prosecutors?
20 PROSPECTIVE JUROR NUMBER 140: No. My brother's an
21 attorney in Texas.
22 MR. ROGAN: In Texas?
23 PROSPECTIVE JUROR NUMBER 140: Yes.
24 MR. ROGAN: Does he handle criminal matters to your
25 knowledge?

1 PROSPECTIVE JUROR NUMBER 140: Not that I know of,
2 no.

3 MR. ROGAN: Have you had -- do you have any prior
4 military service?

5 PROSPECTIVE JUROR NUMBER 140: No.

6 MR. ROGAN: We already went over the firearms stuff.
7 Did -- have you ever had a bad breakup in the past?

8 PROSPECTIVE JUROR NUMBER 140: No.

9 MR. ROGAN: You said that you've been married for 30
10 years.

11 PROSPECTIVE JUROR NUMBER 140: Yes.

12 MR. ROGAN: Happily married?

13 PROSPECTIVE JUROR NUMBER 140: Yes.

14 MR. ROGAN: Ups and downs.

15 PROSPECTIVE JUROR NUMBER 140: Of course.

16 MR. ROGAN: Right.

17 PROSPECTIVE JUROR NUMBER 140: She allows me to call
18 my first girlfriend every year on her birthday. I mean, she
19 passed away last year, but yeah.

20 MR. ROGAN: I see. Well, it was very considerate of
21 your wife.

22 PROSPECTIVE JUROR NUMBER 140: Yes.

23 MR. ROGAN: Do -- if you were to be sat as a juror
24 and the defendant were found guilty of first degree murder,
25 could you consider all three possible forms of punishment?

1 PROSPECTIVE JUROR NUMBER 140: Yes.

2 MR. ROGAN: If you could actually pass that back to

3 Ms. Lind. I forgot to ask you that question about bad

4 breakups.

5 Have you ever had a bad breakup?

6 PROSPECTIVE JUROR NUMBER 136: No.

7 MR. ROGAN: Great. Thanks very much.

8 And I think we can continue with Mr. Gulati, 132.

9 I already talked to you, correct, Mr. Bosshardt?

10 PROSPECTIVE JUROR NUMBER 76: Yep.

11 MR. ROGAN: How are you today, sir?

12 PROSPECTIVE JUROR NUMBER 132: Good. How are you?

13 MR. ROGAN: I'm good.

14 Now, you said you're a pharmaceutical rep.

15 PROSPECTIVE JUROR NUMBER 132: Yes.

16 MR. ROGAN: Was it you that said you sometimes have

17 to travel to Southern California?

18 PROSPECTIVE JUROR NUMBER 132: Yes.

19 MR. ROGAN: Do you have travel plans in the next

20 week and a half?

21 PROSPECTIVE JUROR NUMBER 132: I do. I have -- I

22 travel pretty much four days a week.

23 MR. ROGAN: Should you be traveling now?

24 PROSPECTIVE JUROR NUMBER 132: I will be traveling

25 on Thursday.

1 MR. ROGAN: This coming Thursday.
2 PROSPECTIVE JUROR NUMBER 132: Yes.
3 MR. ROGAN: Okay. Could we approach, Your Honor.
4 THE COURT: You can.
5 (Bench Conference)
6 MR. ROGAN: I don't want to waste my time with Mr.
7 Gulati if he's got travel plans.
8 THE COURT: Usually when they say that they say, and
9 nobody can replace me or I can't rescheduled or something like
10 that. So I need that follow up question asked.
11 MR. COFFEE: Court's discretion.
12 THE COURT: Yeah. Thanks.
13 (End of bench conference)
14 MR. ROGAN: Mr. Gulati, just some follow up
15 questions.
16 Do you have anyone else that can replace you on your
17 travels?
18 PROSPECTIVE JUROR NUMBER 132: I don't.
19 MR. ROGAN: What is it that you'll be doing there?
20 PROSPECTIVE JUROR NUMBER 132: I'll be observing
21 patients getting injected.
22 MR. ROGAN: Getting injected.
23 PROSPECTIVE JUROR NUMBER 132: Yeah.
24 MR. ROGAN: With the pharmaceutical whatever that
25 you represent.

1 PROSPECTIVE JUROR NUMBER 132: Correct.

2 MR. ROGAN: Okay. And there's no one else that

3 could possibly do that?

4 PROSPECTIVE JUROR NUMBER 132: So I'm the only

5 person that has that territory. I cover Las Vegas and L.A.

6 MR. ROGAN: And if you were to be sat on this jury

7 would all of those patients need to be rescheduled?

8 PROSPECTIVE JUROR NUMBER 132: I'm not sure.

9 MR. ROGAN: Okay.

10 PROSPECTIVE JUROR NUMBER 132: Maybe.

11 THE COURT: Are these botox injections that you

12 watch?

13 PROSPECTIVE JUROR NUMBER 132: They are. For

14 chronic migraine, spasticity --

15 THE COURT: Right.

16 PROSPECTIVE JUROR NUMBER 132: Dystonia.

17 THE COURT: And you don't watch all the patients in

18 your care who are injected with botox or those treatments, you

19 just watch samples of them.

20 PROSPECTIVE JUROR NUMBER 132: Right.

21 THE COURT: So if you don't watch them, they can

22 still get their treatment?

23 PROSPECTIVE JUROR NUMBER 132: Yeah.

24 THE COURT: Okay.

25 MR. ROGAN: Okay. All right. Thank you.

1 Sir, do you watch those criminal law television
2 programs?
3 PROSPECTIVE JUROR NUMBER 132: I do.
4 MR. ROGAN: And you understand that those are not
5 real?
6 PROSPECTIVE JUROR NUMBER 132: Yes.
7 MR. ROGAN: Yes? Great.
8 Have you ever been a witness to a crime or testified
9 in a court proceeding?
10 PROSPECTIVE JUROR NUMBER 132: No.
11 MR. ROGAN: Do you have any prior military service?
12 PROSPECTIVE JUROR NUMBER 132: No.
13 MR. ROGAN: Do you have any prior experience with
14 police officers?
15 PROSPECTIVE JUROR NUMBER 132: No.
16 MR. ROGAN: Do you own a firearm?
17 PROSPECTIVE JUROR NUMBER 132: I do not.
18 MR. ROGAN: Do you agree that it's appropriate to
19 obtain a carried concealed weapon permit in order to carry a
20 concealed firearm?
21 PROSPECTIVE JUROR NUMBER 132: I do.
22 MR. ROGAN: Have you had any bad breakups in your
23 life?
24 PROSPECTIVE JUROR NUMBER 132: No.
25 MR. ROGAN: No? None whatsoever.

1 PROSPECTIVE JUROR NUMBER 132: No.
2 MR. ROGAN: All been amicable?
3 PROSPECTIVE JUROR NUMBER 132: Yes.
4 MR. ROGAN: If you were to be seated as a juror
5 would you be able to consider all three possible crimes of
6 punishment if the defendant were found guilty of first degree
7 murder?
8 PROSPECTIVE JUROR NUMBER 132: I would.
9 MR. ROGAN: If you'd just pass that microphone to
10 the person next to you, Mr. Lieu, Badge Number 112.
11 How are you today, sir?
12 PROSPECTIVE JUROR NUMBER 112: Good. How are you?
13 MR. ROGAN: Good. You said that you were married.
14 How long have you been married for?
15 PROSPECTIVE JUROR NUMBER 112: I am not married.
16 MR. ROGAN: Oh, I'm sorry. Who's the nail
17 technician, is that you?
18 PROSPECTIVE JUROR NUMBER 112: That's my partner.
19 MR. ROGAN: Oh, your partner. Okay. I'm sorry.
20 How long have you been with that person?
21 PROSPECTIVE JUROR NUMBER 112: Eight years.
22 MR. ROGAN: Eight years. Prior to that did you have
23 any bad relationships, bad breakups in your life?
24 PROSPECTIVE JUROR NUMBER 112: No. Not that I can
25 recall.

1 MR. ROGAN: Do you have any prior military service?
2 PROSPECTIVE JUROR NUMBER 112: No.
3 MR. ROGAN: Do you own a firearm?
4 PROSPECTIVE JUROR NUMBER 112: No.
5 MR. ROGAN: Do you agree that it's appropriate to
6 obtain a CCW permit in order to carry a concealed firearm?
7 PROSPECTIVE JUROR NUMBER 112: Absolutely.
8 MR. ROGAN: If you were to be seated as a juror in
9 this case would you be able to consider all three possible
10 forms of punishment?
11 PROSPECTIVE JUROR NUMBER 112: Yes.
12 MR. ROGAN: Thank you.
13 Just want to pass that to the --
14 THE COURT: While he's holding that can I ask him a
15 couple questions?
16 MR. ROGAN: Sure.
17 THE COURT: You indicate you give the EMG testing at
18 your office?
19 PROSPECTIVE JUROR NUMBER 112: Nerve conduction.
20 THE COURT: The nerve conduction.
21 PROSPECTIVE JUROR NUMBER 112: Yes, ma'am.
22 THE COURT: How many patients a day do you give that
23 testing to?
24 PROSPECTIVE JUROR NUMBER 112: I -- usually my
25 schedule is about six to eight patients per day.

1 THE COURT: And if your not there do those patients
2 need to be rescheduled?

3 PROSPECTIVE JUROR NUMBER 112: Yes, all of them.
4 That's actually one of my concern I wanted to talk to you
5 about.

6 THE COURT: And while the nerve conduction studies
7 are not usually emergencies they are things that other doctors
8 need to rely upon in making their diagnosis?

9 PROSPECTIVE JUROR NUMBER 112: Yes.

10 THE COURT: So are you concerned about that issue?

11 PROSPECTIVE JUROR NUMBER 112: I am actually very
12 concerned, because my schedule is booked about three weeks out
13 right now.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NUMBER 112: So if I were to
16 reschedule all those patients they won't be done until at
17 least three weeks from now.

18 THE COURT: All right. We're going to go ahead and
19 excuse you. I just needed that additional information about
20 the effect on the patients. Thank you, sir.

21 PROSPECTIVE JUROR NUMBER 112: Thank you.

22 THE COURT: So hold on before you go, Mr. Rogan.

23 MR. ROGAN: Yes, ma'am.

24 THE COURT: So, sir, if you'd go down to the third
25 floor tell them you've been excused on hardship.

1 Mr. Sobieray.

2 PROSPECTIVE JUROR NUMBER 148: Yes.

3 THE COURT: If you could come up and sit in Seat
4 Number 12.

5 And, sir, the marshal's handing you the laminated
6 card. If you could tell us a little about yourself, please.

7 PROSPECTIVE JUROR NUMBER 148: I lived in -- Badge
8 Number 148, Don Sobieray. I lived in Clark County since 1977;
9 schools, some college, naval, electronics. I own my own
10 business. Married. No children that I know of. Never been a
11 juror before.

12 THE COURT: Can you be fair and impartial?

13 PROSPECTIVE JUROR NUMBER 148: I think so.

14 THE COURT: Okay. You told me yesterday that you
15 have a carpet sweeping business and you're the only --

16 PROSPECTIVE JUROR NUMBER 148: No. I have a parking
17 lot --

18 THE COURT: I mean, a parking lot sweeping business.

19 PROSPECTIVE JUROR NUMBER 148: And I just got off
20 work about three hours ago.

21 THE COURT: Okay. So let me ask you the questions I
22 need to know about that. About how many hours each night do
23 you operate your parking lot sweeping business?

24 PROSPECTIVE JUROR NUMBER 148: About five.

25 THE COURT: So if you're seated on the jury, you'll

1 do five hours each night of parking lot sweeping before you
2 come back for jury duty.

3 PROSPECTIVE JUROR NUMBER 148: Yes.

4 THE COURT: Are you going to be able to concentrate
5 and pay attention to the proceedings when you're here?

6 PROSPECTIVE JUROR NUMBER 148: As of right now, I
7 haven't slept for -- I've only had about two hours sleep for
8 the last 24 hours.

9 THE COURT: Okay. So you're concerned that if you
10 serve on this jury that you will still have to do your parking
11 lot sweeping and not be able to pay attention when you're here
12 with us?

13 PROSPECTIVE JUROR NUMBER 148: Yes. I have those
14 contracts to fulfill.

15 THE COURT: Right. I understand. I just need you
16 to answer those questions. We're going to go ahead and excuse
17 you, sir. Thank you very much for your patience. Have a very
18 nice day.

19 If I could have Katie Brandt come sit in Seat Number
20 12.

21 Good morning, Ms. Brandt.

22 PROSPECTIVE JUROR NUMBER 150: Good morning.

23 THE COURT: When you get there we're going to give
24 you the laminated card and hopefully the microphone. And the
25 marshal is coming with the microphone now.

1 If you could tell us a little about yourself,
2 please.

3 PROSPECTIVE JUROR NUMBER 150: Let's see. I've
4 lived in Clark County for two winters. Okay. I've lived in
5 quite a few places in the last 10 years. Last summer I was in
6 Yosemite National Park, and prior to that about 10 years in
7 Jackson, Wyoming.

8 THE COURT: So do you work the national parks in the
9 season?

10 PROSPECTIVE JUROR NUMBER 150: That's correct.

11 THE COURT: Okay. And then you winter here in Las
12 Vegas?

13 PROSPECTIVE JUROR NUMBER 150: That's correct.

14 THE COURT: Okay. Thanks.

15 PROSPECTIVE JUROR NUMBER 150: Okay. I have a
16 Bachelors degree in science in biology. And currently I am
17 unemployed. I do start up my fire season May 4th. I am
18 single, but in a relationship. I have no children. I have
19 never served on a jury before. And I could be fair and
20 impartial.

21 THE COURT: What does your partner do for a living?

22 PROSPECTIVE JUROR NUMBER 150: Currently he'll be
23 starting to work at the National Park Service in May, as well.

24 THE COURT: All right. So let me ask you a couple
25 followup questions. You or anyone close to you ever been

1 involved in law enforcement?

2 PROSPECTIVE JUROR NUMBER 150: I've had friends who
3 work as park rangers.

4 THE COURT: Okay. You or anyone close to you ever
5 been a victim or accused of a crime?

6 PROSPECTIVE JUROR NUMBER 150: My father. He was
7 abused as a child by his uncle.

8 THE COURT: Okay. You or anyone -- skip that. Have
9 you attended or do you currently attend the church known as
10 the Potter's House?

11 PROSPECTIVE JUROR NUMBER 150: I have never heard of
12 it before.

13 THE COURT: Okay. And have you seen any media
14 coverage about this case?

15 PROSPECTIVE JUROR NUMBER 150: Negative.

16 THE COURT: You have?

17 PROSPECTIVE JUROR NUMBER 150: No, I have not.

18 THE COURT: Oh. Okay. Thank you, ma'am.

19 Would you like to inquire of the rest of the people
20 we haven't seen?

21 MR. ROGAN: Yes. Thank you, Your Honor.

22 Good morning. How are you?

23 PROSPECTIVE JUROR NUMBER 150: I'm doing all right.

24 MR. ROGAN: So what is it exactly that you do for
25 the Park Service, Ms. Brandt?

1 PROSPECTIVE JUROR NUMBER 150: I'm sorry. 150. I'm
2 a wild-end firefighter.

3 MR. ROGAN: You're a firefighter. How long have you
4 been doing that for?

5 PROSPECTIVE JUROR NUMBER 150: For 10 years.

6 MR. ROGAN: Getting to my usual questions. Do you
7 watch those television programs that I discussed with you, or
8 with the panel?

9 PROSPECTIVE JUROR NUMBER 150: I've watched them a
10 little bit, but I usually don't watch a lot of T.V..

11 MR. ROGAN: Okay. And you know that they're fake?

12 PROSPECTIVE JUROR NUMBER 150: Definitely fake.

13 MR. ROGAN: Okay. Have you ever been a witness to a
14 crime or had to testify in a court proceeding?

15 PROSPECTIVE JUROR NUMBER 150: No.

16 MR. ROGAN: Has anyone in your life ever experienced
17 domestic violence?

18 PROSPECTIVE JUROR NUMBER 150: Other than my dad
19 when he was little, no.

20 MR. ROGAN: Tell me about that. Was that some sort
21 of physical abuse that he suffered or sexual abuse?

22 PROSPECTIVE JUROR NUMBER 150: It was sexual abuse.

23 MR. ROGAN: Was it for a long time that he
24 experienced that at the hands of his uncle, I think you said?

25 PROSPECTIVE JUROR NUMBER 150: I believe so.

1 MR. ROGAN: Do you know -- did your dad talk to you
2 about that?

3 PROSPECTIVE JUROR NUMBER 150: Yes.

4 MR. ROGAN: And was his uncle ever prosecuted for
5 the crimes that he committed?

6 PROSPECTIVE JUROR NUMBER 150: No.

7 MR. ROGAN: Is this an emotional subject for you?

8 PROSPECTIVE JUROR NUMBER 150: Yes.

9 MR. ROGAN: Okay. We'll come back to it, okay.
10 Do you have any prior military service?

11 PROSPECTIVE JUROR NUMBER 150: No.

12 MR. ROGAN: Okay. Do you own a firearm?

13 PROSPECTIVE JUROR NUMBER 150: No.

14 MR. ROGAN: Do you think it's appropriate that
15 people should have to get a CCW permit in order to carry a
16 concealed firearm?

17 PROSPECTIVE JUROR NUMBER 150: Yes.

18 MR. ROGAN: If you were to sit as a juror would you
19 be able to consider all three possible forms of punishment if
20 the defendant were found guilty of first degree murder?

21 PROSPECTIVE JUROR NUMBER 150: Yes.

22 MR. ROGAN: Thanks very much. And we may come back
23 to you, okay?

24 PROSPECTIVE JUROR NUMBER 150: Right.

25 MR. ROGAN: Great. Thanks.

1 If we could pass the microphone to Mr. Bosnic,
2 Badge 89.

3 Sir, I just want to jump back to what you said
4 sometime yesterday. You said you were accused of crime at one
5 point?

6 PROSPECTIVE JUROR NUMBER 89: Yeah.

7 MR. ROGAN: What was that crime?

8 PROSPECTIVE JUROR NUMBER 89: I don't know, what is
9 it called, I threatened the guy.

10 MR. ROGAN: What's that?

11 PROSPECTIVE JUROR NUMBER 89: I threaten the guy.

12 MR. ROGAN: Oh, a threat --

13 PROSPECTIVE JUROR NUMBER 89: [Inaudible].

14 MR. ROGAN: Was that in the United States or is that
15 back in --

16 PROSPECTIVE JUROR NUMBER 89: Here.

17 MR. ROGAN: In here. Okay. Did anyone ever come of
18 that, criminal charges, arrest, citation?

19 PROSPECTIVE JUROR NUMBER 89: Misdemeanor, yeah.

20 MR. ROGAN: Was it a citation that you were given?

21 PROSPECTIVE JUROR NUMBER 89: Yeah.

22 MR. ROGAN: Did you go to court?

23 PROSPECTIVE JUROR NUMBER 89: Yeah. For the deal,
24 yeah.

25 MR. ROGAN: Okay. And what was the ultimate result

1 of that?

2 PROSPECTIVE JUROR NUMBER 89: Misdemeanor.

3 MR. ROGAN: Conviction?

4 PROSPECTIVE JUROR NUMBER 89: [No audible response].

5 MR. ROGAN: Okay. Do you, sir, have any prior

6 military service either here or in Yugoslavia?

7 PROSPECTIVE JUROR NUMBER 89: No. Yeah, back over

8 there.

9 MR. ROGAN: What was your job? What was your role

10 over there?

11 PROSPECTIVE JUROR NUMBER 89: Soldier.

12 MR. ROGAN: Soldier. Do you currently own a

13 firearm?

14 PROSPECTIVE JUROR NUMBER 89: Yes.

15 MR. ROGAN: Do you have a CCW permit?

16 PROSPECTIVE JUROR NUMBER 89: Yes.

17 MR. ROGAN: And did you go through all the

18 procedures in order to get that permit?

19 PROSPECTIVE JUROR NUMBER 89: Of course.

20 MR. ROGAN: And you agree that it's appropriate to

21 have to get that permit in order to carry a concealed firearm?

22 PROSPECTIVE JUROR NUMBER 89: Absolutely.

23 MR. ROGAN: All right. You are married; correct?

24 PROSPECTIVE JUROR NUMBER 89: Yeah.

25 MR. ROGAN: How long have you been married for?

1 PROSPECTIVE JUROR NUMBER 89: Eleven years.
2 MR. ROGAN: Eleven years. Did you have any bad
3 breakups in your history?
4 PROSPECTIVE JUROR NUMBER 89: Friendships.
5 MR. ROGAN: Friendships. What about people that you
6 were in a relationship with though?
7 PROSPECTIVE JUROR NUMBER 89: Not really. Just a
8 relationship breakup.
9 MR. ROGAN: I understand. Have you yourself or
10 anyone that's close to you ever been the victim or accused of
11 committing domestic violence?
12 PROSPECTIVE JUROR NUMBER 89: No.
13 MR. ROGAN: And, sir, if you were to sit on this
14 jury do you believe that you could fairly consider all three
15 possible forms punishment if the defendant's found guilty of
16 first degree murder?
17 PROSPECTIVE JUROR NUMBER 89: Yes.
18 MR. ROGAN: Thank you very much. If you could pass
19 that microphone to Mr. Rodriguez.
20 PROSPECTIVE JUROR NUMBER 90: Yes.
21 MR. ROGAN: How are you today, sir?
22 PROSPECTIVE JUROR NUMBER 90: Good.
23 MR. ROGAN: Good. You are an automotive tech?
24 PROSPECTIVE JUROR NUMBER 90: Yes.
25 MR. ROGAN: All right. But you're able to serve

1 here because you're one of the lucky ones that gets paid;
2 right?

3 PROSPECTIVE JUROR NUMBER 90: I guess.

4 MR. ROGAN: Okay. What does your wife do?

5 PROSPECTIVE JUROR NUMBER 90: She's like attendant,
6 like -- she's attendant in coffee shop.

7 MR. ROGAN: Okay. How long have you been married
8 for?

9 PROSPECTIVE JUROR NUMBER 90: It's like almost three
10 years.

11 MR. ROGAN: Prior to meeting your current wife did
12 you have any bad breakups in your life?

13 PROSPECTIVE JUROR NUMBER 90: No.

14 MR. ROGAN: No. Nothing of a sort?

15 PROSPECTIVE JUROR NUMBER 90: No.

16 MR. ROGAN: Do you have any prior military service?

17 PROSPECTIVE JUROR NUMBER 90: No.

18 MR. ROGAN: Have you, yourself, or anyone close to
19 you ever been the victim of domestic violence or accused of
20 committing domestic violence?

21 PROSPECTIVE JUROR NUMBER 90: No.

22 MR. ROGAN: Do you own a firearm?

23 PROSPECTIVE JUROR NUMBER 90: No.

24 MR. ROGAN: Do you think that it's appropriate that
25 a person has to get a permit to carry a concealed firearm?

1 PROSPECTIVE JUROR NUMBER 90: Yes.

2 MR. ROGAN: If you were to sit on this jury would
3 you be able to consider all three possible forms of punishment
4 if the defendant were found guilty of first degree murder?

5 PROSPECTIVE JUROR NUMBER 90: Yes.

6 MR. ROGAN: Thanks very much. If you want to pass
7 that to Ms. Mansfield, Badge 122.

8 Now, you had prior jury service five or six times,
9 Ms. Mansfield.

10 PROSPECTIVE JUROR NUMBER 122: I get picked a lot.

11 MR. ROGAN: I'm sure. How do you feel about getting
12 picked again?

13 PROSPECTIVE JUROR NUMBER 122: I'm not sure how to
14 answer. This is a difficult case so it wouldn't be pleasant,
15 but if I'm picked, I'm picked.

16 MR. ROGAN: So no opinion.

17 PROSPECTIVE JUROR NUMBER 122: Yeah.

18 MR. ROGAN: Now at the end of the trial you're going
19 to be given a lot of instructions on the law, and I'm sure
20 that you've experienced that from your past jury service;
21 right?

22 PROSPECTIVE JUROR NUMBER 122: I guess.

23 MR. ROGAN: Will you be able to consider all the
24 instructions as the Judge tells you to?

25 PROSPECTIVE JUROR NUMBER 122: I'll do my best.

1 MR. ROGAN: All right. Now if you disagree -- if
2 you disagree with a law, you understand that you cannot
3 disregard it; correct?

4 PROSPECTIVE JUROR NUMBER 122: I understand that.

5 MR. ROGAN: And you'll do your best to abide or
6 actually you will abide by the instructions that are given to
7 you by the Court?

8 PROSPECTIVE JUROR NUMBER 122: Yes.

9 MR. ROGAN: All right. Do you, ma'am, have any
10 prior military service?

11 PROSPECTIVE JUROR NUMBER 122: No.

12 MR. ROGAN: Do you own a firearm?

13 PROSPECTIVE JUROR NUMBER 122: No.

14 MR. ROGAN: Same CCW question. Do you think it's
15 appropriate?

16 PROSPECTIVE JUROR NUMBER 122: Absolutely.

17 MR. ROGAN: Okay. Have you ever in your life
18 experienced a bad breakup?

19 PROSPECTIVE JUROR NUMBER 122: No.

20 MR. ROGAN: Have you or someone close to you ever
21 been accused of or the victim of domestic violence?

22 PROSPECTIVE JUROR NUMBER 122: No.

23 MR. ROGAN: If you were to be -- yes.

24 PROSPECTIVE JUROR NUMBER 122: Wait a minute. It
25 was -- I bleeped that out. When we spoke last night I told

1 you about the friend I worked with --

2 MR. ROGAN: Oh, yes.

3 PROSPECTIVE JUROR NUMBER 122: -- her husband
4 murdered her.

5 MR. ROGAN: Thanks. And when you spoke, you mean,
6 after all the other jurors were excused you were here talking
7 to the Court; right?

8 PROSPECTIVE JUROR NUMBER 122: Yeah. When -- I'm
9 sorry. Yeah, I'm sorry. I mean, I was in here talking to the
10 Court.

11 MR. ROGAN: Okay. And you said that your friend was
12 murdered by her husband.

13 PROSPECTIVE JUROR NUMBER 122: Her husband, yes.

14 MR. ROGAN: And that was a coworker; right?

15 PROSPECTIVE JUROR NUMBER 122: Yes. We worked
16 together for a couple years, closely.

17 MR. ROGAN: All right. And I think last night you
18 said that that's not going to affect your ability to sit here
19 and judge the facts, and testimony, and evidence impartially;
20 correct?

21 PROSPECTIVE JUROR NUMBER 122: Yeah. That's a
22 separate case.

23 MR. ROGAN: And you can put that aside?

24 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

25 MR. ROGAN: And my final question is. Do you think

1 that you'd be able to consider all three possible forms of
2 punishment if the defendant is found guilty of first degree
3 murder?

4 PROSPECTIVE JUROR NUMBER 122: I'll do my best.

5 MR. ROGAN: Is that a yes?

6 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

7 MR. ROGAN: Okay. You have to say it out loud. I'm
8 sorry.

9 PROSPECTIVE JUROR NUMBER 122: Yes. Yes. Sorry.

10 MR. ROGAN: Thanks very much. Ms. Starker, right
11 next to you.

12 You mentioned -- Badge Number 93.

13 You mentioned yesterday that your son was accused of
14 a battery.

15 PROSPECTIVE JUROR NUMBER 93: Yes.

16 MR. ROGAN: When was that?

17 PROSPECTIVE JUROR NUMBER 93: Two years ago.

18 MR. ROGAN: Here in Las Vegas?

19 PROSPECTIVE JUROR NUMBER 93: Correct.

20 MR. ROGAN: Did he have to go to court for that?

21 PROSPECTIVE JUROR NUMBER 93: Yes he did.

22 MR. ROGAN: Do you know if it was prosecuted in a
23 Municipal Court, like the City of Las Vegas or Henderson or
24 something like that, or was it prosecuted --

25 PROSPECTIVE JUROR NUMBER 93: Judge Valerie Vega,

1 Las Vegas.

2 MR. ROGAN: So it was a felony.

3 PROSPECTIVE JUROR NUMBER 93: Correct.

4 MR. ROGAN: All right. Was he convicted of that

5 crime?

6 PROSPECTIVE JUROR NUMBER 93: Yes.

7 MR. ROGAN: Is he serving probation or prison?

8 PROSPECTIVE JUROR NUMBER 93: He went to prison for

9 a year, and I couldn't get him the mental health care that he

10 needed here so he moved to California near his dad, and he was

11 jailed again in California.

12 MR. ROGAN: For another crime, or for --

13 PROSPECTIVE JUROR NUMBER 93: Different crime.

14 MR. ROGAN: Okay.

15 PROSPECTIVE JUROR NUMBER 93: He was sleeping in a

16 car on his way home and he was accused of burglary or

17 attempted burglary, and he's still in jail in San Diego.

18 MR. ROGAN: Is he awaiting charges there?

19 PROSPECTIVE JUROR NUMBER 93: Yes.

20 MR. ROGAN: Or has he been convicted of another

21 crime?

22 PROSPECTIVE JUROR NUMBER 93: He's waiting.

23 MR. ROGAN: Okay. So to this date --

24 PROSPECTIVE JUROR NUMBER 93: He's in a mental

25 health ward with Schizophrenia.

1 MR. ROGAN: And so that's what he's been suffering
2 through for --

3 PROSPECTIVE JUROR NUMBER 93: Absolutely.

4 MR. ROGAN: All right. And that's what caused his
5 initial contact with Judge Vega.

6 PROSPECTIVE JUROR NUMBER 93: Absolutely.

7 MR. ROGAN: All right. Do you think your son was
8 treated fairly by the criminal justice system?

9 PROSPECTIVE JUROR NUMBER 93: [No audible response].

10 MR. ROGAN: Did you have any contact with the
11 defense attorneys who were defending your son?

12 PROSPECTIVE JUROR NUMBER 93: Very little.

13 MR. ROGAN: Do you think that the defense attorneys
14 did a competent job in representing your son?

15 PROSPECTIVE JUROR NUMBER 93: [No audible response].

16 MR. ROGAN: Will you hold that against Mr. Coffee
17 and Mr. Lopez-Negrete because of what your son experienced?

18 PROSPECTIVE JUROR NUMBER 93: No. I'm a fair
19 person. I think it's a separate case.

20 MR. ROGAN: Do you think that the prosecutors who
21 handled your son's case treated him fairly and appropriately?

22 PROSPECTIVE JUROR NUMBER 93: No.

23 MR. ROGAN: You understand that Ms. Mercer and I
24 work in the same office as the prosecutors who handled your
25 son's case. Do you think we will handle this case unfairly

1 because of what your son experienced?
2 PROSPECTIVE JUROR NUMBER 93: No.
3 MR. ROGAN: Do you have any prior military service,
4 ma'am?
5 PROSPECTIVE JUROR NUMBER 93: No.
6 MR. ROGAN: Do you own a firearm?
7 PROSPECTIVE JUROR NUMBER 93: No.
8 MR. ROGAN: What about CCW. Do you think it's fair
9 and appropriate?
10 PROSPECTIVE JUROR NUMBER 93: Yes I do.
11 MR. ROGAN: Okay. In your life have you ever
12 suffered through a bad or tumultuous breakup?
13 PROSPECTIVE JUROR NUMBER 93: Not violent.
14 MR. ROGAN: Okay.
15 PROSPECTIVE JUROR NUMBER 93: But a divorce.
16 MR. ROGAN: A divorce. So when was that?
17 PROSPECTIVE JUROR NUMBER 93: Thirteen years ago.
18 MR. ROGAN: How old was your son -- I'm sorry.
19 PROSPECTIVE JUROR NUMBER 93: My son was just coming
20 down with Schizophrenia at that time.
21 MR. ROGAN: So it became very difficult for you?
22 PROSPECTIVE JUROR NUMBER 93: Yes.
23 MR. ROGAN: Do you have any other children other
24 than your son?
25 PROSPECTIVE JUROR NUMBER 93: Yes, one.

1 MR. ROGAN: Were they all young when -- at the time
2 of your divorce, or were they adults?

3 PROSPECTIVE JUROR NUMBER 93: No. He was already
4 affected at eighteen. He got sick at seventeen. That's when
5 we divorced when he was eighteen. The other sibling is older.

6 MR. ROGAN: I see.

7 PROSPECTIVE JUROR NUMBER 93: She was already in
8 college.

9 MR. ROGAN: I see. Now, during this divorce were
10 there ups and downs, or was it a clean break?

11 PROSPECTIVE JUROR NUMBER 93: Mostly down.

12 MR. ROGAN: Mostly down. So it's a very emotional
13 --

14 PROSPECTIVE JUROR NUMBER 93: [Inaudible].

15 MR. ROGAN: Sorry.

16 PROSPECTIVE JUROR NUMBER 93: Until divorce.

17 MR. ROGAN: Yeah. Was it an emotional experience
18 for you?

19 PROSPECTIVE JUROR NUMBER 93: Oh, yeah.

20 MR. ROGAN: And for your husband?

21 PROSPECTIVE JUROR NUMBER 93: Yeah. But we managed
22 it well.

23 MR. ROGAN: Were there times where you felt as
24 though, what am I doing? Should I be divorcing him? Should I
25 get back together with him? Or was it, it's over and we're

1 moving on.

2 PROSPECTIVE JUROR NUMBER 93: Yes.

3 MR. ROGAN: Did he ever express to you maybe we
4 should get back together?

5 PROSPECTIVE JUROR NUMBER 93: Before divorce.

6 MR. ROGAN: Before divorce. I see. So sometimes
7 that happens; you'd agree?

8 PROSPECTIVE JUROR NUMBER 93: Get back together you
9 mean?

10 MR. ROGAN: Yeah.

11 PROSPECTIVE JUROR NUMBER 93: Sure.

12 MR. ROGAN: And sometimes people think they should
13 get back together and they really shouldn't; right?

14 PROSPECTIVE JUROR NUMBER 93: Correct.

15 MR. ROGAN: Do you -- you said that it wasn't a
16 violent breakup, but do you have any experience or close
17 family or friends have any experience with domestic violence?

18 PROSPECTIVE JUROR NUMBER 93: No.

19 MR. ROGAN: If you were seated as a juror would you
20 be able to consider all three possible forms of punishment if
21 the defendant is found guilty of first degree murder?
22 Remember, those are life without the possibility of parole,
23 life in prison with the possibility of parole after 20 years,
24 or a term of 50 years in prison with eligibility for parole
25 beginning at 20 years.

1 PROSPECTIVE JUROR NUMBER 93: Yes.
2 MR. ROGAN: Thank you very much, ma'am.
3 Mr. Roe, how are you?
4 PROSPECTIVE JUROR NUMBER 129: Good.
5 MR. ROGAN: Yesterday you mentioned that your
6 brother had been accused of domestic violence?
7 PROSPECTIVE JUROR NUMBER 129: He just got a
8 restraining order against him.
9 MR. ROGAN: Okay. He had a restraining order. Was
10 that here in Clark County?
11 PROSPECTIVE JUROR NUMBER 129: Yes. And she removed
12 it three days later when they went out to eat, but since then
13 they've been divorced.
14 MR. ROGAN: So this was during a marriage that your
15 ex- sister-in-law got a restraining order against him?
16 PROSPECTIVE JUROR NUMBER 129: Yeah.
17 MR. ROGAN: And was the basis of that that she
18 accused him of domestic violence?
19 PROSPECTIVE JUROR NUMBER 129: I believe so, yeah.
20 MR. ROGAN: You don't know?
21 PROSPECTIVE JUROR NUMBER 129: I'm not positive.
22 MR. ROGAN: Did your brother ever -- was he ever
23 prosecuted for any act of domestic violence?
24 PROSPECTIVE JUROR NUMBER 129: No.
25 MR. ROGAN: Did you talk to you about it?

1 PROSPECTIVE JUROR NUMBER 129: Yeah. He said it was
2 fabricated and --

3 MR. ROGAN: Okay. Anything about that experience
4 with your brother that would affect your ability to judge the
5 witnesses and testimony and evidence that --

6 PROSPECTIVE JUROR NUMBER 129: No. I don't think
7 so.

8 MR. ROGAN: Perfect. Do you know of anyone else
9 that's been accused of or a victim of domestic violence,
10 including yourself?

11 PROSPECTIVE JUROR NUMBER 129: No. But I did have a
12 bad breakup. I had a divorce. I've been married to my wife
13 now for 20 years, but probably this happened about 25 years
14 ago, and the divorce wasn't very good. I was going to school
15 and working and trying to raise a son, and you can't have a
16 marriage doing all that, you know, so my marriage came last
17 out of all those things, unfortunately. And she, you know,
18 sought affection somewhere else, so --

19 MR. ROGAN: So she began a relationship with someone
20 else?

21 PROSPECTIVE JUROR NUMBER 129: Yeah.

22 MR. ROGAN: How did that make you feel?

23 PROSPECTIVE JUROR NUMBER 129: Her, you know -- we
24 had a son together.

25 MR. ROGAN: Many of us have been in that situation.

1 I mean, it's -- would you agree it's a combination of being
2 hurt and being embarrassed; right?

3 PROSPECTIVE JUROR NUMBER 129: Okay.

4 MR. ROGAN: Did you feel all of those experiences?

5 PROSPECTIVE JUROR NUMBER 129: Of course, yeah.

6 MR. ROGAN: Now, you subsequently got a divorce from
7 this woman?

8 PROSPECTIVE JUROR NUMBER 129: Yes.

9 MR. ROGAN: And during that time did you feel as
10 though that divorce was the right idea at some times, and some
11 times feel it was a bad idea?

12 PROSPECTIVE JUROR NUMBER 129: Yeah, I did. And
13 once it came to like a culmination and she moved to Seattle
14 then it was fine then. When she was, you know, not in the
15 picture then everything was fine. I got custody of my son and
16 he would go visit her during the summer for like a month. So
17 --

18 MR. ROGAN: But before that it --

19 PROSPECTIVE JUROR NUMBER 129: Before that it was --

20 MR. ROGAN: Rocky.

21 PROSPECTIVE JUROR NUMBER 129: -- ugly, yeah.

22 MR. ROGAN: All right. Did you do anything that you
23 regret during that period?

24 PROSPECTIVE JUROR NUMBER 129: Of course. That's
25 why I'm bringing it up kind of, I drove my car into a

1 restaurant.

2 MR. ROGAN: Purposefully?

3 PROSPECTIVE JUROR NUMBER 129: Yeah.

4 MR. ROGAN: Out of anger?

5 PROSPECTIVE JUROR NUMBER 129: Yep.

6 MR. ROGAN: Okay. Anything else?

7 PROSPECTIVE JUROR NUMBER 129: No. I mean, I didn't
8 hurt anybody and I just did property damage, I mean, I wasn't
9 trying to run her over or anything like that or anybody else,
10 it was just frustration with the situation.

11 MR. ROGAN: Was she in the restaurant?

12 PROSPECTIVE JUROR NUMBER 129: It's not who I am
13 and, I mean, it's the dumbest thing I ever did in my life
14 pretty much.

15 MR. ROGAN: And I think -- right. And I think we
16 sometimes do things we regret under those situations.

17 Was she in the restaurant at the time you did that?

18 PROSPECTIVE JUROR NUMBER 129: She was actually. It
19 was closed. I used to go to work like 2:00 in the morning,
20 and my son was asleep and, you know, she was supposed to be
21 home to take care of him. I lived with my brother, he lived
22 with us too so he wasn't left alone, but I pulled up to the
23 restaurant and decided, you know, you got to go home, I've got
24 to go to work, and she ran into -- she was sitting at the
25 counter drinking with the owners and stuff like that, and as

1 soon as I pulled up she ran around back like she -- like I
2 didn't see her and then it just kind of got ugly then.

3 MR. ROGAN: Right. But that was long in the past
4 and you're --

5 PROSPECTIVE JUROR NUMBER 129: A long time ago.

6 MR. ROGAN: So now to more mundane things. Have you
7 ever served in the military?

8 PROSPECTIVE JUROR NUMBER 129: No.

9 MR. ROGAN: Do you own a firearm?

10 PROSPECTIVE JUROR NUMBER 129: No, I don't.

11 MR. ROGAN: Do you believe it's appropriate to have
12 a --

13 PROSPECTIVE JUROR NUMBER 129: Concealed permit,
14 yeah.

15 MR. ROGAN: If you were selected as a juror do you
16 believe that you could consider all three possible forms of
17 punishment?

18 PROSPECTIVE JUROR NUMBER 129: Yes, I could, yes.

19 MR. ROGAN: Thank you, sir. Thank you for your
20 honesty.

21 If you just want to pass it directly in front of you
22 to Ms. Hausey.

23 Ms. Hausey, you have a tough job.

24 PROSPECTIVE JUROR NUMBER 144: I do.

25 MR. ROGAN: How many CPS investigations are you

1 assigned every week?

2 PROSPECTIVE JUROR NUMBER 144: It varies. It could
3 be three, four, five. We could get -- I could myself get a
4 case every day.

5 MR. ROGAN: Now, if you're seated as a juror are you
6 still going to be assigned those cases despite your absence
7 from work?

8 PROSPECTIVE JUROR NUMBER 144: No.

9 MR. ROGAN: Okay. When you return will you have an
10 increased caseload because of your absence?

11 PROSPECTIVE JUROR NUMBER 144: I will have my
12 caseload that I have now.

13 MR. ROGAN: Okay. But you're not going to be
14 assigned two a day because you need to catch up to the CPS
15 investigators caseloads.

16 PROSPECTIVE JUROR NUMBER 144: No.

17 MR. ROGAN: Okay. Good. Now, I'm sure that you've
18 dealt in your line of work with a lot of people who are
19 getting divorced and children being abused during the divorce
20 or accusations of abuse during divorce; correct?

21 PROSPECTIVE JUROR NUMBER 144: Correct.

22 MR. ROGAN: Is there anything about your
23 experiences, knowing what you know, from the brief facts that
24 we gave you? Anything about your experiences that are going
25 to affect your ability to be a fair and impartial juror here?

1 PROSPECTIVE JUROR NUMBER 144: No.

2 MR. ROGAN: Okay. You can put everything aside that
3 you deal with at CPS?

4 PROSPECTIVE JUROR NUMBER 144: Yes.

5 MR. ROGAN: All right.

6 PROSPECTIVE JUROR NUMBER 144: Had to learn how to
7 do that.

8 MR. ROGAN: Sure. You received a bachelors degree
9 in criminal justice?

10 PROSPECTIVE JUROR NUMBER 144: Yes.

11 MR. ROGAN: And where did you get that degree from?

12 PROSPECTIVE JUROR NUMBER 144: California.

13 MR. ROGAN: What kind of things do you study for a
14 criminal justice degree?

15 PROSPECTIVE JUROR NUMBER 144: I'm not sure I
16 understand.

17 MR. ROGAN: Well, what kind of courses do you take?
18 I don't know if --

19 PROSPECTIVE JUROR NUMBER 144: God. It's been so
20 long. We study statistics. We study, I guess, maybe the
21 mind. Just all areas of the criminal justice system.

22 MR. ROGAN: Okay. So things like probably what
23 causes people to commit crimes?

24 PROSPECTIVE JUROR NUMBER 144: Correct.

25 MR. ROGAN: And then evaluations of the justice

1 system whether it's fair or when sentences are appropriate,
2 things like that.

3 PROSPECTIVE JUROR NUMBER 144: Correct. Yes.

4 MR. ROGAN: Do you have any opinion on the criminal
5 justice system, whether it's fair, biased, in any way, police,
6 prosecutors, defense attorneys, courts?

7 PROSPECTIVE JUROR NUMBER 144: I personally try to
8 take everything case by case. So there have been times where
9 I have felt that there have been situations that were not
10 maybe handled appropriately or fairly, but I've also had
11 situations where I felt that they were handled appropriately.

12 MR. ROGAN: So, I guess what I'm kicking from that
13 is that you'll evaluate this case based upon what you hear and
14 what you see if you're sat as a juror?

15 PROSPECTIVE JUROR NUMBER 144: Yes.

16 MR. ROGAN: Great. You also mentioned that you were
17 a former probation officer in the juvenile system.

18 PROSPECTIVE JUROR NUMBER 144: Correct.

19 MR. ROGAN: How long were you a juvenile probation
20 officer for?

21 PROSPECTIVE JUROR NUMBER 144: I would say four
22 years here and then about a year and a half maybe in
23 California.

24 MR. ROGAN: Do you -- for your time here do you know
25 of any other probation officers that subsequently went to work

1 in the District Attorney's Office?

2 PROSPECTIVE JUROR NUMBER 144: No, I do not.

3 MR. ROGAN: Okay. And forgive me if I'm wrong, but
4 I think the goal of the juvenile probation system is to, I
5 guess, help the offender -- the juvenile not commit future
6 crimes?

7 PROSPECTIVE JUROR NUMBER 144: Correct.

8 MR. ROGAN: And not continue into adult criminality;
9 right?

10 PROSPECTIVE JUROR NUMBER 144: Yes.

11 MR. ROGAN: And so there's a lot -- it's a lot more
12 lenient than the adult probation system; right?

13 PROSPECTIVE JUROR NUMBER 144: Yeah.

14 MR. ROGAN: Okay. You understand this is an adult
15 court?

16 PROSPECTIVE JUROR NUMBER 144: Absolutely I do.

17 MR. ROGAN: Things are different?

18 PROSPECTIVE JUROR NUMBER 144: Yes.

19 MR. ROGAN: All right. Have you ever testified in
20 an adult court?

21 PROSPECTIVE JUROR NUMBER 144: No.

22 MR. ROGAN: What about juvenile court?

23 PROSPECTIVE JUROR NUMBER 144: Yes.

24 MR. ROGAN: Probably a lot.

25 PROSPECTIVE JUROR NUMBER 144: Yes. Family court,

1 yes.

2 MR. ROGAN: And was this as a probation officer or
3 CPS investigator?

4 PROSPECTIVE JUROR NUMBER 144: Investigator.

5 MR. ROGAN: And the rules of evidence are different
6 in family court for I'm sure the proceedings of law are then
7 what you'll experience here during the next two weeks.

8 PROSPECTIVE JUROR NUMBER 144: Yes.

9 MR. ROGAN: Can you follow the rules of law that the
10 Judge will give you at the conclusion of this trial if you're
11 sat as a juror?

12 PROSPECTIVE JUROR NUMBER 144: Yes.

13 MR. ROGAN: And you won't consider anything that
14 you've learned in family court as a juvenile probation officer
15 if you're sitting here as a juror in this adult trial?

16 PROSPECTIVE JUROR NUMBER 144: No.

17 MR. ROGAN: Okay. You also mentioned that you had
18 two brothers in prison, but not here in Clark County?

19 PROSPECTIVE JUROR NUMBER 144: No.

20 MR. ROGAN: Another state entirely or here in
21 Nevada?

22 PROSPECTIVE JUROR NUMBER 144: California.

23 MR. ROGAN: California. I'm sorry I have to ask,
24 but what kind of crimes are they in prison for?

25 PROSPECTIVE JUROR NUMBER 144: One is in prison for

1 murder, the other one -- yeah. And the other one is in prison
2 for burglary.

3 MR. ROGAN: Burglary. Okay. The one that was
4 convicted of murder, was it first degree murder, second degree
5 murder? Do you know?

6 PROSPECTIVE JUROR NUMBER 144: Yes. It was
7 premeditated first degree.

8 MR. ROGAN: First degree. And is he serving life in
9 prison or does he have the possibility of parole?

10 PROSPECTIVE JUROR NUMBER 144: Well, yeah, he had
11 possibility of parole.

12 MR. ROGAN: Okay. I'm not going to get into the
13 facts of that case, but did it involve any accusation of
14 domestic violence or was it between a person that he had a
15 domestic relationship with?

16 PROSPECTIVE JUROR NUMBER 144: It was a lovers
17 triangle, yes.

18 MR. ROGAN: Okay. And what role in that triangle
19 did he play?

20 PROSPECTIVE JUROR NUMBER 144: He was the outside
21 person, I guess. He was -- it was another person's wife. He
22 was the --

23 MR. ROGAN: Guy on the side.

24 PROSPECTIVE JUROR NUMBER 144: Yes.

25 MR. ROGAN: Okay. I know California is entirely

1 different than Nevada. Were you involved in the process from
2 the start -- the criminal justice process in California?

3 PROSPECTIVE JUROR NUMBER 144: No I was not.

4 MR. ROGAN: Were you called upon to testify at all?

5 PROSPECTIVE JUROR NUMBER 144: No I was not.

6 MR. ROGAN: Are you close with your brother?

7 PROSPECTIVE JUROR NUMBER 144: No. Somewhat, not
8 really. Not really.

9 MR. ROGAN: Did you ever go to observe any of the
10 court proceedings?

11 PROSPECTIVE JUROR NUMBER 144: No.

12 MR. ROGAN: Okay. Knowing what you know about the
13 court proceedings do you think that he was treated fairly by
14 the police, and by the prosecutors, and by the courts?

15 PROSPECTIVE JUROR NUMBER 144: I was really young.
16 I was like fifteen when it happened. So I don't know what he
17 went through, but I mean, I think that justice was served for
18 him.

19 MR. ROGAN: Okay. And your brother who was serving
20 time for burglary, a much lesser offense than murder, of
21 course.

22 PROSPECTIVE JUROR NUMBER 144: Yes.

23 MR. ROGAN: How old were you when he was prosecuted
24 for that offense?

25 PROSPECTIVE JUROR NUMBER 144: This was just maybe

1 about four years ago.

2 MR. ROGAN: Also in California?

3 PROSPECTIVE JUROR NUMBER 144: Yes.

4 MR. ROGAN: And he's still serving time there for

5 that?

6 PROSPECTIVE JUROR NUMBER 144: Yes.

7 MR. ROGAN: Do you think that he was treated fairly?

8 PROSPECTIVE JUROR NUMBER 144: Yes. Yeah. It was a

9 three-time so he had to -- he had enhancement charges and

10 everything too.

11 MR. ROGAN: So he was suffering under the third

12 strike in California.

13 PROSPECTIVE JUROR NUMBER 144: Yes.

14 MR. ROGAN: Okay. Were you involved in that process

15 at all?

16 PROSPECTIVE JUROR NUMBER 144: No.

17 MR. ROGAN: And same question. Are you close with

18 that brother?

19 PROSPECTIVE JUROR NUMBER 144: Very close.

20 MR. ROGAN: Have you gone to visit him since he's

21 been in prison?

22 PROSPECTIVE JUROR NUMBER 144: Yes.

23 MR. ROGAN: And how do you feel about how he's been

24 treated?

25 PROSPECTIVE JUROR NUMBER 144: I mean, it's prison.

1 MR. ROGAN: Yeah.

2 PROSPECTIVE JUROR NUMBER 144: So --

3 MR. ROGAN: Not well.

4 PROSPECTIVE JUROR NUMBER 144: He's alive, but it's

5 prison.

6 MR. ROGAN: Correct.

7 PROSPECTIVE JUROR NUMBER 144: So I guess it's what

8 it is for him. I mean --

9 MR. ROGAN: You probably have the unique view that

10 maybe other panelists on this venire don't and that's knowing

11 someone who's currently in prison, and having a brother that's

12 convicted of a very serious crime. If you were seated as a

13 juror, knowing what you know, would you be able to consider

14 all three possible forms of punishment, including life without

15 the possibility of parole?

16 PROSPECTIVE JUROR NUMBER 144: Yes.

17 MR. ROGAN: Retreating back to those other questions

18 that I have asked. Since you are new on our panel, do you

19 watch those television programs, CSI, things like that?

20 PROSPECTIVE JUROR NUMBER 144: All of them.

21 MR. ROGAN: And being an investigator yourself, you

22 know that those are not real?

23 PROSPECTIVE JUROR NUMBER 144: Right.

24 MR. ROGAN: All right. You must know plenty of

25 criminal defense attorneys and plenty of prosecutors in your

1 line of work.

2 PROSPECTIVE JUROR NUMBER 144: Yes.

3 MR. ROGAN: Is it fair to say there are good
4 prosecutors and bad prosecutors?

5 PROSPECTIVE JUROR NUMBER 144: Yes.

6 MR. ROGAN: Good defense attorneys and bad defense
7 attorneys?

8 PROSPECTIVE JUROR NUMBER 144: Yes.

9 MR. ROGAN: And you're not going to judge either the
10 State or the defense based upon your prior experience with
11 other attorneys?

12 PROSPECTIVE JUROR NUMBER 144: No.

13 MR. ROGAN: Okay. Have you ever been a victim of
14 domestic violence, and other than your brother, any other
15 close family members or friends ever been a victim or accused
16 of domestic violence?

17 PROSPECTIVE JUROR NUMBER 144: Yes.

18 MR. ROGAN: Okay. Tell me about that.

19 PROSPECTIVE JUROR NUMBER 144: I had a brief episode
20 myself, and my mother was a victim.

21 MR. ROGAN: Were you a victim?

22 PROSPECTIVE JUROR NUMBER 144: When I say a victim
23 there was a couple of incidence. So, I mean, it wasn't like
24 ongoing, but there was a couple of incidence.

25 MR. ROGAN: Can you tell me about the first

1 incident, when was it?

2 PROSPECTIVE JUROR NUMBER 144: Probably about 18

3 years ago.

4 MR. ROGAN: Was it physical violence or emotional

5 violence?

6 PROSPECTIVE JUROR NUMBER 144: It was physical.

7 MR. ROGAN: Was it -- it was with a boyfriend?

8 PROSPECTIVE JUROR NUMBER 144: Yes.

9 MR. ROGAN: Okay. Can you just describe generally

10 what happened?

11 PROSPECTIVE JUROR NUMBER 144: We got into an

12 argument and it got physical.

13 MR. ROGAN: Okay. And he put his hands on you where

14 he shouldn't have.

15 PROSPECTIVE JUROR NUMBER 144: Yeah.

16 MR. ROGAN: Did you ever bring any charges against

17 him for that?

18 PROSPECTIVE JUROR NUMBER 144: I put a restraining

19 order.

20 MR. ROGAN: Okay. Did you ever lift that

21 restraining order?

22 PROSPECTIVE JUROR NUMBER 144: I didn't lift it, but

23 it, you know, expired.

24 MR. ROGAN: Expired. Did you continue in your

25 relationship with him after that?

1 PROSPECTIVE JUROR NUMBER 144: No.

2 MR. ROGAN: What about the second incident. Tell me
3 about that. When was that?

4 PROSPECTIVE JUROR NUMBER 144: Oh, God, maybe about
5 10 years ago maybe. I'm not sure.

6 MR. ROGAN: Boyfriend --

7 PROSPECTIVE JUROR NUMBER 144: No.

8 MR. ROGAN: -- or a spouse?

9 PROSPECTIVE JUROR NUMBER 144: Spouse.

10 MR. ROGAN: Are you still married to that person?

11 PROSPECTIVE JUROR NUMBER 144: I'm divorced.

12 MR. ROGAN: Okay. Did you get a restraining order
13 or file charges against your spouse at the time?

14 PROSPECTIVE JUROR NUMBER 144: No.

15 MR. ROGAN: Why not?

16 PROSPECTIVE JUROR NUMBER 144: It was such a brief
17 incident and it was not something that was in our history. It
18 was something that happened as a direct result of, you know,
19 what we were going through, and there was nothing after.

20 MR. ROGAN: Did that occur during the time of your
21 divorce?

22 PROSPECTIVE JUROR NUMBER 144: We were separated at
23 the time.

24 MR. ROGAN: Okay. Did you have children at the
25 time?

1 PROSPECTIVE JUROR NUMBER 144: Yes.
2 MR. ROGAN: Did that make things more complicated
3 during your separation?
4 PROSPECTIVE JUROR NUMBER 144: Yes.
5 MR. ROGAN: Emotions up and down.
6 PROSPECTIVE JUROR NUMBER 144: Yes.
7 MR. ROGAN: Did you do anything that you regret
8 during that time yourself?
9 PROSPECTIVE JUROR NUMBER 144: Yes.
10 MR. ROGAN: We all do, I'm sure.
11 PROSPECTIVE JUROR NUMBER 144: Yes.
12 MR. ROGAN: Okay. You know domestic violence is a
13 complicated crime because we know the perpetrator?
14 PROSPECTIVE JUROR NUMBER 144: Yes.
15 MR. ROGAN: Would you agree?
16 PROSPECTIVE JUROR NUMBER 144: Yes.
17 MR. ROGAN: Anything about your experience in the
18 past with domestic violence or your divorce that would affect
19 your ability to sit and be fair and impartial in this case?
20 PROSPECTIVE JUROR NUMBER 144: No.
21 MR. ROGAN: Thank you.
22 Did I ask whether you owned a firearm?
23 PROSPECTIVE JUROR NUMBER 144: No.
24 MR. ROGAN: Do you own a firearm?
25 PROSPECTIVE JUROR NUMBER 144: No.

1 MR. ROGAN: Okay. CCW permit do you think it's
2 appropriate?
3 PROSPECTIVE JUROR NUMBER 144: Yes.
4 MR. ROGAN: Okay. Thank you so much again for your
5 honesty.
6 PROSPECTIVE JUROR NUMBER 144: You're welcome.
7 MR. ROGAN: If you could just pass that microphone
8 off to Ms. Williams, Badge Number 141.
9 How are you?
10 PROSPECTIVE JUROR NUMBER 141: I'm good. How are
11 you?
12 MR. ROGAN: Okay. How do you feel about sitting on
13 a jury for two weeks?
14 PROSPECTIVE JUROR NUMBER 141: It's not a problem.
15 MR. ROGAN: Not a problem. Great.
16 I want to talk to you about your family members and
17 friends who were in law enforcement. You said your father was
18 a retired homicide detective.
19 PROSPECTIVE JUROR NUMBER 141: Correct.
20 MR. ROGAN: Do you still talk to him?
21 PROSPECTIVE JUROR NUMBER 141: Every Saturday and
22 Sunday, yes.
23 MR. ROGAN: Did he ever talk to you about his case
24 at the time he was a detective?
25 PROSPECTIVE JUROR NUMBER 141: He didn't go into

1 detail, but having children he did inform us of what he did
2 see, and how to prevent some things if we were on the street
3 in certain situations. But he didn't go into detail about
4 that particular case.

5 MR. ROGAN: Okay. Things that you learned from your
6 dad, are you going to evaluate our homicide detectives when
7 they're testifying and judge them according to what your dad
8 did?

9 PROSPECTIVE JUROR NUMBER 141: No.

10 MR. ROGAN: Okay. Same thing with our regular
11 police officers. If they come in here and testify, are you
12 going to evaluate them based upon your dad's experience and
13 what he shared with you?

14 PROSPECTIVE JUROR NUMBER 141: No. Not at all.

15 MR. ROGAN: You also said that you had some friends
16 that were COs?

17 PROSPECTIVE JUROR NUMBER 141: Correct. Yes.

18 MR. ROGAN: And is that here in Nevada or somewhere
19 else?

20 PROSPECTIVE JUROR NUMBER 141: That is here in
21 Nevada.

22 MR. ROGAN: And do they work in the prison system or
23 they work in the Clark County Detention Center?

24 PROSPECTIVE JUROR NUMBER 141: They are at the
25 location that's far, near Nellis. So I don't know which one

1 that is. But they were just here yesterday at the Detention
2 Center training.

3 MR. ROGAN: I see. So they work for the County.

4 PROSPECTIVE JUROR NUMBER 141: Correct. Yes.

5 MR. ROGAN: Do they talk to you about what they do?

6 PROSPECTIVE JUROR NUMBER 141: No. Not at all.

7 MR. ROGAN: They don't tell you what they see and
8 what you hear?

9 PROSPECTIVE JUROR NUMBER 141: No.

10 MR. ROGAN: Okay. Do you watch those television --
11 those criminal television programs?

12 PROSPECTIVE JUROR NUMBER 141: My daughter's dad, he
13 faithfully watches CSI, and I'm in the room but I'm doing
14 other things. So I'll watch maybe 10 minutes here, 10 minutes
15 there.

16 MR. ROGAN: Same question. You know it's fake;
17 right?

18 PROSPECTIVE JUROR NUMBER 141: Definitely.

19 MR. ROGAN: Okay. Do you have any prior experience
20 with police yourself?

21 PROSPECTIVE JUROR NUMBER 141: No, not myself. No.
22 I have friends who have been -- who have dealt with the
23 police.

24 MR. ROGAN: And have they expressed their opinions
25 of their interactions with the police with you?

1 PROSPECTIVE JUROR NUMBER 141: They have. Living --
2 MR. ROGAN: Positive or negative, either one?
3 PROSPECTIVE JUROR NUMBER 141: Both. Both. Let's
4 just say that. Yeah, both.
5 MR. ROGAN: And the things that they've shared with
6 you does that affect your perception of police officers?
7 PROSPECTIVE JUROR NUMBER 141: No. Not at all.
8 MR. ROGAN: Have you ever been a witness to a crime
9 or ever had to testify in a court proceeding?
10 PROSPECTIVE JUROR NUMBER 141: No. But I do have a
11 friend who is currently waiting trial across the street.
12 MR. ROGAN: Okay. And what are the charges that
13 your friend's facing?
14 PROSPECTIVE JUROR NUMBER 141: He murdered his wife
15 in front of one of his two children.
16 MR. ROGAN: That's pretty close to the facts of this
17 case, wouldn't you say.
18 MR. COFFEE: Objection. I'm not assuming this is
19 murder in any way, shape or form.
20 MR. ROGAN: That's correct. I'm sorry.
21 THE COURT: Overruled.
22 MR. ROGAN: Don't worry about it.
23 So were you very close with that person?
24 PROSPECTIVE JUROR NUMBER 141: He was a coworker and
25 while he was employed with me we were very close, we went to

1 lunch together, we just spoke all the time.

2 MR. ROGAN: And how long had you known this person?

3 PROSPECTIVE JUROR NUMBER 141: Roughly about six

4 months.

5 MR. ROGAN: And when did this killing occur?

6 PROSPECTIVE JUROR NUMBER 141: 2010.

7 MR. ROGAN: So it's been five years.

8 PROSPECTIVE JUROR NUMBER 141: Correct. Yes.

9 MR. ROGAN: He's still awaiting trial.

10 PROSPECTIVE JUROR NUMBER 141: Correct. Yes.

11 MR. ROGAN: Have you had any contact with him since

12 he was arrested?

13 PROSPECTIVE JUROR NUMBER 141: No. After that I did

14 try to possibly come see him, but my employer told me for the

15 media purposes and everything else just to maybe back up and

16 not come see him.

17 MR. ROGAN: Your employer told you not to do that?

18 PROSPECTIVE JUROR NUMBER 141: Yes. Because it was

19 all over the media.

20 MR. ROGAN: Okay. So this was shortly after it took

21 place?

22 PROSPECTIVE JUROR NUMBER 141: Correct. Yes. He

23 did a no call, no show, and then that's when it happened.

24 MR. ROGAN: I see. Did you know the circumstances

25 of the relationship between himself -- him and the --

1 PROSPECTIVE JUROR NUMBER 141: He never talked about
2 his wife.

3 MR. ROGAN: Okay. Did you know his wife at all?

4 PROSPECTIVE JUROR NUMBER 141: No.

5 MR. ROGAN: So you don't know the background of what
6 was going on between the two of them?

7 PROSPECTIVE JUROR NUMBER 141: No. Not at all.

8 MR. ROGAN: And did it seem out of character that he
9 would do this?

10 PROSPECTIVE JUROR NUMBER 141: Yes, it did. He was
11 the sweetest -- sweetest guy. Bought me lunch, took me to
12 lunch, everything.

13 MR. ROGAN: Anything about that experience that
14 you're going to carry as baggage into this trial if you were
15 seated as a juror?

16 PROSPECTIVE JUROR NUMBER 141: No. Not at all.

17 MR. ROGAN: You can separate the two?

18 PROSPECTIVE JUROR NUMBER 141: Exactly.

19 MR. ROGAN: Any other experience with domestic
20 violence, either yourself or close family members or friends?

21 PROSPECTIVE JUROR NUMBER 141: Well, it was -- well,
22 when I was roughly about 18 years old, I was rapped by a
23 friend of mine. Well, let me not say -- he was a friend of a
24 friend that I got to know over about a month period of time.

25 MR. ROGAN: An acquaintance. Did you ever seek

1 charges against this man?

2 PROSPECTIVE JUROR NUMBER 141: No. I did not.
3 After that happened, he did drop out of college, and I know he
4 did move, no one heard from him. And pretty much I didn't
5 tell anyone besides the CO that I know now, because it was --
6 I was embarrassed. I don't know why I was embarrassed, but I
7 was embarrassed.

8 MR. ROGAN: And that's normal behavior. Do you
9 still -- I'm sure that you still carry a lot of those emotions
10 with you today.

11 PROSPECTIVE JUROR NUMBER 141: I don't. I don't
12 know how, but I've actually put that in a place where I don't
13 mention it, I don't think about it, I just have separate
14 myself from that whole incident as if it really didn't happen.
15 So if I talk about then yes, but other than that my daily
16 life, no, I don't think about it.

17 MR. ROGAN: All right. And this case is an entirely
18 different case and you'll be able to put aside what you
19 experienced at 18 years old?

20 PROSPECTIVE JUROR NUMBER 141: Yes.

21 MR. ROGAN: Great. Military service.

22 PROSPECTIVE JUROR NUMBER 141: No. Not at all.

23 MR. ROGAN: Do you own a firearm?

24 PROSPECTIVE JUROR NUMBER 141: Yes.

25 MR. ROGAN: What kind?

1 PROSPECTIVE JUROR NUMBER 141: I have a 9
2 millimeter.

3 MR. ROGAN: Do you have a CCW permit?

4 PROSPECTIVE JUROR NUMBER 141: I do not, no.

5 MR. ROGAN: You agree that it's appropriate for
6 people to get CCW permits?

7 PROSPECTIVE JUROR NUMBER 141: Definitely.

8 MR. ROGAN: Okay. Bad breakups?

9 PROSPECTIVE JUROR NUMBER 141: Not in the beginning.
10 My daughter's dad we split when she was roughly about five or
11 six and everything was fine because I was single. But six
12 months to a year after us splitting I started dating someone,
13 and he started to get my daughter involved and he started
14 saying little things, and it became a problem after a year of
15 our breakup. But now, he's used to the guy because he's been
16 around for like three years.

17 MR. ROGAN: I see. So you started dating a new guy
18 and suddenly the old guy is causing problems.

19 PROSPECTIVE JUROR NUMBER 141: Uh-huh.

20 MR. ROGAN: Okay. You understand why a guy would do
21 that?

22 PROSPECTIVE JUROR NUMBER 141: Yeah.

23 MR. ROGAN: Anything about that experience that's
24 going to affect your ability to be fair and impartial?

25 PROSPECTIVE JUROR NUMBER 141: No. Not at all.

1 MR. ROGAN: If you were to be seated as a juror here
2 do you believe that you could fairly consider all three
3 possible forms of punishment if the defendant's found guilty
4 of first degree murder?
5 PROSPECTIVE JUROR NUMBER 141: Yes.
6 MR. ROGAN: Thank you, ma'am.
7 I can't -- I'm sorry if I mispronounce your name.
8 Avitia?
9 PROSPECTIVE JUROR NUMBER 97: Yeah. That's close
10 enough.
11 MR. ROGAN: Badge Number 97.
12 PROSPECTIVE JUROR NUMBER 97: Yes.
13 MR. ROGAN: How old are you?
14 PROSPECTIVE JUROR NUMBER 97: Twenty-three.
15 MR. ROGAN: Twenty-three. And you said that you're
16 going to school for HR?
17 PROSPECTIVE JUROR NUMBER 97: Yeah. Starting next
18 semester.
19 MR. ROGAN: Okay. So you're about to start that.
20 PROSPECTIVE JUROR NUMBER 97: Yeah, because I was
21 doing nursing. So I dropped out of that and --
22 MR. ROGAN: How many years of college did you do for
23 nursing?
24 PROSPECTIVE JUROR NUMBER 97: I want to say it was
25 about two.

1 MR. ROGAN: Same questions that I've been asking
2 before. Do you have any bad breakups with anyone?
3 PROSPECTIVE JUROR NUMBER 97: No.
4 MR. ROGAN: Do you own a firearm?
5 PROSPECTIVE JUROR NUMBER 97: No.
6 MR. ROGAN: CCW question. Do you think it's fair
7 and appropriate?
8 PROSPECTIVE JUROR NUMBER 97: Yes.
9 MR. ROGAN: Do you have any past experience with
10 domestic violence either yourself or close family members or
11 friends?
12 PROSPECTIVE JUROR NUMBER 97: No.
13 MR. ROGAN: Any military service?
14 PROSPECTIVE JUROR NUMBER 97: No.
15 MR. ROGAN: All right. And if you were seated as a
16 juror do you think you could consider all three possible forms
17 of punishment?
18 PROSPECTIVE JUROR NUMBER 97: Definitely.
19 MR. ROGAN: Anything in your history or background
20 that would you kind of think, well, this may not -- I may not
21 be a good fit for this jury?
22 PROSPECTIVE JUROR NUMBER 97: I mean, I don't know,
23 I think I am -- could be pretty fair when it comes to
24 evaluating information and deciding whether or not what's a
25 good punishment or not.

1 MR. ROGAN: Okay. If you were selected as a juror
2 would you stick up for what you believe in when you're back in
3 that deliberation room?

4 PROSPECTIVE JUROR NUMBER 97: Yeah, if their
5 evaluating the information that were given, yes.

6 MR. ROGAN: Okay. All right. Thank you so much.
7 And Mr. Andorfer, Badge Number 131.
8 How are you today?

9 PROSPECTIVE JUROR NUMBER 131: Good.

10 MR. ROGAN: Your wife's a hair stylist?

11 PROSPECTIVE JUROR NUMBER 131: Right.

12 MR. ROGAN: How long have you been married?

13 PROSPECTIVE JUROR NUMBER 131: Fifteen years.

14 MR. ROGAN: Were you married before or did you have
15 relationships in the past?

16 PROSPECTIVE JUROR NUMBER 131: Not so much. Pretty
17 much a loaner.

18 MR. ROGAN: Okay. Have you had any bad breakups in
19 your history?

20 PROSPECTIVE JUROR NUMBER 131: No. No.

21 MR. ROGAN: Okay. Do you have any children with
22 your wife?

23 PROSPECTIVE JUROR NUMBER 131: One.

24 MR. ROGAN: And how old is your child?

25 PROSPECTIVE JUROR NUMBER 131: Thirteen.

1 MR. ROGAN: Okay. Do you own a firearm, sir?
2 PROSPECTIVE JUROR NUMBER 131: No.
3 MR. ROGAN: CCW question. Do you think it's fair
4 and appropriate that we require people to get a CCW permit?
5 PROSPECTIVE JUROR NUMBER 131: Yes.
6 MR. ROGAN: All right. Any experience with domestic
7 violence, either yourself or family member or close friend?
8 PROSPECTIVE JUROR NUMBER 131: No.
9 MR. ROGAN: Military service.
10 PROSPECTIVE JUROR NUMBER 131: No.
11 MR. ROGAN: If you were to be selected as a juror do
12 you think you could consider all three possible forms of
13 punishment?
14 PROSPECTIVE JUROR NUMBER 131: Yes.
15 MR. ROGAN: Thank you.
16 And just want to pass it off to Mr. Hamzehi, Badge
17 136.
18 PROSPECTIVE JUROR NUMBER 130: 130.
19 MR. ROGAN: 130.
20 PROSPECTIVE JUROR NUMBER 130: One, three, zero.
21 MR. ROGAN: My chicken scratches I can't read them.
22 Did you work last night at the smoke shop?
23 PROSPECTIVE JUROR NUMBER 130: Yeah. I'm going to
24 after here because I suppose to leave my wife, because I don't
25 have any employee. But I don't like she works over there at

1 the smoke shop. So --

2 MR. ROGAN: When did you get off work?

3 PROSPECTIVE JUROR NUMBER 130: Close the store at

4 8:00.

5 MR. ROGAN: 8:00 o'clock.

6 PROSPECTIVE JUROR NUMBER 130: Yes.

7 MR. ROGAN: So it wasn't too long.

8 PROSPECTIVE JUROR NUMBER 130: No. Have to do the

9 paperwork, you know, closes. So --

10 MR. ROGAN: Are your responsibilities as a shop

11 owner going to interfere with your ability to sit as a juror?

12 PROSPECTIVE JUROR NUMBER 130: My problem is because

13 I don't have employee, I have to do everything. So it's

14 ordering, cleaning. So small business.

15 MR. ROGAN: So you're telling me you have no choice

16 but to work after we finish here with trial every day?

17 PROSPECTIVE JUROR NUMBER 130: I have a problem.

18 That's why hard for me to come here. I have nobody to

19 [inaudible].

20 MR. ROGAN: All right. Will you be able to get

21 enough sleep every night after you do your responsibilities at

22 work?

23 PROSPECTIVE JUROR NUMBER 130: Yeah, I sleep. Sleep

24 at midnight every day.

25 MR. ROGAN: Okay. And your wife can cover the shop

1 while your here?

2 PROSPECTIVE JUROR NUMBER 130: My wife she does, but
3 I don't want to, because this is smoke shop. Not the safety,
4 it's safe, but I mean --

5 MR. ROGAN: And it attracts bad characters.

6 PROSPECTIVE JUROR NUMBER 130: Yeah. Smoke shop
7 business. It's not like Starbuck.

8 MR. ROGAN: And would she have to work full day
9 without any relief until you get off?

10 PROSPECTIVE JUROR NUMBER 130: Because she just
11 passed the test for the real estate, she's a real estate agent
12 right now. She has to go to school for [inaudible] now to get
13 the MLS number of these things.

14 MR. ROGAN: So she has to actually leave the smoke
15 shop.

16 PROSPECTIVE JUROR NUMBER 130: Yes.

17 MR. ROGAN: Does she have to close the smoke shop
18 down when she leaves, or is there someone else?

19 PROSPECTIVE JUROR NUMBER 130: No. We [inaudible]
20 to close afternoon she close. We can't close it for long,
21 maybe at one hour, because we're losing customers, because we
22 just open the one year, March last year, I building the
23 customer, I don't want to lose, you know, any customers.

24 MR. ROGAN: So if you had the choice do you think
25 that your responsibilities at work are going to weigh on you

1 during this trial, such that you wouldn't be able to consider
2 all the testimony and evidence?

3 PROSPECTIVE JUROR NUMBER 130: Explain me more,
4 please.

5 MR. ROGAN: Okay. So you have a lot of
6 responsibility at work?

7 PROSPECTIVE JUROR NUMBER 130: Yes.

8 MR. ROGAN: The wife's working?

9 PROSPECTIVE JUROR NUMBER 130: Yes.

10 MR. ROGAN: Are you going to be thinking about that
11 instead of paying attention to what people are saying?

12 PROSPECTIVE JUROR NUMBER 130: That's true. I'm
13 thinking about my business, it is very important my leaving.

14 MR. ROGAN: Okay. You also mentioned yesterday
15 that, I think it was you that you had some difficulty with
16 English?

17 PROSPECTIVE JUROR NUMBER 130: Yeah. Because I
18 understand, but it's this case and this Court, I mean, the
19 words, some words, you know, for [inaudible] the court, maybe
20 I don't understand.

21 MR. ROGAN: Okay.

22 PROSPECTIVE JUROR NUMBER 130: So --

23 MR. ROGAN: Have you understood everything I said
24 today, because yesterday you said you didn't understand?

25 PROSPECTIVE JUROR NUMBER 130: Yeah. Because you

1 was repeating these questions 30 times now.

2 MR. ROGAN: Yeah. Okay. Sorry about that.

3 PROSPECTIVE JUROR NUMBER 130: That's okay.

4 MR. ROGAN: All right.

5 PROSPECTIVE JUROR NUMBER 130: I mean, this
6 repeating.

7 MR. ROGAN: Okay. Thank you very much, sir. If you
8 just want to pass it forward to Mr. Jenkins.

9 Mr. Jenkins, Badge Number 145. You said you were a
10 victim of forged checks.

11 PROSPECTIVE JUROR NUMBER 145: It's Jenkins-Edwards.

12 MR. ROGAN: Jenkins-Edwards. I'm sorry.

13 PROSPECTIVE JUROR NUMBER 145: Yeah.

14 MR. ROGAN: That was here in Clark County?

15 PROSPECTIVE JUROR NUMBER 145: Yeah. It was about
16 seven years ago.

17 MR. ROGAN: Okay. Did you ever file charges against
18 the person?

19 PROSPECTIVE JUROR NUMBER 145: I did call the police
20 and I filled a form -- I went down to the station and filled
21 out a form and that's the last I heard of it. My bank
22 refunded the money, like about 400.00 bulks was taken out. So
23 I didn't hear anything about it after that.

24 MR. ROGAN: So did this person just take your
25 checkbook and sign your name?

1 PROSPECTIVE JUROR NUMBER 145: They did. Yeah.
2 They just -- I was out of town dealing a poker tournament and
3 I had a friend watch my place, and she invited another friend
4 over and they, I guess, pilfered through my closet, stole my
5 checkbook and forged a check for like 400.00 bulks.

6 MR. ROGAN: Okay. Do you hold any hard feelings
7 toward the police for not investigating your case?

8 PROSPECTIVE JUROR NUMBER 145: No. I got my money
9 back so I don't care.

10 MR. ROGAN: So you're happy. Okay. You don't care
11 that the person wasn't held accountable for the crime that
12 they committed?

13 PROSPECTIVE JUROR NUMBER 145: No. Not really.

14 MR. ROGAN: Okay. Going back to the line of
15 questions I was asking of the panel yesterday. Do you watch
16 those television programs, CSI?

17 PROSPECTIVE JUROR NUMBER 145: No.

18 MR. ROGAN: Do you have any prior experience with
19 police officers, other than that one instance you already
20 discussed?

21 PROSPECTIVE JUROR NUMBER 145: I've had one traffic
22 ticket and that's it.

23 MR. ROGAN: Positive experience, negative
24 experience, or ambivalent?

25 PROSPECTIVE JUROR NUMBER 145: The guy was a jerk,

1 but whatever, it's fine.

2 MR. ROGAN: All right. You're not going to hold
3 that against any police officers?

4 PROSPECTIVE JUROR NUMBER 145: No.

5 MR. ROGAN: Okay. Do -- you ever been a witness to
6 a crime or testified in a court proceeding?

7 PROSPECTIVE JUROR NUMBER 145: No.

8 MR. ROGAN: Do you yourself have any experience with
9 domestic violence or someone close to you, a family member or
10 a friend?

11 PROSPECTIVE JUROR NUMBER 145: I've never -- well,
12 I've never been physically assaulted or sexually assaulted,
13 and neither has any friends or family. However, my first
14 relationship was with a woman who was in an open marriage, and
15 it ended when I moved to Clark County 10 years ago. I broke
16 up with her long distance, and she threatened to kill me. She
17 sent me pictures of her holding a gun telling me she was going
18 to come kill me.

19 MR. ROGAN: How did that make you feel?

20 PROSPECTIVE JUROR NUMBER 145: I was nervous.

21 MR. ROGAN: What did you do about it?

22 PROSPECTIVE JUROR NUMBER 145: I did nothing about
23 it. Because I decided -- I almost went to the police, but I
24 decided that she was bluffing, she was just upset that I had
25 broken up with her, and she was just trying to get me to react

1 to her so I decided to just not respond.

2 MR. ROGAN: And nothing obviously ever came of that.

3 PROSPECTIVE JUROR NUMBER 145: Yeah. I'm still here

4 so it's fine.

5 MR. ROGAN: But you were afraid that she would

6 actually do something?

7 PROSPECTIVE JUROR NUMBER 145: Yes, I was. I was

8 worried for quite a few months that I would walk out my front

9 door and someone would kill me.

10 MR. ROGAN: Okay. Other than that break up, any

11 other bad break ups?

12 PROSPECTIVE JUROR NUMBER 145: No. That's it.

13 MR. ROGAN: Okay. And do you own a firearm?

14 PROSPECTIVE JUROR NUMBER 145: No, I don't.

15 MR. ROGAN: Sounds like you needed one about 10

16 years ago, though?

17 PROSPECTIVE JUROR NUMBER 145: Right.

18 MR. ROGAN: CCW question. Do you think it's --

19 PROSPECTIVE JUROR NUMBER 145: Yes. It is

20 appropriate.

21 MR. ROGAN: And, sir, if you were to be selected as

22 a juror do you think that you could consider all three

23 possible forms of judgment of punishment if he were found

24 guilty of first degree murder?

25 PROSPECTIVE JUROR NUMBER 145: I could not. The

1 reason is that I am ethically opposed to the death penalty. I
2 understand that the State is not seeking the death penalty in
3 this case; however, it's my opinion that life in prison
4 without parole is morally equivalent to the death penalty.
5 And so I will only consider punishments that include some form
6 of parole.

7 MR. ROGAN: I see. Is that from a religious belief
8 or just from a --

9 PROSPECTIVE JUROR NUMBER 145: It's from -- it's my
10 philosophical opinion.

11 MR. ROGAN: Okay. And you actually said, I think,
12 that you had a bachelors degree in Philosophy.

13 PROSPECTIVE JUROR NUMBER 145: Yes.

14 MR. ROGAN: So have you thought this through
15 considerably in the course of your life?

16 PROSPECTIVE JUROR NUMBER 145: I've considered it
17 somewhat in the past. However, with this case today, I've
18 thought -- I spent yesterday and last night thinking about it
19 and that's my considered opinion.

20 MR. ROGAN: And this is a firmly held belief that I
21 can't disabuse you of?

22 PROSPECTIVE JUROR NUMBER 145: Yes. I'm not going
23 to change my mind on this.

24 MR. ROGAN: Judge, I'm going to challenge for cause
25 Badge Number 145.

1 THE COURT: Let's wait until you finish everybody.
2 MR. ROGAN: Okay.
3 Thank you, sir. Thank you for your honesty.
4 Does anyone agree with what was just said by Mr.
5 Jenkins-Edwards? Seeing no hands. Thank you.
6 And, last but not least, Mr. Morrison, Badge Number
7 146. How are you today, sir?
8 PROSPECTIVE JUROR NUMBER 146: I'm good. Thank you.
9 MR. ROGAN: You're a retired musician?
10 PROSPECTIVE JUROR NUMBER 146: Yes.
11 MR. ROGAN: What instrument did you play?
12 PROSPECTIVE JUROR NUMBER 146: I was a singer and
13 bass guitar player and I played in a lot of recreations of old
14 recording acts, Coasters, Platters, Drifters. I played with
15 James Brown, J.J. Jackson, as a hired hand.
16 MR. ROGAN: You don't do that anymore?
17 PROSPECTIVE JUROR NUMBER 146: My wife passed away
18 last May, and I've had a few health problems. I have a heart
19 condition, had the surgery eight years ago, and a couple years
20 ago I just kind of backed off and retired. I still do
21 occasional shows, but I'm -- all I'm doing right now is I'm a
22 part-time cab driver three days a week.
23 MR. ROGAN: Okay. Since you're part time is serving
24 as a juror going to interfere with your business at all?
25 PROSPECTIVE JUROR NUMBER 146: They will excuse me,

1 but I work on a commission and tip basis, so I'll miss that
2 money, and there may be a limited amount of time that I'm
3 allowed off from this, I'm not sure, but I think they'll
4 excuse me for that.

5 MR. ROGAN: Well, they have to excuse you.

6 PROSPECTIVE JUROR NUMBER 146: Yes. Yes.

7 MR. ROGAN: You're going to get paid if you're
8 selected as a juror.

9 PROSPECTIVE JUROR NUMBER 146: Right. Right.

10 MR. ROGAN: Is that going to be enough to carry
11 through over the next week or two?

12 PROSPECTIVE JUROR NUMBER 146: It'll be difficult,
13 you know, but I could probably get through.

14 MR. ROGAN: Okay. How long were you married for,
15 sir?

16 PROSPECTIVE JUROR NUMBER 146: Almost 10 years.

17 MR. ROGAN: Did you have any previous relationships
18 prior to your late wife?

19 PROSPECTIVE JUROR NUMBER 146: I was married. She
20 was my second wife so I was married before.

21 MR. ROGAN: How long was that marriage?

22 PROSPECTIVE JUROR NUMBER 145: Three years.

23 MR. ROGAN: Do you have any bad break ups during
24 that history?

25 PROSPECTIVE JUROR NUMBER 146: No. It was on -- my

1 first wife was quite a bit younger than myself, and she had
2 some -- well, she had some personal issues and she got into
3 gambling and drugs a little bit. I don't drink or do any
4 drugs, but she had some problems. But we ended on good terms
5 and there was never any trauma or drama really between us.

6 MR. ROGAN: Okay. Age makes a big difference in a
7 relationship.

8 PROSPECTIVE JUROR NUMBER 146: Yes.

9 MR. ROGAN: Was that one of the difficult parts of
10 your relationship was the age difference between yourself and
11 your ex-wife?

12 PROSPECTIVE JUROR NUMBER 146: Yes. I think so.
13 Definitely. There's a maturity issue, and also, you know,
14 there's, you know, just different life experiences, you know,
15 she hadn't had yet. And -- the short answer, yes. Sorry.

16 MR. ROGAN: But it was an amicable break up?

17 PROSPECTIVE JUROR NUMBER 146: Yes, it was.

18 MR. ROGAN: Getting back to some questions from
19 yesterday. Do you watch those CSI television programs,
20 anything like that?

21 PROSPECTIVE JUROR NUMBER 146: I used to a few years
22 back, but I haven't really watched them in the last few years.
23 I think I've seen all of them. So --

24 MR. ROGAN: Yeah. They keep making them, I don't
25 know why.

1 PROSPECTIVE JUROR NUMBER 146: Yeah.

2 MR. ROGAN: Do you have any experience with police,
3 either positive or negative?

4 PROSPECTIVE JUROR NUMBER 146: I've never had any
5 negative experiences. I had, you know, a ticket, but it's
6 been several years ago, just a traffic violation.

7 MR. ROGAN: What about being a witness to a crime or
8 ever having ever to testify in a court proceeding?

9 PROSPECTIVE JUROR NUMBER 146: No. I've never had
10 to do that.

11 MR. ROGAN: Do you have any prior military service?

12 PROSPECTIVE JUROR NUMBER 146: No. I've worked as a
13 musician for -- with the USO, but I've never had any formal
14 military experience.

15 MR. ROGAN: All right. Domestic violence. Do you
16 have any experience with domestic violence, or have close
17 family members or friends that have experienced domestic
18 violence?

19 PROSPECTIVE JUROR NUMBER 146: No, I don't.

20 MR. ROGAN: Okay. Do you own a firearm?

21 PROSPECTIVE JUROR NUMBER 146: No. I don't.

22 MR. ROGAN: And your opinion on CCW permits?

23 PROSPECTIVE JUROR NUMBER 146: Absolutely agree with
24 that.

25 MR. ROGAN: Okay. That you have to get them?

1 PROSPECTIVE JUROR NUMBER 146: Yes.

2 MR. ROGAN: Okay. And if you were selected as a
3 juror would you be able to consider all three possible forms
4 of punishment?

5 PROSPECTIVE JUROR NUMBER 146: Yes. Definitely.

6 MR. ROGAN: Court's indulgence, please.

7 THE COURT: Sure.

8 MR. ROGAN: A couple follow up questions. If you
9 could pass the microphone back to Ms. Starker, Badge Number
10 93.

11 What was the relationship between your son and the
12 person that he was accused of battering?

13 PROSPECTIVE JUROR NUMBER 93: She was a caretaker at
14 the group home he lived in and she was an ex-felon. I think
15 she had a State attorney, but my son did not.

16 MR. ROGAN: State attorney?

17 PROSPECTIVE JUROR NUMBER 93: What's your position?

18 MR. ROGAN: I'm a District Attorney.

19 PROSPECTIVE JUROR NUMBER 93: Oh. I'm sorry.

20 MR. ROGAN: Yeah.

21 PROSPECTIVE JUROR NUMBER 93: My son had a private
22 attorney.

23 MR. ROGAN: Uh-huh.

24 PROSPECTIVE JUROR NUMBER 93: And it was his first
25 case.

1 MR. ROGAN: So the woman that your son allegedly
2 beat up was this caretaker?

3 PROSPECTIVE JUROR NUMBER 93: A caretaker at the
4 group home, and he was afraid of her. I saw him regularly.

5 MR. ROGAN: All right.

6 PROSPECTIVE JUROR NUMBER 93: He wasn't in trouble
7 before that.

8 MR. ROGAN: Okay.

9 PROSPECTIVE JUROR NUMBER 93: He'd been sick, very
10 sick for 10 years.

11 MR. ROGAN: You understand that as District
12 Attorneys, just getting back to what you said before, as
13 District Attorneys we don't represent individuals, we
14 represent the State of Nevada.

15 PROSPECTIVE JUROR NUMBER 93: Okay.

16 MR. ROGAN: Okay.

17 PROSPECTIVE JUROR NUMBER 93: What was the question
18 -- the last question?

19 MR. ROGAN: There wasn't a question, just talking to
20 you about it. So he did not have an intimate relationship
21 with this woman it was just someone that took care of him?

22 PROSPECTIVE JUROR NUMBER 93: Well, he was in fear
23 of her. He said she was ruffing him up for a couple of months
24 and he was afraid of her. But I had convinced him not to be,
25 because she need her work there as a caretaker, and she

1 wouldn't jeopardize her job. So he complied with that. But
2 the day that he did hit her was the day he was released from
3 Spring Mountain Hospital over saturated with medications, and
4 he was totally out of it.

5 MR. ROGAN: Okay.

6 PROSPECTIVE JUROR NUMBER 93: And he was dismissed
7 properly. They didn't give me a diagnosis, but I knew he was
8 about to OD, and that's when the incident occurred, 30 minutes
9 later after I dropped him off at his group home.

10 MR. ROGAN: Okay. And again, anything about that
11 that you're going to hold against the State of Nevada or the
12 witnesses that are going to be testifying in this case?

13 PROSPECTIVE JUROR NUMBER 93: No.

14 MR. ROGAN: Thank you so much.

15 And, Ms. Williams, directly in front of you.
16 Court's indulgence.

17 Ma'am, do you have the name of your friend that's
18 awaiting trial?

19 PROSPECTIVE JUROR NUMBER 141: Sure. It is Bobby
20 Richards.

21 MR. ROGAN: Bobby Richards. Okay.

22 Judge, other than the challenge I previously raised,
23 we'll pass the panel for cause.

24 THE COURT: Would you like to traverse Mr. Jenkins-
25 Edwards, Mr. Coffee?

1 MR. COFFEE: Judge, just briefly.
2 Philosophy degree, Mr. Edwards?
3 PROSPECTIVE JUROR NUMBER 145: That's right.
4 MR. COFFEE: And you've given some consideration
5 [inaudible]?
6 PROSPECTIVE JUROR NUMBER 145: Yes, I have.
7 MR. COFFEE: These proceedings kind of make it
8 difficult, though, because they bring everything into -- kind
9 of a point to some extent for personal beliefs. Is that fair?
10 PROSPECTIVE JUROR NUMBER 145: That's right.
11 MR. COFFEE: And it's easy to answer a question to
12 say, I can consider all three forms of punishment. Is that
13 fair? You can say, yes or no, and not give much
14 consideration, but you're not like that, you're actually --
15 gave it some thought for us.
16 PROSPECTIVE JUROR NUMBER 145: No. I really thought
17 about it last night, because I've -- I've -- my studies
18 haven't been in ethics -- concentrated in ethics much, but, I
19 mean, I've obviously encountered a lot of ethical thought, but
20 I've never had a situation where -- I mean, I mean, you know,
21 I'm a pretty easy going guy, I don't cause problems, and you
22 know, this is like the first time in my life where I've
23 seriously had to -- like I've had some weighty ethical
24 situation in front of me weighing the life of another human
25 being and I really considered what I'm comfortable with doing

1 and the -- the conclusion I reached the main reason that I
2 can't sentence someone to live in prison without parole is
3 because I believe that I think it's wrong to condemn a man to
4 a situation where he has no chance for redemption. And my
5 opinion that redemption has to come through action, not just
6 belief.

7 MR. COFFEE: Understood. Is your opinion that
8 redemption is possible for everyone?

9 PROSPECTIVE JUROR NUMBER 145: I do. I think that
10 everyone -- yes, I do. I think that even the worst criminals.

11 MR. COFFEE: Even the worst of the worst?

12 PROSPECTIVE JUROR NUMBER 145: That's correct. If
13 -- my wife asked me last night if Osama Bin Laden was sitting
14 here would I be saying the same thing and I thought about it
15 and my conclusion's the same. I would not send --

16 MR. COFFEE: So I suppose my final question is if I
17 were to tell you a little more about first degree murder,
18 because that's what we're talking about, we've used the words
19 here, but we don't all necessary understand what the law means
20 by that. And what we're talking about is a willful killing,
21 that was deliberated, meaning that weight the consequences.
22 It was premeditated, meaning there was some sort of planning,
23 okay? Even in that situation, willful, deliberate,
24 premeditated killing, if the jury somehow came back and
25 convicted Troy White of doing that, you still couldn't

1 consider a sentence of life then?

2 PROSPECTIVE JUROR NUMBER 145: That's right. Now,
3 that may seem strange, but it's -- my belief is prefaced on
4 the fact that -- that say the parole board will, you know,
5 fairly evaluate whether or not the defendant is capable of
6 being released into society later.

7 MR. COFFEE: But we have to trust other people to do
8 their jobs in the system at some point.

9 PROSPECTIVE JUROR NUMBER 145: That's correct.
10 That's a situation in many areas of life, we have to trust
11 other people.

12 MR. COFFEE: Okay. Thank you for your honesty, sir.
13 We'll submit on the cause challenge, Judge.

14 THE COURT: Thank you. I'm going to grant the
15 challenge for cause. Sir, I appreciate your honesty and
16 thoughtfulness in reaching that conclusion. I'm going to send
17 you down to the third floor, and they're going to process you
18 out. Thank you very much and have a nice day.

19 PROSPECTIVE JUROR NUMBER 145: Thank you.

20 THE COURT: If I could have Chastity Cloutier come
21 up and sit in Seat Number 31. In a minute we're going to give
22 you the card and the microphone.

23 So, ma'am, if you could tell us a little bit about
24 yourself.

25 PROSPECTIVE JUROR NUMBER 152: My name is Chastity,

1 Badge Number 152. I've lived in Clark County for 11 years. I
2 graduated high school. I also went to culinary school,
3 graduated with an associates degree. I am employed. I work
4 at Aria. I work in the pastry shop in the back of the house.
5 I am married going on 13 years. I do not have any adult
6 children. I do have one daughter, who is soon to be eight.
7 And I have never served on a jury before. And if I am
8 selected I can be completely fair and impartial.

9 THE COURT: Thank you. What kind of work does your
10 husband do?

11 PROSPECTIVE JUROR NUMBER 152: My husband is a
12 manager for one of the Auto Zones.

13 THE COURT: Okay. And you or anyone close to you
14 involved in law enforcement?

15 PROSPECTIVE JUROR NUMBER 152: No.

16 THE COURT: You or anyone close to you accused or a
17 victim of crime?

18 PROSPECTIVE JUROR NUMBER 152: No.

19 THE COURT: You or anyone close to you a victim or
20 accused of domestic violence?

21 PROSPECTIVE JUROR NUMBER 152: No.

22 THE COURT: You or anyone close to you -- I'm sorry.
23 Stop. Have you attended or do you currently attend the
24 Potter's House?

25 PROSPECTIVE JUROR NUMBER 152: No.

1 THE COURT: And have you seen anything about this
2 case on the media?

3 PROSPECTIVE JUROR NUMBER 152: I read a small piece
4 in the Journal, but --

5 THE COURT: Okay. We'll talk to you about that in a
6 little bit.

7 PROSPECTIVE JUROR NUMBER 152: Okay.

8 THE COURT: All right. Would you like to inquire?

9 MR. ROGAN: Ms. Cloutier, do you watch those
10 television programs?

11 PROSPECTIVE JUROR NUMBER 152: I do.

12 MR. ROGAN: Fake or real?

13 PROSPECTIVE JUROR NUMBER 152: Fake.

14 MR. ROGAN: Okay. Do you have any experience with
15 police officers in the past, traffic stop, anything of that
16 nature?

17 PROSPECTIVE JUROR NUMBER 152: I've had a speeding
18 ticket, traffic incident for a little fender bender, but --

19 MR. ROGAN: Nothing big?

20 PROSPECTIVE JUROR NUMBER 152: Nothing big, no.

21 MR. ROGAN: Any opinions on police based upon that?

22 PROSPECTIVE JUROR NUMBER 152: No. No negative.

23

24 MR. ROGAN: Okay. Were you ever a witness to a
25 crime or had to testify in a court proceeding?

1 PROSPECTIVE JUROR NUMBER 152: No.
2 MR. ROGAN: Did you have any prior military service?
3 PROSPECTIVE JUROR NUMBER 152: No.
4 MR. ROGAN: Do you own a firearm?
5 PROSPECTIVE JUROR NUMBER 152: No, I don't.
6 MR. ROGAN: And CCW permit, for or against?
7 PROSPECTIVE JUROR NUMBER 152: I definitely agree.
8 MR. ROGAN: Any bad break ups in your life?
9 PROSPECTIVE JUROR NUMBER 152: No.
10 MR. ROGAN: Okay. If you were seated as a juror
11 would you be able to consider all three possible forms of
12 punishment?
13 PROSPECTIVE JUROR NUMBER 152: Yes.
14 MR. ROGAN: Thank you very much. Pass for cause.
15 THE COURT: All right. Ladies and gentlemen, I am
16 going to let all of you go to lunch except Ms. Cloutier.
17 During this recess you're admonished not to talk or
18 converse among yourselves or with anyone else on any subject
19 connected with this trial, or read, watch, or listen to any
20 report of or commentary on the trial or any person connected
21 with this trial by any medium of information, including,
22 without limitation, social media, text, newspapers,
23 television, the Internet, and radio, or form or express any
24 opinion on any subject connected with the trial until the case
25 is finally submitted to you.

1 We'll see you at 1:15 outside Courtroom 14A at the
2 other end of the hallway.

3 And, ma'am, just keep the mike because we've got a
4 couple questions to ask you outside the others.

5 MR. ROGAN: Your Honor, can we approach?

6 I meant to bring to your attention [inaudible]. Ms.
7 Brandt, she was sitting in the Seat 12, she was tearing up,
8 couldn't speak about her father.

9 THE COURT: We'll do her at the next break.

10 MR. ROGAN: Perfect.

11 THE COURT: I'll let her go.

12 MR. ROGAN: All right.

13 (Prospective jurors not present)

14 THE COURT: Ma'am, you indicated you saw a piece in
15 the R-J and you read about it. Can you tell us what you read?

16 PROSPECTIVE JUROR NUMBER 152: Basically it was what
17 you informed us of when we were first brought into this room.
18 But other than that, I haven't heard of anything else except
19 for, you know, basic information. What I read was the crime
20 and that there are children involved. But other than that,
21 and with the situation as far as an affair. But other than
22 that that's all I know.

23 THE COURT: Can you judge the case based upon what
24 you hear in the courtroom setting aside what you read in the
25 newspaper?

1 PROSPECTIVE JUROR NUMBER 152: Definitely, yes
2 THE COURT: Okay. Any follow up questions?
3 MR. ROGAN: Ma'am, have you preformed any opinion
4 about the guilt or innocence of the defendant based upon what
5 you've read?
6 PROSPECTIVE JUROR NUMBER 152: No.
7 MR. ROGAN: Nothing.
8 PROSPECTIVE JUROR NUMBER 152: Can I also say
9 something, if you don't mind?
10 THE COURT: Yes, ma'am.
11 PROSPECTIVE JUROR NUMBER 152: I'm glad that
12 everybody -- there's nobody in the room, it's personal. But
13 I've been in the situation as far as having an affair, both
14 sides, myself and my husband. As a result of that, I did get
15 pregnant, and that is my daughter, our daughter. We're
16 happily married though. We have resolved our issues, we've
17 put it aside and we continue.
18 THE COURT: Thank you, ma'am. Any follow up
19 questions, Mr. Rogan?
20 MR. ROGAN: No.
21 THE COURT: Mr. Coffee?
22 MR. COFFEE: Thank you for your candor, ma'am. No
23 more questions.
24 THE COURT: All right. Thank you. We'll see you at
25 1:15.

1 PROSPECTIVE JUROR NUMBER 152: Okay. Thank you.
2 Where should I put this.
3 THE COURT: Just set it in the chair.
4 PROSPECTIVE JUROR NUMBER 152: Okay. I'll just set
5 it here. Thank you.
6 THE COURT: Perfect. Thank you. See you at 1:15.
7 PROSPECTIVE JUROR NUMBER 152: Okay. Thank you.
8 THE COURT: It's almost closed. I'm watching. No,
9 it's okay, it's closing. It just sometimes the wind pressure.
10 Other than potentially the issues related to Ms.
11 Brandt, does the State pass for cause?
12 MR. ROGAN: Yes, Your Honor.
13 THE COURT: All right. So when we come back, I'm
14 going to bring Ms. Brandt in first so we can ask her more
15 about the sexual abuse of her father by her uncle, or his
16 uncle, and see if there's any other issues. But I want you to
17 pass for cause before I move on. So we'll just have her come
18 back first when we see the group. Okay?
19 MR. ROGAN: Perfect. Thank you, Your Honor.
20 THE COURT: Anything else?
21 MR. COFFEE: Just real briefly, one of the jurors
22 mentioned that they've got a friend who's awaiting murder
23 charges, I think his name is Bobby --
24 MR. ROGAN: Bobby Richards.
25 MR. COFFEE: Bobby Richards. If the State does any

1 research, I'd just ask that they share it with me.

2 MS. MERCER: That's actually my case, Your Honor.

3 That's why I wanted him to ask the defendant's name.

4 MR. COFFEE: Oh.

5 MS. MERCER: I'm prosecuting that case.

6 MR. COFFEE: Okay.

7 THE COURT: Is it --

8 MR. COFFEE: I'll talk with her then.

9 THE COURT: -- a PD case?

10 MS. MERCER: No. He's represented by Patricia

11 Erikson.

12 (Court recessed at 11:38 a.m., until 1:09 p.m.)

13 (Prospective jurors not present)

14 MR. COFFEE: Quick procedural question before I

15 start asking questions.

16 THE COURT: Sure.

17 MR. COFFEE: If we get to the point where it looks

18 like there's going to be a for cause challenge for somebody do

19 you prefer --

20 THE COURT: Just wait until the end.

21 MR. COFFEE: -- we do it at the bench or wait until

22 the end?

23 THE COURT: Wait until the end.

24 MR. COFFEE: Okay. I will keep a list some place

25 then. That's what I was curious about.

1 THE COURT: The only reason is because that way when
2 I substitute I only have to ask the general questions
3 together, one time.

4 MR. COFFEE: Perfect. Okay.

5 THE COURT: So it makes it easier on me for my note
6 taking and analysis in questioning.

7 MR. COFFEE: Okay. And --

8 THE COURT: If there's one that looks like you
9 though -- that you have a hardship issue --

10 MR. COFFEE: Okay.

11 THE COURT: -- you know, let's get them out of here.

12 MR. COFFEE: Okay. How much do you want us to -- if
13 it looks like it's going to be a for cause challenge sometimes
14 that can take a little while.

15 THE COURT: You don't need to.

16 MR. COFFEE: Okay.

17 THE COURT: Most of them I've already got notes on.

18 MR. COFFEE: Okay.

19 THE COURT: I usually have more notes on for cause
20 challenges than you guys do, because I hear them differently
21 than you guys do --

22 MR. COFFEE: Makes sense.

23 THE COURT: -- because I have a different group of
24 things I'm looking for.

25 MR. COFFEE: Right.

1 THE COURT: Which is why I sometimes ask the
2 questions differently than you guys do even though they're
3 trying to get to the same point.

4 (Pause in the proceedings)

5 THE COURT: Ms. Brandt, if you could get your own
6 chair, which ever one it was. I think it's Number 12.

7 Counsel, you can sit down.

8 We asked you to come back separately because there
9 was a point during the questioning Mr. Rogan had that you
10 teared up, and we thought you were uncomfortable and wanted to
11 ask you the questions outside the presence of the other
12 jurors.

13 PROSPECTIVE JUROR NUMBER 150: Okay.

14 THE COURT: So I know that the questions he's going
15 to ask you are difficult, and if you need some Kleenex or you
16 need some water, you need to take a break as you're going
17 through this explanation just let us know. We're trying to
18 make it as comfortable for you so that we can get the
19 information we need from you, and I know that it's hard.

20 PROSPECTIVE JUROR NUMBER 150: I appreciate that.
21 Thank you.

22 THE COURT: All right.

23 MR. ROGAN: Ms. Brandt, I think when we left off you
24 were talking about -- it was your dad and he was molested by
25 his uncle; correct? Right?

1 PROSPECTIVE JUROR NUMBER 150: That's correct.

2 MR. ROGAN: Thank you. And that was ongoing for a
3 number of years when he was a child; right?

4 PROSPECTIVE JUROR NUMBER 150: That's my
5 understanding, yes.

6 MR. ROGAN: Okay. Now, did you -- I can't remember
7 if I asked, but did your dad talk to you a lot about what
8 happened?

9 PROSPECTIVE JUROR NUMBER 150: Yeah.

10 MR. ROGAN: And it's obviously very emotional for
11 you still today.

12 PROSPECTIVE JUROR NUMBER 150: Oh, it's just hard
13 because he just told me about two years ago.

14 MR. ROGAN: That was the first time that he told you
15 about it.

16 PROSPECTIVE JUROR NUMBER 150: Uh-huh.

17 MR. ROGAN: Was that difficult for him to express it
18 to you what had occurred?

19 PROSPECTIVE JUROR NUMBER 150: Yeah. I think it
20 was.

21 MR. ROGAN: And the emotions that you're feeling
22 today knowing that this case is not a molestation case or
23 sexual assault case is that going impact your ability to be a
24 fair and impartial juror in this murder case?

25 PROSPECTIVE JUROR NUMBER 150: No, I don't think so.

1 MR. ROGAN: It's just difficult to talk about this?
2 PROSPECTIVE JUROR NUMBER 150: Yeah. It's always
3 difficult to talk about it, just because due to statute of
4 limitations my dad can't do anything about it. So it's sad.
5 MR. ROGAN: Is the uncle still in the picture
6 somewhere?
7 PROSPECTIVE JUROR NUMBER 150: Yeah. We don't talk
8 to him, but, you know, he's still --
9 THE COURT: Mr. Rogan, you've got to stay near the
10 microphone.
11 MR. ROGAN: Oh. I'm sorry.
12 PROSPECTIVE JUROR NUMBER 150: Sorry. It's just
13 hard because he's, you know, he's still alive, and it's just
14 disappointing to see that there's nothing that my father, who
15 I love very much, like he can't do anything about it at this
16 point. So --
17 MR. ROGAN: Okay. All right. Thank you very much.
18 PROSPECTIVE JUROR NUMBER 150: Yep.
19 MR. ROGAN: Nothing further, Your Honor. Pass for
20 cause.
21 THE COURT: Does the State pass the whole panel for
22 cause?
23 MR. ROGAN: Yes.
24 THE COURT: Mr. Coffee, would you like to follow up
25 with Ms. Brandt outside the presence of the other jurors, or

1 do you think we've dealt enough?

2 MR. COFFEE: If we could for just a moment.

3 THE COURT: Absolutely.

4 MR. COFFEE: Good afternoon, Ms. Brandt.

5 PROSPECTIVE JUROR NUMBER 150: Good afternoon.

6 MR. COFFEE: If you're selected for the jury, at
7 some point you're going to have to discuss matters with a
8 whole group of people, you understand that of course?

9 PROSPECTIVE JUROR NUMBER 150: Yes, I do understand
10 that.

11 MR. COFFEE: And one of the concerns, I suppose both
12 parties have certainly the defense has, is that you associate
13 with somebody, who ever it might be, Mr. White, the people who
14 that were shot, and you get emotionally invested in the case,
15 which is -- there's nothing wrong with that, but the concern
16 is can you keep it together if you have to deliberate. Do you
17 understand?

18 PROSPECTIVE JUROR NUMBER 150: As long as I don't
19 have to talk about my father, I'll be able to keep it
20 together.

21 MR. COFFEE: We promise -- well, I won't promise he
22 won't be the subject of discussions, I haven't been back in
23 the jury room, I don't expect he would be the subject of
24 anybody's discussions, and if anybody brought up that subject
25 you could call the marshal. I don't think that's appropriate

1 for your deliberations. Okay? Your father's not going to
2 come up at all.

3 PROSPECTIVE JUROR NUMBER 150: Excellent.

4 MR. COFFEE: Okay. Other than that you did say that
5 there's a concern that there's never going to be justice for
6 your uncle, meaning he can't be prosecuted, there's nothing
7 that can be done.

8 PROSPECTIVE JUROR NUMBER 150: That's my
9 understanding is that it's past the statute of limitations.
10 So --

11 MR. COFFEE: Do we need to be concerned that because
12 justice wasn't done there you're going to make sure that, you
13 know, justice is going to reign a firm hand here. Do you
14 understand my point?

15 PROSPECTIVE JUROR NUMBER 150: I understand your
16 concern, and I don't think there's need for concern for that.

17 MR. COFFEE: Okay. Very good. Thank you for your
18 time, ma'am.

19 PROSPECTIVE JUROR NUMBER 150: You're welcome.

20 THE COURT: Any additional questions outside the
21 presence of the other jurors?

22 MR. ROGAN: Not from the State.

23 THE COURT: Mr. Coffee, any additional ones?

24 MR. COFFEE: No. Thank you.

25 THE COURT: Okay. We're going to let you go back to

1 the other jurors, Kevin's going to round them all up, try and
2 make sure everybody's here, and as soon as everybody's here
3 he's going to bring you all back in.

4 PROSPECTIVE JUROR NUMBER 150: Okay.

5 THE COURT: Thank you again for your patience with
6 us.

7 PROSPECTIVE JUROR NUMBER 150: Yeah. Sorry. It's
8 just someone talking about it.

9 THE COURT: It's okay.

10 (Pause in the proceedings)

11 (Prospective jurors are present)

12 THE COURT: You can be seated. Good afternoon
13 ladies and gentlemen. Mr. Rogan, does the State pass the
14 panel for cause?

15 MR. ROGAN: The State does, Your Honor.

16 THE COURT: Mr. Coffee would you like to inquire?

17 MR. COFFEE: Thank you, Your Honor.

18 I'm going to try not to repeat too many questions.
19 We've questioned a lot of people, but I expect some other
20 things may come up again.

21 Can I have a show of hands for the number of gun
22 owners? About half. How many own a handgun? I'm looking
23 about half. How many have a CCW permit for the handgun? Two,
24 about -- out of eight or ten.

25 There were some questions concerning whether or not

1 you agree with the necessity for carrying a concealed weapon
2 permit, and everybody on this panel to a person said that they
3 did, but some of the times things we agree with aren't things
4 we do in practice.

5 I want to talk to you a little bit more about
6 punishment. I want to talk to you a little bit more about
7 domestic violence, and we will go through those things as a
8 panel first.

9 We had somebody who had a conscience problem with a
10 sentence with life without parole, you all heard that, and
11 that is a completely valid viewpoint. Some of the times we
12 ask -- we raise our hands so quickly and we answer questions
13 so quickly that we think maybe we're judged sitting here and
14 that is not anybody's function in what we're doing, but we
15 need to get to the bottom of what people think. Does that
16 make sense to everybody?

17 Show of hands, everybody okay with that? Okay.
18 With this punishment the State has charged Mr. White with
19 first degree murder, and we've talked about that briefly.
20 Deliberate, meaning done on purpose, okay?

21 Deliberation, weighing consequences for and against.
22 Premeditated, meaning thought about it beforehand.
23 Some sort of planning, it can be short, but some sort of
24 planning.

25 Willful, again, intentional.

1 If the State is able to prove those things, all of
2 those things beyond a reasonable doubt, and that's the
3 starting ground that we are at before we ever get to
4 consideration of punishment. Is there anybody that could not
5 consider, and what I mean not consider, we all know what
6 consider means; right? I might consider making a donation to
7 charity and think better of it, and know beforehand that I'm
8 going to think better of it. By consider we mean give
9 meaningful consideration to a sentence of 20 to 50 years.
10 Meaning, parole eligibility after 20 years perhaps as long as
11 50 years, that would be the minimum sentence in that
12 situation, it would be one that you could consider.

13 Is there anybody who says if it's a willful,
14 deliberate, premeditated killing, if they prove it, life for
15 life I can't consider that. It's certainly a viewpoint that
16 some people might have, meaning full consideration. Is there
17 anybody here that can't give that meaningful consideration?

18 Yes, sir. Your badge number, please?

19 PROSPECTIVE JUROR NUMBER 110: 110.

20 MR. COFFEE: And tell me about that, if you might?
21 Let me get the microphone, I'm sorry. I'm used to the old
22 days when we had the --

23 PROSPECTIVE JUROR NUMBER 110: If I understood the
24 question correctly, you're saying that if -- if it's proven
25 and we're convicting, I would not consider any possibility of

1 parole. That's what you're asking me?

2 MR. COFFEE: Yeah.

3 PROSPECTIVE JUROR NUMBER 110: Yeah. I wouldn't

4 consider it. I just don't think it's fair.

5 MR. COFFEE: You don't think it's fair. Somebody

6 took a life --

7 PROSPECTIVE JUROR NUMBER 110: Yeah.

8 MR. COFFEE: -- irrespectively of the circumstances.

9 PROSPECTIVE JUROR NUMBER 110: I wouldn't want

10 somebody in my family that I lost that I'm never getting back

11 again, no way.

12 MR. COFFEE: Okay. And anything I might say to you

13 isn't going to change your mind about that, I would imagine?

14 PROSPECTIVE JUROR NUMBER 110: No.

15 MR. COFFEE: Let me ask you this question. Do you

16 think everybody -- every time someone dies at human hand that

17 it's first degree murder? Do you understand the question?

18 PROSPECTIVE JUROR NUMBER 110: Yeah. I don't think

19 so. You know if -- you know something things can be an act of

20 passion.

21 MR. COFFEE: Could be act of passion.

22 PROSPECTIVE JUROR NUMBER 110: You know, you're out

23 of your mind, you're out of your gourd, it could be an

24 accident. Yeah. But if -- but if, you know, based upon what

25 you said, if it's proven that it's premeditated, you know,

1 willingly done, all that stuff, no.

2 MR. COFFEE: Okay. And those are the allegations
3 that are set forth. So --

4 PROSPECTIVE JUROR NUMBER 110: I understand.

5 MR. COFFEE: -- you are aware. Thank you, sir. And
6 your badge number?

7 PROSPECTIVE JUROR NUMBER 110: 110.

8 MR. COFFEE: 110.

9 Now, having heard that as a panel, it brings up an
10 interesting point, there might be people who say, I don't
11 think passion matters. I think we should all act in a perfect
12 manner, in a logical manner, and I don't think the law should
13 consider passion in setting punishment. Do you follow me so
14 far?

15 The Judge asked you a generic question, can you
16 follow the law, but it's really hard to answer in a vacuum;
17 right? And juror number --

18 PROSPECTIVE JUROR NUMBER 122: 122.

19 MR. COFFEE: 122. And I apologize, I don't have
20 list of names.

21 PROSPECTIVE JUROR NUMBER 122: Kathy Mansfield.

22 MR. COFFEE: I think we've got a microphone for you.

23 PROSPECTIVE JUROR NUMBER 122: I have no problem
24 with the concept of the three different punishment levels for
25 first degree murder, but I get very confused and uncomfortable

1 when you talk about other circumstances that could affect how
2 you choose one or the other, because you said it's deliberate,
3 willful, intentional. So I don't see how passion could be a
4 part of that. Because if you do something in passion, you
5 haven't planned it out or something. So I'm very confused on
6 that, and maybe when we get through the process you'll give me
7 enough education that I will understand some of those nuances
8 and be more comfortable, but right now with what you have said
9 with first degree, and like the other gentleman, I don't see
10 why they shouldn't get the toughest penalty. I mean, two
11 lives are gone, and numerous --

12 THE COURT: And, ma'am, we --

13 PROSPECTIVE JUROR NUMBER 122: -- lives have been
14 hurt.

15 THE COURT: -- we will give you jury instructions at
16 the end of the case that provide additional information about
17 how you evaluate that willfulness portion, and the
18 deliberative process that Mr. Coffee's spoken about, but those
19 are issues that are subject to the jury instructions and are
20 legal issues. So the lawyers will explain how they think the
21 facts in the case apply to the jury instructions that I give
22 you. So he can't really explain to you the passion issue
23 without going too much into the legal issue.

24 Mr. Coffee.

25 MR. COFFEE: But what I think I can explain is that

1 the law recognizes that we aren't automatons. Does that make
2 sense?

3 PROSPECTIVE JUROR NUMBER 122: Sure.

4 MR. COFFEE: That some of the times that just
5 because we do an action doesn't mean we do it with the three
6 things the Judge just mentioned, willfulness, deliberation,
7 premeditation. There's a concept of passion and that might be
8 something the jury has to consider, and there are some people
9 who would say, I don't care, I can't give that meaningful
10 consideration. Does that make sense? If you pull a trigger
11 to bad it's on you, I don't care about the rest of it, I don't
12 care if you were jealous, out of your head, acting in passion,
13 I don't care what the instructions are, I can't follow those,
14 I can't consider that mental state. Does that make sense?
15 And it's a completely legitimate point of view if you have it,
16 but if you have it we need to know about it now. Is there
17 anyone that thinks that way? And I still see quizzical looks.

18 PROSPECTIVE JUROR NUMBER 122: I'm torn. I honestly
19 don't know.

20 MR. COFFEE: Okay.

21 PROSPECTIVE JUROR NUMBER 122: I guess if I had more
22 information and smarter, I could be more comfortable with it,
23 but I do know that on the jury when we get to that point I
24 will do my best to be open minded.

25 MR. COFFEE: Absolutely.

1 PROSPECTIVE JUROR NUMBER 122: I'm still
2 uncomfortable now.

3 MR. COFFEE: You brought up another point when we
4 were talking about this a moment ago, and you said like the
5 gentleman in the back. If they prove these things that
6 they're going to have to do to get to a first degree murder --

7 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

8 MR. COFFEE: -- conviction. A life for a life, it
9 sounds like you might not be able to consider the other
10 possible punishments, if they prove all those things.

11 PROSPECTIVE JUROR NUMBER 122: Unless you
12 demonstrate something else during the trial with other
13 evidence or other information that would make me say, okay,
14 maybe I should tamper that. I don't know.

15 MR. COFFEE: Okay.

16 PROSPECTIVE JUROR NUMBER 122: I honest to God can't
17 say definitively right now without having all the information.

18 MR. COFFEE: And your badge number?

19 PROSPECTIVE JUROR NUMBER 122: 122.

20 MR. COFFEE: Thank you.

21 Anyone else? I saw a head nod in the front row. If
22 we could pass the microphone forward.

23 PROSPECTIVE JUROR NUMBER 097: Well, I am open to
24 all three options.

25 MR. COFFEE: Can I get your number, I'm sorry.

1 PROSPECTIVE JUROR NUMBER 097: 097.

2 MR. COFFEE: Okay.

3 PROSPECTIVE JUROR NUMBER 097: I just believe that
4 we have to give people the benefit of the doubt and look at
5 both sides of the story. And once we know all the information
6 I think it's -- when we're going to decide whether which
7 option to choose, but I still believe that we have to give
8 people the benefit of the doubt.

9 MR. COFFEE: So even if Mr. White was convicted you
10 might look at other things like his past record, whether he
11 had one or not, those sorts of things in deciding what an
12 appropriate punishment might be.

13 PROSPECTIVE JUROR NUMBER 097: Well, yeah, maybe
14 the background of the story. Yeah.

15 MR. COFFEE: Okay.

16 PROSPECTIVE JUROR NUMBER 097: To see, if you know
17 --

18 MR. COFFEE: And in the right circumstance even a
19 willful, deliberate, premeditated killing, might call for the
20 20 to 50 sentence.

21 PROSPECTIVE JUROR NUMBER 097: Yeah. With maybe
22 parole, because we don't know what made this person do what he
23 did.

24 MR. COFFEE: Okay. Okay. Very good. I also saw
25 another head nodding in the center here.

1 PROSPECTIVE JUROR NUMBER 136: I kind of feel the
2 way the first two people did.

3 MR. COFFEE: Number?

4 PROSPECTIVE JUROR NUMBER 136: If it's very --

5 MR. COFFEE: Badge number, I'm sorry. It's my
6 fault.

7 PROSPECTIVE JUROR NUMBER 136: Oh. I'm sorry. 136.
8 Like you said, it's pretty explained out, you said
9 they have to meet those three criteria to be considered guilty
10 and at that point it's --

11 MR. COFFEE: And just so we're clear, to be
12 considered guilty of first degree murder the jury may have
13 other options.

14 PROSPECTIVE JUROR NUMBER 136: Okay.

15 MR. COFFEE: The jury may have options of second
16 degree murder, options of manslaughter. In fact I expect the
17 jury's going to have those options, and the Judge will give
18 you the legal description of those.

19 PROSPECTIVE JUROR NUMBER 136: Okay. I mean, if --

20 MR. COFFEE: But if we get to the first degree stage
21 --

22 PROSPECTIVE JUROR NUMBER 136: Then it does seem
23 pretty cut and dried the it's premeditated, you know, if he
24 thought it out, you had a choice.

25 MR. COFFEE: And you couldn't consider parole

1 eligibility at 20 years in a term of 50?

2 PROSPECTIVE JUROR NUMBER 136: I probably could. I
3 don't, you know, I'm kind of in the same boat as her, until
4 I'm -- at the moment I can't see that, but depending on what
5 the evidence is --

6 MR. COFFEE: I know it's very difficult, because we
7 bring you in here and we ask you questions that you probably
8 haven't contemplated --

9 PROSPECTIVE JUROR NUMBER 136: Right.

10 MR. COFFEE: -- until you were in a position of
11 having to judge someone.

12 PROSPECTIVE JUROR NUMBER 136: Exactly.

13 MR. COFFEE: Thank you for your honesty. Two over
14 to your right, if I may.

15 Badge number?

16 PROSPECTIVE JUROR NUMBER 133: 133.

17 MR. COFFEE: All right. And I saw a nod with you
18 also.

19 PROSPECTIVE JUROR NUMBER 133: Well, I do believe if
20 the three conditions are proven I could still consider all
21 three options.

22 MR. COFFEE: Okay. Okay. And I hope I haven't
23 frightened everybody and got you to the point where you're
24 going to sit on your hands and not nod or make any movements
25 out of concern that you're going to get picked on.

1 Here's another simple question. Who here enjoys
2 public speaking? A couple maybe. Who here really doesn't
3 care for it that much? All right. It's a tough situation and
4 we appreciate the honesty of everyone.

5 If I could pass the microphone forward. Is it Mr.
6 Roe?

7 PROSPECTIVE JUROR NUMBER 129: Yes. 129.

8 MR. COFFEE: Mr. Roe, you drove a car into a
9 restaurant.

10 PROSPECTIVE JUROR NUMBER 129: Twenty-five years ago
11 or longer, yeah.

12 MR. COFFEE: You said you didn't mean to hurt
13 anybody.

14 PROSPECTIVE JUROR NUMBER 129: Yeah. I -- there was
15 no chance of hurting anybody.

16 MR. COFFEE: Okay. You were acting out?

17 PROSPECTIVE JUROR NUMBER 129: Yeah.

18 MR. COFFEE: Angry?

19 PROSPECTIVE JUROR NUMBER 129: Uh-huh.

20 MR. COFFEE: We've talked about this passion thing.
21 Do you think it's possible for people to act in passion, make
22 rash decisions with terrible consequences?

23 PROSPECTIVE JUROR NUMBER 129: Yes. Of course.

24 MR. COFFEE: Does anybody disagree with that?

25 Does anybody think that people don't get angry?

1 Has anybody here never gotten angry?

2 We've talked about battery domestic violence and it

3 is a very difficult subject to talk about in public, but, but,

4 but, but, so we are clear it doesn't necessarily mean that the

5 police were called; right? It could be as little as a shove.

6 Let me ask this in the other direction. Has anybody here been

7 in a long-term relationship that has never had any sort of

8 physical confrontation at all, whether it be a slap, a shove,

9 anything like that?

10 PROSPECTIVE JUROR NUMBER 122: Never?

11 MR. COFFEE: Never. Never. Very good. About half

12 and half.

13 How many people have actually called the police for

14 battery domestic violence? One.

15 If we could pass the microphone down.

16 PROSPECTIVE JUROR NUMBER 105: Badge 105.

17 MR. COFFEE: 105. Your name starts with -- your

18 name, please.

19 PROSPECTIVE JUROR NUMBER 105: Sarah. My name is

20 Sarah Ingmanson.

21 MR. COFFEE: Ingmanson.

22 PROSPECTIVE JUROR NUMBER 105: Yeah.

23 MR. COFFEE: And I'm sorry the badge number again?

24 PROSPECTIVE JUROR NUMBER 105: 105.

25 MR. COFFEE: 105. You had actually called the

1 police?

2 PROSPECTIVE JUROR NUMBER 105: I did. One time.

3 MR. COFFEE: One time.

4 PROSPECTIVE JUROR NUMBER 105: I tried other times,
5 but he intercepted my phone and his son, my adopted son, would
6 plead with me not to call the police. So most the times I did
7 not. The one time I did because he wasn't home and he was
8 threatening my life and I was scared for my life, so I called
9 the police and apparently one of my neighbors was a police
10 officer and he came over just to check on me and he asked me
11 if I wanted to file a report or if he just wanted to try to
12 talk to my husband at the time. And my husband had prior
13 domestic violence -- prior record of domestic violence with
14 his first wife, and he had told that if I had reported him
15 they would take him away, and that was something that his son
16 was very fearful of. So I opted to just have the officer talk
17 to him and that helped for a while.

18 MR. COFFEE: He used his prior convictions against
19 you to prevent you from reporting.

20 PROSPECTIVE JUROR NUMBER 105: Correct.

21 MR. COFFEE: How long were you married?

22 PROSPECTIVE JUROR NUMBER 105: Just over a year.

23 MR. COFFEE: Okay. Fairly short relationship then.

24 PROSPECTIVE JUROR NUMBER 105: Yes.

25 MR. COFFEE: Were you physically injured during the

1 relationship?

2 PROSPECTIVE JUROR NUMBER 105: There was one
3 incident. I wasn't physically injured to the point I had to
4 go to the hospital, but I was shoved against a wall and like I
5 dropped -- it bruised my tailbone, which hurt for a while, and
6 he also put his hands around my neck, which is traumatizing
7 just -- in that way, and I was spit on several times.

8 MR. COFFEE: Regardless of what is characterized in
9 prior relationships or relationships up to the point of the
10 shooting, this case will involve domestic violence, there's no
11 way around it, it is a husband who shot his wife and her
12 lover. There's no question about that. Does your past
13 experience -- are you going to be able to fairly judge things
14 given your past experience? And you understand --

15 PROSPECTIVE JUROR NUMBER 105: Yes.

16 MR. COFFEE: -- understand the question?

17 PROSPECTIVE JUROR NUMBER 105: yes.

18 MR. COFFEE: You think you could still sit?

19 PROSPECTIVE JUROR NUMBER 105: yes.

20 MR. COFFEE: If you were sitting in Mr. White's seat
21 would you want someone with your background --

22 PROSPECTIVE JUROR NUMBER 105: Yes.

23 MR. COFFEE: -- on the jury?

24 PROSPECTIVE JUROR NUMBER 105: Yes.

25 MR. COFFEE: Why?

1 PROSPECTIVE JUROR NUMBER 105: Because I understand
2 -- I understand my exhusband's pain in losing his temper or
3 not having control of his emotions. I don't see him as a bad
4 person.

5 MR. COFFEE: That's very interesting.

6 PROSPECTIVE JUROR NUMBER 105: I -- he's a wonderful
7 father to our children and I completely trust him with our
8 children.

9 MR. COFFEE: So even though he has a flared temper,
10 he's not a bad person necessarily.

11 PROSPECTIVE JUROR NUMBER 105: Absolutely not.

12 MR. COFFEE: Just bad personality traits?

13 PROSPECTIVE JUROR NUMBER 105: He lacks control some
14 times.

15 MR. COFFEE: He lacks control.

16 And we talked about this passion thing, the fact
17 that the law may allow, doesn't give people a pass, nobody's
18 talking about a pass for somebody who lacks control, but the
19 lay that the law may allow for consideration of someone acting
20 in heat of passion, you're okay with that concept?

21 PROSPECTIVE JUROR NUMBER 105: Yes.

22 MR. COFFEE: Does anybody here think that Mr. White
23 has to take the stand to prove his innocence?

24 Anybody think, you know, if he didn't do it, or he's
25 truly sorry he's going to get up there and tell us as much.

1 Anybody think like that?

2 Pass the microphone, if you will.

3 PROSPECTIVE JUROR NUMBER 093: But I think --

4 MR. COFFEE: What's your number?

5 PROSPECTIVE JUROR NUMBER 093: 093.

6 MR. COFFEE: Thank you.

7 PROSPECTIVE JUROR NUMBER 093: I would think

8 everyone has the right to defend their story and their

9 actions.

10 MR. COFFEE: Okay. And that's true, we do have a

11 constitutional right, and he has a constitutional right to

12 take the stand if he chooses to and if I give him the advice

13 to and if he follows my advice.

14 PROSPECTIVE JUROR NUMBER 093: [Unintelligible] of

15 sound mind; right? Competent.

16 MR. COFFEE: If you're of sound mind --

17 PROSPECTIVE JUROR NUMBER 093: Mentally.

18 MR. COFFEE: -- and competent. And he's here, he's

19 of sound mind.

20 Can anybody think of some reasons why someone who's

21 accused wouldn't take the stand?

22 Can we pass the microphone back.

23 PROSPECTIVE JUROR NUMBER 140: 140. In being in

24 sales for along time words are your worst enemy.

25 Communication is the key to success in anything, and people,

1 not purposely, but sometimes have a tend to say something they
2 may not mean or it can be misprescribed by people --
3 interpreted or assumed differently than what the person is
4 actually trying to communicate, because not everybody can
5 understand it, because not everybody is a great speaker.

6 MR. COFFEE: And we had that discussion about how
7 many people like to get up and speak in public before.

8 Who here thought -- walked in the courtroom, another
9 innocent man on trial, I can't believe it? One more time. We
10 don't come into the court with those perceptions. Mr. White
11 has been accused by the State of Nevada and that carries
12 certain connotations even though there's a presumption of
13 innocence.

14 Because of that, does anybody disagree that he would
15 have a certain motive if he got on the stand, guilty or not,
16 to say the same thing? Does that make sense? Okay.

17 Suppose I steal some cookies from a cookie jar, my
18 mother asked me if I did it, I can answer yes or no. What
19 does my answer add? Maybe nothing; right? If I'm guilty I've
20 got a built-in motive and he's been accused, so do you think
21 maybe if he doesn't testify it would be appropriate to judge
22 the evidence that we get from the stand, not what he has to
23 say, because guilty or not he might say the same thing. Does
24 that make sense? Does anybody disagree with that?

25 This is about the State proving a case beyond a

1 reasonable doubt. Somebody said shadow of the doubt. The
2 Judge will give you the exact instructions. They are very
3 specific. They are set forth by the Nevada Legislature. But
4 does anybody here think -- Mr. White is conceding to the
5 shooting, you've heard as much, you know that much, but that
6 is unfair that the State has to prove the case against beyond
7 a reasonable doubt? Does anybody think he should have to
8 prove that he is not guilty or guilty of some lesser crime if
9 there is evidence of lesser crime? Does that make sense?

10 For example, by conceding that he is doing the
11 shooting do we all understand he is not conceding he's guilty
12 of murder? Everybody comfortable with that?

13 Is everybody comfortable with the fact that the
14 State's still going to have to prove up this latter of
15 charges, manslaughter, second degree, first degree murder, the
16 State's got to prove each wrong. Does that make sense?

17 Court's indulgence.

18 THE COURT: Certainly.

19 MR. COFFEE: Can we approach for a moment, Judge?

20 THE COURT: You can.

21 (Bench Conference)

22 MR. COFFEE: I'm real close to moving for cause, but
23 there's a few that I don't know if you want to talk about it
24 or bring back or what we'd like to do.

25 THE COURT: Do you have questions outside the

1 presence of the jury via some of them?

2 MR. COFFEE: We might depending on what the Court's
3 position is on it.

4 THE COURT: Tell me numbers.

5 MR. COFFEE: 110, 122, 137, 133, and I think that's
6 it.

7 THE COURT: And these are all cause issues?

8 MR. COFFEE: Yes.

9 THE COURT: Hold on a second.

10 MR. COFFEE: Actually let me look at my seating
11 chart, because I may have wrote down an extra number when I
12 was asking some of the -- something differently than
13 [unintelligible].

14 THE COURT: The two that I do not have marked
15 someone for cause --

16 MR. COFFEE: 136 and 133.

17 THE COURT: -- are 133 and 136. The other two I
18 have already made the notation you were going to ask for
19 cause.

20 MR. COFFEE: Okay. Let me take a look at 133 and
21 136, because I may have just wrote down the numbers when I was
22 asking questions.

23 THE COURT: Well, if they're the two ladies you
24 talked about in the -- or in the first front of the box

25 MR. ROGAN: 133 is the young girl, Vanbuskirk, who

1 said she could consider all three forms of punishment.
2 MR. COFFEE: Okay. We're fine on -33 and -36 then.
3 THE COURT: Okay. But these two I had noted you
4 were going to ask that. Are you going to object to those two
5 being excused?
6 MS. MERCER: Which one's 122?
7 MR. ROGAN: Mr. Oliai and Ms. Mansfield. Oliai
8 can --
9 MS. MERCER: We're okay with Oliai.
10 MR. ROGAN: But I want to traverse Ms. Mansfield.
11 THE COURT: Okay. Thank you.
12 MR. COFFEE: Thanks.
13 THE COURT: So tell me the numbers out loud.
14 MR. COFFEE: Okay.
15 (End of bench conference)
16 THE COURT: Mr. Coffee, if you could give me those
17 numbers again.
18 MR. COFFEE: Yes. Jurors 110 and 122.
19 THE COURT: Okay. And does the State wish to
20 traverse on either 110 or 122?
21 MR. ROGAN: With regard to Juror 122 we would, Your
22 Honor.
23 THE COURT: So the challenge for cause as to Juror
24 Number 110, Mr. Oliai.
25 PROSPECTIVE JUROR NUMBER 110: Oliai.

1 THE COURT: Oliai, is granted. Sir, in a minute I'm
2 going to have you go down to the third floor and process out,
3 but don't leave yet.

4 And if you want to traverse Ms. Mansfield.

5 MR. ROGAN: Thank you very much, Your Honor.

6 THE COURT: Ms. Mansfield, let's get you the
7 microphone.

8 MR. ROGAN: Back again, Ms. Mansfield. You're the
9 star of this panel.

10 PROSPECTIVE JUROR NUMBER 122: Not a good position
11 to be in.

12 MR. ROGAN: It's an appropriate position. It's
13 important to share everything that you are feeling so that we
14 have a fair jury. Do you understand?

15 PROSPECTIVE JUROR NUMBER 122: Sure.

16 MR. ROGAN: You answered some of Mr. Coffee's
17 questions in ways that give him concern. So I need to delve a
18 little bit deeper into your thought right now.

19 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

20 MR. ROGAN: You said in answer to his questions, I
21 think, that it's difficult to evaluate or give an answer in a
22 vacuum.

23 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

24 MR. ROGAN: Is that fair to say? Right now you
25 don't know what the difference between first degree murder and

1 what we call voluntary manslaughter is; right?

2 PROSPECTIVE JUROR NUMBER 122: No. That's not what
3 I was saying. Although I -- that's not what I was saying, but
4 I probably don't have the good answer to that question either.

5 MR. ROGAN: Okay. So tell me what you were saying
6 then. I must have misunderstood what you were saying.

7 PROSPECTIVE JUROR NUMBER 122: I thought the whole
8 issue was relative to first degree murder that you can found a
9 person guilty of first degree murder, or if this jury did,
10 that we would have the choice after finding him guilty of
11 first degree to decide on one of three penalties.

12 MR. ROGAN: That's correct.

13 PROSPECTIVE JUROR NUMBER 122: Life without parole,
14 a chance of parole in 50 years or, I can't -- the three
15 options. Not anything to do with second degree or
16 manslaughter.

17 MR. ROGAN: That's correct.

18 PROSPECTIVE JUROR NUMBER 122: And the way it was
19 described to me is if you think -- if you find someone guilty
20 of first degree murder then that means that you believe --
21 that the jury believed it was deliberate, willful, and with
22 intent. Was that the three things or whatever?

23 MR. ROGAN: Close enough.

24 PROSPECTIVE JUROR NUMBER 122: So if that's true, I
25 don't understand why one person that meets that criteria would

1 get life with no parole and someone else would be eligible in
2 20 years. It seems like they all should get the steepest
3 penalty. And I don't understand enough about it to -- to be
4 able to decide how, you know, where the nuances are, and
5 someone kept mentioning the concept of passion or other coming
6 into play in it, but I don't see where under the definition as
7 I understand it if it's willful and deliberate and you planned
8 it premeditated, I don't see where -- in my mind passion means
9 that you just get mad and you just suddenly lose control and
10 it's unexpected and you do something and then you go, holy
11 crap, what'd I just do, as opposed to thinking it through for
12 some period of time and willfully doing it, and yeah, you may
13 be mad and angry and out of control, but you thought it
14 through and made the decision to take those actions, which is
15 what premeditated sounds like to me. And so I'm having a very
16 hard time understanding why I should be convinced that that
17 person shouldn't get a tougher penalty.

18 MR. ROGAN: So that's your philosophy on someone who
19 commits premeditated murder, is that you're looking more
20 likely at life without the possibility of parole. Is that
21 correct?

22 PROSPECTIVE JUROR NUMBER 122: Yeah. Based on the
23 little bit of knowledge I have now. And in my mind I kind of
24 feel like -- you've heard the expression, a little knowledge
25 is dangerous, that's kind of how I feel right now, because I

1 only have a little knowledge, and so -- but based on that
2 little knowledge that's how I feel.

3 MR. ROGAN: Well, you know nothing about this case.
4 And let's not jump to conclusions about the facts of this case
5 or the circumstances of Mr. White. All right?

6 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

7 MR. ROGAN: But the legislature has set penalties
8 for first degree murder --

9 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

10 MR. ROGAN: -- and those were asked -- we discussed
11 before, 20 to 50 years, 20 years to life, both parole eligible
12 or life without the possibility of parole.

13 PROSPECTIVE JUROR NUMBER 122: Right.

14 MR. ROGAN: And those are going to be your options.

15 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

16 MR. ROGAN: And if we get to this point you'll hear
17 arguments from both sides --

18 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

19 MR. ROGAN: -- as to why we think a certain, what
20 the State thinks a certain punishment is appropriate and why
21 the defense thinks a different punishment may be appropriate.

22 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

23 MR. ROGAN: Can you listen to the arguments that the
24 State is going make?

25 PROSPECTIVE JUROR NUMBER 122: Yes, I can listen to

1 them.

2 MR. ROGAN: Can you listen to the arguments that the
3 defense is going to make?

4 PROSPECTIVE JUROR NUMBER 122: Yes, I can.

5 MR. ROGAN: And if you are persuaded that a certain
6 punishment is appropriate will you be able to effectively
7 render that punishment, and say this --

8 PROSPECTIVE JUROR NUMBER 122: Yeah, if I'm
9 persuaded.

10 MR. ROGAN: If this person deserves 20 to 50 years
11 you could raise your hand and say 20 to 50 years is the
12 appropriate punishment?

13 PROSPECTIVE JUROR NUMBER 122: Yeah. I mean, my
14 thinking is I don't have a problem with any of those levels of
15 punishment. It's not like I've -- one gentleman earlier said,
16 no, 20 with parole is the max or what ever. I don't have a
17 problem with someone -- with it being a life with no parole or
18 any of those, I just don't understand under first degree, you
19 know, what the mystery circumstances would be that would
20 incline me to go to a lesser punishment.

21 MR. ROGAN: Okay.

22 THE COURT: So let me ask you a question, ma'am.
23 None of the people in the courtroom, including me, have told
24 you that in this additional proceeding we will have there will
25 be evidence presented related to mitigating circumstances, and

1 that you would be provided with additional jury instructions
2 related to that to assist you in making a determination of
3 which of the three levels of punishment, if you find the
4 defendant guilty of first degree murder, is the one that the
5 jury can or thinks is the most appropriate one.

6 PROSPECTIVE JUROR NUMBER 122: Uh-huh.

7 THE COURT: Are you willing to listen to that
8 mitigation evidence and then review the jury instructions, and
9 in consultation with the other jurors evaluate which of those
10 three level of penalties are appropriate if the jury makes the
11 decision that the defendant is guilty of first degree murder?

12 PROSPECTIVE JUROR NUMBER 122: Yeah. I'll listen.

13 MR. ROGAN: Thank you.

14 THE COURT: Not just listen, but consider. Think
15 about it.

16 PROSPECTIVE JUROR NUMBER 122: I can't sit here an
17 tell you I'm not totally uncomfortable with this, I'm not
18 going to lie, but I will do my best to listen --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NUMBER 122: -- and consider and
21 try and be open about it.

22 THE COURT: I understand, ma'am. Thank you.

23 Anything else, Mr. Rogan?

24 MR. ROGAN: No, Your Honor. Thank you.

25 THE COURT: The challenge for cause is granted.

1 Ma'am, I'm going to go ahead and excuse you. I'm going to let
2 you go, and they will process you out on the third floor.
3 First, I want to congratulate you on serving on five or six
4 different juries. You are the most jury serving person I'd
5 ever met. So congratulations on that.

6 PROSPECTIVE JUROR NUMBER 122: That holds true for
7 me too. None of my friends have ever done it.

8 THE COURT: So thank you, ma'am.

9 PROSPECTIVE JUROR NUMBER 122: Should I leave now?

10 THE COURT: You may. Both of you may go to the
11 third floor and process out. Have a nice day and thank you
12 again for your honesty.

13 If I could have Ms. Madoff come and sit in Seat
14 Number 10 and Ms. Malin come and sit in Seat Number 23. 10 is
15 on the top in the back and 23 is right there in the middle in
16 the row right in front of the bar. And if you could take that
17 to Ms. Madoff up in the top row. And, ladies, as you've heard
18 us talk before, if you could use the information on the card
19 to tell us a little bit about yourselves.

20 And, Ms. Madoff, as you're going through this
21 describe for me a little better about what your jobs are that
22 are upcoming in the next few weeks.

23 PROSPECTIVE JUROR NUMBER 153: Okay. I'm Badge 153.
24 I was born and raised in Las Vegas, moved when I was 18 to go
25 to college, moved to California for work and then moved back

1 recently maybe eight years ago. I finished with a bachelor in
2 science in elementary education in Reno. I'm self-employed.
3 I work in entertainment, so it's kind of a mixed bag of
4 acting, wrestling. I have a small video production company
5 where I create small projects for people, I edit and shoot,
6 and I work as a print model once in a while. So I hope that
7 -- does that help or --

8 THE COURT: It helps a little bit.

9 PROSPECTIVE JUROR NUMBER 153: Okay. And so my jobs
10 are very random and unpredictable. I could be working one
11 week where I'm working maybe three days. If I land a
12 commercial that I auditioned for depending on how long the
13 shoot is for it could be two to three days. They give you
14 different call times for each after working a day. So that's
15 why I wasn't sure about what times to give you. Does that
16 clarify?

17 THE COURT: That does help, thank you.

18 PROSPECTIVE JUROR NUMBER 153: Okay. I've been
19 doing it for 20 years off and on, so just to let you know.
20 I'm single, but I'm in a relationship. My boyfriend works for
21 Century Link. I don't have any children. I've never worked
22 -- I never served as a juror before. And I have no reason why
23 I couldn't fair and impartial.

24 THE COURT: All right. If you could please pass the
25 mike down so the marshal can hand it to Ms. Malin.

1 PROSPECTIVE JUROR NUMBER 154: I'm Number 154. I've
2 lived in Clark County for almost 10 years, from Chicago.
3 Graduated high school. I am not employed now. In Chicago I
4 was a teacher's assistant in a preschool. I am married, 41
5 years. My husband is in sales for a plastics manufacturing
6 company, he travels a lot. I have two adult children, one
7 works for Capitol One in the -- he's a project manager in the
8 software side, my daughter works for Motion Picture Television
9 Fund, she's an event planner, they're both married. I have
10 three grandchildren. I've never been a juror before. And
11 there's no reason why -- I could be fair and impartial.

12 THE COURT: Thank you. Now for you two ladies,
13 anyone, close friend, family member, yourself, been involved
14 in law enforcement? Yes, ma'am.

15 PROSPECTIVE JUROR NUMBER 153: I have a close friend
16 that's a U.S. Marshal here in Las Vegas.

17 THE COURT: Okay. Either of you have a friend or
18 family member who have been either accused of a crime or been
19 a victim of crime?

20 PROSPECTIVE JUROR NUMBER 154: No.

21 THE COURT: Either of you have yourself, close
22 friend, family member, been either accused of domestic
23 violence or a victim of domestic violence?

24 PROSPECTIVE JUROR NUMBER 154: No.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NUMBER 153: My father was abusive
2 growing up as a child. I was married to somebody who was
3 abusive and I had a boyfriend that was abusive.

4 THE COURT: Okay. Either of you ever attended or
5 currently attend the Potter's House Church?

6 PROSPECTIVE JUROR NUMBER 154: No.

7 THE COURT: Either of you seen any media coverage
8 related to this case?

9 PROSPECTIVE JUROR NUMBER 154: No.

10 THE COURT: Would the State like to inquire?

11 MR. ROGAN: Thank you, Your Honor.

12 Since you have the microphone, Ms. Madoff, I'll
13 start with you. Let's just start with your friend who is a
14 U.S. Marshal. Close friend?

15 PROSPECTIVE JUROR NUMBER 153: Yes.

16 MR. ROGAN: Do you talk about his work?

17 PROSPECTIVE JUROR NUMBER 153: Once in a while. He
18 just tells me funny stories.

19 MR. ROGAN: Is he in the apprehension of people who
20 are on the run, is that what he does or is he --

21 PROSPECTIVE JUROR NUMBER 153: Yeah. He works
22 actually at the other courthouse. He was actually just here
23 to say hello.

24 MR. ROGAN: Okay.

25 PROSPECTIVE JUROR NUMBER 153: On the break.

1 MR. ROGAN: Anything about your friendship with him
2 that's going to affect your ability to be fair and impartial
3 in this case?

4 PROSPECTIVE JUROR NUMBER 153: No.

5 MR. ROGAN: I want to get a little bit into your
6 history with domestic violence since -- as Mr. Coffee pointed
7 out, active domestic violence. You said your father was
8 abusive and you had a husband that was abusive and you had a
9 boyfriend that was abusive.

10 PROSPECTIVE JUROR NUMBER 153: That's correct.

11 MR. ROGAN: So you've had a long experience with
12 domestic violence?

13 PROSPECTIVE JUROR NUMBER 153: Yes.

14 MR. ROGAN: Did you ever call the police or
15 prosecute these people?

16 PROSPECTIVE JUROR NUMBER 153: No.

17 MR. ROGAN: Okay. And how long were you married?

18 PROSPECTIVE JUROR NUMBER 153: I was married for
19 five years, but with him three years prior to that.

20 MR. ROGAN: Okay. And your boyfriend, how long were
21 you with him?

22 PROSPECTIVE JUROR NUMBER 153: For two and a half
23 years. He was an -- he lived in Michigan, it was a long
24 distance.

25 MR. ROGAN: I see. The abuse that you're talking

1 about was it physical abuse or verbal abuse or emotional
2 abuse, or all of them.

3 PROSPECTIVE JUROR NUMBER 153: Physical and
4 emotional from my father, emotional with my husband and then
5 it turned physical and that's when I asked for my divorce, and
6 the third one was emotional and physical. He held a gun to my
7 head.

8 MR. ROGAN: I see. Were these things done in
9 private?

10 PROSPECTIVE JUROR NUMBER 153: My father abused me
11 in front of the high school, but the other two were in
12 private.

13 MR. ROGAN: So your friends and family did they know
14 what was going on with you?

15 PROSPECTIVE JUROR NUMBER 153: My mother did with my
16 father, but didn't want to say anything.

17 MR. ROGAN: Right. That's perfectly normal.
18 That's what happens in domestic situations. When you
19 eventually left these two men how did they take the breakup?

20 PROSPECTIVE JUROR NUMBER 153: Well, the divorce was
21 obviously a little bit messy, but I didn't get bothered after
22 that. But the boyfriend was stalking me and harassing me from
23 long distance, and I actually had my friend who is a U.S.
24 Marshal help me with that a little bit.

25 MR. ROGAN: Okay. So he wasn't leaving you alone

1 even though it was over.

2 PROSPECTIVE JUROR NUMBER 153: Exactly.

3 MR. ROGAN: Were there times where you felt as
4 though maybe you shouldn't end this relationship when you were
5 going through your divorce or you were breaking up with the
6 long distance guy?

7 PROSPECTIVE JUROR NUMBER 153: I'm sorry. Was I
8 wasn't sure that I wanted to end it or --

9 MR. ROGAN: Yeah. Was it -- was it, abuse happened,
10 clear cut I'm out or were there times when you reconsidered
11 your position or thought about going back to the men?

12 PROSPECTIVE JUROR NUMBER 153: With my husband it
13 was definitely clear cut. With my boyfriend I knew he had
14 issues, emotionally I was trying to be understanding with him,
15 but I realized after being away for a while that I was making
16 a huge mistake trying to get back together -- letting him talk
17 me into coming back with him. So then it was clear cut. I
18 just cut everything off.

19 MR. ROGAN: And it's at that point that he started
20 harassing you, stalking you, things of that nature?

21 PROSPECTIVE JUROR NUMBER 153: Exactly, until I had
22 my friend talk to him.

23 MR. ROGAN: Okay. All right. Now, do you have any
24 perspective that other people don't have coming into this jury
25 if you were able to sit as a panelist, as a member of the jury

1 would you be able to put that aside and evaluate the
2 circumstances of this case alone?

3 PROSPECTIVE JUROR NUMBER 153: I could be fair
4 because everybody is different.

5 MR. ROGAN: Okay. With regard to your work, you
6 mentioned that you have to work this friday and then next week
7 you're scheduled at some point to work Monday through Friday.

8 PROSPECTIVE JUROR NUMBER 153: Correct.

9 MR. ROGAN: This Friday is obviously not a problem,
10 but next week you don't know what your hours are yet.

11 PROSPECTIVE JUROR NUMBER 153: I only know Wednesday
12 I have a 3:00 o'clock to roughly 7:00 or 8:00 depending on
13 when we wrap, and Friday it's in the afternoon sometime, I
14 don't know the time for that yet.

15 MR. ROGAN: Is this a photo shoot or commercial?

16 PROSPECTIVE JUROR NUMBER 153: Wednesday's a photo
17 shoot, Friday's a commercial, and then there's pending, you
18 know, on the other days. That's why I just said Monday
19 through Friday.

20 MR. ROGAN: So it's not possible to move any of
21 these appointments because there's a lot of other people who
22 are involved in the production; right?

23 PROSPECTIVE JUROR NUMBER 153: Yeah. Unfortunately,
24 yeah.

25 MR. ROGAN: Okay. Is that -- would it be possible

1 for you to forego those appointments and skip out on those and
2 instead sit on this jury or would you rather go to those
3 appointments?

4 PROSPECTIVE JUROR NUMBER 153: I mean, honestly I'd
5 rather because it's a lot of money, but if I have to serve on
6 the jury there's nothing I can really do about it. I would
7 have to call them and let them know I can't do the job.

8 MR. ROGAN: Would you be upset with us if we asked
9 you to sit on this jury?

10 PROSPECTIVE JUROR NUMBER 153: Not really, because I
11 understand there's, you know, as a citizen, you know, to serve
12 on a jury it's a privilege so I understand, I mean, if -- even
13 if I do lose money I know I could be a fair person so
14 therefore I wouldn't mind sitting on the jury.

15 MR. ROGAN: Okay. Thank you very much. Excuse me
16 for one moment.

17 And, ma'am, you heard all this talk about the three
18 forms of punishment if someone were found guilty of first
19 degree murder, 20 to 50 years, 20 to life, or life without.
20 would you be able to consider all three forms of punishment
21 after, if and when, the defendant is found guilty of first
22 degree murder?

23 PROSPECTIVE JUROR NUMBER 153: Yes.

24 MR. ROGAN: Do you own a firearm?

25 PROSPECTIVE JUROR NUMBER 153: I do have one.

1 MR. ROGAN: Do you have CCW permit?
2 PROSPECTIVE JUROR NUMBER 153: No.
3 MR. ROGAN: And you agree with people having to get
4 a CCW permit?
5 PROSPECTIVE JUROR NUMBER 153: Yes.
6 MR. ROGAN: Thank you very much.
7 If we could jump on down to Ms. Malin, Badge 154.
8 How are you today?
9 PROSPECTIVE JUROR NUMBER 154: Okay.
10 MR. ROGAN: You unlike the previous juror, you don't
11 have any experience with domestic violence?
12 PROSPECTIVE JUROR NUMBER 154: No.
13 MR. ROGAN: Okay. Do you have any experience with
14 law enforcement, be it a traffic ticket or car burglary or
15 anything like that?
16 PROSPECTIVE JUROR NUMBER 154: No.
17 MR. ROGAN: Have you ever seen a crime or had to
18 testify in court?
19 PROSPECTIVE JUROR NUMBER 154: No.
20 MR. ROGAN: Have you any prior military experience?
21 PROSPECTIVE JUROR NUMBER 154: No.
22 MR. ROGAN: Do you own a firearm?
23 PROSPECTIVE JUROR NUMBER 154: Nope. But yes there
24 should be a permit.
25 MR. ROGAN: Okay. Thank you. Given the three forms

1 of punishment, can you consider fairly all three?

2 PROSPECTIVE JUROR NUMBER 154: Yes.

3 MR. ROGAN: Thank you very much, ma'am. Pass these
4 two for cause, Your Honor.

5 THE COURT: Thank you. Would you like to inquire,
6 Mr. Coffee?

7 MR. COFFEE: Thank you.

8 Ms. Malin?

9 PROSPECTIVE JUROR NUMBER 154: Yes.

10 MR. COFFEE: Keep the microphone with you for a
11 moment. Any Second Amendment issues? Do you have a problem
12 with people owning guns, keeping guns in their home?

13 PROSPECTIVE JUROR NUMBER 154: No.

14 MR. COFFEE: Okay. And you've heard about these
15 three possible punishments. You can consider all those fully?

16 PROSPECTIVE JUROR NUMBER 154: Yes.

17 MR. COFFEE: Let me add another little twist to
18 things, because we always do; right? There are a number of
19 other charges that the State have levied here. They've
20 charged five counts of child abuse and neglect, and they have
21 charged a count of attempt murder. You're going to be told
22 that you can't consider -- well, you have to determine
23 punishment on the count of murder, you can't consider what the
24 punishment may be, that's going to be in the Judge's
25 prerogative, what the punishment may be for those other

1 counts. Can you keep that out of your discussions in the jury
2 room, what the punishment might be for these other counts, if
3 Mr. White's convicted? Does that make sense?

4 PROSPECTIVE JUROR NUMBER 154: Yes.

5 MR. COFFEE: We kind of force you to walk --

6 PROSPECTIVE JUROR NUMBER 154: Yeah.

7 MR. COFFEE: -- two paths at the same time. You
8 have to decide one punishment, but you can't consider the
9 others. You can do that for us?

10 PROSPECTIVE JUROR NUMBER 154: Yes.

11 MR. COFFEE: Okay. Let me see if there is anything
12 else I had. I would pass for cause for Ms. Malin. And if we
13 could move the microphone back.

14 Ms. Madoff?

15 PROSPECTIVE JUROR NUMBER 153: Do you need the
16 number again, 153.

17 MR. COFFEE: Perfect. Thank you.

18 You said you had a prior boyfriend who was stalking
19 and harassing you.

20 PROSPECTIVE JUROR NUMBER 153: Yes.

21 MR. COFFEE: And understand that there's not a
22 charge of harassment in this case, not a charge of stalking in
23 this case, that's not something the State's alleged, but
24 you're going to hear about relationships, I would expect.

25 PROSPECTIVE JUROR NUMBER 153: Yes.

1 MR. COFFEE: Hear what went into Mr. White's
2 relationship with his wife, hear what her relationship was
3 with this other man, John [sic] Averman. Is there anything
4 about having been stalked, harassed, that will make it
5 difficult for you to look at that? Because that might go into
6 determining what his state of mind is at the time. Does that
7 make sense?

8 PROSPECTIVE JUROR NUMBER 153: Yes.

9 MR. COFFEE: Anything about your past background
10 that will make it difficult for you to have a fair evaluation
11 of the state of mind whether Mr. White was acting in passion
12 for instance, or whether it was willful, deliberate,
13 premeditated, as the State has alleged?

14 PROSPECTIVE JUROR NUMBER 153: I don't think so.
15 Because if you're stating the facts and I'm hearing the
16 background I really can't use what my past story is, because
17 everybody has a different story. So I think I could be pretty
18 fair.

19 MR. COFFEE: Okay. You've been a victim of abuse at
20 a number of hands, and thank you for being honest about that I
21 know it's very difficult. Anything about them that would make
22 it difficult for you to sit in judgment of a case like this?

23 PROSPECTIVE JUROR NUMBER 153: I don't think so,
24 because I've had good relationships too. It's not like every
25 single relationship I've had has been horrible.

1 MR. COFFEE: Okay.

2 PROSPECTIVE JUROR NUMBER 153: Everybody's
3 different. So I don't think that I could use my past as a
4 judgment towards this case.

5 MR. COFFEE: Very good. In terms of punishment, is
6 there anything about your past that you would say, you know,
7 somebody put -- I think you said there was a gun held to your
8 head at one point even.

9 PROSPECTIVE JUROR NUMBER 153: Yes.

10 MR. COFFEE: Somebody put a gun to my head, but you
11 know, you want to get back at that person, for example, and I
12 know we don't consciously try to do this sort of thing, but
13 you understand the concern?

14 PROSPECTIVE JUROR NUMBER 153: Yes, I understand.

15 MR. COFFEE: That Mr. White might get punished
16 because of something in your background. Is that something
17 the defendant, that I, need to be concerned about?

18 PROSPECTIVE JUROR NUMBER 153: No. He didn't hold
19 the gun to my head so I can't really judge him that way,
20 because it's a different person, it's a different
21 circumstance.

22 MR. COFFEE: You have a problem with -- I know you
23 own a firearm. Do you have a problem with other people owning
24 a firearm?

25 PROSPECTIVE JUROR NUMBER 153: No.

1 MR. COFFEE: Understand it's part of the Second
2 Amendment, no issue with it.

3 PROSPECTIVE JUROR NUMBER 153: Not at all.

4 MR. COFFEE: What kind of gun do you own?

5 PROSPECTIVE JUROR NUMBER 153: It's a 9 millimeter.

6 MR. COFFEE: 9 millimeter. No carrying a concealed
7 weapon permit though?

8 PROSPECTIVE JUROR NUMBER 153: No.

9 MR. COFFEE: Do you ever take that gun with you any
10 place?

11 PROSPECTIVE JUROR NUMBER 153: No. I've only taken
12 it shooting with my friend who's the U.S. Marshal teaching me
13 how to use it.

14 MR. COFFEE: Okay. And that brings up an
15 interesting point. You've got a friend who's a U.S. Marshal.
16 We didn't ask other jurors this, we probably should have, but
17 with your friend in law enforcement would you feel the need to
18 justify your verdict to that friend? And let me give you an
19 example. Suppose I come from a law enforcement family and it
20 is, you know, cut and dry everything, there's no break, if you
21 do wrong it's the absolute match and that's my family
22 philosophy, and I go to Thanksgiving dinner and I realize if
23 I'm sitting on a jury they're going to ask me what had
24 happened and I feel like I might need to justify doing
25 something less than what they would expect. Do you

1 understand?

2 PROSPECTIVE JUROR NUMBER 153: I wouldn't let
3 anybody else influence what I feel from what I -- how I
4 interpret the information that's being given to me.

5 MR. COFFEE: Okay.

6 PROSPECTIVE JUROR NUMBER 153: I wouldn't feel the
7 need to do that.

8 MR. COFFEE: The point being to some extent, the
9 buck stops with you or the other people that are selected for
10 the jury and you have to make your own independent decision.
11 You can do that for us?

12 PROSPECTIVE JUROR NUMBER 153: Yes.

13 MR. COFFEE: Okay. I didn't ask it as a general
14 group, so I'm going to ask one last question. Is there
15 anybody that would feel the need to justify a verdict to
16 anyone close to them?

17 Okay Seeing no hands. Thank you. And we will pass
18 for cause.

19 THE COURT: Thank you.

20 Ladies and gentlemen, at this time the attorneys are
21 going to do what is called exercising their peremptory
22 challenges. They will do this silently or pretty silently.
23 And if you'd like you may stand up in your chairs or around
24 your chairs and visit among yourselves and you can even play
25 games on your cell phone if you'd like.

1 Counsel, if you have any questions as you go through
2 these execution of the peremptory challenges, I would prefer
3 you ask the questions then we have a mistake made.

4 (Pause in the proceedings)

5 THE COURT: Counsel, can you approach? Bring Mr.
6 Coffee with you, please.

7 (Bench Conference)

8 THE COURT: It's easier to ask me.

9 MR. ROGAN: I know.

10 THE COURT: If you waive you don't miss -- you give
11 up all your others, you only lose that one.

12 MR. ROGAN: That's fine.

13 THE COURT: Was that your question?

14 MR. ROGAN: No.

15 MS. MERCER: No.

16 THE COURT: Oh. I was trying to read your
17 [unintelligible].

18 MR. ROGAN: When we get to the point of alternate do
19 we only -- we only have the ability to waive the person in
20 Seat Number 9 or the person in Seat 14, or does it apply to
21 the entire panel?

22 THE COURT: It applies to the entire panel, because
23 the -- remember the alternates float and you're not going to
24 know who they are until the last peremptory challenge is
25 exercised.

1 MS. MERCER: Okay.
2 MR. ROGAN: Great.
3 MS. MERCER: Thank you.
4 MR. ROGAN: Thank you.
5 (End of bench conference)
6 (Pause in the proceedings)
7 THE COURT: Counsel, can you approach please?
8 (Bench Conference)
9 THE COURT: Let's make sure I did my part right
10 before I let people go. Does that look accurate?
11 MS. MERCER: Yes.
12 THE COURT: Were there any issues about the
13 execution of any of the peremptory challenges?
14 MR. COFFEE: Nope.
15 MS. MERCER: No.
16 (End of bench conference)
17 THE COURT: Ladies and gentlemen, first I want to
18 thank all of you even those of you sitting in the most
19 uncomfortable chairs in the building for your attention today.
20 Without people like you who come and are willing to serve as
21 jurors our system of justice wouldn't work, because it is
22 built upon the jury system, and you as members of our
23 community who have agreed to participate in that are the
24 backbone. So I want to express my appreciation both from
25 myself, the parties in this case, as well as all the other

1 judges in the Eight Judicial District, because without you our
2 system wouldn't work. So thank you so much for being here
3 today.

4 I'm now going to read the names and numbers of those
5 individuals who are going to remain with me for the rest of
6 the trial and then we're going to take a short break before we
7 hear opening statements. If I do not read your name and
8 number you can go down to the third floor and process out.
9 I'm fairly certain they don't need any other jurors and you
10 will be able to go home, because they asked if I needed more.
11 So hopefully you'll be out of here pretty soon.

12 So if the following individuals will remain with us,
13 please. Badge Number 64, Lawrence Martin; Badge Number 67,
14 Jonathan Leavelle; Badge Number 68, Diane Luciano; Badge
15 Number 109, Robert O'Grady; Badge Number 111, Wilfredo
16 Navarro; Badge Number 132, Ricky Gulati; Badge Number 76, John
17 Bosshardt; Badge Number 81, John Reid; Badge Number 121,
18 Gerald Jones; Badge Number 84, Ashley Bonilla; Badge Number
19 140, Jeffrey Schulman; Badge Number 154, Joanne Malin; Badge
20 Number 97, Diana Avitia; and Badge Number 152, Chastity
21 Cloutier.

22 So if I did not read your name and number thank you
23 again for your service, we truly appreciate it. Have a very
24 nice afternoon.

25 (Pause in the proceedings)

1 THE COURT: Will you all please raise your right
2 hands and stand up so we can swear you -- you've got to stand
3 up and raise your right hand. Sorry. I got my order out.

4 (Jury sworn)

5 THE COURT: Ladies and gentlemen, we're going to
6 take a 10 minute recess before we begin with opening
7 statements and some other preliminary remarks.

8 During this recess you're admonished not to talk or
9 converse among yourselves or with anyone else on any subject
10 connected with this trial, or read, watch, or listen to any
11 report of or commentary on the trial or any person connected
12 with this trial by any medium of information, including,
13 without limitation, social media, text, newspapers,
14 television, the Internet, and radio, or form or express any
15 opinion on any subject connected with the trial until the case
16 is finally submitted to you.

17 Anybody want me to get you some coffee?

18 Okay. I'll have some coffee brewed. All right.
19 We'll bring it out to you in a few minutes.

20 We'll see you in a little bit.

21 (Pause in the proceedings)

22 THE COURT: Hold on. Wait before you leave.

23 MS. MERCER: Just as a scheduling matter. Do you
24 anticipate getting to witnesses? We do have two witnesses
25 waiting --

1 THE COURT: I think we will get to witnesses.

2 MS. MERCER: Okay. Thank you.

3 THE COURT: While we were at the bench as I had you
4 review the executed peremptory challenges, I made inquiry of
5 both parties as to whether there were any issues about the
6 execution of the peremptory challenges and I was told, no.
7 Does anybody disagree?

8 MS. MERCER: Nope.

9 THE COURT: All right. Now you can have your break.

10 MR. ROGAN: Thank you.

11 MS. MERCER: Thank you.

12 (Court recessed at 2:47 p.m., until 3:12 p.m.)

13 (Jury is present)

14 THE COURT: All right. Counsel stipulate to the
15 presence of the jury?

16 MS. MERCER: Yes.

17 MR. COFFEE: Yes.

18 THE COURT: Ladies and gentlemen, you are now sworn
19 members of this jury. Before we commence with opening
20 statements I need to make some introductory comments.

21 You are admonished that no juror may declare to a
22 fellow juror any fact relating to this case of his or her own
23 knowledge, and if any juror discovers during the trial or
24 after the jury has retired that he or she or any other juror
25 has personal knowledge of any fact in controversy in this

1 case, he or she shall disclose that me.

2 What that means is when a witness walks into the
3 room and, like Mr. Rogan did earlier in the jury selection,
4 you recognize somebody from the gym, but you didn't recognize
5 their name when the names were read, you need to bring that to
6 my attention. The way you do that is by telling the marshal,
7 and then we will make a determination as to whether we have to
8 make any further inquiry.

9 During the course of this trial the attorneys both
10 sides, the parties, the witnesses, and court personnel, other
11 than the marshal, the law clerk, and the JEA, are not
12 permitted to converse with members of the jury. These
13 individuals are not being antisocial; they are bound by ethics
14 and the law not to talk to you. To do so might contaminate
15 your verdict.

16 You are admonished additionally that you are not to
17 visit the scene of any of the acts or occurrences made mention
18 of during this trial unless specifically directed to do so by
19 the Court. Please don't investigate this case or anyone who
20 has anything to do with this case on your own. Do not
21 undertake any legal or factual research on your own, and, as I
22 indicated earlier, that includes research on the Internet.

23 What I will now say is intended to serve as an
24 introduction to the trial of this case. It is not a
25 substitute for the detailed instructions on the law which I

1 will give you at the close of the case and before you retire
2 to consider your verdict.

3 This is a criminal case commenced by the State of
4 Nevada, which I may sometimes refer to as "the State," against
5 Troy Richard White, the defendant. The case is based on an
6 information. The clerk will now read the information to the
7 ladies and gentlemen of the jury and state the plea of the
8 defendant to that information.

9 THE CLERK: "Filed in open court April 6, 2015.
10 District Court, Clark County, Nevada, State of Nevada,
11 plaintiff, versus Troy Richard White, defendant. Case Number
12 C-286357, Department Number 11. Second amended information.

13 "State of Nevada, County of Clark, Steven D.
14 Wolfson, Clark County District Attorney, within and for the
15 County of Clark, State of Nevada, in the name and by the
16 authority of the State of Nevada, informs the Court that Troy
17 Richard White, the defendant above named, having committed the
18 crimes of murder with use of a deadly weapon, attempt murder
19 with use of a deadly weapon, carrying a concealed firearm or
20 other deadly weapon, and child abuse, neglect, or
21 endangerment, on or about the 27th day of July 2012 within the
22 County of Clark, State of Nevada, contrary to the form, force,
23 and effect of statutes in such cases made and provided and
24 against the peace and dignity of the state of Nevada.

25 "Count 1, murder with use of a deadly weapon. Did

1 then and there wilfully, feloniously, without authority of
2 law, and with malice aforethought kill Echo Lucas White, a
3 human being, by shooting at and into the body of the said Echo
4 Lucas White with a deadly weapon, to wit: a firearm. Said
5 killing having been wilful, premeditated, and deliberate.

6 "Count 2, attempt murder with use of a deadly
7 weapon. Did then and there without authority of law and
8 malice aforethought, wilfully and feloniously attempt to kill
9 Joseph Averman, a human being, by shooting at and into the
10 body of the said Joseph Averman with a deadly weapon, to wit:
11 a firearm.

12 "Count 3, carrying concealed firearm or other deadly
13 weapon. Did then and there wilfully, intentionally,
14 unlawfully, and feloniously carry concealed upon his person
15 a firearm or other deadly weapon, to wit: a black Taurus
16 PT-92C 9 millimeter semiautomatic handgun bearing Serial
17 Number T0A33791.

18 "Count 4, child abuse, neglect, or endangerment.
19 Did wilfully, unlawfully, and feloniously cause a child under
20 the age of 18 years, to wit: Jodey White, being approximately
21 nine years of age, to suffer unjustifiable physical pain or
22 mental suffering as a result of abuse or neglect, to wit:
23 neglect treatment or maltreatment and/or cause said Jodey
24 White to be placed in a situation where he might have suffered
25 unjustifiable physical pain or mental suffering as a result of

1 abuse or neglect, to wit: negligent treatment or
2 maltreatment, by discharging a firearm inside the child's home
3 within close proximity to the child and/or shooting the
4 child's mother, Echo White, failing to seek assistance for
5 Echo White, and allowing her to die while the said Jodey White
6 was coming in and out of the room and/or was in the near
7 vicinity.

8 "Count 5, child abuse, neglect, or endangerment.
9 Did wilfully, unlawfully, and feloniously cause a child under
10 the age of 18 years, to wit: Jesse White, being approximately
11 five years of age, to suffer unjustifiable physical pain or
12 mental suffering as a result of abuse or neglect, to wit:
13 negligent treatment or maltreatment and/or cause said Jesse
14 White to be placed in a situation where he might have suffered
15 unjustifiable physical pain or mental suffering as a result of
16 abuse or neglect, to wit: negligent treatment or
17 maltreatment, by discharging a firearm inside the child's home
18 within close proximity to the child and/or shooting the
19 child's mother, Echo White, failing to seek assistance for
20 Echo White, and allowing her to die while the said Jesse White
21 was coming in and out of the room and/or was in the near
22 vicinity.

23 "Count 6, child abuse, neglect, or endangerment.
24 Did wilfully, unlawfully, and feloniously cause a child under
25 the age of 18 years, to wit: Jayce White, being approximately

1 eight years of age, to suffer unjustifiable physical pain or
2 mental suffering as a result of abuse or neglect, to wit:
3 negligent treatment or maltreatment and/or cause the said
4 Jayce White to be placed in a situation where he might have
5 suffered unjustifiable physical pain or mental suffering as a
6 result of abuse or neglect, to wit: negligent treatment or
7 maltreatment, by discharging a firearm inside the child's home
8 within close proximity to the child and/or shooting the
9 child's mother, Echo White, failing to seek assistance for
10 Echo White, and allowing her to die while the said Jayce White
11 was coming in and out of the room and/or was in the near
12 vicinity.

13 "Count 7, child abuse, neglect, or endangerment.
14 Did wilfully, unlawfully, and feloniously cause a child under
15 the age of 18 years, to wit: Jazzy White, being approximately
16 six months of age, to suffer unjustifiable physical pain or
17 mental suffering as a result of abuse or neglect, to wit:
18 negligent treatment or maltreatment and/or cause the said
19 Jazzy White to be placed in a situation where he might have
20 suffered unjustifiable physical pain or mental suffering as a
21 result of abuse or neglect, to wit: negligent treatment or
22 maltreatment, by discharging a firearm inside the child's home
23 within close proximity to the child and/or shooting the
24 child's mother, Echo White, failing to seek assistance for
25 Echo White, and allowing her to die while the said Jayce White

1 was coming in and out of the room and/or was in the near
2 vicinity.

3 "Count 8, child abuse, neglect, or endangerment.
4 Did wilfully, unlawfully, and feloniously cause a child under
5 the age of 18 years, to wit: Jett White, being approximately
6 two years of age, to suffer unjustifiable physical pain or
7 mental suffering as a result of abuse or neglect, to wit:
8 negligent treatment or maltreatment and/or cause the said Jett
9 White to be placed in a situation where he might have suffered
10 unjustifiable physical pain or mental suffering as a result of
11 abuse or neglect, to wit: negligent treatment or
12 maltreatment, by discharging a firearm inside the child's home
13 within close proximity to the child and/or shooting the
14 child's mother, Echo White, failing to seek assistance for
15 Echo White, and allowing her to die while the said Jayce White
16 was coming in and out of the room and/or was in the near
17 vicinity.

18 "Signed, Liz Mercer, Chief Deputy District
19 Attorney."

20 To which the defendant has pled not guilty.

21 THE COURT: Thank you.

22 This case is based on the information which has been
23 read to you by the clerk. You should distinctly understand
24 that the information is simply a charge and that it is not in
25 any sense evidence of the allegations.

1 The defendant has pled not guilty to the charges
2 contained in the information. The State therefore has the
3 burden of proving each of the essential elements of the
4 charges beyond a reasonable doubt. As the defendant sits here
5 now he is not guilty. The purpose of this trial is to
6 determine whether the State will meet that burden. It is your
7 primary responsibility as jurors to find and determine the
8 facts. Under our system of criminal procedure you are the
9 sole judge of the facts. You are to determine the facts from
10 the testimony you hear and the other evidence, including
11 exhibits introduced in court. It is up to you to determine
12 what inferences you feel may be properly drawn from the
13 evidence.

14 At times I may sustain objections or direct that you
15 disregard certain testimony or exhibits. You must not
16 consider any evidence to which an objection has been sustained
17 or which I have instructed you to disregard.

18 Anything you may have seen or heard outside the
19 courtroom is not evidence and must also be disregarded.

20 You must not be influenced in any degree by any
21 personal feeling of sympathy for or prejudice against the
22 defendant or the State. Both sides are entitled to the same
23 fair and impartial consideration.

24 In considering the weight and value of the testimony
25 of any witness you may take into consideration the appearance,

1 attitude and behavior of the witness, the interest of the
2 witness in the outcome of the case, if any, the relation of
3 the witness to the defendant or the State, the inclination of
4 the witness to speak truthfully or not, and the probability or
5 improbability of the witness's statements and all of the facts
6 and circumstances in evidence. Thus, means you may give the
7 testimony of any witness just such weight as you believe it
8 deserves.

9 There are two kinds of evidence, direct and
10 circumstantial. Direct evidence is testimony by a witness
11 about what that witness personally saw or heard or did.
12 Circumstantial evidence is testimony or exhibits which are
13 proof of a particular fact from which, if proven, you may
14 infer the existence of a second fact.

15 You may consider both direct and circumstantial
16 evidence in deciding this case. The law permits you to give
17 equal weight to both, but it is for you to decide how much
18 weight to give to any particular piece of evidence.

19 Opening statements and closing arguments of the
20 attorneys are intended to help you in understanding the
21 evidence and applying the law, but they are not evidence.

22 Until this case is submitted to you you must not
23 discuss it with anyone, even with your fellow jurors. After
24 it is submitted to you you must discuss it only in the jury
25 room with your fellow jurors. It is important you keep an

1 open mind and not decide any issue in the case until the
2 entire case has been submitted to you under instructions from
3 me.

4 If you cannot hear a witness, please raise your hand
5 as an indication. Also, if you need to use the restroom or if
6 you feel ill, please let us know by raising your hand. I try
7 and take a break every 90 minutes or so, but sometimes I
8 forget. If you need to take a break earlier than that, please
9 raise your hand and let us know.

10 I do not have any objection to you bringing drinks
11 into the courtroom or snacks if you need to have something to
12 eat during the proceedings.

13 I may during the trial take notes of the witnesses'
14 testimony, and you will see me working on my computer. You
15 are not to make any inference from that action. I'm required
16 to prepare for legal arguments of counsel during the trial,
17 and for that reason I will be taking notes and working on the
18 computer.

19 You will not have a transcript to consult at the
20 close of the case. However, you have been furnished with note
21 pads and pencils, and you are allowed to take notes.

22 The trial will proceed in the following manner. The
23 Deputy District Attorneys will make an opening statement,
24 which is an outline to help you understand what the State
25 expects to prove. Next the defendant may, but does not have

1 to, make an opening statement. Opening statements are not
2 evidence, but serve as an introduction to the evidence which
3 the party making the statement intends to prove.

4 The State will then present its evidence, and
5 counsel for the defendant may cross-examine those witnesses.
6 Following the State's case the defendant may present evidence,
7 and the Deputy District Attorney may cross-examine those
8 witnesses. However, as I've said, the defendant is not
9 obligated to present any evidence.

10 You will be given the opportunity to ask written
11 questions of any of the witnesses called to testify in the
12 case. You are not encouraged to ask large numbers of
13 questions, because that is the primary responsibility of
14 counsel.

15 Questions may be asked only in the following manner.
16 After both sets of attorneys have asked their questions and
17 before I let the witness get up and leave if you have an
18 additional question you would like the witness to answer,
19 please write it with your juror seat number and -- on one of
20 those yellow sheets of paper neatly one question per page.
21 The marshal will then pick up the questions and bring them to
22 me, I will review them with counsel to determine if they are
23 legally appropriate. If the question is legally appropriate,
24 I will then go ahead and ask it on your behalf.

25 You are not to place undue weight upon any questions

1 asked by a juror, and you are not to make any adverse
2 inferences if I do not permit a question that was submitted by
3 a juror.

4 After all the evidence has been presented I will
5 instruct you on the law. After the instructions on the law
6 have been read to you each side then has the opportunity to
7 present oral argument. What is said in closing argument is
8 not evidence. The arguments are designed to summarize and
9 interpret the evidence. Since the claimants have the burden
10 of proof on their claims, each of the State has the burden of
11 proving the defendant guilty beyond a reasonable doubt, the
12 State has the right to open and close those arguments.

13 After the arguments have been completed you will
14 then retire to deliberate on your verdict. Again let me
15 remind you that until this case is submitted do not talk to
16 each other about it or about anyone who has anything to do
17 with it until the end of the case when you go to the jury room
18 to deliberate on your verdict.

19 Number two, do not talk with anyone else about this
20 case or about anyone who has anything to do with it until the
21 trial has ended and you have been discharged as jurors.
22 "Anyone else" includes members of your family and your
23 friends. You may tell that them you are a juror in a criminal
24 case, but don't tell them anything else about it until after I
25 have discharged you.

1 If you should need a letter for your employer to let
2 them know where you are and when you'll be coming back, please
3 let the marshal know, and he will have a letter prepared for
4 you.

5 Do not let anyone talk to you about the case or
6 about anyone who has anything to do with it. If someone
7 should try to talk to you, please report it to me immediately
8 by contacting the marshal.

9 Do not read any news stories or articles, or listen
10 to any radio or television reports about the case or about
11 anyone who has anything to do with it. Do not visit the scene
12 of any of the events mentioned during the trial or undertake
13 any investigation or research on your own, including research
14 on the Internet. And do not do any posting or communications
15 on any social networking sites or do any independent research.

16 Would you like to make an opening statement?

17 MS. MERCER: Yes, Your Honor.

18 THE COURT: By courtesy of the CityCenter case we do
19 have two large monitors, one on each end of the block, so you
20 can see them. So if you need to shift a bit to be able to see
21 better, please feel free to move a little.

22 You're up.

23 MS. MERCER: May I proceed?

24 THE COURT: You may.

25 STATE'S OPENING STATEMENT

1 MS. MERCER: Thank you, Your Honor.

2 Have you heard the quote, "If you love someone, set
3 them free. If they come back, they're yours. If not, they
4 never were"? Well, I like this version better. "If you love
5 someone, set them free. If they don't come back, hunt them
6 down and kill them. Ha ha ha ha ha." That was the
7 defendant's Facebook post on July 9th of 2017 -- or 2012. It
8 was 17 days before he went to the home at 325 Altamira and
9 shot and killed Echo White.

10 Echo White at the time of her death on July 27th of
11 2012 was a 29-year-old mother of five young children. She was
12 separated from the defendant. You will hear in this case that
13 they'd been separated for several months. You will also hear
14 that during the week Echo resided at the home at 325 Altamira
15 with the children, Monday through Friday, or technically
16 Sunday night through Friday evening. When the defendant would
17 get off work on Friday, typically late afternoon, early
18 evening, he would come to the home at 325 Altamira and resume
19 taking care of the children. Echo would leave the house for
20 the weekend and return when his time was up.

21 During the week the defendant resided with a friend
22 by the name of Herman Allen, and that was at 6255 West
23 Tropicana. Herman Allen was a friend of the defendant. They
24 met at the Potter's House Church. Coincidentally, the quote
25 that he posted to his Facebook page on July 9th of 2012 he

1 repeated to Herman Allen approximately one week before he shot
2 and killed Echo White.

3 Echo at the time of her death was dating Joseph
4 Averman. You will hear evidence in this case that the
5 defendant and Echo White met Joseph Averman many years before
6 2012. They met approximately eight to nine years before, and
7 they also met at the Potter's House. He was closer friends
8 with Echo over the course of those many years.

9 In April of 2012 Joseph Averman got a divorce from
10 his wife. Because of his close relationship with Echo White,
11 he knew that the couple was having marital problems. The two
12 didn't begin dating until June of 2012. And the defendant
13 knew about that relationship. He knew about that relationship
14 for many, many, many weeks. It wasn't a surprise to him on
15 July 27th of 2012.

16 In fact, it was the defendant's choice that Joseph
17 Averman would stay the night at the house on Altamira with
18 Echo, because Echo said, I want to move out, I want to find my
19 own place. He wanted her to stay in that home. So he was
20 aware that Joseph Averman was staying the night.

21 But that relationship angered him. It angered him
22 tremendously. That anger festered for weeks and weeks and
23 weeks. In this case you will be provided with the cell phone
24 examination that was conducted by a Metro Forensics employee,
25 Brad Berghuis. It will basically show you all of the text

1 messages between the two of them. The furthest text messages
2 in time on that phone started on July 17th of 2012. And on
3 July 17th of 2012 the defendant texted her saying, "After all
4 of that I hope you're alone tonight. If not, we have nothing
5 to talk about tomorrow. I mean it. If he spent the night,
6 goodbye for good, because all the YouTube videos and your sad
7 faces and maybe tears meant nothing to me. Actions show love
8 and [inaudible]. I'm pretty sure he's there." Less than a
9 minute later he follows up with, "Don't bother texting me or
10 calling till Friday, then. What a waste."

11 The next day he texts her, "I will leave you to your
12 asshole, you leave me to myself." That was at 4:27 in the
13 morning, by the way.

14 On July 19th of 2012 Echo texts him and said,
15 "Stop." He responded with, "You should send him home right
16 now if you really miss me, and then call me."

17 On July 20th of 2012 at 5:05 in the morning he
18 texted her, "What you're doing in that house on that bed with
19 him, it rises up in me and I hate you all over again. So then
20 you say we have to get a divorce. A divorce doesn't matter.
21 Your moving out of the house won't stop the hate. The divorce
22 won't stop the hate. Stopping, "meaning stopping the
23 relationship," will stop my hate. Please stop it. Please get
24 rid of him. Please get safe. Let us be happy together, not
25 together as a couple, live together."

1 MS. MERCER: A few hours later, "Now, Echo, you know
2 what I always say. I always say when you say that, I say, no,
3 you stop it. Fuck. Well, not the fuck part. But I'm really
4 tired of being cheated on, so I've increased my vocabulary.
5 'Bye, Cheater. Wait. It's funny. You want me to be nice,
6 but all the while you fuck some other guy. You suck his dick,
7 too." This is seven days before the murder.

8 Four days before the murder, "And every name in the
9 book with anything from you. But, no, I'm the asshole.
10 Thanks for nothing. Thanks for fucking him in my bed. Thanks
11 for fucking destroying me and everything about me. I hate you
12 for choosing him over me." Four days before the murder,
13 again.

14 Then the day before the murder, "This is like
15 torture. You have -- your wife walked out on you so close to
16 coming back and she just won't come back yet. So I will leave
17 you alone so that some day you will. 'Bye." This is 12:39 in
18 the afternoon. "I wish you wanted to be together this
19 weekend. Goodbye, Echo, until you finally made a decision.
20 Hopefully after today you still want all you said you did
21 yesterday. It's here waiting for you. I love you."

22 The evidence in this case will make it clear to you
23 that there was some sort of interaction between Echo and the
24 defendant on the 25th wherein she expressed to him that there
25 were parts of her that missed him. She said, I need more

1 time, I'm not ready to come back. But the defendant couldn't
2 give her that. The defendant couldn't accept that she
3 wouldn't return to him right then and there. And he stewed
4 about that all night.

5 On July 27th of 2012 between 3:30 a.m. and 11:26
6 a.m., which is approximately eight hours, he sent her over 130
7 texts and over 30 calls. Those text messages grew more and
8 more hateful over the course of those hours to the point where
9 he called her a liar, a, quote, "chicken shit," close quote, a
10 skank slut, and a bitch whore. She repeatedly asked him to
11 please stop, please leave her alone, I don't want to talk to
12 you. That made him even angrier, and he wasn't accepting
13 that.

14 So on July 27th of 2012 the defendant went into work
15 early. You will hear from Michael Montalto, who was his
16 employer at the time, that typically the defendant went in
17 about 5:30 in the morning, but recently he'd been coming in a
18 little bit earlier. He said that July 27th was one of those
19 days.

20 The defendant went into work approximately 3:30 in
21 the morning. He called his boss about 4:30 and said, I'm
22 having trouble sleeping, I just wanted to come in early and
23 get off early. Michael tells him, okay, sure, no problem, I
24 have one more job for you to do, after that you can leave.

25 Then at about 7:45, 8:15, the defendant came back

1 from doing that last job that Michael needed him to do. They
2 had a brief conversation. He noticed that the defendant was
3 carrying a backpack. That backpack was later found at the
4 crime scene. During that conversation the defendant made a
5 remark to him along the lines of sometimes he just wants to
6 kill them, being Echo and Joseph Averman. He had expressed to
7 Michael the problems they were having in their marriage and
8 his anger toward the two of them.

9 So he leaves work. It's 7:45 or 8:15. He lived
10 fairly close by with Herman Allen. So at that point he goes
11 home, he changes out of his work clothes, puts on normal
12 civilian clothing, and get a firearm from the apartment. Then
13 -- let me back up for a second. He used the backpack that
14 Michael Montalto saw him with that morning at work to conceal
15 the firearm. Because at this time the couple only had one
16 vehicle. It was a Dodge Durango. And that Dodge Durango
17 stayed with whomever was caring for the kids. So while Echo
18 had the question the Durango was with her. It wasn't his turn
19 to have the kids, so she had the car.

20 He bought a bus pass at 10:32 that morning. Thirty
21 minutes before he bought that bus pass he sent her a text,
22 "Get ready for hell." Then he got on the bus, still stewing,
23 still angry, still sending hateful text messages. You'll see
24 all of those. And then the last text he sent her was at 11:26
25 a.m., about an hour later. "But now you're pissed off and now

1 you think I'm a blank blank blank blank blank again. Or just
2 wait and see. Just wait and see."

3 Around that time he would have been arriving at the
4 bus stop near the address of 325 Altamira. He proceeded to
5 walk to the house. You will hear from Fernando Diaz, one of
6 the neighbors, that he saw the defendant walking towards the
7 home around that time. And you will hear that he was carrying
8 that backpack. He ended up leaving the backpack in the
9 driveway. You can see it to the left of the vehicle in this
10 photograph. And inside of the backpack he left the firearm
11 holster. He concealed the firearm on his person so that no
12 one would see it when he entered. And at the time that he
13 arrived at the house he knew full well that all five of his
14 children were there and that Joseph Averman was also there.

15 Jodey White, the oldest, was nine years old. Jayce
16 white was the second oldest, and at the time he was eight
17 years old. Jesse White was five years old. Jett White was
18 just two years old. And the baby girl, Jazzy, was about six
19 months old.

20 He entered the home and he asked to see Echo. Echo
21 at the time the defendant came into the house was -- she'd
22 just gone to lay down and take a nap in the master bedroom,
23 where the baby slept. She was walking out of the room as he
24 walked in. He said, let me talk to you for five minutes by
25 yourself. She agreed to speak with him, and told Joe, just

1 give us five minutes alone. So the two of them walk into this
2 room, the craft room. It was directly across the hallway from
3 the master bedroom. Joe had the baby in the master bedroom,
4 and he left the door slightly open, the door to the master
5 bedroom, so that he could hear what was going on in there. He
6 couldn't hear their full conversation, but at some point he
7 heard her say, "Stop, Troy. Don't do it."

8 When he looked out the master bedroom after hearing
9 that scream he saw the defendant shoot Echo White. The bullet
10 in this case entered her chest. You will hear from Dr. Gavin
11 that there was stippling around the wound. She'll explain to
12 you the significance of that. She will tell you that at the
13 time the wound was inflicted the end of the barrel of the gun
14 was approximately 6 to 16 inches from Echo White. She will
15 tell you that that bullet perforated her diaphragm, her aorta,
16 her liver, her pancreas, and other tissues and vessels, but
17 essentially her [inaudible] cavity's filled with blood, and
18 her lungs collapsed. She will tell you that because of the
19 injury to the aorta there was nothing that anybody could have
20 done to save her, she would have died, and she died quickly.
21 After shooting Echo White -- or I'm sorry. You'll also hear
22 that during the autopsy they recovered the bullet that she was
23 struck with in the soft tissues in her back.

24 After he shot Echo White he turned to where Joseph
25 was standing in the doorway of the master bedroom and fired

1 two to three more rounds at Joseph Averman. One round struck
2 in him in the arm. It was a -- in his left upper arm. It was
3 a through and through, meaning it went in one side of his arm,
4 out the other. He also sustained two bullet wounds to his
5 pelvic area. You can see them in this photograph. And once
6 he was struck in the hip Joseph collapsed immediately, because
7 it hit his pelvis. He collapsed between the bed and the
8 dresser. Couldn't really get up. The defendant, after he
9 shot him, came over and started taunting him. "Is this what
10 you wanted? Are you happy now?" And then he told them, "I'm
11 already going to prison, I might as well finish you."

12 When the children heard the shots being fired they
13 ran to see what was happening, and they began throwing things
14 at the defendant to try to stop him. One of the boys grabbed
15 something from the kids' room and threw it at him, telling him
16 to stop it. They begged him to call an ambulance for their
17 mother. At some point Joe asked one of the children to hand
18 him his phone. Jayce handed him the phone. The defendant
19 comes over and takes that phone. So then Joe can't call for
20 help.

21 At that point Jodey runs across the street to seek
22 assistance from the neighbors. You will hear from Robert and
23 Wanda Wilson, the neighbors in this case, that they were just
24 arriving home when they encountered a frantic Jodey, who was
25 panicked and needing assistance. He said, my father shot my

1 mom. You'll hear the 911 call the nine-year-old Jodey placed
2 to the dispatcher. You will also hear that as Jodey was at
3 the neighbor's house he saw the defendant fleeing the 325
4 Altamira address in the Dodge Durango. The Dodge Durango had
5 a distinct license plate. It said "USN3BOYS."

6 You will also hear that one of the bullets that was
7 fired at Joseph Averman hit that mirror directly behind the
8 crib where six-month-old Jazzy was placed at the time of the
9 shooting. You can see the hole kind of -- a little bit more
10 than halfway down in that mirror. That hole went through the
11 mirror into the wall, through the wall, and out the front of
12 the house. The bullet was recovered in the driveway.

13 Once the defendant fled in the 2008 Dodge Durango
14 bearing the license plate USN3BOYS he ended up driving to
15 Prescott, Arizona. At about 5:30 or 5:40 that evening,
16 several hours after he murdered his wife and shot Joseph
17 Averman multiple times, he drove to the Yavapai County
18 Sheriff's Detention Center, and he turned himself in. He
19 buzzed -- he rang the buzzer, waited for someone to answer,
20 and then said, I'm here to turn myself in, I'm wanted for a
21 shooting that happened earlier this morning in Las Vegas. He
22 also told them, I'm not armed, and lifted up his shirt to show
23 that he wasn't armed, and told him where they would find the
24 firearm.

25 Detectives from the Las Vegas Metropolitan Police

1 Department, along with a crime scene analyst, Tracy Kruse,
2 travelled to Yavapai County to process the vehicle. You'll
3 hear that the local law enforcement obtained the search
4 warrant, but it was our law enforcement and the crime scene
5 analyst that assisted in the search.

6 When they searched the car they recovered this
7 firearm hidden in the compartment in the rear of the Durango.
8 With the firearm were two magazines. One was a 16-capacity
9 magazine that had 12 rounds. The other was a 13-round
10 magazine that had 9 rounds. So he had 21 rounds of
11 ammunition. There was an additional round of ammunition found
12 in the trunk of the car, loose. And you will hear from Crime
13 Scene Analyst Tracy Kruse that they recovered three shell
14 casings at the scene, which is consistent with three rounds
15 having been fired at the home at 325 Altamira.

16 So on July 27th of 2012 when the defendant went to
17 that home and shot and killed Echo White because she wouldn't
18 come back to him he had 25 rounds of ammunition on him.
19 Ultimately this firearm and the magazines and the cartridge
20 casings are all recovered and impounded as evidence.

21 You will hear that a DNA analyst processed the
22 firearm, fingerprint analyst examined the firearm, and the
23 ballistics examiner look at the firearm, as well. The
24 defendant's DNA was, of course, found on the firearm. There
25 were no prints recovered from the firearm, no usable prints.

1 And the ballistics that was conducted in this case matched the
2 firearm to the casings fired at the scene. So this was in
3 fact the murder weapon.

4 Following the trip down to Yavapai County the
5 defendant was ultimately arrested, and he was charged with one
6 count of murder with use of a deadly weapon, one count of
7 attempted murder with use of a deadly weapon for firing
8 several rounds at Joseph Averman, five counts of child abuse
9 for each of the five children, and one count of carrying a
10 concealed weapon, because he carried that firearm over there
11 concealed, and then he concealed it on his person when he
12 entered the home so that nobody would be alarmed.

13 And at the conclusion of this case the State is
14 going to ask that you return guilty verdicts as to all of
15 those counts, and with regards to the murder with use charge
16 we're going to ask that you find him guilty of first degree
17 murder with use of a deadly weapon.

18 THE COURT: Thank you.

19 Would you like to make an opening statement?

20 DEFENDANT'S OPENING STATEMENT

21 MR. LOPEZ-NEGRETTE: Yes, Your Honor. Thank you.

22 Ladies and gentlemen, you'll get to meet Troy White
23 and his family during this trial. You'll see that he is a
24 family man. He was happily married for years with Echo.
25 Ultimately he was betrayed by Joseph Averman, one of his

1 closest friends. Troy, of course, intensely wanted to save
2 his marriage, to get back his marriage. And what ended up
3 happening was simply the result of heated passion and a rash
4 [inaudible].

5 This is the family of Troy and Echo White that once
6 was. There are his children, Jodey, Jayce, Jett, Jesse, and
7 Jazzy. This is a picture of Troy and Echo from their home,
8 taken by the crime scene analyst. This picture was still
9 hanging at the time of the shooting.

10 Originally Troy and Echo met at church. She was 22
11 years old, and they married about six months after meeting.
12 From her phone you'll get to see a little bit of Echo. This
13 is a mean that she had. She's a free-spirited woman. Going
14 to show what her personality is like, fun-loving person. She
15 was a beautiful person. But at the time that they met she
16 also had responsibilities. She was pregnant with Jayce, and
17 had already had Jodey. When Troy and Echo got married he not
18 only became her husband, but he became their father. And Troy
19 provided for his family. He's a blue-collar worker working
20 for Yesco, sign company, for about 10 years. She was a
21 homemaker. About a month or two after they got married she
22 stopped working, and her responsibilities included taking care
23 of the children, raising the family.

24 For seven years they had a happy marriage. They had
25 a happy family. These are pictures from Troy's Facebook that

1 he would post. They would show that he loved, he adored Echo,
2 he adored his family. And that's a picture of their Durango,
3 as the State stated.

4 Troy worked, Echo took care of the home. They still
5 enjoyed themselves, however. Liked to go out, and, when they
6 could, they would go out with friends. And that would include
7 going out with Joe and Dena Averman. They knew each other
8 from church, for Potter's House. Additionally, they would not
9 only know each other, but they would fellowship together, they
10 would carpool, they would go out to eat, play cards. But,
11 more than that, they trusted each other. Even babysat for one
12 another. And over the course of their friendship Joe became
13 one of Troy's closest friends. Ultimately, as the State
14 stated, Joe and Dena divorced, because, as it turns out, Joe
15 was a cheater. And when she found out about it, you know
16 what.

17 Now, eventually Troy and Echo themselves encountered
18 some marriage trouble, and in the guise of providing comfort
19 to Echo Joe begins to text her. And eventually they have an
20 affair. Now, Troy finds out that Joe and Echo have sex. He
21 finds out about the affair through a picture on Facebook. He
22 still wanted to reconcile his marriage with Echo. He, even
23 though saw that Joe and Echo were openly dating, begged her to
24 come back to him and begged him to stop it. But Joe didn't
25 care. He wasn't scared of Troy. Joe was much younger than

1 Troy. He was actually 28, I believe. He's also Army trained.
2 He's in the National Army Reserve -- or Army National Guard,
3 excuse me. He would tell Joe about his weekend training,
4 knowing how to handle weapons, and knowing about hand-to-hand
5 combat. He even started teaching his kids hand-to-hand
6 combat, and Joe had that opportunity because he had moved into
7 Troy's house. And Joe will tell you that Troy gave his
8 blessing. But the evidence will show and your common sense
9 will tell you that he did not agree to this, he had to do it
10 in order to save his marriage, in order to keep his family
11 together the best that he could. And he ended up sleeping on
12 air mattress right there at his friend's house, Herman Allen,
13 who he knew from church.

14 Incidentally, when they investigate and look for
15 Troy, they find another picture of his family at the scene.
16 Always on his mind. Troy wanted his life back. He didn't
17 give his blessing for this. He had to do it because it was
18 the only option to try to keep things together. So Joe's
19 living in Troy's house, under his roof, sleeping in his bed
20 with his wife, and around his children.

21 Troy wanted desperately to get his wife back and to
22 get his family back. And in fact Echo's mom didn't think it
23 was such a good idea that Joe would move into that house. She
24 actually wanted her to stay with her while Joe -- excuse me,
25 Troy and Echo were working things out. She had noticed a

1 change in Echo since she started going out with Joe. She was
2 drinking more, she was smoking more, she got more tattoos.
3 Still, Troy was doing everything that he could to keep his
4 family together. He was paying all the bills. Echo hadn't
5 worked. He was still paying all of her expenses, giving her
6 spending money, taking care of the kids, doing what he should
7 as a man. And he was still obviously trying to reconcile with
8 Echo. And these messages that we're talking about, they're
9 going to reveal that actually Troy thought this was on the
10 horizon, a reconciliation was a possibility. You have a
11 report of his Facebook, 766 pages, and you'll have plenty of
12 messages on there, and you'll have plenty of angry comments
13 just like the State has produced to you so far. And it's not
14 surprising that he's hurt.

15 Here's one where he's corresponding with an old
16 friend of his from high school. And it's a long message, but
17 here's the part that matters. And this is sent July 26th, the
18 evening before the shooting, talking to his friend Lisa. He
19 says, "My ex, but you know we are still actually married, said
20 to me yesterday, I want it all back." And you go on and you
21 see what Troy's thinking. Of course I ultimately want my
22 marriage back, doing the best that he could to move on, but
23 because he still loves her and this is ultimately what he
24 wants, to get back together with her, this is what's on his
25 mind based on conversations with her giving him hope, thinking

1 that reconciliation was on the horizon.

2 Here's another message. And this is an NMS message,
3 not simply text -- these phones are very sophisticated now --
4 where he sends to her not an angry message, "Please call me
5 when you can. I want to give you my heart. I love you, Echo,
6 sweetie. Please, please stop seeing him if you want us back.
7 Please. You have to. Please. It'll never work if you won't
8 let him go. Please, please, I'm begging you. For one last
9 time I'm begging. Totally honest. I can't handle this
10 anymore. Honestly I'm asking you to please stop seeing him
11 immediately. If you want me back, this is it. I can't keep
12 doing this. I'm going insane. I love you so much."

13 More messages. These are from Echo to Troy. Some
14 of those the night before -- or the day before. "You don't
15 know her like I do. It's a country song. Kind of reminds me
16 of us." From Echo to Troy. "Jodey asked so many times I hurt
17 my neck --" I'm sorry. That's not the right one. "Have you
18 heard it? Just text, please." Asking, asking Troy to text
19 her back. "Just text, please, please," all caps. On the
20 furthestmost right column you'll see that it looks like Echo
21 was deleting these messages. And you'll hear that Joe and her
22 would both go over her phone, that he had access to her phone.
23 More messages. Angry messages, of course. But you see the
24 underlying desire from Troy, "Tell me you're coming back to
25 me, and then you don't need your time in Chelsea's. Driving

1 me crazy. I will say it again. You're driving me crazy
2 already because you told me you want me back, and then you say
3 you stay with Joe."

4 Ultimately on July 27th of 2012 you'll hear that
5 Troy went there calmly. He let himself in. I mean, it's his
6 house, after all. He had a key. And he's there to talk with
7 Echo. He goes into the back room to speak with her. And, as
8 Joe will tell you, didn't think anything out of the ordinary,
9 didn't see him agitated or aggressive or anything like that.
10 But ultimately an argument breaks out, and it escalates. And
11 then you hear about the shooting. But you won't find any
12 evidence of when, any evidence that it was a thought-out
13 decision, and no evidence that there was a weighing of
14 consequences by Troy. This was a rash impulse, someone who
15 had hope of getting back with his wife that he adored, and
16 shoots Joe additionally in the heat of the moment, under the
17 heat of passion. But if he had the opportunity to kill him,
18 he would have.

19 Ultimately at the end of this trial we're going to
20 ask you to find Troy guilty of what the evidence supports.
21 And we're going to ask you for a verdict of manslaughter.
22 Thank you.

23 THE COURT: Thank you.

24 Your first witness.

25 MR. ROGAN: Thank you, Your Honor. We need to set

1 up the Elmo first, if we could, please. May I approach your
2 clerk?

3 THE COURT: You may.

4 (Pause in the proceedings)

5 MR. ROGAN: First witness is Jayce White, Your
6 Honor.

7 THE COURT: Thank you.

8 If you would please remain standing for a minute.
9 You're going to raise your right hand, please.

10 JAYCE WHITE, STATE'S WITNESS, SWORN

11 THE CLERK: Thank you.

12 THE COURT: You can be seated.

13 THE CLERK: And please state and spell your name for
14 the record.

15 THE WITNESS: J-A-Y-C-E, Jayce, and then Gaines,
16 G-A-I-N-E-S.

17 THE COURT: And if you need water, ask the marshal,
18 and he will pour some for you, okay.

19 THE WITNESS: Thank you.

20 THE COURT: You may proceed.

21 MR. ROGAN: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MR. ROGAN:

24 Q Good afternoon, Jayce. How are you today?

25 A Good.

1 Q You said your name is Jayce Gaines. Did you used to
2 go by a different name?
3 A Yes. I used to be Jayce Wilkinton, but I got
4 adopted by my grandma and grandpa.
5 Q Okay. And did you -- how old are you?
6 A I'm 10.
7 Q What's your birthday?
8 A June 11, 2004.
9 Q So you're almost 11.
10 A Yes.
11 Q What school do you go to?
12 A I go to Walter V. Long.
13 Q Is that an elementary school?
14 A Yes, elementary school.
15 Q So what grade are you in?
16 A I'm in fifth grade.
17 Q Did you have spring break last week?
18 A Yes.
19 Q And you're starting school again this week?
20 A Yes.
21 Q Are you happy about that?
22 A Yes.
23 Q You are?
24 A Uh-huh.
25 Q You like school?

1 A I love school.

2 Q How many more days till summer break?

3 A I think my teacher said it was like eight weeks, I
4 think, or nine weeks.

5 Q Your teacher knows; right?

6 Jayce, I want to talk to you today about some
7 serious stuff, okay.

8 A Yes.

9 Q So my first question's going to be do you know the
10 difference between the truth and a lie.

11 A Yes.

12 Q All right. So if I said to you right now that my
13 suit is purple, would that be the truth, or would that be a
14 lie?

15 A That would be a lie.

16 Q Why?

17 A Because your suit is gray.

18 Q Thank you. So today it's important for you to tell
19 the truth about what happened on July 27th, 2012; okay?

20 A Yes.

21 Q Will you promise to do that?

22 A Yes.

23 Q You said that your grandma adopted you. What's her
24 name?

25 A Amber Denise Gaines.

1 Q And who do you live with now?
2 A My grandma and my grandpa.
3 Q Do you have any brothers and sisters?
4 A Yes. I have -- my brother's -- I have four
5 brothers, Jodey -- I have Jodey and then Jett and then I have
6 Jesse -- yes, I have Jodey, Jayce, and Jesse. And Jett.
7 Q All right. Well, let's go through them; okay?
8 A Yeah.
9 Q State's Exhibit Number 15. Who's this guy right
10 there?
11 A That's Jodey.
12 Q Is he older or younger than you?
13 A He's older than me.
14 Q And we know who that is, and that's --
15 A That's me.
16 Q Yep. That's State's Exhibit 16. How old are you in
17 that picture?
18 A I think I'm -- that's eight. I'm eight.
19 Q And then who's this kid, Exhibit Number 17?
20 A That's Jesse, my little brother.
21 Q He's your little brother?
22 A Yes. He's eight right now.
23 Q And Exhibit Number 18, who's this?
24 A That's my little brother Jett.
25 Q Jett?

1 A Yes.

2 Q And what about Exhibit Number 19? Who's this little
3 one?

4 A That's my little sister Jazzy.

5 Q Jazzy. Do you know how old Jazzy is now?

6 A I think she's three.

7 Q Where did Jett and Jazzy live?

8 A Where did they live?

9 Q Where do they live now?

10 A They live with my other grandfather, Papa Don. We
11 call him Papa Don.

12 Q All right. So you and your two brothers Jodey and
13 Jesse live with Amber?

14 A Yes.

15 Q And then your younger sister and your youngest
16 brother live with some other family members?

17 A Yes.

18 Q All right. Did you used to live in a house on
19 Altamira Road?

20 A Yes.

21 Q Do you remember that house if I showed you a
22 picture?

23 A Yes, I would.

24 Q Okay. Showing you Exhibit Number 26. Is that the
25 house that you lived at?

1 A Yes. Yes, that is my house.

2 Q Is that the house you were living at on July 27th,

3 2012?

4 A Yes, it was. And that's my basketball -- me and my

5 brothers' basketball hoop that my grandma gave us.

6 Q Oh. The one that's falling down in the --

7 A Yes.

8 Q -- front of the garage?

9 A Yes.

10 Q Okay. Now, did you live there with your mom?

11 A Yes, I did.

12 Q What was your mom's name?

13 A Echo Brooke Lucas.

14 Q Showing you State's Exhibit Number 1.

15 A Yes, that's her.

16 Q And that's your mom, Echo Lucas?

17 A Yes.

18 Q Was she married on July 27th, 2012, to someone?

19 A Yes, she was.

20 Q Who was she married to?

21 A Troy White.

22 Q Showing you State's Exhibit Number 20.

23 A Yes.

24 Q Who's that?

25 A Troy White.

1 Q On July 27th, 2012, was Troy White living at 325
2 Altamira with your mom and with your brothers and sisters and
3 you?

4 A No, he was not.

5 Q Do you know where he was living?

6 A Yes. I don't know the exact like where he was
7 living, but he was living with a guy named Herman in
8 apartments.

9 Q Were your mom and Troy separated at the time?

10 A Yes, they were. They were like -- they weren't
11 living together.

12 Q Now, at the time your mom died on July 27th --

13 A Yes.

14 Q -- did you know Troy to be your dad?

15 A Yes.

16 Q And did you call him Dad?

17 A Yes.

18 Q Now today do you know that he's actually not really
19 your father?

20 A Yeah. I know he's my stepfather.

21 Q And so do you call him Dad today, or do you call him
22 something else?

23 A I call him Troy.

24 Q So the rest of the time that we're talking I'm going
25 to call him Troy; okay?

1 A Yes.

2 Q All right. When -- do you remember when your mom
3 and dad -- I'm sorry, your mom and Troy stopped living
4 together?

5 A Yeah.

6 Q When was that?

7 A That was like maybe -- oh, like maybe a month before
8 my mom passed.

9 Q So maybe in June of 2012?

10 A Yes. Around there. Or around like a little bit
11 before my birthday. My birthday's June 11th.

12 Q And that's the day that you turned eight years old?

13 A Yes.

14 Q Would you see Troy at all after -- well, after your
15 mom and Troy separated did you get to see Troy?

16 A Yes.

17 Q When would you see him?

18 A Like on the weekends he would come to my house and
19 babysit us and my mom was like out with my grandma or my
20 grandpa, my other grandpa, eating breakfast or lunch or
21 something.

22 Q Would Troy come at all during the week really?

23 A Sometimes, yeah. But I don't know specifically
24 when, but like sometimes, yeah, think so.

25 Q But most of the time it was your mom with you Monday

1 through Friday --

2 A Yes.

3 Q -- and you were with Troy on Friday night through

4 Sunday night?

5 A Yes.

6 Q All right.

7 A Not like every day, but like she -- he would come

8 and babysit us like one day and then another day

9 [unintelligible].

10 Q Would you stay at your house at Altamira, or would

11 you go to where Troy lived with Herman?

12 A Well, I did that one time before, and it was like on

13 one of -- on Jett's birthday. I did that once before. But I

14 usually stayed at grandmom's house.

15 Q All right. So Troy would come and stay with you at

16 Altamira?

17 A Yes.

18 Q All right. Did you know a guy by the name of Joe?

19 A Yes, I did.

20 Q Do you know his last name?

21 A No, I do not.

22 Q How did you know Joe?

23 A Well, he would come over to our house sometimes and

24 he would like play games and like he'd play the X-Box with us.

25 Q Was he friends with your mom?

1 A Yes, he was.

2 Q Was he your mom's boyfriend?

3 A Yes, he was.

4 Q And would come over at Altamira sometimes, too?

5 A Yes.

6 Q Did he live there?

7 A No. I think he lived over like with his wife. I

8 think her name was Gina or something like that.

9 Q When you were with your -- with Troy sometimes would

10 he use bad words to describe your mom?

11 A Sometimes.

12 Q And it's okay to say it even though it's a bad word.

13 What words would he use to describe your mom?

14 A Like the B-I-T-C-H word.

15 Q Bitch?

16 A Yes.

17 Q And do you remember the whole sentence that he would

18 say?

19 A Like he would come down the hall and say -- on his

20 phone and he would say, your mother's a B, like say that word.

21 Q Your mother's a bitch?

22 A Yes.

23 Q Jayce, I want to talk to you about -- specifically

24 about things that happened on July 27th of 2012.

25 A Okay.

1 Q If you need to stop at any time, just let us know,
2 okay.

3 Do you remember that day very well?

4 A Yes. Pretty much, yes.

5 Q Do you remember it was a Friday?

6 A Yes.

7 Q What were you and your brothers and sisters --
8 sister doing on the morning of Friday, July 27th, 2012?

9 A Well, first we woke up and then we started playing
10 dress, and then we like we started to eat breakfast. We ate
11 Fruit Loops, and then we started watching -- we started
12 watching TV.

13 Q You said you were playing -- is it a video game?

14 A No. That's when Joe came over we played video
15 games.

16 Q Okay. What was the game that you were playing? I
17 didn't catch it.

18 A Well, it was called dress up.

19 Q Oh. Dress up.

20 A Yeah. We were playing dress up.

21 Q Okay. And then you ate some breakfast, some Fruit
22 Loops, and then you were watching TV. Do you remember the
23 name of the TV show you were watching?

24 A Yes. "I Shouldn't Be Alive."

25 Q "I Shouldn't Be Alive" on the History channel or

1 whatever it is?

2 A Yes.

3 Q All right. But were you watching it on TV, or were
4 you watching on NetFlix or something?

5 A I think I was watching on NetFlix, because we didn't
6 have like cable TV. We have it on NetFlix at least.

7 Q Was your mom home?

8 A Yes, she was.

9 Q Do you remember what she was doing?

10 A She was -- I think she was braiding her hair.

11 Q Was Joe there?

12 A Yes.

13 Q What about Troy? Was he there that morning?

14 A No. But then he came.

15 Q Before Troy came to the house did your mom go
16 somewhere?

17 A No. She was like in the -- she did. She went to
18 the back room, and then she came back out and -- a couple
19 times. She was just like going in the room for a couple times
20 or something.

21 Q And Joe was with you?

22 A He was -- he stayed in the back room most of the
23 time doing -- probably watching TV or something.

24 Q What about your --

25 A Not watching TV, but like doing something else.

1 Q Okay. What about your little sister? Where was
2 she?

3 A She was like in a little carrier by the end of the
4 hall. And it like had a little rocker.

5 Q Now, you said at some point Troy came to the house.

6 A Yes.

7 Q How did you know when Troy came to the house?

8 A Because the alarm came off. It went off.

9 Q The house alarm?

10 A Yes. And then he shut it off so it wouldn't come
11 on.

12 Q So you're watching TV. And what room is that?

13 A That's like in the living room where --

14 Q You hear the alarm go off, and what do you do?

15 A I got up and I looked, I saw Troy there. And then I
16 -- then I saw my mom come out of the room, and he told her to
17 go in the room now.

18 Q Go in the room now?

19 A Yeah. He said, get in the room now.

20 Q Get in the room now?

21 A Yes. The third room.

22 Q Okay. We'll get into that in just a minute. But
23 before you said the alarm went off and Troy turned it off. So
24 did Troy type some numbers into the keypad or something?

25 A Yes. I think so.

1 Q All right. Did you see anything in his hands at the
2 time?
3 A No, I did not.
4 Q Do you remember anything being on his back?
5 A I think -- no, I don't think so, no.
6 Q I'm going to ask you what was his demeanor like.
7 And before you answer that I'll tell you what "demeanor"
8 means. You know, sometimes you can tell whether people are
9 happy or sad because of their facial expressions or they're
10 crying?
11 A Yes.
12 Q Could you tell me what Troy's demeanor was at the
13 time he came in the house?
14 A He was like -- he looked like he came in there to --
15 like he was -- he was looking for somebody, like he was -- I
16 thought he was looking for my mom. He was like trying to do
17 something.
18 Q That's how you felt that he looked at the time?
19 A Yeah.
20 Q So he says to your mother, get in the room. And you
21 said into the third room?
22 A Yes.
23 Q What goes on in that third room? What was it used
24 for?
25 A Scrapbooking. My mom always scrapbooked in there,

1 like made -- put pictures into albums and stuff.

2 Q When Troy came in and he said that to your mom where
3 was Joe?

4 A Joe? I think he was still in the bedroom.

5 Q Do you know?

6 A I don't know, no.

7 Q Not a problem. Not a problem. So did you talk to
8 Troy when he came in?

9 A No, I did not.

10 Q So did he and your mom go into that third room --

11 A Yes.

12 Q -- together? Do you know -- did you follow them to
13 that third room?

14 A No, I did not.

15 Q What did you do?

16 A I was just like staying -- I stayed in the room, in
17 the living room with my brothers and sisters.

18 Q Were you still watching television?

19 A No. We just like stopped and sat there for a couple
20 minutes.

21 Q Did you think something was wrong?

22 A I know. Because like my dad never came on Fridays.
23 He never came on those days. And he looked -- he was just --
24 I thought something was wrong was the reason.

25 Q Was this about like midday, noon on Friday?

1 A Yeah. It was like -- he came I think about like
2 maybe 11:00, 12:00 o'clock.

3 Q And that's not the normal time that he came to stay
4 with you?

5 A No.

6 Q So it was unusual for him to be there at that time?

7 A Yeah. He would usually come at like -- like 2:00 or
8 3:00 in the afternoon on weekends.

9 Q So you're in the living room with your brothers and
10 sisters --

11 A Yes.

12 Q -- and you're just sitting there because something's
13 wrong. What do you remember happening next?

14 A Well, I remember Troy opening the door, and then I
15 think -- and then Joe opened the door, and then Troy saw Joe,
16 and then he pulled out the gun and he shot Joe first, and then
17 he shot my mom.

18 Q That's what you remember happening next?

19 A Yes.

20 Q All right. I'm going to go into a little bit more
21 detail with you about that; okay?

22 A Okay.

23 Q So you're in the living room. Can you see the third
24 room where your mom and Troy were talking?

25 A Well, no, I can't see it.

1 Q All right. Did at some point you go from the living
2 room to where you could see that third room?

3 A Yes, I did. Like when I saw -- when I heard them
4 open the doors I saw -- I was looking. I went to the hall
5 like up close by them, and then I was -- I saw -- I saw Troy
6 pull out the gun, then I -- and I was looking -- like I was in
7 the hall and I was looking at him, and then I said -- and then
8 I said, why'd you kill -- why'd you shoot my mommy, like that.
9 I was saying that.

10 Q So you go to the hall and you can see down the end
11 of the hall and you can see the bedroom door and the room --
12 the door to the third room; right?

13 A Yes.

14 Q And across the hall is the room to the bedroom where
15 your mom slept; right?

16 A Yes.

17 Q Was Joe in that room?

18 A Yeah. He was opening that door.

19 Q He was opening that door, and Troy was opening the
20 door directly across the hall?

21 A Yes.

22 Q And you said at that point you saw Troy take out a
23 gun?

24 A Yes.

25 Q And shoot?

1 A Yes.

2 Q Where did he take that gun from?

3 A I think he took it out from like somewhere around

4 his waist area, because I don't remember like him taking --

5 him going down to where his pockets were or something or up

6 here, because I think he just took it out somewhere over here.

7 Q Somewhere either in the front of the waist or the

8 back of the waist, you don't know?

9 A Yes.

10 Q And did he shoot Joe at that point?

11 A Yes, he did.

12 Q How many times?

13 A I don't -- like two times, I think. I think --

14 Q You don't know?

15 A I don't know.

16 Q Okay. Do you remember it being more than once?

17 A Yes.

18 Q Why? How do you remember it being more than once?

19 A Because I remember like he was pointing in the

20 direction of Joe and he shot it like -- I remember he shot it

21 more than once in the direction of Joe, and then he shot it

22 like two times that went at my mom.

23 Q After he shot -- was your mom shot before or after

24 he shot Joe?

25 A After he shot Joe.

1 Q And so he shoots Joe. Does he have to turn around
2 to shoot your mom?

3 A No. Because like his back is faced -- like here's
4 the room my mom slept in and then the scrapbooking room, and
5 then his back was faced to the wall, and he could like -- he
6 could see the hallway. And then he was like he shot Joe, and
7 then he shot my mom this way. So he just went like that and
8 then like that.

9 Q I see. Did you hear your mom say anything before
10 Troy shot her?

11 A No. But I heard her making noises.

12 Q So after he shoots Joe and your mom what do you do?

13 A I went in like the room where my mom -- the
14 scrapbooking room, and I was like -- I was seeing if she was
15 okay. I was like, are you okay, are you okay. And she was
16 just making like noises.

17 Q What kind of noises?

18 A Like gurgling noises.

19 Q Did she ever say anything to you?

20 A No, she didn't.

21 Q What color was her face?

22 A It was grayish, like pale-ish, because I -- because
23 I -- she was just like gray right in here in her face.

24 Q What did you do after you went to your mom?

25 A Well, Troy said to go out of the room, so I went out

1 of the room. And then I grabbed one of my brothers or
2 sisters, I don't remember. But I grabbed one of them and I
3 was holding her -- him or her. And then I went back into the
4 room and he said, get out. And then I went into the room my
5 mom slept in and I picked up the -- Joe was like, get the
6 phone, get the phone. And I picked up the phone, and then I
7 -- I was like -- I was trying to give it to him, but like I
8 just dropped it, and then he grabbed it real fast.

9 Q Okay. Hold on, Jayce. You said a lot in that last
10 sentence, okay, so I'm just going to parse it out a little
11 bit.

12 So you were in the room, you were trying to talk to
13 your mom, and Troy says, get out of the room?

14 A Yes.

15 Q Is that right? And then you went into the living
16 room and picked up one of your younger siblings?

17 A I think -- no. Because I think they're in the --
18 like in hall.

19 Q They were the hallway?

20 A I don't remember like where exactly they were, but I
21 went somewhere to pick them up.

22 Q And then you went into the room where your mom slept
23 in?

24 A Yes, I did.

25 Q And that's where Joe had been shot?

1 A Yes.

2 Q And did you see Joe there?

3 A Yeah. He was -- there was blood all over his
4 stomach and stuff.

5 Q And where was he inside the room?

6 A He was on the left side of the bed by the door.

7 Q Was he on the ground?

8 A Yes. He was laying on the floor.

9 Q And did he ask for the phone?

10 A Yes, he did.

11 Q And did you have a phone to give to him?

12 A Yeah. It was on top of the dresser, so I like
13 reached and I like dropped it, and then he grabbed it.

14 Q What is Troy doing when you're doing all of this?

15 A I think he -- like he -- he went outside because
16 Jodey ran somewhere, and then he went outside and then he came
17 back in, and then he -- I think he saw that Joe had the phone,
18 so he like took it away or something.

19 Q Now, you said your brother Jodey had run outside.

20 A Yes.

21 Q Do you remember him running outside, or is that
22 something you learned afterwards?

23 A I remember him running outside, because like I
24 looked back and then I just saw him like go out the door.

25 Q Did Troy ever say anything about Jodey running out

1 the door?

2 A No. Because like -- because I remember when Troy
3 came in, came into the room where Joe was, and then I think he
4 took the phone away, and then he ran back outside. And then
5 that's where I followed him. And then I saw he put the gun
6 behind his back and then he said, Jodey, Jodey. He said that.

7 Q So Troy ran outside, put the gun behind his back?

8 A Yes.

9 Q Can you show us what he did with that gun when he
10 was outside?

11 A He was like this, and he put it right there. Like
12 right there and then put his shirt over it.

13 Q Okay. So you just stood up and you demonstrated
14 that he put the gun in the -- I guess the crack of his back,
15 down in his pants; is that correct?

16 A Yes. And put the shirt over it to hide it.

17 Q And he yelled, Jodey, Jodey?

18 A Yes.

19 Q Then what happened?

20 A And then he -- he got the keys of the car, and then
21 he got in it and left.

22 Q Now, the keys to the car, where were they?

23 A They were like hung up -- like if you go to the
24 door, and they were on the right side of the door. They were
25 on the right side like hung up on the screws. There was like

1 keys there. And then he took them there -- he took them off,
2 and he got in the car and he left.

3 Q All right. So he had to come back inside, get the
4 keys, and then leave?

5 A Yes. By the door, yes.

6 Q I'm going to back up a little bit. When Troy --
7 before Troy went out to chase after Jodey I guess --

8 A Yes.

9 Q -- did you -- do you remember him saying anything to
10 Joe?

11 A No, I don't remember.

12 Q Do you remember him ever telling you to get into
13 your room or anything like that?

14 A No.

15 Q Do you remember ever going into your own room where
16 you slept?

17 A Yes, I do remember going into there, but I don't
18 know for why. I think I went in there for something or
19 whatever.

20 Q Your other brothers and sisters who are still in the
21 house, what are they doing at this time?

22 A I don't know.

23 Q Could you hear them screaming or crying or anything
24 like that?

25 A No.

1 Q You don't remember?

2 A No, I don't.

3 Q Did you talk -- did the police eventually come and
4 talk to you?

5 A Yes, they did.

6 Q Did they take you someplace?

7 A Yes. First the lady police officer, she took me to
8 her car, the car, the police officer car. And then I waited
9 there for like five to ten minutes, and then she took me
10 across the street to the other -- to the place where Jodey was
11 at, and then I remember like Jesse was there and then -- and
12 then my brothers and sisters were just there.

13 Q Okay. And did you talk to the police about what
14 happened?

15 A Yes. I saw -- I talked to a guy named Chris, and he
16 recorded all my stuff.

17 Q So he was a detective and he recorded everything
18 that you said?

19 A I said. Yes.

20 Q Okay. Do you remember coming and speaking to Liz
21 and to me last week?

22 A Yes, I did.

23 Q Do you remember telling us about some sort of window
24 that you opened in your bedroom when you went in there?

25 A Oh, yeah. Yes.

1 Q Okay. Tell me about that. What did you do when you
2 opened that window?

3 A Well, I opened the window and I think I like -- now
4 I remember. I took out the bar to the window like so when
5 people like -- if somebody tried to open the thing it wouldn't
6 open. I took out the bar to the window.

7 Q What did you do with that bar?

8 A I don't remember. I don't know. I just held it in
9 my hand, I think.

10 Q You held it in your hand? Was this while Troy was
11 still in the house, before he left?

12 A Yes. That was like a little bit earlier, like when
13 -- like after -- or before I went into the room where Joe was
14 at.

15 Q Did you do something with that metal bar?

16 A No.

17 Q You don't remember doing anything with a metal bar?
18 Did you ever go to Troy with that metal bar in your hand?

19 A I don't think so.

20 Q You don't think so?

21 A I don't know.

22 Q Okay. Did you have a chance to go see your mom one
23 more time before the police came?

24 A Yeah, I did. Because like the police officers --
25 no, not the police officers -- I went into my mom's room, and

1 then I remember this big tall guy in a fire suit came and like
2 escorted me out of the house.

3 Q Did you have a chance to talk to your mom one last
4 time?

5 A That was before he came.

6 Q What did you say to your mom?

7 A I said, I love you, I hope you can hear me. That's
8 what I said to her.

9 MR. ROGAN: I'll pass the witness, Your Honor.

10 THE COURT: Cross-examination.

11 MR. COFFEE: Yes, Your Honor.

12 (Pause in the proceedings)

13 CROSS-EXAMINATION

14 BY MR. COFFEE:

15 Q Hi, Jayce.

16 A Hello.

17 Q Jayce, we haven't had the opportunity to talk
18 before, have we?

19 A No.

20 Q Okay. I'm going to ask you a few questions, and if
21 anything is confusing, you stop me and I'll try to make sure
22 it's not; okay?

23 A Okay.

24 Q And you're doing a great job for us today, and we
25 appreciate it, okay.

1 A Thank you.

2 Q Now, you've given a statement before the day that
3 the shooting happened; right?

4 A Yes.

5 Q You gave that to a police officer? Do you remember?

6 A Can you say that again.

7 Q Sure. Do you remember giving a statement to a
8 police officer, somebody interviewing you with a tape recorder
9 the day that the shooting happened, or maybe the day after?

10 A Yes. Yeah, yeah. Yes.

11 Q Okay. There we go. And you wanted to make sure you
12 told him the right answers just like you're telling us the
13 right answers?

14 A Yes.

15 Q And there was some discussion a few moments ago
16 about your father telling you to leave the room. Do you
17 remember that?

18 A Yes.

19 Q And by your father, so there's no confusion, you're
20 talking about the man sitting right here. That's him, all
21 right?

22 A Yes.

23 Q He had been the only father you'd ever known?

24 A Yes.

25 Q Since you were a baby. Do you ever remember a time

1 before Troy?

2 A No.

3 Q He had helped take care of you, helped raise you?

4 A Yes.

5 Q And was still helping take care of you before this

6 horrible thing happened; right?

7 A Yes.

8 Q He'd come over to the house on weekends?

9 A Yes.

10 Q Make you dinner?

11 A Yes.

12 Q You said there was a birthday right beforehand. You

13 probably celebrated your birthday, I'd imagine.

14 A Yes, I did. I got an MP3 player, a red one.

15 Q A red MP3 player?

16 A Yes.

17 Q Was that from Troy?

18 A I think that -- yeah, I think that was from him and

19 my mom, yes.

20 Q Him and your mom were still buying you birthday

21 gifts together at that point?

22 A Yes. I believe so.

23 Q This person Joe that we've talked about, your mom's

24 friend, you don't know Joe's last name?

25 A No, I do not.

1 Q Even to this day you don't know Joe's last name?
2 A No, I do not.
3 Q Joe was not your father?
4 A No, he was not.
5 Q You never called Joe dad. It wasn't that sort of
6 situation; right?
7 A No.
8 Q When your father told you to go into the bedroom do
9 you remember him saying, you can't see this, go back to bed?
10 Do you remember him saying something like that?
11 A I do not remember that, no.
12 Q Okay. If I show a copy of something -- when you
13 gave that statement on the tape recorder --
14 A Yes.
15 Q -- somebody wrote it all down and typed it for us,
16 okay. If I show you a copy of that, would that maybe help you
17 remember?
18 A Yes.
19 MR. COFFEE: Okay. Permission to approach.
20 THE COURT: You may.
21 MR. COFFEE: And it's page 7, counsel.
22 BY MR. COFFEE:
23 Q Take a look at that. Do you remember that now?
24 A Yes, I remember that now.
25 Q Okay. Did that help you to remember, Jayce?

1 A Yes, it did.

2 Q And in fact did your father close the door to the
3 bedroom and tell you, go back to bed, you can't see this?

4 A Yes.

5 Q That's what you said at the time, and now you
6 remember that happening; right?

7 A Yes, I do.

8 Q Okay. When your father came into the house there's
9 been some discussion about demeanor. Do you remember that?

10 A Yes, I do.

11 Q Okay. He didn't come in yelling, did he?

12 A No, he did not.

13 Q He didn't come in with a gun in his hands?

14 A No, he didn't.

15 Q He came in and asked to talk to your mother, I think
16 is the way you described it to police officers a few years
17 ago. Do you remember that?

18 A Yes.

19 Q And in fact that's what happened, he came in and
20 said, I need to talk to my wife or Echo or however he put it,
21 but --

22 A Yeah.

23 Q That's what he said; right?

24 A Yes, he did.

25 Q And when they went to the back bedroom it was

1 actually a talk. There wasn't yelling at least at first; is
2 that fair?

3 A Yes.

4 Q And they were in the back bedroom, this third
5 bedroom for a while, and the noise started to come up? You
6 could hear a commotion back there; is that fair?

7 A Like I heard it when they came out of the bedroom.

8 Q Okay. You heard a fight?

9 A Yeah. Not a fight, but like I heard them raising
10 their voices at each other.

11 Q Okay. They were talking. You'd heard an argument
12 at that point. You said you saw your father with a gun in his
13 hand.

14 A Yes, I did.

15 Q And I know -- and I don't want you to have to relive
16 anything, but I need you to think back for me real hard for
17 the next question or two; okay?

18 A Sure.

19 Q Do you remember telling the police that you didn't
20 actually see your father shoot your mother?

21 A No. I just remember -- I don't remember actually
22 seeing like him -- I just saw him pointing the gun in the door
23 and then shoot. I didn't see him actually --

24 Q You'd seen the shots towards Joe, but you actually
25 didn't see the shot that was fired towards your mother; is

1 that right?

2 A I did see the shot towards my mother. But I saw him
3 shoot it in the direction of the room my was in.

4 Q Okay. I want to -- would looking at the statement
5 again maybe refresh your recollection as to what you told the
6 officers?

7 A Yes.

8 MR. COFFEE: Okay. Permission to approach.

9 THE COURT: Okay.

10 BY MR. COFFEE:

11 Q Thank you, Jayce, for reading this.

12 A No, I don't remember that.

13 MR. COFFEE: Counsel, it is page 11 of the voluntary
14 statement, two thirds of the way down.

15 BY MR. COFFEE:

16 Q Did you tell the officer, "And I didn't like really
17 see my dad shoot my mom"?

18 A I guess, yeah, because it's on the paper.

19 Q Okay. You don't remember it specifically, but that
20 may have been what you said shortly after this happened?

21 A Yes.

22 Q And it was probably tough to answer questions then
23 like it is now. We don't -- you're doing great, okay.

24 Now, the alarm -- your dad had the code to the
25 alarm?

1 A Yes.

2 Q He'd lived there.

3 A Yes. He didn't live there at the time, but he was

4 moving -- he was living with somebody else.

5 Q During the week.

6 A Yes.

7 Q And there on weekends?

8 A Yes.

9 Q Still had a key to the house in fact; right?

10 A I don't know if he did or not.

11 Q Did you keep the front door locked?

12 A Did he keep the front door locked?

13 A Did you keep the front door locked?

14 A No.

15 Q Okay. Do you remember what the house was like?

16 A Yes, I do.

17 Q I want to show you a couple of pictures, if I might.

18 A Okay.

19 Q And you can tell me if this is what the house --

20 MR. COFFEE: I'm going to go out of order from the

21 marking, if that's okay. I'm going to start with Defendant's

22 Proposed E.

23 THE COURT: It's not been admitted. Any objection?

24 MR. ROGAN: No objection, Your Honor, to its

25 admission.

1 MR. COFFEE: Okay. Any objection to the --
2 MR. ROGAN: Can I just see that.
3 THE COURT: How many of them are there, Mr. Coffee?
4 MR. COFFEE: There's five.
5 THE COURT: So A through E?
6 MR. COFFEE: A through E.
7 THE COURT: Any objection?
8 MR. ROGAN: No objection, Your Honor, to their
9 admissibility.
10 THE COURT: A through E will be admitted. Thank
11 you.
12 (Defendant's Exhibits A through E admitted)
13 MR. COFFEE: Thank you.
14 BY MR. COFFEE:
15 Q Do you recognize this?
16 A Yes, I do.
17 Q And this is Defendant's E. What is it?
18 A That's my living room. That's the living room.
19 Q And looks like there's an X-Box over on one side or
20 maybe a connect on top or something?
21 A Yes. That's X-Box right there.
22 Q Was that Joe's X-Box, or was that your dad?
23 A That was -- that was ours.
24 Q That was yours. Your mom and daddy got that for
25 you?

1 A Yes.

2 Q There's a picture next to the TV. Do you see that?

3 A Yes, I do.

4 Q Okay. And I want to show you Defendant's Proposed A

5 -- or Defendant's Admitted A at this point. Is that the

6 picture that was right near the TV set?

7 A Yes, that is. That's what it was.

8 Q And that is a picture of your family?

9 A Yes.

10 Q And you are standing in the back with a big smile on

11 your face?

12 A Yes.

13 Q And you've got a little brother that's hanging on

14 your dad Troy's -- around his neck?

15 A Yes.

16 Q And there's a baby?

17 A Yes.

18 Q And your older brother. And that's before the last

19 -- your youngest sibling was born; right? Before Jazzy was

20 born?

21 A Jazzy, yes.

22 Q Jazzy was born. Okay.

23 And I want to show you another picture from inside

24 the house. This is Defendant's C. Do you recognize that?

25 A Yes, I do.

1 Q And what is that?

2 A That's where we ate. That's the -- that's where we

3 - that's like in the area of where we ate at dinnertime.

4 Q Okay. The family table?

5 A Yes.

6 Q And there is a picture on the wall there. Do you

7 see that?

8 A Yes. I see three of them.

9 Q Okay. And I want to show you Defendant's A.

10 A Okay.

11 Q Is that the picture that's hanging on the wall in

12 the kitchen?

13 A Yes.

14 Q And those are all pictures of your dad and your mom?

15 A Yes.

16 Q There were no pictures of Mr. Averman in the house

17 anyplace, were there?

18 A Who's Mr. Averman?

19 Q Oh. I'm sorry. Joe. You didn't know his last

20 name. My fault. There were no pictures of Joe anyplace in

21 the house, were there?

22 A No. I didn't -- no.

23 Q And I want to show you --

24 THE COURT: Mr. Coffee, would this be a good time to

25 break for the evening?

1 MR. COFFEE: Yes. It would be wonderful.

2 THE COURT: Ladies and gentlemen, we're going to
3 break for the evening. During this recess you're admonished
4 not to talk or converse among yourselves or with anyone else
5 on any subject connected with this trial, or read, watch, or
6 listen to any report of or commentary on the trial or any
7 person connected with this trial by any medium of information,
8 including, without limitation, social media, texts,
9 newspapers, television, the Internet, and radio, or form or
10 express any opinion on any subject connected with the trial
11 until the case is finally submitted to you.

12 If we could see you at 10:15 in the morning outside
13 Courtroom 14A. And if any of you need a letter for your
14 employer, please let the marshal know as you go out.

15 See you in the morning. 10:15.

16 (Jury recessed at 4:44 p.m.)

17 THE COURT: And, Jayce, you can stand up, too, if
18 you'd like.

19 Okay. Counsel, we had a statement that was used to
20 refresh recollection and was read from. Does anyone feel the
21 need to have that marked?

22 MR. ROGAN: I'm sorry. That was pages --

23 THE COURT: Or Court's exhibit or any other purpose?

24 MR. ROGAN: Right now there was a page 11 --

25 THE COURT: I'm just saying if you want it marked as

1 a Court's exhibit for record purposes, since it was read, I'm
2 just reminding you that is an option.

3 MR. ROGAN: Yeah. Judge, actually what I would like
4 to do is just the answer that the witness gave, I would like
5 to move to admit that, that portion of the statement on page
6 11. And so what I can do is I can redact that page just to
7 reflect that statement that he made and admit that.

8 MR. COFFEE: Or admit by stipulation.

9 THE COURT: Okay. As a State exhibit?

10 MR. ROGAN: Correct. As a State's exhibit.

11 THE COURT: I'm asking a different question.

12 MR. ROGAN: No. Then the answer is no.

13 THE COURT: Okay. We'll see you in the morning.
14 Have a nice evening, okay?

15 THE WITNESS: Thank you.

16 THE COURT: You didn't get my question, did you?

17 MR. ROGAN: I did not understand. I'm sorry.

18 THE COURT: It's all right. You know the paranoid
19 judge about the record.

20 All right. Anything else outside the presence,
21 counsel?

22 MR. ROGAN: Not at this --

23 MS. MERCER: No. But, Your Honor, just for
24 scheduling purposes, tomorrow you anticipate starting at
25 10:15 and going till noon and then breaking for an hour and

1 15 minutes?

2 THE COURT: I do.

3 MR. ROGAN: Okay. Perfect.

4 THE COURT: We broke a little early today because I
5 thought that juror we were inquiring outside the presence.
6 The other was going to take a little longer. So I'm sorry.

7 MR. ROGAN: That's okay.

8 THE COURT: I guessed wrong.

9 I may not be done with my criminal calendar. I'm
10 hoping I will, but, you know, it goes the way it goes.

11 MR. ROGAN: Thank you, Your Honor.

12 MS. MERCER: Thank you, Your Honor.

13 THE COURT: Did we get the defense PowerPoint?

14 THE CLERK: Yes.

15 THE COURT: What did you mark it as? Court's 2.

16 (Court recessed at 4:46 p.m., until the following day,
17 Wednesday, April 8, 2015, at 10:19 a.m.)

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INDEX

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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STATE'S WITNESSES

Jayce White	190	215		
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EXHIBITS

<u>DESCRIPTION:</u>	<u>ADMITTED</u>
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STATE'S EXHIBIT NO.

83	3
86 - 91	3

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DEFENDANT'S EXHIBIT NO.

A - E	223
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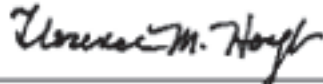
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I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

FLORENCE HOYT
Las Vegas, Nevada 89146



FLORENCE M. HOYT, TRANSCRIBER

10/15/15

DATE