

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

2 _____

3 TED MICHAEL DONKO,) No. 83037

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

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Clerk of Supreme Court

9 _____)

10 **APPELLANT'S APPENDIX VOLUME II PAGES 218-456**

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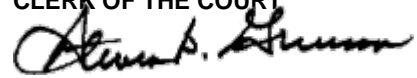
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CASE NO. C-19-345584-1

DEPT. NO. 9

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	PRELIMINARY HEARING
)	
vs.)	Case No.
)	19F24531X
TED DONKO,)	
)	
Defendant.)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JOE M. BONAVENTURE
JUSTICE OF THE PEACE

TAKEN ON WEDNESDAY, DECEMBER 18, 2019
AT 9:00 A.M.

APPEARANCES:

For the State: Nicole Cannizzaro, Esq.
Chief Deputy District
Attorney

For the Defendant: Robson Hauser, Esq.
Deputy Public Defender

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

I N D E X

WITNESSES :

D C RD RC

JONATHAN SANCHEZ-LOZA 5 14

DeANDRE WOODS 16 26

FERNANDO ESPINOZA 36

JASON NARIN 46 58

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 18,
2 2019

3 * * * * *

4 THE COURT: State of Nevada versus Ted
5 Donko, 19F24531X.

6 THE DEFENDANT: How you are doing, Your
7 Honor?

8 THE COURT: This is the time set for the
9 preliminary hearing.

10 Mr. Donko is present in custody, represented
11 by counsel.

12 Counsel, is the State ready?

13 MS. CANNIZZARO: Yes, Your Honor, the State
14 is ready.

15 THE COURT: Is the defense ready?

16 MR. HAUSER: Yes, Your Honor, and not that I
17 think it is necessary, but I would like to invoke
18 the rule.

19 THE COURT: The exclusionary rule will be
20 in effect.

21 Any other preliminary matters?

22 MS. CANNIZZARO: Your Honor, just one. I
23 would like to just make a record of the offer that
24 was extended to the Defendant, which my
25 understanding is has been rejected.

1 The offer was to plead here to one count of
2 battery with use of a deadly weapon.

3 And also one count of possession of a
4 firearm by a prohibited person.

5 He would also be pleading in a separate case
6 to one count of possession of identification or
7 document of the person of another, a C felony.

8 The State would the retain the right to
9 argue, but it is my understanding that the Defendant
10 does not wish to accept that negotiation.

11 MR. HAUSER: Brief indulgence, Judge.

12 THE COURT: Yes.

13 MR. HAUSER: We are good.

14 THE COURT: So, counsel, is that a correct
15 statement that that was the offer that was conveyed?

16 MR. HAUSER: That's correct.

17 THE COURT: And you did convey it to your
18 client, and that was rejected?

19 MR. HAUSER: Yes.

20 THE COURT: Thank you.

21 MS. CANNIZZARO: And with that, Your Honor,
22 that is the substance of the State's preliminary
23 issue.

24 THE COURT: All right.

25 You may call your first witness.

1 MS. CANNIZZARO: Thank you, Your Honor.

2 The State's first witness will be Jonathan
3 Sanchez.

4

5 JONATHAN SANCHEZ-LOZA,

6

7 who, being first duly sworn to tell the
8 truth, the whole truth, and nothing but the
9 truth, was examined and testified as follows:

10

11 THE CLERK: Please be seated.

12 State your first and last name, and
13 spell it for the record.

14 THE WITNESS: Jonathan Sanchez-Loza.

15 J-o-n-a-t-h-a-n

16 S-a-n-c-h-e-z-L-o-z-a.

17 THE COURT: Thank you.

18 Please proceed.

19 MS. CANNIZZARO: Thank you, Your
20 Honor.

21

22 DIRECT EXAMINATION

23

24 BY MS. CANNIZZARO:

25 Q. Jonathan, I want to direct your

1 attention to October 1, 2019. On that date were you
2 living at Linn Lane?

3 A. Yes.

4 Q. And is that located in Clark County, Las
5 Vegas, Nevada?

6 A. Yes.

7 Q. Now, did you ever have a reason on that day
8 to go to a neighbor's house at 56 Linn Lane?

9 A. Yes.

10 Q. What was the reason that you went to your
11 neighbor's house on that date?

12 A. To go help them move some stuff to take to
13 the dump.

14 Q. Did you ever ask anyone that you knew to
15 come join you to help you move things?

16 A. No.

17 Q. Do you know an individual by the name of
18 Fernando?

19 A. Yes.

20 Q. And that's Fernando Espinoza?

21 A. Yes.

22 Q. How do you know Fernando?

23 A. Just a friend around the block.

24 Q. Did you ever talk to Fernando about coming
25 to help move things that day?

1 A. He is the one that called me.

2 Q. So he was the one that invited you to come
3 and help move things?

4 A. Yes, because they needed an extra hand.

5 Q. Do you know whether Fernando owns a truck?

6 A. Yes.

7 Q. What kind of truck?

8 A. A Ford Ranger.

9 Q. What color is it?

10 A. White.

11 Q. Was the truck at 56 Linn Lane that day?

12 A. Yes.

13 Q. And along with you and Fernando, were there
14 other people helping to move things out of your
15 neighbor's house?

16 A. Yes, the owner that lives there.

17 Q. Okay.

18 Where was the truck at 56 Linn Lane that
19 day?

20 A. Reversed in the driveway.

21 Q. And what was the reason for that?

22 A. To load up the truck with all the of stuff.

23 Q. So were you loading up the bed of the truck?

24 A. Yes.

25 Q. While you were helping to load things into

1 the truck, what happened as you were standing out in
2 front of the house?

3 A. Loading it up, I was standing on the
4 driver's side by the front tire.

5 I smashed the cabinet on the floor to break
6 it. I heard somebody say, hey, where is Shorty.

7 I turned around, and that's when I got shot.

8 Q. You mentioned that you had a cabinet that
9 you had broken down, was that in order so that it
10 would fit into the bed of the truck?

11 A. Yes, because it was already full.

12 Q. I think you mentioned that these were items
13 that were taken to the dump.

14 Right?

15 A. Yes.

16 Q. You said you heard someone say, hey, where
17 is Shorty?

18 A. Um-hum.

19 Q. Was that a yes?

20 A. Yes.

21 Q. Where was that voice coming from?

22 A. Behind me.

23 Q. By behind you, are you referencing like the
24 rest of the street?

25 Strike that.

1 Let me ask a different question.

2 What were you facing when you heard this
3 voice behind you?

4 A. Facing towards the house.

5 Q. So this would have been a voice coming from
6 the street?

7 A. The street, sidewalk.

8 Q. Did you recognize that voice?

9 A. Nope.

10 Q. You said when you heard that you turned
11 around?

12 A. Yes.

13 Q. Did you see anyone at that point?

14 A. I saw somebody.

15 Q. Were you able to get a good look at that
16 individual?

17 A. No.

18 Q. Why is that?

19 A. Because his pistol was in front of his face.

20 Q. When you turn around, is there already a gun
21 pointed towards where you are standing?

22 A. Yes.

23 Q. How soon, or how long did it take between
24 the time you turned around, and up mentioned that
25 you had gotten shot?

1 A. Seconds.

2 Q. Could you hear gunshots?

3 A. Yes.

4 Q. How many gunshots did you hear altogether?

5 A. About 10.

6 Q. You mentioned that you were shot.

7 A. Yes.

8 Q. Where were you shot?

9 A. In my right thigh. It entered and exited,
10 and hit my left thigh, and the bullet is still stuck
11 in my left thigh.

12 Q. When you are shot in your leg, do you stay
13 standing or do you fall down?

14 A. No, I drop immediately.

15 Q. Once you drop down to the ground, what else
16 did you see happen?

17 A. When I fell, I pulled my phone out and
18 called my uncle to let him know what happened.

19 After that, I can see underneath the truck
20 from like where the bed is, behind the tailgate.

21 I could see Fernando drop, and that's about
22 it.

23 Q. So it sounds like the way that you are
24 facing, you are actually looking underneath the
25 truck?

1 A. Yes.

2 Q. So you were not facing the street at that
3 point?

4 A. No, I just rotated my body like that.

5 MS. CANNIZZARO: And the witness is
6 indicating sort of turning towards the right.

7 Q. So you kind of turned away from the gun, is
8 that right?

9 A. Well, when he said, and I turned, I just
10 like froze.

11 I didn't turn all of the way around.

12 Q. You said you saw Fernando fall to the ground
13 as well.

14 Right?

15 A. Yes.

16 Q. Where was he in relation to the truck?

17 A. He was in the back.

18 Q. And could you see underneath the truck him
19 fall to the ground then?

20 A. Yes.

21 Q. Could you see whether Fernando had been
22 shot?

23 A. Yes.

24 Q. What did you see specifically?

25 A. On his lower abdomen.

1 Q. Was he bleeding?

2 A. I can't recall.

3 Q. But you remember seeing him falling from
4 being shot?

5 A. Yes.

6 Q. Could you see where the person who shot you
7 went after that?

8 A. No.

9 Q. At some point did police and an ambulance
10 arrive?

11 A. Yes.

12 Q. Were you transported to the hospital?

13 A. Yes.

14 Q. How long were you in the hospital?

15 A. 6 days.

16 Q. Did you go into any surgery as a result?

17 A. Yes.

18 Q. And I noticed that when you walked in, you
19 are using a cane.

20 A. Yes.

21 Q. Is that a result of this incident?

22 A. Yes.

23 Q. I think you also mentioned you still have
24 part of a bullet in your left leg?

25 A. Yes.

1 Q. Do you have any additional treatment or
2 appointments in order to help you recover from this
3 injury?

4 A. I go to physical therapy.

5 Q. How are you supposed to be going to physical
6 therapy?

7 A. It depends how I recover, but right now, 6
8 months.

9 Q. Are you in any pain as a result of this
10 injury?

11 A. Yes.

12 Q. And does that pain still exist today?

13 A. Yes.

14 Q. Were you ever able to get a good enough look
15 at the person who was shooting?

16 A. No.

17 Q. Is it fair to say you would not be able to
18 identify that particular individual?

19 A. No.

20 MS. CANNIZZARO: No further questions.

21 I pass the witness.

22 THE COURT: Thank you.

23 Cross.
24
25

CROSS-EXAMINATION

1
2 BY MR. HAUSER:

3 Q. Good afternoon, Mr. Sanchez.

4 A. Good afternoon.

5 Q. You stated that you were friends with
6 Fernando.

7 Is that right?

8 A. Yes.

9 Q. Are you aware that Fernando is a gang
10 member?

11 MS. CANNIZZARO: Objection, Your Honor,
12 relevance.

13 MR. HAUSER: It goes to the relationship
14 between the victims.

15 MS. CANNIZZARO: Your Honor, again, I don't
16 know why that is relevant to their relationship.

17 THE COURT: Sustained.

18 Move on.

19 Q. Mr. Sanchez, are you a gang member?

20 A. No.

21 MS. CANNIZZARO: Objection, Your Honor, it
22 goes for --that's character evidence, and it is
23 irrelevant in this case.

24 MR. HAUSER: He said no. I don't have any
25 follow-up.

1 THE COURT: Sustained.

2 Go ahead.

3 Q. Mr. Sanchez, you said that you were not able
4 to identify the individual that shot you.

5 A. Correct.

6 Q. You turned around after you heard the voice?

7 A. Correct.

8 Q. Is that a yes?

9 A. Yes.

10 Q. And you didn't recognize that voice?

11 A. No.

12 Q. And the man had the pistol in front of his
13 face?

14 A. Yes.

15 Q. So you didn't get a good look at him?

16 A. Yes.

17 Q. And you still don't know today who it is?

18 A. No.

19 Q. Do you know Mr. Donko?

20 A. No.

21 Q. Have you ever seen him on the street before?

22 A. No.

23 MR. HAUSER: Nothing further, Your Honor.

24 THE COURT: Anything else by the State?

25 MS. CANNIZZARO: No, Your Honor, nothing

1 further from the State.

2 THE COURT: Thank you for your time,
3 sir, you are excused.

4 MS. CANNIZZARO: Your Honor, the
5 State's next witness will be DeAndre Woods.

6

7 DeANDRE WOODS,

8

9 who, being first duly sworn to tell the
10 truth, the whole truth, and nothing but the
11 truth, was examined and testified as follows:

12

13 THE CLERK: Please be seated.

14 State your first and last name, and
15 spell it for the record.

16 THE WITNESS: My name is DeAndre
17 Woods, D-e-A-n-d-r-e W-o-o-d-s.

18 THE COURT: Thank you.

19 Please proceed.

20

21 DIRECT EXAMINATION

22

23 BY MS. CANNIZZARO:

24 Q. DeAndre, I want to direct your
25 attention to September 30, 2019, were you

1 staying at 54 Linn Lane at that point in time?

2 A. No, I was never at 56.

3 Q. I am sorry, 56 Linn Lane.

4 A. Yes.

5 Q. On September 30, do you recall being
6 approached by 2 males?

7 A. Yes.

8 Q. And can you describe for the Court what
9 happened on September 30 when those 2 males
10 approached you?

11 A. They asked me if I was Shorty.

12 Q. Were you outside of the house at 56 Linn
13 Lane?

14 A. Yes, I was.

15 Q. How did those 2 males arrive?

16 A. They walked up to me, and they left in a
17 car.

18 Q. Now, you mentioned that they were asking for
19 someone by the name of Shorty.

20 A. Yes.

21 Q. Do you know anybody by the name of Shorty?

22 A. No, I don't.

23 Q. Can you describe for the Court what -- I am
24 sorry, let me ask a different question.

25 Do you see any of those individuals in the

1 courtroom today?

2 A. One of them looked like a bald-headed dude
3 like the one sitting by him.

4 Q. Sitting by who?

5 A. The dude that's on my left.

6 Q. Can you point to that individual?

7 A. I don't like to point.

8 Q. I am asking you to.

9 A. (Indicating).

10 MS. CANNIZZARO: May the record reflect
11 identification of the Defendant?

12 THE COURT: Yes.

13 Q. And you mentioned that there was also a
14 second male.

15 Right?

16 A. Yes.

17 Q. What did that guy look like?

18 A. I don't remember him that well.

19 Q. Did you ever tell the Defendant and the
20 other male that you didn't know anybody by the name
21 of Shorty?

22 A. Yes. I told them I didn't know who Shorty
23 was, and I kept on telling them I didn't know who
24 Shorty was, and one of them was acting like they
25 wanted to shoot me.

1 Q. On that date did you ever see a gun?

2 A. What?

3 Q. On that date, on September 30, did you ever
4 see a gun?

5 A. I didn't see one that day when they shot at
6 us.

7 Q. And we will get there in just a moment.

8 But on the September 30, you told them you
9 didn't know anybody by the name of Shorty?

10 A. Yes, I did.

11 Q. Did they leave?

12 A. Yes.

13 Q. I now want to direct your attention to
14 October 1, 2019, were you at 56 Linn Lane on that
15 day?

16 A. Yes, I was.

17 Q. Do you recall a group of people helping to
18 put some items and move items in a truck?

19 A. Yes, I was.

20 Q. And were you also helping?

21 A. Yes, I was.

22 Q. What type of truck was this?

23 A. A Ford.

24 Q. Do you remember what color it was?

25 A. White.

1 Q. Now, do you remember ever seeing the
2 Defendant again on that day?

3 A. I saw the Defendant shoot at us.

4 Q. I want to back up for just a moment.
5 How did the Defendant arrive at 56 Linn
6 Lane?

7 A. In a gray car.

8 Q. Do you remember whether he was in the
9 driver's seat or the passenger's seat?

10 A. He was on the opposite side of the driver.

11 Q. So in the passenger side, then?

12 A. Yes.

13 Q. Do you remember what he was wearing that
14 day?

15 A. A red shirt with a black shirt.

16 Q. Now, you mentioned that he started shooting
17 on that day.

18 A. Yes.

19 Q. Before he started shooting, do you remember
20 him saying anything?

21 A. I just remember he asked my buddy who was at
22 the mailbox do he know Shorty, and he said, no, he
23 didn't, and he started shooting.

24 Q. How many shots do you remember hearing?

25 A. 6 or 5.

1 Q. Where were you when the shooting started?

2 A. I was sitting down in a chair.

3 Q. Was this in front of the house?

4 A. Yes.

5 Q. So were you outside?

6 A. Yes, I was.

7 Q. When he started shooting, what did you do?

8 A. I ran.

9 Q. Did you ever see whether anyone who was at
10 56 Linn Lane that day was shot?

11 A. Yes. I was looking around and seeing all of
12 the people that was hurt.

13 Q. Do you know somebody by the name of Jonathan
14 Sanchez?

15 A. Yes, I do.

16 Q. And did you just see him leave this
17 courtroom?

18 A. Yes.

19 Q. Was he one of the individuals who was shot?

20 A. Yes.

21 Q. Could you see any injuries to him on that
22 day?

23 A. His leg.

24 Q. Do you know somebody by the name of Fernando
25 Espinoza?

1 A. Yes, I do.

2 Q. Did you see whether Fernando was shot on
3 that day?

4 A. Yes, I saw all of the wounds.

5 Q. Where did you see injuries to Fernando on
6 that day?

7 A. His hand and his stomach.

8 Q. Was he bleeding?

9 A. Yes.

10 Q. After the Defendant shot at the house, did
11 you ever seem him leave?

12 A. I saw the car leave.

13 Q. Where did the car go when it left?

14 A. On Charleston.

15 Q. Did police and an ambulance arrive at the
16 scene on that day?

17 A. Yes, they did.

18 Q. Now, I want to talk you to about October 9,
19 2019, a few days later.

20 Do you remember talking with a detective on
21 that day?

22 A. Yes, I do.

23 Q. And do you remember that detective showing
24 you a set of photographs?

25 A. Yes, I do.

1 MS. CANNIZZARO: Permission to approach your
2 clerk, Your Honor.

3 THE COURT: Yes.

4 MS. CANNIZZARO: I am showing defense what
5 has been marked as State's Proposed Exhibit Number
6 3.

7 Permission to approach the witness.

8 THE COURT: Yes.

9 Q. DeAndre, I am going to show you page one of
10 State's Proposed Exhibit 3, do you see recognize
11 this page?

12 A. Yes, I do.

13 Q. And do you recognize this signature down
14 here, where it says --

15 A. That's mine.

16 Q. And that's where it says sign?

17 A. Yes.

18 Q. That's your signature?

19 A. Yes.

20 Q. And do you recognize the writing here where
21 it says statement?

22 A. That's my handwriting.

23 Q. Did you write this statement?

24 A. Yes.

25 Q. Do you recall the detective reading to you a

1 set of instructions before he showed you the
2 photographs we talked about?

3 A. Yes, I recall that.

4 Q. And is this the same page that included
5 those instructions?

6 A. Yes.

7 Q. I am going to show you page 2 of State's
8 Exhibit 3.

9 Do you recognize this page?

10 A. Yes, I do.

11 Q. And there seems to be another signature
12 here.

13 A. That's the one I picked.

14 Q. And is this also your signature?

15 A. Yes.

16 MS. CANNIZZARO: Your Honor, the State would
17 move to admit, subject to one other witness
18 testifying as to the third page of State's Exhibit
19 3, but we would move to admit at this point page one
20 and 2 of State's 3.

21 THE COURT: Your response?

22 MR. HAUSER: No objection, Your Honor.

23 THE COURT: Motion granted.

24 Q. So, DeAndre, you mentioned that the
25 detective read to you this set of instructions on

1 page one?

2 A. Yes.

3 Q. And then there is a statement here that
4 reads, the person that shot Amy, and was asking for
5 Shorty, 95 percent sure.

6 A. Yes.

7 Q. You wrote that statement?

8 A. Yes.

9 Q. And on page 2 there appears to be a circle
10 over the person in position 5.

11 Did you make that circle?

12 A. Yes.

13 Q. And then the signature you indicated here at
14 the bottom.

15 A. Yes.

16 Q. That's yours?

17 A. Yes.

18 Q. And is that the same person that you saw
19 shooting the gun that day?

20 A. Yes.

21 MS. CANNIZZARO: Court's brief indulgence.

22 THE COURT: Yes.

23 MS. CANNIZZARO: And, Your Honor, I have no
24 further questions.

25 I pass this witness.

1 THE COURT: Thank you.

2 Cross.

3 MR. HAUSER: Thank you, Your Honor.

4 May I approach and retrieve the exhibit?

5 THE COURT: Yes.

6 MR. HAUSER: Thank you.

7 May I proceed?

8 THE COURT: Yes.

9
10 CROSS-EXAMINATION

11
12 BY MR. HAUSER:

13 Q. Good afternoon, Mr. Woods.

14 A. Hello.

15 Q. You were a witness to the shooting in
16 October.

17 Is that right?

18 A. Yes.

19 Q. You were there?

20 A. Yes, I was there.

21 Q. What were you doing out front at the time?

22 A. Moving some stuff out of an ex-girlfriend's
23 house.

24 Q. And who were you helping move?

25 A. We were just moving stuff out of the yard.

1 Q. Let me rephrase that.

2 Whose stuff was it that you were moving?

3 A. My ex-girlfriend's stuff that she used to
4 have in the house and in the yard.

5 Q. Got it.

6 And Fernando and Johnny were helping you do
7 that?

8 A. Yes.

9 Q. They are friends of yours that you know?

10 A. Yes.

11 MR. HAUSER: May I approach, Your Honor?

12 THE COURT: Yes.

13 Q. Mr. Woods, this is the lineup you just saw,
14 right?

15 A. Yes.

16 Q. And that's the gentleman you picked out
17 in number 5?

18 A. Yes.

19 Q. I want you to keep looking at that photo
20 while I talk to you about this.

21 And you gave an interview to the police
22 about the person you saw.

23 Right?

24 A. Yes.

25 Q. You gave an interview about the person you

1 saw first time he showed up.

2 Right?

3 A. Yes.

4 Q. And the second time he showed up?

5 A. Yes.

6 Q. And you gave the police all of the
7 information you could at that time?

8 A. Yes.

9 Q. You wanted them to catch the person who shot
10 your friends?

11 A. Yes.

12 Q. And so you didn't hold back any information?

13 A. No.

14 Q. You wouldn't give them wrong information?

15 A. No.

16 Q. So you were as descriptive as you could be
17 when you described the person who did the shooting,
18 right?

19 A. Yes.

20 Q. All right.

21 You described that person to the police as
22 Hispanic.

23 Right?

24 A. Yes, I did.

25 Q. At one point you called him Mexican.

1 Right?

2 A. Yes.

3 Q. You described him as having no facial hair?

4 A. Yes.

5 Q. You described him as having no tattoos of
6 any kind?

7 A. Yes.

8 Q. You described both of the individuals you
9 saw as having no tattoos.

10 Right?

11 A. Yes.

12 Q. And both of the individuals had no facial
13 hair?

14 A. No.

15 Q. Do you see any tattoos there in photo number
16 5?

17 A. On this page?

18 Q. Yes, sir, the one that you circled.

19 A. No, I don't see no tattoos.

20 MR. HAUSER: May I approach, Your Honor?

21 THE COURT: Yes.

22 A. I see this one got a tattoo right here on
23 his neck.

24 Q. Who are you pointing at there?

25 Number 5 has a tattoo on his neck?

1 A. The person, when he shot at me, when he
2 turned his head, I can't see on this side, that's
3 why I only saw this side right here.

4 Q. Okay.

5 You didn't see any tattoos on the day of the
6 shooting?

7 A. No.

8 Q. And you didn't see any tattoos the day
9 before?

10 A. No.

11 Q. But the person in number 5 has a neck
12 tattoo.

13 Right?

14 A. Yes.

15 Q. I want you to look at Mr. Donko for me over
16 there.

17 Do you see any tattoos on his face?

18 A. No.

19 MR. HAUSER: Okay.

20 May I approach to retain?

21 THE COURT: Yes.

22 MR. HAUSER: Thank you.

23 Q. Mr. Woods, do you know Mr. Donko?

24 A. No.

25 Q. Have you ever met this gentleman before?

1 A. I never met him to that day that was the
2 shooting.

3 I don't know if it was him or not.

4 Q. You don't him from the neighborhood?

5 A. No.

6 Q. All right.

7 Let's talk about what you were doing at the
8 time of the shooting.

9 You were out in front of the house with
10 Johnny and Fernando, and a friend named Edgar,
11 right?

12 A. Yes.

13 Q. What were you guys doing at that exact
14 moment?

15 A. We were moving the stuff that my
16 ex-girlfriend wanted us to move out of the house.

17 Q. Were you drinking some beers while you were
18 doing it?

19 A. I was not drinking.

20 I don't drink.

21 Q. Was anybody drinking?

22 A. I don't recall.

23 Q. You don't remember?

24 A. I don't remember.

25 Q. Do you recall if anyone was using drugs?

1 A. Nobody do drugs over there.

2 Q. That's a no, no one was using drugs?

3 A. Nope.

4 Q. Okay.

5 Now, you told the police that you only
6 remembered one of the 2 individuals.

7 Is that right?

8 A. Yes.

9 Q. Let's talk about the first day.

10 On the first day those 2 individuals both
11 walk up to you.

12 Right?

13 A. Yes.

14 Q. About how far away you were those 2
15 individuals?

16 A. Like where you are at.

17 MR. HAUSER: Okay.

18 I guess I can eyeball it, Judge.

19 I don't know if we have one of those charts.

20 THE COURT: I believe I do.

21 Approximately 18 and a half feet.

22 Q. So they were a ways away from you?

23 A. Yes.

24 Q. How close were they on the second day?

25 A. The same amount.

1 Q. The same amount of space?

2 A. Yes.

3 Q. So on the first day, while he was 18 feet
4 away, you got a good look at one of the 2 people.

5 Right?

6 A. Yes.

7 Q. Were both people talking?

8 A. One talk, the other one talk after that and
9 tried to square up on me when I was telling him I
10 didn't know about Shorty at all.

11 Q. Okay.

12 So you got a good look at the first person
13 who talked to you or the second person that talked
14 to you?

15 A. I didn't really get a clear look at both of
16 them that much, because I was really trying to get
17 in my house.

18 Q. Okay.

19 When you said they were squaring up with
20 you, was that when they were still 18 and a half
21 feet away, roughly?

22 A. Yes.

23 Q. All right.

24 So you are not going to get hit from 18 and
25 a half feet.

1 Right?

2 A. Yes.

3 Q. But you only got a good look at one of them?

4 A. Yes, that I am aware of.

5 Q. Now, when you circled number 5 on there, you
6 said you were 95 percent sure.

7 Right?

8 A. Yes.

9 Q. Why?

10 A. Because that's the person. It looked like
11 that person.

12 Q. Why didn't you say one hundred?

13 A. Why, because of the fact they are different.

14 Q. Say that again.

15 A. The hair.

16 Q. Okay.

17 A. That's why. He had a little hair on his
18 head.

19 Q. Because the person in the picture has hair?

20 A. A little bit. The person that I saw had a
21 skin head.

22 Q. So the person you saw was completely bald?

23 A. Yes.

24 Q. So if they had any tattoos on their head,
25 you would have been able to see them because they

1 had no hair.

2 Right?

3 A. Yes.

4 MR. HAUSER: Okay.

5 Judge, I have nothing further at this time.

6 THE COURT: Any additional questions by the
7 State?

8 MS. CANNIZZARO: No, Your Honor.

9 THE COURT: Thank you for your time
10 today.

11 You are free to go.

12 MS. CANNIZZARO: The State's next
13 witness will be Fernando Espinoza.

14

15 FERNANDO ESPINOZA,

16

17 who, being first duly sworn to tell the
18 truth, the whole truth, and nothing but the
19 truth, was examined and testified as follows:

20

21 THE CLERK: Please be seated.

22 State your first and last name, and
23 spell it for the record.

24 THE WITNESS: Fernando Espinoza.

25 THE COURT: And please spell your

1 name.

2 THE WITNESS: F-e-r-n-a-n-d-o
3 E-s-p-i-n-o-z-a.

4 THE COURT: Thank you.
5 Please proceed.

6 MS. CANNIZZARO: Thank you, Judge.

7
8 DIRECT EXAMINATION
9

10 BY MS. CANNIZZARO:

11 Q. Fernando, I want to direct your attention to
12 October 1 of 2019.

13 Do you recall being at 56 Linn Lane on that
14 day?

15 A. No.

16 Q. Okay.

17 Do you ever remember in early October going
18 to 56 Linn Lane to help a neighbor move some items?

19 A. No.

20 Q. Okay.

21 Do you ever remember a day when you took
22 your truck over to your neighbor's house at 56 Linn
23 Lane to help move some items?

24 A. No.

25 Q. Do you remember -- have you ever taken your

1 truck over to your neighbor's house to help move
2 things?

3 A. I don't remember.

4 Q. Do you remember how it is -- well, let me
5 backup.

6 I notice that you appear to have something
7 kind of on your arm today.

8 Is that right?

9 A. Yes.

10 Q. When you were holding up your arm to get
11 sworn in by the clerk, there was something kind of
12 on your hand.

13 Is that right?

14 A. Yes.

15 Q. What is on your hand?

16 A. A splint.

17 Q. Where did you get the splint from?

18 A. From a gunshot.

19 Q. Where were you shot?

20 A. In the hand.

21 Q. Were you shot anywhere else?

22 A. In my stomach.

23 Q. Do you recall what you were you doing when
24 you got shot?

25 A. Lifting furniture.

1 Q. Where were you lifting that furniture to?

2 A. To a truck.

3 Q. What truck?

4 A. To my brother's truck.

5 Q. What color is that truck?

6 A. A white truck.

7 Q. Do you know what make and model that truck
8 is?

9 A. No, he just got it.

10 Q. Was that a truck that your brother let you
11 use from time to time?

12 A. I don't use it. He was just there that day.

13 Q. Is it fair to say that you are not entirely
14 comfortable being here today?

15 A. Yes. Well, I don't even want to be right
16 here, today.

17 Q. You don't want to be here testifying today?

18 A. I mean, I don't have no problem, but I mean,
19 I don't remember.

20 Q. Sure.

21 You are hear because you were subpoenaed to
22 come to Court today.

23 Is that right?

24 A. Yes.

25 Q. I want to take a little bit more about the

1 injury to your hand and your stomach.

2 Were you in the hospital for those injuries?

3 A. Yes.

4 Q. How long were you in the hospital for?

5 A. Probably from October to November.

6 Q. So you were in there for several weeks?

7 A. Yes.

8 Q. During that time, did you have any surgery?

9 A. Yes.

10 Q. Did you have surgeries to both your hand and
11 your stomach?

12 A. Yes.

13 Q. When you were in the hospital, would it be
14 fair to say that you were in and out of anesthesia
15 for those surgeries?

16 A. Yes.

17 Q. Were you also taking painkillers in the
18 hospital?

19 A. Yes.

20 Q. Do you remember much of what occurred while
21 you were in the hospital?

22 A. No.

23 Q. All right.

24 Now, I know you have indicated that you
25 don't remember too much about the day you were shot.

1 You did mention that you were lifting some
2 things into your brother's truck.

3 Are you familiar with the residence at 56
4 Linn Lane?

5 A. Well, I walk there like to go to the store.

6 Q. It is fair to say it is near your house?

7 A. My mom's house.

8 Q. Do you remember where the truck was when you
9 were loading things into it?

10 A. No, not really.

11 Q. Was it in front of a house parked in a
12 parking lot, parked on the street?

13 A. In a driveway.

14 Q. Were there other people helping to load
15 things into that truck?

16 A. A guy.

17 Q. Do you know that guy's name?

18 A. No.

19 Q. Did you just see the individual, DeAndre,
20 who left this courtroom?

21 A. Yes.

22 Q. Was he there that day?

23 A. I don't remember.

24 Q. Do you know somebody by the name of Jonathan
25 Sanchez?

1 A. No.

2 Q. Did you see anybody by the name of Jonathan
3 Sanchez outside of this courtroom?

4 A. No.

5 Q. Do you remember -- what is the last thing
6 you remember before you were shot that day?

7 A. Being pushed.

8 Q. Did you see somebody push you, or did you
9 just feel like someone pushed you?

10 A. Someone pushed me.

11 Q. What do you remember right before you got
12 pushed?

13 A. I guess they were arguing with the guy I was
14 helping, with his daughter or something, they were
15 arguing about.

16 Q. Did you ever remember hearing anyone ask for
17 Shorty?

18 A. No.

19 Q. Do you ever remember seeing an older Toyota
20 pull up to the house that day.

21 A. No.

22 Q. You mentioned that -- do you remember
23 talking to detectives about being shot?

24 A. No.

25 Q. You don't memory that at all?

1 A. No.

2 MS. CANNIZZARO: Court brief indulgence.

3 Q. Do you remember hearing any gunshots that
4 day?

5 A. No.

6 Q. You said you don't remember talking to
7 detectives either?

8 A. Maybe. I don't know if it was a detective
9 or the doctor.

10 I don't know.

11 Q. Okay.

12 Do you remember talking about this incident
13 where you got shot?

14 A. No. I don't remember.

15 Q. Is there any reason why you don't remember
16 much of this day?

17 A. I don't even know -- I don't remember what I
18 did yesterday.

19 Q. Are you still being treated for your
20 injuries?

21 A. Yes.

22 Q. Are you still taking any medication to help
23 treat your injuries?

24 A. Yes.

25 Q. What kind of medication?

1 A. All kinds.

2 Q. Are you still in pain from your injury?

3 A. Yes.

4 Q. Do you have any upcoming surgeries or
5 therapy for your injuries?

6 A. Yes.

7 Q. And is it both surgeries and therapy?

8 A. Therapy, and I don't know what else.

9 Q. How long are you supposed to be in physical
10 therapy?

11 A. Only God knows.

12 MS. CANNIZZARO: No further questions, Your
13 Honor.

14 I pass the witness.

15 THE COURT: Thank you.

16 Cross.

17 MR. HAUSER: Brief indulgence.

18 Thank you, Your Honor.

19
20 CROSS-EXAMINATION

21
22 BY MR. HAUSER:

23 Q. Mr. Espinoza, are you friends with DeAndre
24 Woods?

25 A. I don't know him.

1 Q. Okay.

2 The gentleman that you just saw leaving, do
3 you know him at all?

4 A. Which one?

5 Q. Any of them. Anybody you have seen here
6 today, are they your friend?

7 A. I know Johnny.

8 Q. Okay.

9 Johnny.

10 A. He works on cars.

11 Q. Who is Johnny?

12 A. The one with the cane.

13 Q. How do you know Johnny?

14 A. Because he works on cars.

15 Q. Does he live in your neighborhood?

16 A. He lives by the store by where I go to.

17 Q. Is he related to you, or are you just
18 friends?

19 A. No. I just know him because I walk by
20 there.

21 Q. Okay.

22 Do you know Ted?

23 A. I have never seen him in my life.

24 Q. All right.

25 You said that you remember being pushed.

1 Any idea who did it?

2 A. I don't remember. See Johnny works on cars
3 with another guy.

4 Q. That's all right.

5 I don't remember is perfectly fine.

6 A. And --

7 Q. Mr. Espinoza --

8 A. -- I am trying to think.

9 Q. I am sorry.

10 I didn't mean to cut you off.

11 A. I just felt him push me. There was
12 somebody. I don't know.

13 I just don't remember.

14 Q. That's okay.

15 It is completely acceptable.

16 How did you get here today, did somebody
17 drive you?

18 A. They dropped me off.

19 MR. HAUSER: Okay.

20 I have nothing further, Your Honor.

21 THE COURT: Anything else?

22 MS. CANNIZZARO: No.

23 THE COURT: Thank you, sir.

24 You are excused.

25 You can step down.

1 MS. CANNIZZARO: Your Honor, the
2 State's last witness will be Detective Jason
3 Narin.

4

5 JASON NARIN,

6

7 who, being first duly sworn to tell the
8 truth, the whole truth, and nothing but the
9 truth, was examined and testified as follows:

10

11 THE CLERK: Go ahead and have a seat.
12 State your name and spell it for the
13 record.

14 THE WITNESS: Jason Narin, J-a-s-o-n
15 N-a-r-i-n.

16

17 THE COURT: Please proceed.

18 MS. CANNIZZARO: Thank you, Your
19 Honor.

20

21 DIRECT EXAMINATION

22

23 BY MS. CANNIZZARO:

24 Q. Good afternoon, detective.

25 How are you currently employed?

1 A. As a police officers with the -- as a
2 detective with the Las Vegas Metropolitan Police
3 Department.

4 Q. How long have you been employed with the Las
5 Vegas Metropolitan Police Department?

6 A. A little over 5 years.

7 Q. And you mentioned that you are a detective?

8 A. Yes, ma'am.

9 Q. As part of your duties as a detective, are
10 you often assigned to do a follow-up investigation
11 to calls or service?

12 A. Yes, ma'am.

13 Q. I want to direct your attention to October 1
14 of 2019.

15 Do you recall being called out to reports of
16 a shooting at 56 Linn Lane?

17 A. Yes, ma'am.

18 Q. And is that located in Las Vegas, Clark
19 County, Nevada?

20 A. Yes, ma'am.

21 Q. What were the details that you had in
22 arriving to that scene?

23 A. Simply that a shooting had occurred.

24 2 individuals were shot and transported to
25 UMC.

1 Q. So your details included that 2 people had
2 been shot as a result?

3 A. Yes.

4 Q. When you arrived at 56 Linn Lane, were there
5 already patrol officers on scene then?

6 A. Yes.

7 Q. When you arrived on scene, did you ever
8 conduct a walk-through of the crime scene to
9 identify any pieces of evidence?

10 A. Yes.

11 Q. Specifically because this was a shooting
12 call, do you recall whether there were any cartridge
13 casings found on the scene?

14 A. Yes, there were.

15 Q. Where were those located?

16 A. They were in the roadway just in front of
17 the residence of 56 North Linn Lane.

18 Q. And, sorry, just to clarify, as a result of
19 your response, were CSA's also called out to help
20 process that crime scene?

21 A. Yes.

22 Q. Now, you mentioned there are cartridge
23 casings found in the street?

24 A. Yes.

25 Q. Did you also notice any impacts to anything

1 in front of the house?

2 A. Yes. There where several impacts to a white
3 pickup truck parked in the driveway.

4 And there was one impact to the garage of
5 the residence.

6 Q. So you mentioned that there was one impact
7 that was to the garage in the front of the
8 residence.

9 Is that right?

10 A. Yes.

11 Q. Now, were you able to make contact as well
12 with people who were living in that residence at the
13 time?

14 A. Yes, with 2 of them.

15 Q. Did you also make contact on that day with
16 DeAndre Woods?

17 A. Yes.

18 Q. Now, as part of your investigation, did you
19 ever become aware of a vehicle that was involved in
20 a shooting as well?

21 A. Yes.

22 Q. Were you ever able to locate that vehicle?

23 A. Patrol officers did.

24 Q. Where was that vehicle located?

25 A. I can't recall the exact address, but it was

1 a couple streets north of where the shooting had
2 occurred.

3 Q. Was that the vehicle also processed for
4 possible evidence?

5 A. Yes.

6 Q. Are you aware of whether there was anything
7 of note found within that vehicle?

8 A. Yes. There was a 40 caliber Win cartridge on
9 the passenger side floor board.

10 Q. The cartridge casings that were recovered
11 from in front of the house, were those also the same
12 type?

13 A. Yes. It was a 40 caliber with the head
14 stamp of Win.

15 Q. Were you yourself or other detectives, CSA's
16 able to locate any clothing that was potentially
17 associated with this event?

18 A. Yes, patrol officers located a red T-shirt
19 approximately one hundred yards from where the
20 vehicle was located.

21 Q. Now, you mentioned that you had spoken with
22 DeAndre Woods on that date.

23 A. Yes.

24 Q. Did he give you a description of the
25 shooter?

1 A. Yes.

2 Q. Is it fair to say you conducted an
3 investigation with respect to this incident.

4 Were you able to come up with a potential
5 suspect?

6 A. Yes.

7 Q. Who was that?

8 A. Ted Donko.

9 Q. Now, are you familiar you with photo
10 lineups?

11 A. Yes.

12 Q. Did you ever prepare a photographic lineup
13 in this particular case?

14 A. Yes.

15 MS. CANNIZZARO: Permission to approach your
16 clerk, Your Honor.

17 THE COURT: Yes.

18 MS. CANNIZZARO: I am showing the defense
19 State's Proposed 3.

20 Permission to approach the witness, Your
21 Honor.

22 THE COURT: Yes.

23 Q. And, detective, I am showing you what's been
24 marked and partially admitted as State's Exhibit 3,
25 do you recognize the first page of this exhibit?

1 A. Yes.

2 Q. How do you recognize this page?

3 A. I filled out the top portion, and read the
4 instructions to DeAndre Woods, and he filled and
5 signed the statement.

6 Q. Okay.

7 And there also appears to be an extra
8 officer's name and P number, and your name and a
9 personnel number.

10 Is that right?

11 A. Yes.

12 Q. And is that your personnel number as well?

13 A. Yes.

14 Q. Showing you page two of State's 3, do you
15 recognize this document?

16 A. Yes.

17 Q. How do you recognize this document?

18 A. I created the photo lineup with Ted Donko in
19 position number 5.

20 Q. And there also appears to be a J with a
21 number and an M on the end, is that also yours?

22 A. Yes.

23 Q. Okay.

24 And showing you finally page 3 of State's 3,
25 do you recognize this document?

1 A. Yes.

2 Q. How do you recognize this document?

3 A. This is the same document that we used for
4 the photo lineup with the names and ID numbers of
5 each individual used in the photos.

6 Q. Is it fair to say that each lineup also
7 includes a specific ID number?

8 A. Yes.

9 Q. And would this be same ID number associated
10 with the lineup you prepared in this case?

11 A. Yes.

12 MS. CANNIZZARO: The State would move to
13 admit to add page 3 of State's 3 into evidence.

14 MR. HAUSER: No objection.

15 THE COURT: Motion granted.

16 Q. Detective, you mentioned that page one was
17 the set of instructions that you had read to
18 DeAndre.

19 Is that right?

20 A. Yes.

21 Q. And then on page 2, you indicated that this
22 was your initials and personnel number, is that
23 right?

24 A. Yes.

25 Q. Did you see DeAndre circle this person in

1 position number 5?

2 A. Yes.

3 Q. And then on page 3, you indicated that this
4 was a key for that same photo lineup, and here, is
5 it fair to say in position number 5 is the name Ted
6 Donko?

7 A. Yes.

8 Q. And DeAndre identified Mr. Donko in that
9 photographic lineup.

10 Isn't that correct?

11 A. That's correct.

12 Q. And who did he identify Mr. Donko as being
13 in this case?

14 A. He identified him as being the person that
15 shot.

16 Q. Now, detective, when you arrived as part of
17 your investigation, did you also have an opportunity
18 to conduct an interview with the victims in this
19 case?

20 A. I didn't that day. I did the following day
21 at the hospital.

22 Q. So you actually went to the hospital to see
23 them?

24 A. Yes, the following day of the shooting.

25 Q. And that would have been Johnny Sanchez and

1 Fernando Espinoza?

2 A. Yes.

3 Q. Specifically do you recall speaking with
4 Fernando Espinoza?

5 A. Yes.

6 Q. And when you spoke with Fernando, did he
7 indicate to you that he had been at 56 Linn Lane on
8 October 1?

9 A. Yes.

10 Q. And did he also indicate to you that he was
11 helping a friend move some things into his truck?

12 A. Yes.

13 Q. Did he also indicate that while he was in
14 the driveway, he saw an older model Toyota pull up
15 to the residence?

16 A. Yes.

17 Q. Did he also tell you that he heard -- saw a
18 passenger get out and ask about someone named
19 Shorty?

20 MR. HAUSER: Judge, for the record, this is
21 hearsay.

22 MS. CANNIZZARO: It is being offered as a
23 prior inconsistent statement of the prior witness
24 who indicated that he did not recall that this
25 detective then did an interview.

1 And, so, I think it is appropriate for the
2 specific nature of that interview, since that
3 witness indicated that he did not recall any of
4 this.

5 MR. HAUSER: Judge, I don't think it is a
6 prior inconsistent statement.

7 The statements that were made were not that
8 he was not there, that he did not do these things,
9 it is that he does not remember.

10 It is not inconsistent, so much as it be
11 would be refreshing recollection.

12 But refreshing recollection would actually
13 have to be done through the witness who actually
14 made the statements.

15 THE COURT: Overruled.

16 Go ahead.

17 MS. CANNIZZARO: Your Honor, an indication
18 by a witness that they simply do not recall is also
19 the same as them indicating something that would be
20 inconsistent, and therefore, this is being elicited
21 for impeachment purposes and the substance of his
22 interview with this detective would be admissible.

23 THE COURT: I agree. It will be offered for
24 that reason.

25 Overruled.

1 MS. CANNIZZARO: Thank you, Your Honor.

2 Q. I think that you may have answered this
3 question, but I will ask it again just to be sure.

4 Did he also indicate to you that he had seen
5 an older model Toyota pull up to the residence?

6 A. Yes.

7 Q. And did he also indicate to you that the
8 passenger had exited that vehicle and asked
9 something about someone named Shorty?

10 A. He either asked about Shortly or said fuck
11 Shorty.

12 Q. Did he also indicate that that passenger
13 shot at the front of that residence where he was
14 located?

15 A. Yes.

16 Q. And did he also indicate to you that that is
17 when he was shot?

18 A. Yes.

19 MS. CANNIZZARO: Court brief indulgence.

20 MS. CANNIZZARO: Your Honor, I have no
21 further questions.

22 I pass the witness.

23 THE COURT: Thank you.

24 Cross.

25 MR. HAUSER: Thank you, Your Honor.

CROSS-EXAMINATION

BY MR. HAUSER:

Q. Detective do you have the lineup in front of you?

A. I don't.

MR. HAUSER: All right.

Thank you, Your Honor.

And may I approach the witness with the exhibit?

THE COURT: Yes.

Q. Detective, showing you what's been admitted as Exhibit 3, you were just looking at this.

That is Mr. Donko there in number 5, right?

A. Yes.

Q. And Mr. Donko is the one who was identified by DeAndre Woods?

A. Yes.

Q. And neither of the victims in this case were able to identify Mr. Donko.

A. DeAndre Woods was.

Q. Right. DeAndre Woods was not shot in this case?

A. No, but he was the victim of assault with a

1 deadly weapon.

2 Q. Fair enough.

3 None of the victims of the alledged attempt
4 murders or shootings were able to identify
5 Mr. Donko.

6 Correct?

7 A. No.

8 Q. And he actually wrote on that form that he
9 was 95 percent sure.

10 A. Yes.

11 Q. Okay.

12 Now, what he told you during the interview
13 was is that he got a good look at these folks.

14 Right?

15 A. He got a good look at the shooter.

16 Q. The shooter, right, which is who he
17 identified as Mr. Donko?

18 A. Correct.

19 Q. He got a good luck at the shooter and
20 noticed that the shooter did not have facial hair,
21 right?

22 A. I can't recall.

23 Q. If I showed you the transcript of the
24 interview you took with him, would that refresh your
25 memory?

1 A. Yes.

2 MR. HAUSER: All right.

3 I will put that back together.

4 May I approach, Your Honor?

5 THE COURT: Yes.

6 Q. Officer I am going to show you -- this
7 redacted, but I think you will recognize it.

8 This is a redacted transcript of the
9 interview you did with DeAndre Woods?

10 A. Yes.

11 Q. I would invite your attention to pages 6 and
12 7.

13 Read these 2 pages and look up at me when
14 you are done.

15 A. 6 and 7?

16 Q. Yes, please.

17 A. I have read it.

18 Q. Thank you, detective.

19 Did that refresh your recollection about his
20 description of the shooter?

21 A. Yes.

22 Q. And at the time when you did the interview,
23 he described the shooter as having no facial hair?

24 A. That's correct.

25 Q. And no tattoos?

1 A. He didn't see if he had any tattoos. He
2 wasn't sure.

3 Q. You asked him multiple times if he had
4 tattoos?

5 A. And he said -- I think he said he didn't
6 see.

7 MR. HAUSER: May I approach and retrieve?

8 THE COURT: Yes.

9 Q. Go ahead and re-look at number 5 for me.
10 Do you see a neck tattoo in picture number
11 5?

12 A. Yes.

13 Q. And that picture was taken of Mr. Donko
14 before October 1?

15 A. Yes.

16 MR. HAUSER: All right.

17 I have to nothing further, Your Honor.

18 THE COURT: Any additional questions by the
19 State?

20 MS. CANNIZZARO: No, Your Honor.

21 THE COURT: Thank you for your time,
22 detective.

23 You are excused.

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: I will hear from the State.

1 MS. CANNIZZARO: Your Honor, I do not have
2 any additional witnesses.

3 I do, however have a request to amend the
4 criminal complaint to conform with the evidence.

5 My request would be in the form of 3
6 additional counts.

7 One would be assault with use of a deadly
8 weapon at DeAndre Woods.

9 And the second would be attempt murder with
10 use of a deadly weapon as to DeAndre Woods.

11 He was also -- and I think the testimony
12 supports both of those charges, the same testimony,
13 so I will address it together.

14 DeAndre testified he was out in front of
15 this house as well, when anywhere from 10 to 6
16 shots -- he said 6 shots had been heard.

17 The detective noted that I believe there
18 were 8 cartridge casings recovered from the scene.

19 Johnny indicated that he heard 10 shots. We
20 are talking about multiple shots fired
21 indiscriminantly at the front of the residence
22 towards DeAndre.

23 I think that would certainly, as he sitting
24 in front of the house, qualify for the charges of
25 assault with use of a deadly weapon, and attempt

1 murder with use of a deadly weapon, based on the
2 fact that he was within the range of that gunfire,
3 and it was multiple shots fired towards that
4 residence.

5 The third request would be a third count for
6 discharging a firearm at or into an occupied
7 structure.

8 The detective testified that he had observed
9 one bullet impact to the garage door of the occupied
10 house at 56 Linn Lane. And, so, we would be asking
11 to add that count.

12 THE COURT: Thank you.

13 And I know we had Exhibit 3 admitted.

14 MS. CANNIZZARO: And, I am sorry, Your Honor,
15 thank you.

16 The State also submitted Exhibits 1 and 2.
17 They are certified prior judgements of conviction
18 for Case Number C-298636.

19 And also Case Number C-274598. They are
20 both for felony convictions out of the State of
21 Nevada for the Defendant.

22 I did allow defense counsel to look at both
23 of those certified judgements of convictions as
24 well, and at this point the State would move for the
25 admission of State's Proposed 1 and 2.

1 THE COURT: Any objection?

2 MR. HAUSER: No, I have no objection.

3 THE COURT: 1 and 2 will be admitted.

4 MS. CANNIZZARO: And with that, Your Honor,
5 the State would rest.

6 THE COURT: The State has rested.

7 Any witnesses or evidence on behalf of the
8 defense?

9 MR. HAUSER: No, Your Honor, we do not have
10 any witnesses to call.

11 I believe that Mr. Donko is going to follow
12 my advice and not exercise his right to testify
13 today.

14 THE COURT: All right.

15 Thank you.

16 Any argument, State?

17 MS. CANNIZZARO: Your Honor, we would waive
18 and reserve for rebuttal.

19 THE COURT: Argument, counsel?

20 MR. HAUSER: Judge, my argument to the
21 amendments is the same as my argument for all of the
22 other charges.

23 The problem here is that there is almost no
24 evidence of any kind. And I know the burden is low,
25 and I know it is a preliminary hearing.

1 But what we are left with are is 2 victims
2 who can't identify anyone. An officer who doesn't
3 have any confession or any physical evidence of any
4 kind linking Mr. Donko to the scene of the crime
5 itself.

6 And a witness who came in and told us that
7 he didn't see any tattoos, and he didn't see any
8 facial hair on Mr. Donko, but that he then picked
9 out a gentleman with tattoos in the lineup.

10 And that's the only evidence that exists.
11 Judge, I am sitting next to Mr. Donko right now, and
12 I count, one, a bunch tattoos on his arm.

13 To, a couple of tattoos on his neck, and 9
14 different tattoos on his face.

15 During his testimony, Mr. Woods said I
16 didn't see any tattoos, and that's the best evidence
17 the State has is have a witness who couldn't see any
18 of these tattoos, and that's all they have.

19 The burden is low, and I know he picked him
20 out of a lineup despite seeing a tattoo in that
21 lineup.

22 And I think when I asked him why he was 95
23 percent sure, obviously I couldn't quite make it
24 out, but I think he referenced the tattoo, because
25 even he isn't one hundred percent sure that that's

1 the guy who shot in this case.

2 The evidence simply doesn't add up even to
3 bind this over for preliminary hearing purposes.

4 No tattoos, no facial hair, and no other
5 identifications of any kind, Judge.

6 What we have is an unreliable eyewitness,
7 who was also ducking for his life, and he didn't get
8 a look within 20 feet, and apparently he didn't get
9 a look at the second person at all.

10 Even at the low stage, even at slight or
11 marginal evidence, this is not enough to hold
12 Mr. Donko for trial.

13 I would ask that all charges be dismissed.

14 THE COURT: Thank you.

15 State's response?

16 MS. CANNIZZARO: Your Honor, first I would
17 note that that as I am also observing Mr. Donko, I
18 am not observing these 9 face tattoos, for what that
19 is worth.

20 I think Mr. Woods was very forthcoming in
21 his acknowledgement that when he saw Mr. Donko on
22 the 2 occasions that he observed him, that when he
23 was shooting, he actually turned away from where the
24 visible face tattoos exists in the photograph in the
25 photographic lineup.

1 Nevertheless, even so, the credibility of
2 that particular witness and whether or not a jury
3 ultimately believes that that is sufficient for
4 identification to prove beyond a reasonable doubt is
5 something that the jury should consider.

6 For purposes of slight or marginal evidence,
7 Mr. Woods not only identified Mr. Donko in the
8 photographic lineup as being the shooter.

9 He also described him as being the same
10 individual he saw on the 30 of September.

11 And he also identified Mr. Donko in Court
12 today. And even though he identified him in Court
13 today, he acknowledged that at the time he did not
14 observe the neck tattoo that Mr. Donko has.

15 And, so, I certainly think that's a question
16 for a jury as to whether or not Mr. Woods is someone
17 who can be ultimately believed.

18 But I do think that here today there has
19 been several forms of evidence presented to identify
20 and link the Defendant to these crimes.

21 Now certainly, not every witness who comes
22 into this courtroom and testifies in a preliminary
23 hearing has to give each and every element and
24 circumstance, that's how come the State sometimes
25 has to call multiple witnesses.

1 We have 2 victims who have indicated they
2 cannot identify the shooter, because the shooter was
3 shooting at them, and they weren't able to have
4 ample time to get a look at them.

5 We also have Mr. Woods, who identifies the
6 Defendant both in Court and in the photo lineup.

7 And then I think there's plenty of evidence
8 to demonstrate certainly that these particular
9 crimes were committed.

10 And so, with that, Your Honor, I think the
11 State has more than met its burden for the purpose
12 of a preliminary hearing, and we would ask that the
13 Defendant be bound over on all of the charge present
14 in the criminal complaint, as well as the 3
15 requested additional charges by the State.

16 THE COURT: Thank you.

17 Mr. Woods did testify as to his prior
18 identification of Mr. Donko.

19 He did identify Mr. Donko in Court today,
20 and this does become a question of the reliability,
21 or the credibility of the witness that is better
22 suited for the State, I agree with the State's
23 arguments here.

24 Accordingly, it appearing to me from the
25 complaint on file, and the testimony and exhibits

1 adduced at today's hearing that the crimes of 2
2 counts of battery with use of a deadly weapon
3 resulting in substantial bodily harm.

4 3 counts of attempt murder with use of a
5 deadly weapon, including the count added by the
6 State.

7 One count of a prohibited person in
8 possession of a firearm.

9 An added count of assault with use of a
10 deadly weapon, as added by the State.

11 And an added count of discharging a firearm
12 at or into an occupied structure have been
13 committed.

14 There is sufficient evidence that the
15 Defendant, Ted Donko, has committed said offenses.

16 I hereby order that he be bound over and
17 held to answer in the Eighth Judicial District
18 Court.

19 So we will give the bind over date in
20 District Court.

21 THE CLERK: December 20, 10:00 a.m., lower
22 level Arraignment.

23 MR. HAUSER: Judge, Mr. Donko has asked that
24 I address custody.

25 THE COURT: Okay.

1 MR. HAUSER: Judge, you have reviewed the
2 NPR, and you just heard the testimony of the
3 witnesses.

4 This is certainly not the State's strongest
5 case, but it was sufficient to be bound over at
6 preliminary hearing.

7 They were able to meet slight or marginal
8 evidence, but the likelihood of meeting beyond a
9 reasonable doubt is certainly something that should
10 be considered when determining whether Mr. Donko
11 should remain in custody.

12 I am not asking for a straight OR in this
13 case, Judge, but \$50,000 bail is prohibitively high
14 for someone with a Public Defender in his
15 circumstances.

16 He also has \$20,000 bail in another case.
17 He can't make either of those rights now, that is
18 why he is still sitting before us in blues.

19 I understand that he does not have a perfect
20 record.

21 I also understand, though, that his record
22 is nonviolent, with the exception of these alledged
23 offenses.

24 So I do believe that electronic monitoring
25 or at least a bail reduction is appropriate.

1 I will submit it on that.

2 THE COURT: Thank you.

3 Next I will hear from the State.

4 MS. CANNIZZARO: Your Honor, the State would
5 object to any reduction in his custody status.

6 What I would note is that the State did add
7 3 additional felony charges. So, if anything, I
8 would like to address potentially increasing his
9 bail, given the nature of the charges in this
10 particular instance.

11 I would note that he has 2 prior felonies,
12 and one prior gross misdemeanor. He has 6 prior
13 failures to appear.

14 He absolutely remains a danger to the
15 community.

16 His other case, Your Honor, involves, I
17 believe it is, 22 or 23 counts of possession of
18 personal documents and identification of another,
19 along with a gross misdemeanor charge of possession
20 of burglary tools, which were shaved keys in that
21 particular instance.

22 So this is an individual that the State has
23 significant concerns for the safety of the
24 community, especially considering in this case the
25 charges that stem from a shooting in front of a

1 residence in the middle of the day, multiple shoots,
2 multiple victims, and there doesn't even appear to
3 be a real necessity. This wasn't borne out of a
4 fight.

5 This also appears to be wildly random. And,
6 so, from the State's perspective, I think he is
7 absolutely a danger to the community, and his
8 criminal history doesn't warrant a reduction in
9 bail.

10 And certainly at this point, I think that
11 the only thing that this Court should consider is a
12 potential increase in bail.

13 THE COURT: I should point out a couple of
14 things.

15 I have reviewed the risk assessment tool
16 here. It does indicate 6 failures to appear.

17 5 misdemeanor convictions.

18 This indicates 4 prior felony or gross
19 misdemeanor convictions. Obviously the 2 that were
20 introduced in Court today.

21 He does have a pending preliminary hearing.
22 He is now facing all of these charges in District
23 Court.

24 He is facing a significant penalty if
25 convicted, so due to the prior felonies and the

1 failures to appear, and the nature of the charges,
2 and the potential penalty would indicate the
3 potential risk of flight.

4 Additionally, looking at his arrest history
5 prior to this incident, I see arrests for --
6 arrestee tampering with electric device or escaping
7 from an electric device. I don't know the outcome
8 of that case.

9 I see an arrest for a probation violation.
10 That was in 2016.

11 Another arrest for a probation violation
12 in 2016.

13 Another arrest for contempt of Court.

14 A 2015 arrest for a probation violation and
15 contempt of Court.

16 I see a prior arrest in 2013 for attempt
17 battery resulting in substantial bodily harm.

18 A parole violation arrest in 2013.

19 A number of arrests on warrants.

20 An arrest in 2011 for threatening a witness.

21 An arrest in 2011 for kidnapping, robbery
22 with use of a deadly weapon.

23 Battery with intent to commit robbery.

24 Battery with a deadly weapon.

25 Another probation violation arrest in 2010.

1 There is dozens of arrests here, going back
2 to 2008, and his first arrest is for the violation
3 of a restraining order in June of 2008, and that's
4 at least locally.

5 I can't overlook an arrest history like that
6 with the nature of the charges here would indicate
7 that he is a high risk to re-offend, and a potential
8 danger to the community.

9 At this point he is now facing additional
10 charges in District Court.

11 So, no, he is not eligible for any type of
12 modification.

13 He will be remanded into custody on the
14 remaining charges.

15 I am not going to increase bail. The bail
16 setting will remain with the conditions as
17 previously set, and anything else.

18 This will be denied without prejudice to
19 address this in District Court, depending on how the
20 case proceeds.

21 MS. CANNIZZARO: Thank you, Your Honor.

22 MR. HAUSER: Thank you.

23 THE COURT: Thank you.

24 Did you already give the bind over date?

25 THE CLERK: Yes.

1 THE COURT: I believe that completes the
2 calendar.

3 THE CLERK: Yes.

4 THE COURT: All right.

5 That completes the calendar.

6
7 (Proceedings concluded.)
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1 REPORTER'S CERTIFICATE

2
3 STATE OF NEVADA)

4) ss.

5 CLARK COUNTY)
6
7

8 I, Robert A. Cangemi, a certified court
9 reporter in and for the State of Nevada, hereby
10 certify that pursuant to NRS 239B.030 I have not
11 included the Social Security number of any person
12 within this document.

13 I further certify that I am not a relative
14 or employee of any party involved in said action,
15 nor a person financially interested in said action.
16
17

18 (signed) /s/ Robert A. Cangemi

19 -----
20 ROBERT A. CANGEMI, CCR NO. 888
21

22 C E R T I F I C A T E

23 STATE OF NEVADA)

24) ss.

25 CLARK COUNTY)

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I, Robert A. Cangemi, CCR 888, do
hereby certify that I reported the foregoing
proceedings, and that the same is true and
accurate as reflected by my original machine
shorthand notes taken at said time and place.

(signed) /s/ Robert A. Cangemi

Robert A. Cangemi, CCR 888
Certified Court Reporter
Las Vegas, Nevada

/s/

board

<p>/</p> <p>/s/ (76:18)(77:8)</p> <p>A</p> <p>abdomen (11:25)</p> <p>able (9:15)(13:14)(13:17)(15:3)(34:25)(49:11)(49:22)(50:16)(51:4)(58:20)(59:4)(68:3)(70:7)</p> <p>absolutely (71:14)(72:7)</p> <p>accept (4:10)</p> <p>acceptable (45:15)</p> <p>accordingly (68:24)</p> <p>accurate (77:4)</p> <p>acknowledged (67:13)</p> <p>acknowledgement (66:21)</p> <p>acting (18:24)</p> <p>action (76:14)(76:15)</p> <p>actually (10:24)(54:22)(56:12)(56:13)(59:8)(66:23)</p> <p>add (53:13)(63:11)(66:2)(71:6)</p> <p>added (69:5)(69:9)(69:10)(69:11)</p> <p>additional (13:1)(35:6)(61:18)(62:2)(62:6)(68:15)(71:7)(74:9)</p> <p>additionally (73:4)</p> <p>address (49:25)(62:13)(69:24)(71:8)(74:19)</p> <p>adduced (69:1)</p> <p>admissible (56:22)</p> <p>admission (63:25)</p> <p>admit (24:17)(24:19)(53:13)</p> <p>admitted (51:24)(58:12)(63:13)(64:3)</p> <p>advice (64:12)</p> <p>after (10:19)(12:7)(15:6)(22:10)(33:8)</p> <p>afternoon (14:2)(14:3)(26:13)(46:24)</p> <p>again (14:14)(20:2)(34:14)(57:3)</p> <p>agree (56:23)(68:22)</p> <p>ahead (15:2)(46:11)(56:16)(61:9)</p> <p>all (4:24)(7:22)(11:11)(21:11)(22:4)(28:6)(28:20)(31:6)(33:10)(33:23)(39:23)(41:25)(43:1)(44:3)(44:24)(45:4)(58:7)(60:2)(61:16)(64:14)(64:21)(65:18)(66:9)(66:13)(68:13)(72:22)(75:4)</p> <p>alleged (59:3)(70:22)</p> <p>allow (63:22)</p> <p>almost (64:23)</p> <p>along (7:13)(71:19)</p> <p>already (8:11)(9:20)(48:5)(74:24)</p> <p>also (4:3)(4:5)(12:23)(18:13)(19:20)(24:14)(39:17)(48:19)(48:25)(49:15)(50:3)(50:11)(52:7)(52:20)(52:21)(53:6)(54:17)(55:10)(55:13)(55:17)(56:18)(57:4)(57:7)(57:12)(57:16)(62:11)(63:16)(63:19)(66:7)(66:17)(67:9)(67:11)(68:5)(70:16)(70:21)(72:5)</p> <p>altogether (10:4)</p> <p>ambulance (12:9)(22:15)</p> <p>amend (62:3)</p> <p>amendments (64:21)</p> <p>amount (32:25)(33:1)</p> <p>ample (68:4)</p> <p>amy (25:4)</p> <p>anesthesia (39:14)</p> <p>another (4:7)(24:11)(45:3)(70:16)(71:18)(73:11)(73:13)(73:25)</p> <p>answer (69:17)</p> <p>answered (57:2)</p> <p>any (3:21)(12:16)(13:1)(13:9)(14:23)(17:25)(21:21)(28:12)(29:6)(29:15)(30:5)(30:8)(30:17)(34:24)(35:6)(39:8)(42:3)(42:15)(42:22)(43:4)(44:5)(45:1)(48:9)(48:12)(48:25)(50:16)(56:3)(61:1)(61:18)(62:2)(64:1)(64:7)(64:10)(64:16)(64:24)(65:3)(65:7)(65:16)(65:17)(66:5)(71:5)(74:11)(76:11)(76:14)</p> <p>anybody (17:21)(18:20)(19:9)(31:21)(41:2)(44:5)</p> <p>anyone (6:14)(9:13)(21:9)(31:25)(41:16)(65:2)</p> <p>anything (15:24)(20:20)(45:21)(48:25)(50:6)(71:7)(74:17)</p> <p>anywhere (37:21)(62:15)</p> <p>apparently (66:8)</p> <p>appear (37:6)(71:13)(72:2)(72:16)(73:1)</p> <p>appearances (1:19)</p> <p>appearing (68:24)</p> <p>appears (25:9)(52:7)(52:20)(72:5)</p>	<p>appointments (13:2)</p> <p>approach (23:1)(23:7)(26:4)(27:11)(29:20)(30:20)(51:15)(51:20)(58:9)(60:4)(61:7)</p> <p>approached (17:6)(17:10)</p> <p>appropriate (56:1)(70:25)</p> <p>approximately (32:21)(50:19)</p> <p>are 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<p>assessment (72:15)</p> <p>assigned (47:10)</p> <p>associated (50:17)(53:9)</p> <p>attempt (59:3)(62:9)(62:25)(69:4)(73:16)</p> <p>attention (6:1)(16:25)(19:13)(36:11)(47:13)(60:11)</p> <p>attorney (1:22)</p> <p>aware (14:8)(34:4)(49:19)(50:6)</p> <p>away (11:7)(32:14)(32:22)(33:4)(33:21)(66:23)</p> <p>B</p> <p>back (11:17)(20:4)(28:12)(60:3)(74:1)</p> <p>backup (37:5)</p> <p>bail (70:13)(70:16)(70:25)(71:9)(72:9)(72:12)(74:15)</p> <p>bald (34:22)</p> <p>bald-headed (18:2)</p> <p>based (63:1)</p> <p>battery (4:2)(69:2)(73:17)(73:23)(73:24)</p> <p>because (7:4)(8:11)(9:19)(33:16)(34:10)(34:13)(34:19)(34:25)(38:21)(44:14)(44:19)(48:11)(65:24)(68:2)</p> <p>become (49:19)(68:20)</p> <p>bed (7:23)(8:10)(10:20)</p> <p>been (3:25)(9:5)(11:21)(23:5)(34:25)(47:4)(48:2)(51:23)(54:25)(55:7)(58:12)(62:16)(67:19)(69:12)</p> <p>beers (31:17)</p> <p>before (1:15)(15:21)(20:19)(24:1)(30:9)(30:25)(41:6)(41:11)(61:14)(70:18)</p> <p>behalf (64:7)</p> <p>behind (8:22)(8:23)(9:3)(10:20)</p> <p>being (5:7)(12:4)(16:9)(17:5)(35:17)(36:13)(38:14)(41:7)(41:23)(42:19)(44:25)(46:7)(47:15)(54:12)(54:14)(55:22)(56:20)(67:8)(67:9)</p> <p>believe (32:20)(62:17)(64:11)(70:24)(71:17)(75:1)</p> <p>believed (67:17)</p> <p>believes (67:3)</p> <p>best (65:16)</p> <p>better (68:21)</p> <p>between (9:23)(14:13)</p> <p>beyond (67:4)(70:8)</p> <p>bind (66:3)(69:19)(74:24)</p> <p>bit (34:20)(38:25)</p> <p>black (20:15)</p> <p>bleeding (12:1)(22:8)</p> <p>block (6:23)</p> <p>blues (70:18)</p> <p>board (50:9)</p>
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bodily

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE NO. C-19-345584-1
Plaintiff,)	DEPT. NO. XXV
vs.)	Heard in Lower
TED DONKO,)	Level Arraignment
Defendant.)	

BEFORE THE HONORABLE SHANNON WITTENBERGER,
HEARING MASTER

FRIDAY, DECEMBER 20, 2020

RECORDER'S TRANSCRIPT OF HEARING:
INITIAL ARRAIGNMENT

APPEARANCES:

For the State: EKATERINA DERJAVINA, ESQ.,
Deputy District Attorney

For the Defendant: DAREN B. RICHARDS, ESQ.,
Deputy Public Defender

RECORDED BY: KRISTEN BROWN, COURT RECORDER

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Las Vegas, Nevada; Friday, December 20, 2020

[Hearing commenced at 12:51 p.m.]

THE COURT: Page 66. Tedd Donko, C345584.

MR. RICHARDS: Daren Richards, 5103 on behalf of Mr. Donko, who's present, in custody, Judge –

THE DEFENDANT: Good afternoon, Your Honor.

MR. RICHARDS: -- this is a not guilty plea. We will be invoking time.

THE COURT: Thank you. Good morning or good afternoon, Mr. Donko. What is your true, full name, please?

THE DEFENDANT: Ted Michael Donko.

THE COURT: How old are you?

THE DEFENDANT: Thirty years old.

THE COURT: Did you receive a copy of the Information stating the charges against you?

THE DEFENDANT: Yes, ma'am.

THE COURT: Did you review it and understand it?

THE DEFENDANT: Yes, ma'am.

THE COURT: And are you waiving a formal reading of the charges?

THE DEFENDANT: Yes, ma'am.

THE COURT: How do you plead to the charges?

THE DEFENDANT: Not guilty.

THE COURT: You have a right to a speedy trial within 60

1 days. It's my understanding you're invoking that right, correct?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: So your speedy trial date will be...

4 THE CLERK: Your calendar call is February 3rd at 9:30.

5 THE DEFENDANT: Thank you. Happy holidays.

6 THE COURT: Hold on.

7 THE DEFENDANT: Trial date is February 10th, 10:30,
8 Department 25.

9 THE COURT: And, Counsel, you have 21 days from today's
10 date or the filing of transcripts to file any writs and I'll order Discovery
11 and reciprocal to Discovery pursuant to statute and local rules.

12 MR. RICHARDS: Thanks, Judge.

13 THE COURT: Thank you. And then I show -- Let's see --

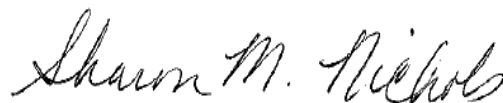
14 THE DEFENDANT: Thank you.

15 THE COURT: Thank you.

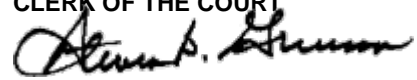
16 [Hearing concluded at 12:52 p.m.]

17 * * * * *

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19
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio/video proceedings in the above-entitled case to the best of my ability.

22
23 

24 _____
25 Court Recorder/Transcriber



TRAN

IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) Case No.
) C-19-345584-1
TED DONKO,) Dept. No. 25
)
Defendant.)

CALENDAR CALL

Before the Honorable Kathleen E. Delaney,
Monday, February 3, 2020, 9:00 a.m.

Reporter's Transcript of Proceedings

APPEARANCES:

For the State: Nicole Cannizzaro, Esq.
Chief Deputy District
Attorney

For the Defendant: Robson Hauser, Esq.
Kambiz Shaygan-Fatemi,
Esq.
Deputy Public Defenders

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

1 Las Vegas, Nevada, Monday, February 3,
2 2020

3 * * * * *

4 THE COURT: State of Nevada versus Ted
5 Donko.

6 I had attempted to call this one earlier,
7 but Ms. Cannizzaro had stepped out.

8 Is this going over to Mr. Shaygan's team at
9 this time?

10 MR. SHAYGAN-FATEMI: No, Your Honor, I will
11 be trying the case with Mr. Hauser.

12 THE COURT: Okay.

13 What's our trial readiness?

14 MR. HAUSER: We are ready to go.

15 MS. CANNIZZARO: And the State is ready as
16 well.

17 I would like to make a record of just an
18 offer.

19 Defense counsel and myself have been talking
20 about negotiations this morning in an attempt to
21 resolve the case.

22 And, so, the final offer, which defense
23 counsel was able to get me to agree to on this case
24 was for a stipulated sentence of 3 to 10 years in
25 the Nevada Department of Corrections with a plea to

1 2 counts of battery with use of a deadly weapon
2 resulting in substantial bodily harm.

3 And ownership or possession of a firearm by
4 a prohibited person, the Defendant being an
5 ex-felon.

6 And there is also an additional Justice
7 Court case that is pending from around 25 counts, if
8 I remember correctly, of possession of identity of
9 another, and forgery lab.

10 That is Case 19F24796X, and the State would
11 be at this point willing to dismiss that case as
12 part of the negotiations, and that would run
13 concurrent, so it would be a concurrent 3 to 10.

14 But it is my understanding that at this
15 point the Defendant does not want to accept that
16 offer.

17 THE COURT: Okay.

18 So, any comments to that record that
19 Ms. Cannizzaro just made?

20 MR. HAUSER: Nope. That's correct. That was
21 the offer that was conveyed, and it was rejected.

22 THE COURT: Okay.

23 Here is the other issue, I am in the middle
24 of a med-mal trial which was supposed to end on
25 Friday, and it is now quite apparent that it will

1 continue over into your week of trial. It is not
2 going to finish this Friday.

3 Right now it is unknown to me how many days
4 it will carry over. Certainly Monday is out of
5 play, possibly Tuesday as well.

6 I would be shocked if it went past Tuesday,
7 although we are behind, I don't think that we are
8 that far behind, but I can't be sure.

9 So, how many days of trial do you think you
10 need?

11 MS. CANNIZZARO: Your Honor, I would need to
12 say 10 to 12 witnesses.

13 4 to 5 days.

14 THE COURT: I mean, I hate to do this to
15 you all, but I think I need to send you to overflow,
16 because we took an extra day in jury selection, and
17 we started with the witnesses Thursday and Friday,
18 and it is a med-mal case, and literally it is all
19 day long for one witness, whether it be the doctor
20 or the expert.

21 And even though we are only about a half a
22 day behind right now, God only knows what these next
23 few days will hold.

24 We only have half days for them until Friday
25 of this week, so I am going to send you to overflow.

1 If it resolves prior to that, no issue. And
2 if there is either no Judge, or you want to come
3 back, or, if we find out that our trial will only go
4 over Monday, and I can have you Tuesday, Wednesday,
5 Thursday and Friday, I am happy to do that.

6 I would rather keep it, but I don't know how
7 to be sure that that would be the case until we go
8 further in the week.

9 MS. CANNIZZARO: And that's fine, Your Honor.

10 MR. HAUSER: We are good.

11 THE COURT: Okay.

12 So we are going to send you over to the
13 overflow calendar on Friday.

14 But I promise you this, prior to that
15 appearance, if something changes in my calendar, and
16 I can take the case back, I will do so, and we will
17 keep it, and we will start you promptly on Tuesday.

18 But I won't know until we have another day
19 or 2 of this trial.

20 MS. CANNIZZARO: Of course.

21 THE CLERK: Department 10, 8:30, February 7.

22 THE COURT: Mr. Shaygan just left, but
23 apparently there is a discovery motion.

24 MR. HAUSER: Oh, there is.

25 Yes, Your Honor.

1 THE COURT: Well, that would have been good
2 for everyone to remind us as we were going through
3 the thing.

4 MR. HAUSER: I completely forgot.

5 THE COURT: Sorry about that.

6 So generally with these we know, and we
7 didn't see the opposition from the State, and I know
8 the State won't typically do a detailed opposition
9 when it appears to be a preserve for appellate
10 purposes.

11 This is Mr. Donko.

12 We are recalling Mr. Donko's matter.

13 Your counsel has filed a motion, as they
14 styled it, to compel production of discovery and
15 Brady material.

16 My understanding is that we are now at
17 calendar call is that the State has turned over all
18 of the evidence and discovery that it has, and that
19 there isn't anything in particular that we know is
20 outstanding.

21 But this a motion being filed, and for the
22 most part it is granted, although there is usually
23 some caveats to what's requested, and what is
24 appropriate to be granted.

25 And everybody is familiar with what this

1 final order looks like at the end of the day.

2 But is anything, Mr. Hauser or Mr. Shaygan,
3 that is of particular concern that you believe is
4 still outstanding that you are seeking to compel, or
5 is this just one of those preserve our rights for
6 appeal issues?

7 MR. HAUSER: At the time I drafted this there
8 was, but I have since gotten all of the evidence, so
9 the answer is no.

10 THE COURT: Okay.

11 Ms. Cannizzaro, is there anything that you
12 want to add?

13 MS. CANNIZZARO: Just briefly, Your Honor.

14 The discovery motion I had actually not
15 received a copy of, which is why I had not responded
16 to it.

17 I only saw it on this morning's calendar, so
18 I can't speak as to whether or not there is anything
19 else in particular that the State would object to.

20 Obviously we will comply with our discovery
21 obligations.

22 Everything that I have in my possession and
23 that I am aware of that was within the Metropolitan
24 Police Department's possession has been turned over
25 to the defense.

1 They should have everything that I have. I
2 am happy to make sure, if defense would like, to do
3 a file review.

4 But other than that, they should have copies
5 of everything in this case.

6 I can't think of anything that is
7 outstanding at this point.

8 MR. HAUSER: I agree.

9 THE COURT: Okay.

10 So what we are going to do, and just for the
11 record, the request number up through, including 37
12 requests; and again, as we indicated, for the most
13 part, these are granted, with the understanding that
14 the State has provided the information that it has,
15 that there isn't any belief that they believe that
16 there is still anything that is outstanding that
17 needs to be compelled, but it is sort of there in
18 the record to be sure that everybody is on the same
19 page and that that is the case.

20 Now, where we have a few caveats is as to
21 request number 1, 2 and 3, to the extent they can be
22 read as requiring any notes or work-product
23 disclosures, that that is not going to be granted.

24 But, otherwise, of course, to the extent
25 that the State is complying with NRS 174.235(A), and

1 handing over all witnesses and statements that it
2 intends to call in its case in chief, and other
3 information that would be implicated by those 3
4 requests, that would granted.

5 But the one area where it will be denied is
6 to the extent that there are any notes being
7 requested that might constitute work-product.

8 As far as the other requests, I am not sure
9 that we had any others where we had to carve out
10 some caveats.

11 Let me just make sure that I am not missing
12 something.

13 Otherwise, Mr. Hauser, I am going to direct
14 you to please prepare the order.

15 The one that is styled number 20, this is
16 the law enforcement impeachment information that is
17 styled as a Henthorn request, and a review of the
18 personnel files of the officers involved, I have in
19 the past done my grant and denied in part this way;
20 grant to the extent that the State is required to
21 reveal something that has to do with truthfulness,
22 but deny any independent review of all personnel
23 files.

24 If there is something in the personnel file,
25 or something that the defense is actually aware of

1 that should be investigated or looked into, I don't
2 see that referenced here.

3 But the Court would do an in camera review
4 of the personal file for that purpose.

5 But, otherwise, as a general request, it is
6 typically only granted to the extent that there is
7 something known in particular that needs to be
8 disclosed.

9 I think that covers them all.

10 If you have any questions about the order,
11 Mr. Hauser, just run it by us.

12 MR. HAUSER: Of course.

13 THE COURT: Thank you. Sorry for that
14 confusion.

15
16 (Proceedings concluded.)
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1 REPORTER'S CERTIFICATE

2
3 STATE OF NEVADA)

4) ss.

5 CLARK COUNTY)
6
7

8 I, Robert A. Cangemi, a certified court
9 reporter in and for the State of Nevada, hereby
10 certify that pursuant to NRS 239B.030 I have not
11 included the Social Security number of any person
12 within this document.

13 I further certify that I am not a relative
14 or employee of any party involved in said action,
15 nor a person financially interested in said action.
16
17

18 (signed) /s/ Robert A. Cangemi
19 _____

20 ROBERT A. CANGEMI, CCR NO. 888
21
22
23
24
25

C E R T I F I C A T E

STATE OF NEVADA)

) ss.

CLARK COUNTY)

I, Robert A. Cangemi, CCR 888, do hereby
certify that I reported the foregoing proceedings,
and that the same is true and accurate as reflected
by my original machine shorthand notes taken at said
time and place.

(signed) /s/ Robert A. Cangemi

Robert A. Cangemi, CCR 888

Certified Court Reporter

Las Vegas, Nevada

/s/

extent

/	clark (1:3)(11:5)(12:4) clerk (5:21) come (5:2) comments (3:18) compel (6:14)(7:4) compelled (8:17) completely (6:4) comply (7:20) complying (8:25) concern (7:3) concluded (10:16) concurrent (3:13) confusion (10:14) constitute (9:7) continue (4:1) conveyed (3:21) copies (8:4) copy (7:15) correct (3:20) corrections (2:25) correctly (3:8) counsel (2:19)(2:23)(6:13) counts (3:1)(3:7) county (1:3)(11:5)(12:4) course (5:20)(8:24)(10:12) court (1:3)(2:4)(2:12)(3:7)(3:17)(3:22)(4:14)(5:11)(5:22)(6:1)(6:5)(7:10)(8:9)(10:3)(10:13)(11:8)(12:19) covers (10:9)
/s/ (11:18)(12:16)	
A able (2:23) accept (3:15) accurate (12:11) action (11:14)(11:15) actually (7:14)(9:25) add (7:12) additional (3:6) again (8:12) agree (2:23)(8:8) all (4:15)(4:18)(6:17)(7:8)(9:1)(9:22)(10:9) also (3:6) although (4:7)(6:22) another (3:9)(5:18) answer (7:9) any (3:18)(8:15)(8:22)(9:6)(9:9)(9:22)(10:10)(11:11)(11:14) anything (6:19)(7:2)(7:11)(7:18)(8:6)(8:16) apparent (3:25) apparently (5:23) appeal (7:6) appearance (5:15) appearances (1:18) appears (6:9) appellate (6:9) appropriate (6:24) are (2:14)(4:7)(4:21)(5:10)(5:12)(6:12)(6:16)(7:4)(8:10)(8:13)(9:6) area (9:5) around (3:7) attempt (2:20) attempted (2:6) attorney (1:20) aware (7:23)(9:25)	D day (4:16)(4:19)(4:22)(5:18)(7:1) days (4:3)(4:9)(4:13)(4:23)(4:24) deadly (3:1) defendant (1:10)(1:22)(3:4)(3:15) defenders (1:23) defense (2:19)(2:22)(7:25)(8:2)(9:25) delaney (1:13) denied (9:5)(9:19) deny (9:22) department (2:25)(5:21) department's (7:24) dept (1:9) deputy (1:20)(1:23) detailed (6:8) didn't (6:7) direct (9:13) disclosed (10:8) disclosures (8:23) discovery (5:23)(6:14)(6:18)(7:14)(7:20) dismiss (3:11) district (1:3)(1:20) doctor (4:19) document (11:12) does (3:15) done (9:19) donko (1:9)(2:5)(6:11) donko's (6:12) don't (4:7)(5:6)(10:1) drafted (7:7)
B back (5:3)(5:16) battery (3:1) because (4:16) been (2:19)(6:1)(7:24) before (1:13) behind (4:7)(4:8)(4:22) being (3:4)(6:21)(9:6) belief (8:15) believe (7:3)(8:15) bodily (3:2) brady (6:15) briefly (7:13) but (2:7)(3:14)(4:8)(4:15)(5:6)(5:14)(5:18)(5:22)(6:21)(7:2)(7:8)(8:4)(8:17)(8:24)(9:5)(9:22)(10:3)(10:5)	E earlier (2:6) eighth (1:3) either (5:2) else (7:19) employee (11:14) end (3:24)(7:1) enforcement (9:16) esq (1:19)(1:22)(1:23) even (4:21) everybody (6:25)(8:18) everyone (6:2) everything (7:22)(8:1)(8:5) evidence (6:18)(7:8) ex-felon (3:5) expert (4:20) extent (8:21)(8:24)(9:6)(9:20)(10:6)
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<p>our (2:13)(5:3)(7:5)(7:20)</p> <p>out (2:7)(4:4)(5:3)(9:9)</p> <p>outstanding (6:20)(7:4)(8:7)(8:16)</p> <p>over (2:8)(4:1)(4:4)(5:4)(5:12)(6:17)(7:24)(9:1)</p> <p>overflow (4:15)(4:25)(5:13)</p> <p>ownership (3:3)</p>	<p>S</p> <p>said (11:14)(11:15)(12:12)</p> <p>same (8:18)(12:11)</p> <p>saw (7:17)</p> <p>say (4:12)</p> <p>security (11:11)</p> <p>see (6:7)(10:2)</p> <p>seeking (7:4)</p> <p>selection (4:16)</p> <p>send (4:15)(4:25)(5:12)</p> <p>sentence (2:24)</p> <p>shaygan (5:22)(7:2)</p> <p>shaygan-fatemi (1:22)(2:10)</p> <p>shaygan's (2:8)</p> <p>shocked (4:6)</p> <p>shorthand (12:12)</p> <p>should (8:1)(8:4)(10:1)</p> <p>signed (11:18)(12:16)</p> <p>since (7:8)</p> <p>social (11:11)</p> <p>some (6:23)(9:10)</p> <p>something (5:15)(9:12)(9:21)(9:24)(9:25)(10:7)</p> <p>sorry (6:5)(10:13)</p> <p>sort (8:17)</p> <p>speak (7:18)</p> <p>start (5:17)</p> <p>started (4:17)</p> <p>state (1:6)(1:19)(2:4)(2:15)(3:10)(6:7)(6:8)(6:17)(7:19)(8:14)(8:25)(9:20)(11:3)(11:9)(12:2)</p> <p>statements (9:1)</p> <p>stepped (2:7)</p> <p>still (7:4)(8:16)</p> <p>stipulated (2:24)</p> <p>styled (6:14)(9:15)(9:17)</p> <p>substantial (3:2)</p> <p>supposed (3:24)</p> <p>sure (4:8)(5:7)(8:2)(8:18)(9:8)(9:11)</p>
<p>P</p> <p>page (8:19)</p> <p>part (3:12)(6:22)(8:13)(9:19)</p> <p>particular (6:19)(7:3)(7:19)(10:7)</p> <p>party (11:14)</p> <p>past (4:6)(9:19)</p> <p>pending (3:7)</p> <p>person (3:4)(11:11)(11:15)</p> <p>personal (10:4)</p> <p>personnel (9:18)(9:22)(9:24)</p> <p>place (12:13)</p> <p>plaintiff (1:7)</p> <p>play (4:5)</p> <p>plea (2:25)</p> <p>please (9:14)</p> <p>point (3:11)(3:15)(8:7)</p> <p>police (7:24)</p> <p>possession (3:3)(3:8)(7:22)(7:24)</p> <p>possibly (4:5)</p> <p>prepare (9:14)</p> <p>preserve (6:9)(7:5)</p> <p>prior (5:1)(5:14)</p> <p>proceedings (1:15)(10:16)(12:10)</p> <p>production (6:14)</p> <p>prohibited (3:4)</p> <p>promise (5:14)</p> <p>promptly (5:17)</p> <p>provided (8:14)</p> <p>public (1:23)</p> <p>purpose (10:4)</p> <p>purposes (6:10)</p> <p>pursuant (11:10)</p>	<p>T</p> <p>take (5:16)</p> <p>taken (12:12)</p> <p>talking (2:19)</p> <p>team (2:8)</p> <p>ted (1:9)(2:4)</p> <p>than (8:4)</p> <p>thank (10:13)</p> <p>that (3:7)(3:10)(3:11)(3:12)(3:14)(3:15)(3:18)(3:20)(3:21)(3:25)(4:7)(4:8)(5:1)(5:3)(5:5)(5:7)(5:14)(6:1)(6:5)(6:16)(6:17)(6:18)(6:19)(7:3)(7:4)(7:11)(7:19)(7:22)(7:23)(8:1)(8:4)(8:6)(8:13)(8:14)(8:15)(8:16)(8:18)(8:19)(8:23)(8:25)(9:1)(9:3)(9:4)(9:6)(9:7)(9:9)(9:11)(9:15)(9:16)(9:20)(9:21)(9:25)(10:1)(10:2)(10:4)(10:6)(10:7)(10:9)(10:13)(11:10)(11:13)(12:10)(12:11)</p> <p>that's (3:20)(5:9)</p> <p>the (1:3)(1:6)(1:13)(1:19)(1:22)(2:4)(2:11)(2:12)(2:15)(2:21)(2:22)(2:25)(3:4)(3:10)(3:12)(3:15)(3:17)(3:21)(3:22)(3:23)(4:14)(4:17)(4:19)(4:20)(5:7)(5:8)(5:11)(5:12)(5:16)(5:21)(5:22)(6:1)(6:3)(6:5)(6:7)(6:8)(6:17)(6:18)(6:21)(7:1)(7:7)(7:8)(7:9)(7:10)(7:14)(7:19)(7:23)(7:25)(8:9)(8:10)(8:11)(8:12)(8:13)(8:14)(8:18)(8:19)(8:21)(8:24)(8:25)(9:5)(9:6)(9:8)(9:14)(9:15)(9:16)(9:17)(9:18)(9:19)(9:20)(9:24)(9:25)(10:3)(10:4)(10:6)(10:10)(10:13)(11:9)(11:11)(12:10)(12:11)</p> <p>them (4:24)(10:9)</p> <p>there (3:6)(5:2)(5:23)(5:24)(6:19)(6:22)(7:7)(7:11)(7:18)(8:15)(8:16)(8:17)(9:6)(9:24)(10:6)</p> <p>these (4:22)(6:6)(8:13)</p> <p>they (6:13)(8:1)(8:4)(8:15)(8:21)</p> <p>thing (6:3)</p> <p>think (4:7)(4:9)(4:15)(8:6)(10:9)</p> <p>this (2:6)(2:8)(2:9)(2:20)(2:23)(3:11)(3:14)(4:2)(4:14)(4:25)(5:14)(5:19)(6:11)(6:21)(6:25)(7:5)(7:7)(7:17)(8:5)(8:7)(9:15)(9:19)(11:12)</p> <p>those (7:5)(9:3)</p> <p>though (4:21)</p>
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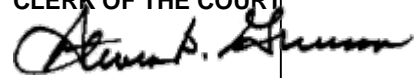
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff(s),

vs.

TED MICHAEL DONKO,

Defendant(s).

Case No. C-19-345584-1

Department VI

BEFORE THE HONORABLE JACQUELINE M. BLUTH,
DISTRICT COURT JUDGE

MONDAY, FEBRUARY 10, 2020

**TRANSCRIPT OF PROCEEDINGS RE:
JURY TRIAL – PART I – DAY 1 OF 4**

APPEARANCES:

For the Plaintiff(s):

CHAD N. LEXIS, ESQ.
LAURA ROSE GOODMAN, ESQ.
(Deputy District Attorneys)

For the Defendant(s):

ROBSON M. HAUSER, ESQ.
KAMBIZ SHAYGAN-FATEMI, ESQ.
(Deputy Public Defenders)

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 **LAS VEGAS, NEVADA, MONDAY, FEBRUARY 10, 2020**

2 [Proceeding commenced at 1:58 p.m.]

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

5 THE COURT: All right. We are on the record in
6 C-345584-1, State of Nevada versus Ted Michael -- do I pronounce it
7 Donko?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. He is present with both his attorneys,
10 Mr. Shaygan and Mr. Hauser, Ms. Rose Goodman and Mr. Lexis on
11 behalf of the State. The jury is outside lined up. And amended
12 information has been filed today.

13 Mr. Lexis, you had showed that previously to Mr. Hauser
14 and Mr. Shaygan; is that right?

15 MR. LEXIS: Yes, ma'am.

16 THE COURT: Okay. Is there anything we need to take
17 care outside the presence of the jury before I bring them in?

18 MR. LEXIS: No, ma'am.

19 MR. HAUSER: Nothing from the defense.

20 THE COURT: All right. Bring them in, please, Dean.

21 [Prospective jury panel convened at 1:59 p.m.]

22 THE COURT: Wonderful. Thank you.

23 Good afternoon, ladies and gentlemen. This is the time
24 set for trial in Case Number C-345584-1, State of Nevada versus Ted
25 Michael Donko. The record will reflect the defendant, Mr. Donko,

1 with both of his attorneys, Mr. Shaygan and Mr. Hauser, as well as
2 both deputy district attorneys, Mr. Lexis, as well as Ms. Rose
3 Goodman.

4 Both parties do stipulate to the prospective jury panel?

5 MR. HAUSER: Yes, Your Honor.

6 MS. GOODMAN: Yes, Your Honor.

7 MR. LEXIS: Yes.

8 THE COURT: All right. And the parties are ready to
9 proceed to trial?

10 MR. HAUSER: Yes.

11 MR. LEXIS: Yes, Judge.

12 THE COURT: All right. Ladies and gentlemen, you are in
13 Department 6 of the Eighth Judicial District Court. My name is
14 Jacqueline Bluth, I'm the presiding judge in this department.

15 You have been called upon today to serve as a juror in a
16 criminal case. The charges in this case are as follows:

17 Battery with use of a deadly weapon resulting in
18 substantial bodily harm;

19 Attempt murder with use of a deadly weapon;

20 Assault with a deadly weapon;

21 And discharging a firearm at or into an occupied structure
22 vehicle, aircraft, or watercraft.

23 We expect this trial to last five to six days at the longest,
24 which means it would carry us past the long weekend into the
25 Tuesday. Our trials generally start in the afternoons, Monday,

1 Tuesday, and Wednesday, and then on Thursdays and Fridays, they
2 begin at 9:00 a.m. I usually stop right at or near 5:00, because so
3 many people have childcare issues after 5:00. So I try to make sure
4 to conclude right at 5:00 to get you guys where you need to be.

5 Ultimately, 14 of you will be selected in going forward
6 with us as jurors and alternate jurors in this case.

7 As many of you know, in this country we place great faith
8 in our citizens as jurors to reach fair and objective decisions. Part of
9 what you're doing here is you are being good citizens for our
10 country and community. Juror duty is a civic responsibility, like
11 obeying laws, voting, and paying taxes. We appreciate the fact that
12 you responded to the jury summons and showed up, willing to do
13 this job. It's important what you are doing here, and I hope that
14 you enjoy the experience as a juror and find it rewarding.

15 Even with all of that, I know that many of you are sitting
16 here frustrated that you're here and that you have to be here,
17 answer these questions, because I know that you have jobs, family
18 members, other things that you need to be doing.

19 So I'd ask you to consider two things. Number one, think
20 if you were involved in a case and if it was going to go in front of a
21 jury, how important it would be to you to have 14 people of our
22 community that could be fair and impartial to both sides. It's
23 important to both sides that they find those individuals.

24 Second, you might get out of my jury in here, but that
25 could mean that you would go back down to jury services and be

1 assigned to a different jury panel. In the last year or two, we have
2 had juries selected for a year-long trial. So five or six days might
3 seem long, but in the way of trials go, it's actually a rather short
4 trial that we're going to be hearing in this case.

5 So we will not have a jury selected today. It will definitely
6 not be selected until tomorrow. So at the very minimum, you will
7 be here through tomorrow if you're not selected as a juror in this
8 case.

9 So I'd like to take this opportunity to introduce to you my
10 court staff. You have already met Officer O'Kelley, he's our
11 marshal. His job is to maintain order and security in the courtroom.
12 He's also my representative to the jury. Anything you need or any
13 problems that you have during the course of this trial should be
14 brought to his attention. However, please keep in mind that the
15 marshal cannot talk to you about the case or answer any questions
16 about your -- about this case.

17 So anything you -- if you need, if your pen runs out of ink
18 or you need to use the restroom, any type of issues that you're
19 having that you need to communicate to him or to me, just raise
20 your hand and tell the marshal, and the marshal will communicate
21 that to me. Just make sure you're not talking about the case,
22 because he can't talk about the case and he can't answer any
23 questions.

24 To my far left is my court recorder, Ms. Takas. She sees
25 that everything we are talking about in trial is recorded. You used

1 to see court reporters, or you sometimes see court reporters on TV
2 that sit in front of the judge and type out everything that you're
3 saying. In most courtrooms now, everything that we're saying is
4 recorded and then at a later time, it's transcribed and everything
5 that we say is written down -- typed out, rather.

6 You'll also see court cameras within my courtroom.
7 Please be aware that those are more for security measures and for
8 keeping a record. You will never -- your faces will never be on
9 camera or released to the public. So jurors are always serving -- I
10 don't want to say in secret, right? Because it's a public proceeding.
11 But your faces are never on any types of cameras.

12 On my immediate left is Keith Reed. He is my court clerk.
13 He swears in witnesses, marks exhibits, and keeps track of evidence
14 and prepares minutes of the court proceedings that are happening
15 and puts those into the record.

16 From time to time you may also see my judicial executive
17 assistant, Crystal Jacobs. She works in the back in our office and in
18 chambers. She comes to and from the courtroom helping us make
19 sure everything's running smoothly up front.

20 To my right is my intern, Ms. Huggins. She'll be here
21 watching court. And then you'll also see another individual,
22 another female who'll sit to my right by the name of Nicole. She is
23 my law clerk. And so they help me throughout my calendars in the
24 morning and watch and observe trial as well.

25 So now I'd like to take this opportunity for the State to

1 introduce to them -- introduce themselves. They are going to read
2 a list of witnesses and give you a synopsis of their case, which will
3 be very short. Also, please pay attention to the names on the list
4 that they are going to read out loud, because in a moment I'm
5 going to ask you if you recognize any of those names.

6 So with that, State?

7 MS. GOODMAN: Thank you, Your Honor.

8 Good afternoon. My name is Laura Goodman and this is
9 Chad Lexis, and we're the deputy district attorneys assigned to
10 prosecute the State of Nevada versus Ted Donko.

11 In this case, Mr. Donko is charged with three counts of
12 attempt murder with the use of deadly weapon, two counts of
13 battery with the use of deadly weapon resulting in substantial
14 bodily harm, one count of assault with a deadly weapon, and one
15 count of discharging into or at a structure.

16 In this case, the State's alleging on October 1st, 2019,
17 Mr. Donko went to the location of 56 Linn Lane, where he
18 discharged his firearm at the -- both the house and at three other
19 individuals, which -- ultimately striking two of them.

20 Please listen to the following names, as the State intends
21 to call some of these as witnesses.

22 Joseph Auilos; D. Alatorre, with the Las Vegas
23 Metropolitan Police Department; Joseph Alicastro; Cathryn All;
24 Randall All; Daniel Alvarado; Brian Artis; Officer C. Beal; Officer J.
25 Beatty; Nichola Bianco; Officer Brian Boxler; Officer W. Bridges;

1 Officer Buencamino; Officer D. Callen; Officer J. Casper; Officer M.
2 Casper; Officer Ceniza; Officer J. Close; Officer J. Corbett; Officer J.
3 Cortez; Officer Raymond Cruz; Rodney Dixon; Officer Kimberly
4 Dannenberger; Officer Keegan Doty; Fernando Espinoza; Eric
5 Fenrich; Officer Jordan Fox; Officer Gadea; Officer Godfrey; Officer
6 Grammas; Officer M. Hanning; Officer Casey Hausman; Officer
7 Allen Hennig; Officer E. Hervis; Officer T. Ivie; Officer B. Jackson;
8 Officer J. Jacobs; Officer Christina Jersey; Officer J. Jimenez;
9 Officer Hunter Junge; Officer J. Keen; Officer Bernstein Kommel;
10 Officer M. Krueger; Officer Alfredo Lara-Marquea; Gilbert, last name
11 unknown; Officer C. Luna; Officer Marlon Magsaysay; Officer J.
12 Marin; Edgar Miller; Officer M. Miramontes; Officer B. Moore;
13 Officer J. Moss; Officer S. Murphy; Officer V. Noriega-Perez; Mark
14 Patterson; Officer S. Perry, Officer Harrison Porter; Marco
15 Rafalovich; Genaro Ramos-Grajeda; Officer Kevin Randy; Officer B.
16 Rocha; Officer -- or I'm sorry -- Jonathan Sanchez-Loza; Mary
17 Skelton; Officer S. Sowers; Officer J. Spurling; Officer E. Stafford,
18 Officer Jeffrey Stuart; Officer Ashley Trail; Officer Christopher
19 Valdez; Officer Bradley Van Pamel; Officer B. Walford; DeAndre
20 Woods; Kathryn Aoyama; Stephanie Chen-Hunyh; Kellie Gauthier;
21 Bradley Grover; Dr. Allison McNickle; Maeleen Morrison; Allison
22 Rubino; Jennifer Strumillo; Amanda Wright.

23 And that is all from the State. Thank you.

24 THE COURT: Counsel for the defendant, will you please
25 introduce yourselves and any witnesses you wish to call.

1 MR. HAUSER: Absolutely, Judge. Thank you very much.
2 Good afternoon, ladies and gentlemen. My name is
3 Robson Hauser. This is my co-counsel, Kambi Shaygan. We
4 represent Mr. Ted Donko. We don't have a whole lot of witnesses
5 to call in this case. We look forward to establishing Ted Donko was
6 not the person who committed the shooting, because the person
7 who committed the shooting is a Mexican man with no tattoos, and
8 not Mr. Donko.

9 The only additional witnesses -- addition to any the State
10 might call would be Anna Nells [phonetic].

11 Thank you very much.

12 THE COURT: Thank you.

13 All right. So now ladies and gentlemen, I am going to do
14 a roll call. Please just answer present or here when I call your
15 name.

16 [Jury roll called.]

17 THE COURT: Is there anyone present whose name I did
18 not call? Showing no response. All right.

19 So, ladies and gentlemen, what we're about to do is called
20 voir dire. And this is the part of the case where the parties and their
21 lawyers have the opportunity to get to know a little bit about you in
22 order to help them come to their own conclusions about your
23 ability to be fair and impartial to both sides, so that they can decide
24 who they think would be the best jurors for this case. This process
25 is done under oath, so will you all please stand and raise your right

1 hand so the clerk can administer the oath, please.

2 [Prospective jury panel sworn.]

3 THE COURT: All right. So let me talk to you a little bit
4 about how the process goes. So first, I'll ask some general
5 questions while you are seated in the spots that you are in. These
6 questions will be directed to everyone in the jury box to my right,
7 as well as those of you out in the crowd.

8 After those general questions, the focus of the questions
9 will then turn just to the people, the 24 of you to my right. I will ask
10 individual questions of those of you seated in the jury box to my
11 right, and then each of the lawyers will have more specific
12 questions that they will ask you.

13 Please know that the questions that you will be asked
14 during this process are not intended to embarrass you or
15 unnecessarily pry into your personal affairs. But they are important
16 and it is important that the parties and their attorneys know enough
17 about you to make this important decision for their case.

18 There are no right or wrong answers to the questions that
19 will be asked of you. The only thing I ask if that you answer the
20 questions as honestly and as completely as you can. You will -- you
21 take an oath to answer all the questions truthfully and you must do
22 so. Remaining silent when you have information you should
23 disclose is a violation of the oath. If a juror violates this oath, it not
24 only may result in having to try the case all over again, but also can
25 result in penalties against the juror personally. So again, it is very

1 important that you be as honest and complete with your answers as
2 possible.

3 If you don't understand the question, please ask for an
4 explanation or clarification. At some point during the process of
5 selecting a jury, the attorneys for both sides will have the right to
6 ask that a particular person not serve as a juror. That is called a
7 challenge.

8 There are two types of challenge. The first type of
9 challenge is what's referred to as a challenge for cause. A
10 challenge for cause is a request to excuse a juror because the juror
11 might have a difficult time being fair and impartial in this particular
12 case.

13 The second type of challenge is what's referred to as a
14 peremptory challenge. A peremptory challenge means that a juror
15 can be excused from duty without counsel having to give a reason
16 for the excusal. In this case, each side will have five peremptory
17 challenges.

18 Please do not be offended should you be excused by
19 either of the challenging procedures. They are simply a part of the
20 procedures designed to assist the parties and their attorneys to
21 select a fair and impartial jury.

22 Once all of the challenges are exercised, we will have 14
23 qualified jurors remaining. Two of the 14 will be designated as
24 alternates, and the 12 remaining jurors will deliberate in the case.

25 I'm now going to ask you some questions of the entire

1 group. If you wish to respond to a question, please raise your
2 hand. When I get to you, please give your name and your badge
3 number, so the last three digits of your badge number that's on the
4 badge that you should be wearing.

5 Okay. So first question: Is there anyone who has a
6 disability or a medical issue that might impact their ability to serve
7 as a juror? A disability or a medical issue? Showing one hand.

8 Yes, ma'am?

9 PROSPECTIVE JUROR NO. 794: I'm currently pregnant.

10 THE COURT: And what's your badge number?

11 PROSPECTIVE JUROR NO. 794: 794.

12 THE COURT: All right. So 794, Ms. Amanda Miller. Okay.
13 And how does that affect your ability to serve, ma'am?

14 PROSPECTIVE JUROR NO. 794: I just don't know about
15 my ability to be able to sit for long periods of time and I'll need lots
16 of breaks. That's all.

17 THE COURT: Okay. And how far along are you?

18 PROSPECTIVE JUROR NO. 794: 27 weeks.

19 THE COURT: Perfect. Thank you.

20 Anyone else? One in the box, please.

21 And then if we could pass it to Juror Number 6, Badge
22 Number 709, Douglas Haynes.

23 PROSPECTIVE JUROR NO. 709: Yes.

24 THE COURT: Yes, Mr. Haynes.

25 PROSPECTIVE JUROR NO. 709: I'm pretty hard of

1 hearing.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 709: I couldn't hear hardly
4 anything during the -- when I was sitting out there. But if I had
5 some sort of device, I would be willing to serve.

6 THE COURT: Okay. All right.

7 Would you get him the hearing things?

8 THE MARSHAL: Yes, Your Honor.

9 THE COURT: Thank you.

10 Just one second.

11 THE MARSHAL: It's going to be up against the wall, Your
12 Honor.

13 THE COURT: Right.

14 THE MARSHAL: Yeah, as soon as we get up there, that's
15 getting out of the zone.

16 THE COURT: Let's see what we could do here. Why don't
17 we move a chair down to this front row and leave that one empty,
18 and I'll just -- we'll just -- that -- so I'm going to put a chair in the
19 front row at the very end, and then that will be Juror Number 6.

20 PROSPECTIVE JUROR NO. 709: Thank you, Your Honor.

21 THE COURT: How's that? Does that work a little bit
22 better?

23 PROSPECTIVE JUROR NO. 709: Yeah. Thank you very
24 much.

25 THE COURT: Perfect. You're welcome.

1 All right. Anybody else with a medical reason? Yes, sir.
2 Behind you, please, Marshal O'Kelley.
3 That would be Juror Number 3, Badge Number 596, Juan
4 Valenzuela-Cardenas.
5 Yes, sir?
6 PROSPECTIVE JUROR NO. 596: Excuse me. It's not a
7 medical problem. I don't understand everything in English. I just
8 speak around I think about 50 percent English. I don't
9 understand 100 percent.
10 THE COURT: What do you do for work?
11 PROSPECTIVE JUROR NO. 596: I have a little company for
12 tree trimmers, this is what they do.
13 THE COURT: What do they do?
14 PROSPECTIVE JUROR NO. 596: Tree trimmer.
15 THE COURT: Tree trimmer. Got it. Okay.
16 PROSPECTIVE JUROR NO. 596: Yes.
17 THE COURT: Thank you. Yes.
18 And how long have you been in the United States, sir?
19 PROSPECTIVE JUROR NO. 596: Oh, 14, 15 years.
20 THE COURT: Okay. And I think you already answered
21 this, but out of 100 percent, how much, generally, do you
22 understand in English? Do you understand 50 percent of what I'm
23 saying? 75? What would you say?
24 PROSPECTIVE JUROR NO. 596: I think around 60 percent.
25 THE COURT: 60 percent? 6-0?

1 PROSPECTIVE JUROR NO. 596: Yes.
2 THE COURT: Okay. Thank you.
3 Anyone else?
4 To your right.
5 PROSPECTIVE JUROR NO. 781: Taking medication for
6 high blood pressure and a heart condition.
7 THE COURT: Okay. What is your name and your badge
8 number?
9 PROSPECTIVE JUROR NO. 781: William Liu.
10 THE COURT: All right. William Liu is Juror Number 29,
11 Badge Number 781. 781. Tell me -- say it again, your heart
12 condition and what?
13 PROSPECTIVE JUROR NO. 781: I'm taking medication for
14 a heart condition and high blood pressure.
15 THE COURT: Okay. And does that medication affect you
16 in any way adversely?
17 PROSPECTIVE JUROR NO. 781: I'm not quite sure.
18 THE COURT: Okay. Well, how long have you been taking
19 it?
20 PROSPECTIVE JUROR NO. 781: For, like, six months.
21 THE COURT: Six months?
22 PROSPECTIVE JUROR NO. 781: Yeah.
23 THE COURT: Okay. Well, have you -- do you have
24 problems staying awake or understanding things?
25 PROSPECTIVE JUROR NO. 781: I'm okay.

1 THE COURT: You're okay?

2 PROSPECTIVE JUROR NO. 781: Yeah.

3 THE COURT: Okay. Wonderful. Thank you.

4 PROSPECTIVE JUROR NO. 781: That's the only issue, I

5 want to let you know, is I'm taking the medication for high blood

6 pressure and the medication. Just want to make sure it's okay.

7 THE COURT: Yes. Thank you for letting me know. I

8 appreciate that, sir.

9 Anyone else?

10 Next we're going to go to Badge Number 8 -- excuse me,

11 Juror Number 8, Badge Number 718, Audreen Connors.

12 Yes, ma'am?

13 PROSPECTIVE JUROR NO. 718: Yes. I also have high

14 blood pressure, diabetes, I have heart issues.

15 THE COURT: So the only reason -- so I guess I should say

16 if you have a medical condition, the only reason I need to know

17 about it is if you feel like it would affect you in being able to sit as a

18 juror. Do you feel like any of those things would affect you?

19 PROSPECTIVE JUROR NO. 718: They will not affect me.

20 Everything's under control and I really got a good advice from my

21 doctor and he's taking care of me.

22 THE COURT: Okay. Wonderful. Thank you.

23 All right. Anyone else who has a medical condition that

24 you feel like would affect you from being fair and impartial?

25 Yes, Mr. Trejo? Badge Number 245.

1 PROSPECTIVE JUROR NO. 245: I'm not sure if the -- I'm
2 getting sick right now, so I'm not sure.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 245: I'm not sure about that.
5 Sorry.

6 THE COURT: That's okay. Okay. Thank you.

7 All right. Okay. Is there anyone here who has been
8 convicted of a felony? By a showing of hands, if you've been
9 convicted of a felony. Okay.

10 Is that Mr. Razo?

11 PROSPECTIVE JUROR NO. 772: I'm not sure if it is,
12 domestic violence.

13 THE COURT: Well, was it a misdemeanor or was there jail
14 time or prison time associated with it?

15 PROSPECTIVE JUROR NO. 772: Prison time.

16 THE COURT: Did you go to prison for it? Okay. And what
17 year was that?

18 PROSPECTIVE JUROR NO. 772: 2006.

19 THE COURT: Okay. Do you know whether or not you've
20 had your civil rights restored?

21 PROSPECTIVE JUROR NO. 772: No.

22 THE COURT: You don't know whether you have?

23 PROSPECTIVE JUROR NO. 772: No, I don't.

24 THE COURT: Okay. All right. And I just want to make
25 sure it was prison. Do you know which prison it was? Where were

1 you housed?

2 PROSPECTIVE JUROR NO. 772: Here in Vegas.

3 THE COURT: At -- just at the Clark County Detention
4 Center?

5 PROSPECTIVE JUROR NO. 772: Yes.

6 THE COURT: Okay. All right. So did you ever -- sorry for
7 all these questions, I just have to make sure. How long were you
8 in -- at the Clark County Detention Center for?

9 PROSPECTIVE JUROR NO. 772: A week.

10 THE COURT: A week? Okay. And then after that, after
11 you were at -- it's called CCDC, after you were at CCDC, were you
12 at -- did you ever go somewhere else in Nevada, like a different
13 city?

14 PROSPECTIVE JUROR NO. 772: No.

15 THE COURT: Okay. So that was just -- that should just be
16 a misdemeanor. So did you -- did -- afterwards, did you either -- did
17 it get dismissed or did you have to plead and you had to do a bunch
18 of counseling and classes?

19 PROSPECTIVE JUROR NO. 772: I did counseling,
20 domestic, you know, violence. I had to talk to a counselor.

21 THE COURT: Okay. So that was just a misdemeanor,
22 then. Okay. But thank you for being honest, I appreciate that, sir.

23 Anyone else who's been convicted of a felony? Okay. All
24 right.

25 All right. So like I stated, we anticipate the case to actually

1 be done this week. But in case we run overboard, I always like to
2 give it an extra day. So Monday's a holiday, so that means we
3 would probably go into Tuesday if, in fact, we didn't finish this
4 week.

5 So I recognize that serving on a jury is almost always a
6 personal hardship. And for that reason, just so you know, it can be
7 a -- obviously, I recognize it can also be a financial hardship. But
8 the Eight Judicial District Court does not recognize financial
9 hardship as a reason to get out of jury duty.

10 So in a moment I'm going to ask you is there anyone who
11 has a hardship that feels they will not be able to serve? So let me
12 give you an example of hardships that usually are excusable. For
13 instance, if you are a full-time student; if you have a trip where you
14 either have a hotel or a plane ticket or a bus ticket to show me
15 where you're going and that you'll be out of town when this trial --
16 during this period of trial. So those are the types of things that are
17 hardships that would -- that you would be excused from jury duty.

18 So is there anyone who has some of those things? All
19 right. So let's start at top.

20 Mr. Lafia, Badge Number 438, yes, sir.

21 PROSPECTIVE JUROR NO. 438: Yes, Your Honor. I'm an
22 attorney and I have a deposition in Arizona that is noticed for
23 Wednesday. I've brought a copy of that with me.

24 THE COURT: Wednesday this week?

25 PROSPECTIVE JUROR NO. 438: Correct.

1 THE COURT: Okay. All right. And if you would just show
2 that to my marshal, I appreciate it.

3 And then if you could just pass the mic down, Dean.

4 Name and badge number?

5 PROSPECTIVE JUROR NO. 727: Glynese Peralta, 727.

6 THE COURT: Yes, ma'am.

7 PROSPECTIVE JUROR NO. 727: I'm a full-time nursing
8 student.

9 THE COURT: Okay. And what days do you go to class?

10 PROSPECTIVE JUROR NO. 727: Tuesday, Wednesday,
11 Thursdays --

12 THE COURT: And what are --

13 PROSPECTIVE JUROR NO. 727: -- at Arizona College of
14 Nursing.

15 THE COURT: What are the hours?

16 PROSPECTIVE JUROR NO. 727: 5:00 to 9:00, and
17 then 5:00 to 10:00 for lab.

18 THE COURT: Okay. Where is that at?

19 PROSPECTIVE JUROR NO. 727: Arizona College of
20 Nursing?

21 THE COURT: Yeah.

22 PROSPECTIVE JUROR NO. 727: It's by Chick-fil-A on
23 Sahara.

24 THE COURT: Okay. All right. And --

25 PROSPECTIVE JUROR NO. 724: I'm Jacqueline

1 Hernandez, Badge Number 724. I'm a full-time student at CSN.

2 THE COURT: And what days and times are your classes?

3 PROSPECTIVE JUROR NO. 724: I go Monday through
4 Thursday. Mondays from, like, 4:00 to 10:00, Tuesdays from 4:00
5 to 6:00, same with Thursdays, and then Wednesdays from 8:00
6 to 10:00.

7 THE COURT: Okay. Thank you.

8 Anybody else to my right raise their hand?

9 Front row, please. If you could pass the microphone to
10 her.

11 PROSPECTIVE JUROR NO. 763: Emily Pachner, Badge
12 Number 763. I work at a consulting firm and I actually have a client
13 trip scheduled tomorrow through Thursday. So I'm going to be in
14 Cincinnati.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 763: And I can show you the
17 ticket and everything.

18 THE COURT: Yeah, if you wouldn't mind.

19 PROSPECTIVE JUROR NO. 763: Sure.

20 THE COURT: You can just show it to my marshal, he can
21 confirm.

22 PROSPECTIVE JUROR NO. 763: Okay. Thank you.

23 THE COURT: Thank you.

24 Anyone else in that row?

25 And then back behind, I saw one hand.

1 PROSPECTIVE JUROR NO. 796: Yeah, I be out for -- out of
2 town for a month.

3 THE COURT: For a month?

4 PROSPECTIVE JUROR NO. 796: Yeah.

5 THE COURT: When are you leaving?

6 PROSPECTIVE JUROR NO. 796: I'm leaving on Thursday.

7 THE COURT: This Thursday?

8 PROSPECTIVE JUROR NO. 796: Yes.

9 THE COURT: And where are you going, sir?

10 PROSPECTIVE JUROR NO. 796: I'm not going to China.

11 THE COURT: You're not going to China?

12 PROSPECTIVE JUROR NO. 796: No. I'm going --

13 THE COURT: Yeah, I know, I --

14 PROSPECTIVE JUROR NO. 796: I'm going back home to
15 the Philippines.

16 THE COURT: That's the -- okay. Do you have proof of
17 your ticket so I -- can you just show my marshal so he can confirm
18 that?

19 PROSPECTIVE JUROR NO. 796: Here's my --

20 THE COURT: And I apologize, tell me your name and
21 badge number again?

22 PROSPECTIVE JUROR NO. 796: Rennee Abelon, 0796.

23 THE COURT: 0796. All right.

24 Anyone else that I missed? All right.

25 Attorneys meet me in the back, please. We'll be right

1 back.

2 [Off-record bench conference.]

3 THE COURT: All right. So if I call your name, if you could
4 please pack up your stuff and go back down to the third floor and
5 let them know you have been excused.

6 Badge Number 438, Michael Lafia; Badge Number 596,
7 Juan Valenzuela-Cardenas; Badge Number 724, Jacqueline
8 Hernandez; Badge Number 727, Glynese Peralta; Badge
9 Number 763, Emily Pachner; Badge Number 796, Rennee Abelon.

10 All right. And then Mr. Reed, if you could please fill the
11 seat, keeping in mind that Seat Number 6 we've actually -- we're
12 going to keep vacant. All right. And if you could fill those seats,
13 please.

14 THE CLERK: We're going to keep that one vacant?

15 THE COURT: Yeah.

16 THE CLERK: Meaning he's still there?

17 THE COURT: Yeah.

18 THE CLERK: Okay. Thank you.

19 Okay. Next in Seat Number 2 will be Badge Number 772,
20 Jose Razo; Seat Number 3, Badge Number 777, Dailey Arias; Seat
21 Number 11, Badge Number 778, Rafael Nevarez; Seat Number 12,
22 Badge Number 781, William Liu.

23 THE COURT: Oh, wait.

24 THE CLERK: Sorry?

25 THE COURT: We skipped somebody. Are you guys --

1 THE CLERK: We excused 779.
2 THE COURT: What's your name, ma'am?
3 PROSPECTIVE JUROR NO. 779: Yandia.
4 THE COURT: What's your last name?
5 PROSPECTIVE JUROR NO. 779: Arocha.
6 THE CLERK: 79. I'm sorry.
7 THE COURT: That's okay. All right.
8 So Yandia, you're next.
9 PROSPECTIVE JUROR NO. 779: All right.
10 THE COURT: And then Mr. Liu, right?
11 THE CLERK: Yes.
12 THE COURT: Okay. Go ahead, come on up, Mr. Liu.
13 You'll be right here in the front. All right.
14 All right. So I'm going to continue on with questions for
15 everybody.
16 Are any of you acquainted with me or of any of my court
17 staff? Showing your hands. All right.
18 Sherry, raise your hand.
19 All right. If we could have the microphone, please. We're
20 giving this to Ms. Tate, Badge Number 759.
21 PROSPECTIVE JUROR NO. 759: Yes. Used to work here.
22 THE COURT: Yes.
23 PROSPECTIVE JUROR NO. 759: Know you from court.
24 THE COURT: Yes. So Ms. Tate used to work for the
25 courts and many of us practiced in front of the judge she worked

1 for.

2 Am I the only one you know? Or do you know some of
3 the attorneys as well?

4 PROSPECTIVE JUROR NO. 759: Couple of people.

5 THE COURT: Okay. All right. So you know everybody?

6 PROSPECTIVE JUROR NO. 759: Yeah.

7 THE COURT: Knowing so many of us, any reason why
8 you can't be fair and impartial? Or for other reasons, do you feel
9 like you can't be fair and impartial?

10 PROSPECTIVE JUROR NO. 759: For other reasons.

11 THE COURT: All right. Everybody and Sherry approach.

12 [Bench conference transcribed as follows.]

13 THE COURT: All right. So we're always on the record up
14 here. We just have to -- especially since there's three males and, I
15 mean, when Laura is talking, we don't need to -- she doesn't need
16 to identify herself, but when one of the three of you is talking, make
17 sure.

18 So, Sherry, if you wouldn't mind switching with Laura.
19 And talk to me about what you feel.

20 PROSPECTIVE JUROR NO. 759: I just don't want to be
21 here. I've been here long enough. I'm retired. I will be here in the
22 court system no more.

23 THE COURT: But can you be fair?

24 PROSPECTIVE JUROR NO. 759: What's the --

25 THE COURT: Huh?

1 PROSPECTIVE JUROR NO. 759: What -- no.

2 THE COURT: No?

3 PROSPECTIVE JUROR NO. 759: No, I can't lie. I know I
4 could be fair if I had to.

5 THE COURT: You could be fair if you had to?

6 PROSPECTIVE JUROR NO. 759: Yes. God. I can't lie.

7 THE COURT: All right. Anybody have any feelings about
8 this? No? Okay. Great. Everybody go back to their seats then.

9 You're staying, ma'am.

10 PROSPECTIVE JUROR NO. 759: Oh, thanks.

11 [End of bench conference.]

12 THE COURT: Anybody else know myself or my court
13 staff? Showing no response.

14 Are any of you acquainted with one another? Do you
15 know each other? Showing no response.

16 Are any of you acquainted with Mr. Donko, the defendant,
17 or any of his attorneys?

18 PROSPECTIVE JUROR NO. 714: I have a question and it's
19 probably irrelevant, but I have been nonstop looking at him since
20 we got in here, because he looks so familiar, and I live off of Linn
21 Lane and I've worked at Dotty's for, like, over 10 years.

22 THE DEFENDANT: I'm always there at Dotty's.

23 PROSPECTIVE JUROR NO. 714: I knew I knew you. I think
24 I know him.

25 THE COURT: Okay. What is your name and badge

1 number?

2 PROSPECTIVE JUROR NO. 714: Gina Riendeau. It's -- I'm
3 sorry, 7681.

4 THE COURT: 714. That's your ID number, but badge
5 number --

6 PROSPECTIVE JUROR NO. 714: Oh, I'm sorry.

7 THE COURT: That's okay. All right.

8 So -- all right. So you, just through your place of
9 employment, you recognize the defendant; is that right?

10 PROSPECTIVE JUROR NO. 714: Yes. Yes.

11 THE COURT: Okay. And is there anything about that that
12 makes you feel like it would affect you on whether or not you could
13 be fair?

14 PROSPECTIVE JUROR NO. 714: I don't think so. We deal
15 with a lot of, I don't know how to say it, riffraff and we deal with a
16 lot of kind of criminal kind of stuff at work. So I don't know. I don't
17 think so, but I know I've met him more than once.

18 THE COURT: Okay. Now -- but simply because Mr. Donko
19 might frequent there, it doesn't mean in your mind you think he's
20 riffraff or a criminal, right?

21 PROSPECTIVE JUROR NO. 714: No. No.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 714: Absolutely not.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 714: No.

1 THE COURT: All right.
2 PROSPECTIVE JUROR NO. 714: No.
3 THE COURT: I just wanted to make sure. Okay. Thank
4 you, ma'am, for letting me know.
5 PROSPECTIVE JUROR NO. 714: Okay.
6 THE COURT: Anyone else who has an answer to that
7 question?
8 Do any of you know either of the deputy district
9 attorneys? Showing no response.
10 Do any of you know the district attorney, Steve Wolfson,
11 or any other individual that works at the district attorney's office?
12 Showing no response.
13 Are any of you acquainted with any of the witnesses that
14 were read by the State or by defense counsel? Showing no
15 response.
16 Have any of you or anyone close to you ever worked in
17 law enforcement? All right.
18 So let's start with Ms. Rinedeau again, please. Badge
19 number --
20 PROSPECTIVE JUROR NO. 714: My niece's boss, Vegas
21 Metro.
22 THE COURT: -- 714.
23 Okay. And what does she do?
24 PROSPECTIVE JUROR NO. 714: I mean, I don't know.
25 She's a police officer.

1 THE COURT: Okay. But you don't know, like, what
2 division or anything?

3 PROSPECTIVE JUROR NO. 714: No, I do not.

4 THE COURT: Okay. That's all right.

5 PROSPECTIVE JUROR NO. 714: All right.

6 THE COURT: How often would you say that you talk with
7 her, if at all, about her actual work?

8 PROSPECTIVE JUROR NO. 714: All the time. We're a very
9 close family and it's usually all we talk about on Thanksgiving and
10 stuff, Your Honor.

11 THE COURT: Okay. Is there anything about that
12 relationship that makes you feel like it would affect whether or not
13 you could be fair?

14 PROSPECTIVE JUROR NO. 714: I do not think so, no.

15 THE COURT: All right. Thank you so much.

16 Did I miss any other hands? All right. Let's go behind
17 first.

18 Badge number, ma'am?

19 PROSPECTIVE JUROR NO. 777: 777.

20 THE COURT: 777. All right. Ms. Arias, go ahead.

21 PROSPECTIVE JUROR NO. 777: I have a cousin named
22 Laura Perez. She's a parole officer. I'm not sure if that is involved.

23 THE COURT: Yeah, that's fine. Is that in Nevada?

24 PROSPECTIVE JUROR NO. 777: Yes.

25 THE COURT: All right. And how often do you talk to her

1 about her work?

2 PROSPECTIVE JUROR NO. 777: When I see her, maybe,
3 like, once a month.

4 THE COURT: Is there anything about anything she's told
5 you or about your relationship with her that makes you feel like you
6 can't be fair?

7 PROSPECTIVE JUROR NO. 777: No, I don't believe so.

8 THE COURT: All right. Thank you.

9 I saw another hand right up here. Oh.

10 THE MARSHAL: Did you raise your hand, ma'am?

11 PROSPECTIVE JUROR NO. 718: I did.

12 THE COURT: Oh, I'm sorry. Ms. Connors, right?

13 PROSPECTIVE JUROR NO. 718: Yes.

14 THE COURT: Yes, ma'am.

15 PROSPECTIVE JUROR NO. 718: My brother was a former
16 police officer for Oceanside, California, as well as served as a
17 sheriff's department for Vista, California.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 718: That was many years
20 ago.

21 THE COURT: Okay. Is there anything about anything your
22 brother told you or about your relationship with your brother that
23 makes you feel like you wouldn't be able to be fair?

24 PROSPECTIVE JUROR NO. 718: No, we're good. He
25 doesn't talk about his -- what he does at work. He never did.

1 THE COURT: Okay.
2 PROSPECTIVE JUROR NO. 718: Yeah.
3 THE COURT: Thank you.
4 PROSPECTIVE JUROR NO. 718: Okay.
5 UNIDENTIFIED PROSPECTIVE JUROR: My sister-in-law's
6 father was a chief of detectives. But I -- he's retired and we don't
7 talk about that.
8 THE COURT: And you're Ms. Howell --
9 PROSPECTIVE JUROR NO. 719: Yes.
10 THE COURT: -- Badge Number 719?
11 PROSPECTIVE JUROR NO. 719: Yes, sorry.
12 THE COURT: All right. Tell me again your -- tell me the
13 relationship again? Your --
14 PROSPECTIVE JUROR NO. 719: My sister-in-law's father.
15 THE COURT: Sister-in-law's father.
16 PROSPECTIVE JUROR NO. 719: John Sullivan.
17 THE COURT: Okay. And where was that at?
18 PROSPECTIVE JUROR NO. 719: Here in Las Vegas.
19 THE COURT: All right. And was it Metro?
20 PROSPECTIVE JUROR NO. 719: Yes.
21 THE COURT: Anything about that relationship that you
22 feel like may infect you in any way?
23 PROSPECTIVE JUROR NO. 719: No.
24 THE COURT: All right. Thank you.
25 And then if you could pass that --

1 PROSPECTIVE JUROR NO. 755: 755.
2 THE COURT: All right. Mr. Wilks?
3 PROSPECTIVE JUROR NO. 755: Yes.
4 THE COURT: All right. Talk to me about that.
5 PROSPECTIVE JUROR NO. 755: My brother's in
6 corrections in California.
7 THE COURT: Okay. As a CO?
8 PROSPECTIVE JUROR NO. 755: Yes.
9 THE COURT: Anything about things that he's told you or
10 about your relationship with your brother that makes you feel like
11 you wouldn't be able to be fair?
12 PROSPECTIVE JUROR NO. 755: No.
13 THE COURT: Okay. Thank you.
14 Any other hands I missed to my right? Oh.
15 Yes, sir?
16 PROSPECTIVE JUROR NO. 756: Badge Number 756. I
17 have an uncle who's a retired Metro detective. I also have three
18 neighbors who were in law enforcement, one highway patrol, two
19 with Metro. And I also work with the sergeant in my area on a
20 regular basis through work.
21 THE COURT: In what way? Can you tell me about that?
22 PROSPECTIVE JUROR NO. 756: He -- I work with him on
23 the emergency preparedness in our area.
24 THE COURT: Oh, okay. And emergency preparedness, is
25 that through a church or through just general public safety?

1 PROSPECTIVE JUROR NO. 756: No, he's the officer in
2 command of emergencies in our area.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 756: Which coincides with my
5 job.

6 THE COURT: Which is?

7 PROSPECTIVE JUROR NO. 756: I work for a power
8 company.

9 THE COURT: Oh, wonderful. Okay. Thank you so much.

10 Anything about those relationships or the working
11 relationship that makes you feel like you wouldn't be able to be
12 fair?

13 PROSPECTIVE JUROR NO. 756: No.

14 THE COURT: Thank you. If you wouldn't mind passing it
15 all the way back.

16 PROSPECTIVE JUROR NO. 729: Badge 729, Rebecca Ricu.
17 So just my uncle. He's a retired detective in Columbus, Ohio.

18 THE COURT: All right. Anything about your relationship
19 that makes you feel like you wouldn't be fair?

20 PROSPECTIVE JUROR NO. 729: No.

21 THE COURT: All right. Thank you.

22 Anyone else to my right?

23 Anybody back there? Yes, one hand? Okay. Thank you.

24 Is that Mr. Borbhatti?

25 PROSPECTIVE JUROR NO. 811: Badge Number 811.

1 THE COURT: Yes, sir.

2 PROSPECTIVE JUROR NO. 811: My father is a New York
3 City police officer, retired. And my brother-in-law is a captain, he's
4 got 26 years.

5 THE COURT: I'm sorry, he's a captain what?

6 PROSPECTIVE JUROR NO. 811: Scotch Plains, New
7 Jersey.

8 THE COURT: All right. Anything about those
9 relationships that makes you feel like you would not be able to be
10 fair?

11 PROSPECTIVE JUROR NO. 811: No.

12 THE COURT: Okay. Thank you.

13 Any hands that I missed? All right.

14 I know you were given such little information about the
15 case. So this question sometimes is hard to answer with such little
16 information, but that's all we can really give you at this point in
17 time. But is there anybody who thinks that they may know
18 something about this case, have heard something about this case
19 before coming here today? Showing no response.

20 All right. Does anyone have any philosophical, religious,
21 or other beliefs that prevent them from serving as an impartial
22 juror? Any types of beliefs that makes you feel like you cannot
23 serve as a juror? Showing no response.

24 Oh, I'm sorry, sir.

25 PROSPECTIVE JUROR NO. 760: I filled --

1 THE COURT: Just one second. Let me wait for the mic.

2 PROSPECTIVE JUROR NO. 760: Oh, I'm sorry.

3 THE COURT: That's okay. And give me your name and
4 badge number, please.

5 PROSPECTIVE JUROR NO. 760: Gazmir Markja, 060760.

6 THE COURT: All right. Give me the last three of your
7 badge.

8 PROSPECTIVE JUROR NO. 760: 760.

9 THE COURT: 760?

10 PROSPECTIVE JUROR NO. 760: Yes.

11 THE COURT: Okay. Sorry. All right. Go ahead.

12 PROSPECTIVE JUROR NO. 760: Yeah, I feel personally in
13 my heart, like, I don't want to be somebody to put somebody else
14 on the line on that critical case or any reason, just because depend
15 on wherever information we get from witness from both parties --

16 THE COURT: Uh-huh.

17 PROSPECTIVE JUROR NO. 760: -- I feel like I do have
18 three kids, and I kind of -- I feel, like, unfair to make that judgment
19 to make that decision. Because since we talking right now, I know
20 people, they are innocent and they are locked up in jail for their life.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 760: And I feel like I'm not -- I
23 don't trust much human. I do trust more electronics, camera stuff,
24 than human being.

25 THE COURT: Okay. So let me ask you a few follow-up

1 questions, okay?

2 PROSPECTIVE JUROR NO. 760: Correct.

3 THE COURT: So as a juror, sometimes it helps individuals
4 who express what you're saying right now to know that it's not just
5 you by yourself when you get back there, right? It's you and 11
6 other people. So you're making that decision collectively. So that's
7 one thing that I want to talk about.

8 And the second thing is, and this is important for
9 everybody, is that a juror's job only deals with, Hey, has the State
10 proven to you beyond a reasonable doubt that the defendant
11 committed these crimes? If they have, then the jury comes back
12 with a guilty verdict. But the jury never deals with sentencing, what
13 the punishment should be; that's always up to the judge. So I want
14 to make sure that that's clear, as well.

15 Do either of those two things make you feel any better or
16 you still feel the same?

17 PROSPECTIVE JUROR NO. 760: I feel the same. I just
18 don't trust -- I don't feel like based on information we'll get here, it
19 will be everything correct. So I just don't feel correct, don't feel --
20 don't -- I don't feel that person to make that decision, somebody
21 else life, on information we get in here.

22 THE COURT: Okay. So, basically, what you're saying is, is
23 it doesn't really matter what the State brought in, you would have
24 feel uncomfortable and you --

25 PROSPECTIVE JUROR NO. 760: Correct.

1 THE COURT: -- wouldn't be able to --
2 PROSPECTIVE JUROR NO. 760: Correct.
3 THE COURT: -- to render a decision.
4 PROSPECTIVE JUROR NO. 760: Correct. I can -- I'm not
5 going to be able to make decision based on information that are
6 here.
7 THE COURT: So I guess what does -- what information
8 would you need, then?
9 PROSPECTIVE JUROR NO. 760: So, like, I don't trust
10 human. Just like I said, it's now people locked up all their life on
11 their own on the prison, and they are innocent.
12 THE COURT: So --
13 PROSPECTIVE JUROR NO. 760: And we know. So I kind
14 of -- based on that, I don't feel right I to make that decision based
15 on circumstances, whatever information we got in here.
16 THE COURT: So what -- and I'm not talking about this
17 case, but let's take it out of this case.
18 PROSPECTIVE JUROR NO. 760: In general.
19 THE COURT: Like, in a case, if there were cameras and it
20 was caught on camera and you had DNA and things like that, are
21 you still saying that you can't be a juror?
22 PROSPECTIVE JUROR NO. 760: If everything -- yes.
23 Everything in camera. I believe more, I trust more in camera than
24 human.
25 THE COURT: So unless the case is -- someone is caught

1 doing something on camera, you would never find them guilty?

2 PROSPECTIVE JUROR NO. 760: If -- I believe more on
3 that.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 760: Than on human. Yes.

6 THE COURT: All right. Thank you for your answers.

7 PROSPECTIVE JUROR NO. 760: Yep.

8 THE COURT: Anybody else? Any other types of religious,
9 philosophical, any of those types of beliefs that make you feel that
10 you cannot be fair and impartial or you cannot sit in judgment of
11 another? Showing no response. All right.

12 Have you ever been in a situation where you felt like -- we
13 call them negative contacts with law enforcement. So have you
14 ever been in a situation where you felt like you weren't treated with
15 the dignity and respect in which you deserve to be treated? So let's
16 say you get pulled over for a traffic ticket and you felt like you
17 weren't treated the way you should have been treated by a police
18 officer? Or maybe you were in a store and you weren't doing
19 anything wrong and you were stopped by security, and they
20 thought you were stealing something? Something like that,
21 basically, where you have interactions with a law enforcement
22 officer where you feel like you weren't treated the way that you
23 should have been treated as a citizen within our community?
24 Anybody have any answers to that?

25 Yes, sir.

1 This is Mr. Cooper, Badge Number 756.
2 PROSPECTIVE JUROR NO. 756: 756.
3 THE COURT: Yes, sir.
4 PROSPECTIVE JUROR NO. 756: I have a brother that was
5 shot and killed by the highway patrol. And I was very unhappy with
6 the process that occurred and the follow-up to that. But I have no
7 problems with the law enforcement people that I know now or the
8 process. It's just that one situation.
9 THE COURT: How long ago was that?
10 PROSPECTIVE JUROR NO. 756: About 10 years ago.
11 THE COURT: I'm sorry. Was that here locally?
12 PROSPECTIVE JUROR NO. 756: It was in Overton.
13 THE COURT: In Overton. Okay. Did that change your
14 way you viewed law enforcement globally?
15 PROSPECTIVE JUROR NO. 756: No.
16 THE COURT: Is there anything about that situation you
17 feel may impact you here?
18 PROSPECTIVE JUROR NO. 756: No.
19 THE COURT: All right. Thank you, sir.
20 Any other answers to that question in regards to feeling
21 like you -- yes, ma'am?
22 To your right.
23 PROSPECTIVE JUROR NO. 794: I used to work as an
24 investigator for the public defender in D.C.
25 THE COURT: And, sorry, what's your name and badge

1 number?

2 PROSPECTIVE JUROR NO. 794: Oh, sorry.

3 THE COURT: That's okay.

4 PROSPECTIVE JUROR NO. 794: Amanda Miller, it's 794.

5 THE COURT: 794.

6 PROSPECTIVE JUROR NO. 794: And there were a couple
7 of instances during that experience in which, because of my role
8 as -- with the public defender's office, there were instances where
9 cops would not share public information with me for any other
10 things, not available --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 794: -- that should have been.

13 THE COURT: And how long did you work in that position?

14 PROSPECTIVE JUROR NO. 794: It was a summer position,
15 so it was about three or four months of 2010, 2011, something like
16 that.

17 THE COURT: Okay. Did that change the way you viewed
18 law enforcement globally?

19 PROSPECTIVE JUROR NO. 794: It made me aware that
20 there could be some issues with certain officers, but I would say it
21 didn't change my overall respect for officers in general.

22 THE COURT: Okay. Do you recall like officers are like any
23 other profession where we have good apples and bad apples?

24 PROSPECTIVE JUROR NO. 794: Yes.

25 THE COURT: Do you feel like that may affect you in any

1 way in being a juror on this case?

2 PROSPECTIVE JUROR NO. 794: No, I don't think so.

3 THE COURT: Okay. Thank you.

4 Any other answers in regards to that? Negative contacts
5 with law enforcement where you felt you weren't treated fairly. All
6 right. Showing no response -- no further response.

7 Okay. Are there -- State and Defense, are there any
8 witnesses that would require a Spanish interpreter in this case?

9 MS. GOODMAN: No, Your Honor.

10 THE COURT: Okay. All right. So the next set of questions
11 are going to be just to those of you on my right, but I can guarantee
12 you some of you sitting back there will be the next to come up here,
13 so I would definitely be listening so we don't have to go from the
14 very beginning with all these. All right?

15 So in my department and in most departments within the
16 Eighth Judicial District Court, jurors are actually allowed to ask
17 questions of the witnesses. So how it happens is the attorneys will
18 ask questions first, and then once they are done asking questions,
19 I'll turn to the ladies and gentlemen of the jury and I'll ask if you
20 have any questions for this witness.

21 The trick to it is, is you'll each have a notepad and a pen.
22 And so let's say you write out a question. You will write out your
23 question, you need to sign it and give your juror badge number,
24 and then my marshal will bring it to me and the attorneys will
25 approach.

1 The interesting thing about juror questions is that they are
2 subject to the same types of rules as other lawyers' questions. So
3 some of those questions, because of the rules of evidence, I may
4 not be able to ask the witness. And it's not anything that you did
5 wrong, I mean, you shouldn't know the rules of evidence, right?
6 But let's say there's a hearsay objection or something like that, I
7 cannot ask the question and so the question will not be asked of the
8 witness.

9 So what I need to make sure it that when you guys ask
10 these questions and they can't be asked, I don't want you to hold it
11 against one party or the other party because you think they're
12 hiding something from you. It's simply because the rules do not
13 allow it.

14 Is there anybody who would have a hard time
15 understanding that or trusting that in the process? Showing no
16 response.

17 Under our system, certain principles apply in every
18 criminal trial. They are, number one, that the charging document
19 filed in this case is merely an accusation and is not in evidence of
20 any way of guilt; that the defendant is presumed innocent; and that
21 the State must prove that the defendant is guilty beyond a
22 reasonable doubt.

23 Does anyone have any issues with those three principles
24 of our criminal justice system? Okay.

25 Is there anyone who would have trouble following the

1 instructions on the law that I give you regardless of whether or not
2 you agree with that law? As jurors, you will take an oath to follow
3 the law, even if you disagree with the law. Is there anyone who
4 would have issues following the law even if they disagreed with it?
5 Showing no response. All right.

6 So now we are going to go to -- I'm going to have some
7 individual questions to ask you. So let's start with Mr. Trejo,
8 please.

9 The marshal's going to bring you the mic.

10 How long have you lived in Clark County, sir?

11 PROSPECTIVE JUROR NO. 245: Since I was born.

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

13 PROSPECTIVE JUROR NO. 245: 1999.

14 THE COURT: All right. And how far did you go in school?

15 PROSPECTIVE JUROR NO. 245: To high school.

16 THE COURT: Are you employed?

17 PROSPECTIVE JUROR NO. 245: Yeah.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR NO. 245: Desert Plastering, when I
20 clean outside of the house, when the cements are dried on the roof,
21 on the age of it.

22 THE COURT: Okay. And are you married, in a significant
23 relationship, or single?

24 PROSPECTIVE JUROR NO. 245: Single.

25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR NO. 245: No.

2 THE COURT: Have you or anyone close to you ever been

3 the victim of a crime?

4 PROSPECTIVE JUROR NO. 245: No.

5 THE COURT: You or anyone close to you ever been

6 accused of a crime?

7 PROSPECTIVE JUROR NO. 245: No.

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

9 PROSPECTIVE JUROR NO. 245: No.

10 THE COURT: Is there anything about the nature of this

11 case that you've heard already that makes you feel like you would

12 not be able to be fair and impartial on both sides?

13 PROSPECTIVE JUROR NO. 245: No.

14 THE COURT: Can you base your verdict solely on the

15 evidence that's presented during the trial and wait in forming an

16 opinion until the matter is given to you?

17 PROSPECTIVE JUROR NO. 245: Yes, I think.

18 THE COURT: Okay. When you -- do you have

19 reservations about that?

20 PROSPECTIVE JUROR NO. 245: Like you're saying, but

21 only on shows on proof, that's what I'm saying. Only --

22 THE COURT: I'm sorry, say it again?

23 PROSPECTIVE JUROR NO. 245: It's only shows as proof

24 and evidence that he or -- he's committed?

25 THE COURT: Yeah. So, basically, you can't -- let's say

1 you hear something about this case outside of the courtroom. So,
2 number one, you'd have to report that to the marshal, and number
3 two, you can't consider it. So the only things that you can consider
4 as evidence in this case is things that actually happen in here. So
5 witnesses who testify, evidence that is received, things like that.
6 You have to base your verdict solely on those things; do you
7 understand that?

8 PROSPECTIVE JUROR NO. 245: Yes.

9 THE COURT: And do you feel comfortable with that?

10 PROSPECTIVE JUROR NO. 245: Yes.

11 THE COURT: And then can you wait in forming your
12 ultimate decision until the end of the case, and you're back with
13 your fellow jurors and discussing it?

14 PROSPECTIVE JUROR NO. 245: Yes.

15 THE COURT: Okay. Wonderful. Thank you.

16 And, lastly, can you be fair to both sides?

17 PROSPECTIVE JUROR NO. 245: Yes.

18 THE COURT: All right. Wonderful. Thank you so much.

19 Would you mind passing it, please, to Mr. Razo?

20 All right. Mr. Razo, tell me your badge number again.

21 PROSPECTIVE JUROR NO. 772: 772.

22 THE COURT: 772, wonderful. Thank you.

23 How long have you been in Clark County, sir?

24 PROSPECTIVE JUROR NO. 772: 34 years.

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

1 PROSPECTIVE JUROR NO. 772: Before bachelor's degree,
2 what is the other one?

3 THE COURT: Associate's?

4 PROSPECTIVE JUROR NO. 772: Yes.

5 THE COURT: All right. And what was your associate's in?

6 PROSPECTIVE JUROR NO. 772: Hotel and casino
7 management.

8 THE COURT: Okay. And are you employed?

9 PROSPECTIVE JUROR NO. 772: Yes.

10 THE COURT: What is it that you do?

11 PROSPECTIVE JUROR NO. 772: I'm a bartender.

12 THE COURT: All right. And how long have you been
13 bartending?

14 PROSPECTIVE JUROR NO. 772: 14 years.

15 THE COURT: Are you married, single, or in a significant --

16 PROSPECTIVE JUROR NO. 772: Married.

17 THE COURT: Married? And what does your spouse do?

18 PROSPECTIVE JUROR NO. 772: She's a cashier in the
19 cage.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 772: At a casino.

22 THE COURT: And do the two of you have any children?

23 PROSPECTIVE JUROR NO. 772: We are in the process of
24 adopting her granddaughter.

25 THE COURT: Okay. And how old is the granddaughter?

1 PROSPECTIVE JUROR NO. 772: Two years.

2 THE COURT: You and anyone close to you, have you ever
3 been a victim of a crime?

4 PROSPECTIVE JUROR NO. 772: Myself.

5 THE COURT: All right. Can you tell me a little bit about
6 that?

7 PROSPECTIVE JUROR NO. 772: More than a year ago, I
8 got beat up by three guys inside my garage. I'm still waiting to go
9 to the court.

10 THE COURT: Did you know them?

11 PROSPECTIVE JUROR NO. 772: No, I did not.

12 THE COURT: All right. So it was completely random?

13 PROSPECTIVE JUROR NO. 772: No. I do believe my
14 niece, who was very mad at me, because she's involved with the
15 gangs and drugs and I found out she was doing all that stuff while
16 she was living with me.

17 THE COURT: Oh, okay.

18 PROSPECTIVE JUROR NO. 772: So I ask her to leave the
19 house. She got mad at me, and one day these three guys showed
20 up, they tried to open the front door, but I changed the locks. And I
21 usually go see my sister on Sundays around 12:00 noon or 1:00,
22 and that's when they showed up.

23 THE COURT: How bad were your injuries?

24 PROSPECTIVE JUROR NO. 772: I had a few stitches on
25 my head. This scar. Since then I don't feel right, I feel dizzy at

1 times. I think my chemical balance is out of sync.

2 THE COURT: Did you call the police immediately?

3 PROSPECTIVE JUROR NO. 772: Yes, I did.

4 THE COURT: All right. And did they respond?

5 PROSPECTIVE JUROR NO. 772: They did.

6 THE COURT: How do you feel like they dealt with the
7 situation?

8 PROSPECTIVE JUROR NO. 772: They did good.

9 THE COURT: And you said that it's currently awaiting
10 trial.

11 PROSPECTIVE JUROR NO. 772: Yes.

12 THE COURT: Is that here in the Clark County District
13 Attorney's Office?

14 PROSPECTIVE JUROR NO. 772: Yes, it is.

15 THE COURT: Now, obviously, these attorneys right here
16 work for the Clark County District Attorney's Office. Because they
17 work for the DA's office, are you going to automatically side with
18 them just because other attorneys are helping you?

19 PROSPECTIVE JUROR NO. 772: I think so.

20 THE COURT: Okay. And why do you think that?

21 PROSPECTIVE JUROR NO. 772: Because I am extremely
22 angry of what happened to me and they caught one of the guys.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 772: And I know the guy. He
25 should -- they should not be a trial, but they are -- the State is trying

1 to help him. Help him to get out of jail with all this stuff. I know he
2 did it.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 772: Okay. And he should not
5 be trial. He should just be put in jail.

6 THE COURT: Sure. But you understand that that's a
7 completely different case than what we're here for today, right?

8 PROSPECTIVE JUROR NO. 772: Yes.

9 THE COURT: So I guess what I'm trying to clarify is are
10 you -- you're going to automatically side with what the State does
11 just because of your case?

12 PROSPECTIVE JUROR NO. 772: I believe so.

13 THE COURT: Okay. All right. Thank you very much.
14 And then if you could pass that onto Ms. Arias, right?

15 PROSPECTIVE JUROR NO. 777: Uh-huh.

16 THE COURT: Badge Number 777. All right, ma'am. So
17 let's go back with you.

18 How long have you been in Clark County?

19 PROSPECTIVE JUROR NO. 777: Ever since I was born.

20 THE COURT: Okay. And how far did you go in school?

21 PROSPECTIVE JUROR NO. 777: I'm currently in college.

22 THE COURT: All right. And are you a full-time student?

23 PROSPECTIVE JUROR NO. 777: I mean, I don't -- not -- I
24 only go to class, like, in person twice a week.

25 THE COURT: What days are those?

1 PROSPECTIVE JUROR NO. 777: Monday and Wednesday.
2 THE COURT: And what times?
3 PROSPECTIVE JUROR NO. 777: 2:00 to 3:30.
4 THE COURT: Okay. And what are you studying?
5 PROSPECTIVE JUROR NO. 777: I'm studying criminal
6 justice.
7 THE COURT: Okay. And what do you -- what would you
8 like to do with that degree?
9 PROSPECTIVE JUROR NO. 777: I plan on being an
10 investigator.
11 THE COURT: In what way?
12 PROSPECTIVE JUROR NO. 777: I'm not 100 percent sure
13 yet.
14 THE COURT: Okay. Like, when you say investigator, like a
15 police officer?
16 PROSPECTIVE JUROR NO. 777: Uh-huh.
17 THE COURT: Is that a yes?
18 PROSPECTIVE JUROR NO. 777: Yes.
19 THE COURT: All right. Now, are you married or in a
20 significant relationship?
21 PROSPECTIVE JUROR NO. 777: No, I'm currently single.
22 THE COURT: And do you have any children?
23 PROSPECTIVE JUROR NO. 777: No.
24 THE COURT: Have you or anyone close to you ever been
25 the victim of a crime?

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PROSPECTIVE JUROR NO. 777: No.

THE COURT: You or anyone close to you ever been charged or accused with a crime?

PROSPECTIVE JUROR NO. 777: I've only had a family member accused of domestic violence.

THE COURT: Okay. When was that?

PROSPECTIVE JUROR NO. 777: Two years ago.

THE COURT: Was that here in Las Vegas?

PROSPECTIVE JUROR NO. 777: Yes.

THE COURT: And were the police called?

PROSPECTIVE JUROR NO. 777: I believe so.

THE COURT: And do you have personal knowledge of what happened or you just know that someone was arrested?

PROSPECTIVE JUROR NO. 777: I just know someone was arrested.

THE COURT: Is there anything about that situation that you feel may affect you whether or not you could be fair here?

PROSPECTIVE JUROR NO. 777: No.

THE COURT: Do you have any thoughts one way or the other about how the police did in that investigation, how the prosecutors treated it?

PROSPECTIVE JUROR NO. 777: No.

THE COURT: Okay. Anybody else who's been accused of a crime that you're close to?

PROSPECTIVE JUROR NO. 777: No.

1 THE COURT: Have you ever been a juror before?

2 PROSPECTIVE JUROR NO. 777: No.

3 THE COURT: Is there anything about the nature of this
4 case and anything you've heard thus far that makes you feel like
5 you would not be able to be fair and impartial to both sides?

6 PROSPECTIVE JUROR NO. 777: No.

7 THE COURT: And can you base your verdict solely on the
8 evidence that's presented in this case and wait in forming your final
9 opinion until the case is submitted to you to deliberate with your --
10 submitted to you to deliberate with your fellow jurors?

11 PROSPECTIVE JUROR NO. 777: Yes.

12 THE COURT: And can you be fair and impartial to both
13 sides?

14 PROSPECTIVE JUROR NO. 777: Yes.

15 THE COURT: All right. Thank you, I appreciate that.

16 If you could pass the microphone.

17 Ma'am, give me your name and badge number again,
18 please.

19 PROSPECTIVE JUROR NO. 691: Briana Barin, and Badge
20 Number 0691.

21 THE COURT: Thank you. All right. Ms. Barin, how long
22 have you been in Clark County?

23 PROSPECTIVE JUROR NO. 691: About 11, 12 years.

24 THE COURT: All right. And where were you before Las
25 Vegas?

1 PROSPECTIVE JUROR NO. 691: Long Beach, California.
2 THE COURT: And how long were you in Long Beach for?
3 PROSPECTIVE JUROR NO. 691: About 12 years.
4 THE COURT: Okay. And how far did you go in school?
5 PROSPECTIVE JUROR NO. 691: Bachelor's degree.
6 THE COURT: And what did you study?
7 PROSPECTIVE JUROR NO. 691: Biological sciences.
8 THE COURT: Are you employed?
9 PROSPECTIVE JUROR NO. 691: I have a paid internship at
10 UMC.
11 THE COURT: Okay. And what -- tell me about what you
12 do there.
13 PROSPECTIVE JUROR NO. 691: It's in the pediatric
14 department. Basically, just, like, comfort them, kind of shadow
15 doctors, stuff like that.
16 THE COURT: And the internship is through what
17 program? Like, are you in school or?
18 PROSPECTIVE JUROR NO. 691: It's kind of by UMC. It's,
19 like, five minutes away. It's through One Stop Career Center.
20 THE COURT: Okay. Great. Are you married or in a
21 significant relationship?
22 PROSPECTIVE JUROR NO. 691: No.
23 THE COURT: And do you have any children?
24 PROSPECTIVE JUROR NO. 691: No.
25 THE COURT: Have you or anyone close to you ever been

1 the victim of a crime?

2 PROSPECTIVE JUROR NO. 691: No.

3 THE COURT: You or any close to you ever been accused
4 of a crime?

5 PROSPECTIVE JUROR NO. 691: No.

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

7 PROSPECTIVE JUROR NO. 691: No.

8 THE COURT: Is there anything about the nature of this
9 case or anything you've heard thus far that makes you feel like you
10 would not be able to be fair to both sides in this case?

11 PROSPECTIVE JUROR NO. 691: No.

12 THE COURT: Okay. Can you base your verdict solely on
13 the evidence that you see and hear in the courtroom and wait in
14 forming your opinion until this matter is submitted to you to
15 discuss with your fellow jurors?

16 PROSPECTIVE JUROR NO. 691: Yeah.

17 THE COURT: And can you be fair to both sides of this
18 case?

19 PROSPECTIVE JUROR NO. 691: Yeah.

20 THE COURT: All right. Thank you. I appreciate that.
21 Name and badge number, sir?

22 PROSPECTIVE JUROR NO. 702: Tim Usher, 702.

23 THE COURT: All right. Mr. Usher, how long have you
24 been in Clark County?

25 PROSPECTIVE JUROR NO. 702: Coming up on five years.

1 THE COURT: Okay. Where were you before Las Vegas?
2 PROSPECTIVE JUROR NO. 702: Tampa, Florida.
3 THE COURT: And how long were you in Tampa, Florida,
4 for?
5 PROSPECTIVE JUROR NO. 702: Three years.
6 THE COURT: Okay. And then before that?
7 PROSPECTIVE JUROR NO. 702: North Carolina.
8 THE COURT: And how long there?
9 PROSPECTIVE JUROR NO. 702: Four years.
10 THE COURT: All right. So I'm supposed to establish
11 about 10 years, so I think we're there. Why do you move around so
12 much?
13 PROSPECTIVE JUROR NO. 702: I went to college in North
14 Carolina, then got a job in Florida.
15 THE COURT: Okay. And the moved to Vegas why?
16 PROSPECTIVE JUROR NO. 702: For work.
17 THE COURT: All right.
18 PROSPECTIVE JUROR NO. 702: Got another job.
19 THE COURT: And how far did you go in school?
20 PROSPECTIVE JUROR NO. 702: Bachelor's degree.
21 THE COURT: And what was your degree in?
22 PROSPECTIVE JUROR NO. 702: Geology.
23 THE COURT: And tell me what you do for work?
24 PROSPECTIVE JUROR NO. 702: I am a construction
25 inspector.

1 THE COURT: Okay. Are you married or in a significant
2 relationship?

3 PROSPECTIVE JUROR NO. 702: I will be getting married
4 in two months.

5 THE COURT: Okay. Congratulations.

6 PROSPECTIVE JUROR NO. 702: Thank you.

7 THE COURT: Do you have any children?

8 PROSPECTIVE JUROR NO. 702: No.

9 THE COURT: Are you -- you or anyone close to you ever
10 been the victim of a serious crime?

11 PROSPECTIVE JUROR NO. 702: No.

12 THE COURT: You or anyone close to you ever been
13 charged or accused with a crime?

14 PROSPECTIVE JUROR NO. 702: No.

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

16 PROSPECTIVE JUROR NO. 702: Yes.

17 THE COURT: Can you tell me what year and where that
18 was?

19 PROSPECTIVE JUROR NO. 702: That was summer of 2005
20 in --

21 THE COURT: So where were you then?

22 PROSPECTIVE JUROR NO. 702: California.

23 THE COURT: Was it a criminal or civil trial? Were the
24 fighting over money or --

25 PROSPECTIVE JUROR NO. 702: It was -- I believe it was a

1 criminal trial.

2 THE COURT: All right. And without telling me what the
3 verdict was, did you guys reach a verdict?

4 PROSPECTIVE JUROR NO. 702: Yes.

5 THE COURT: And were you the foreperson?

6 PROSPECTIVE JUROR NO. 702: No.

7 THE COURT: Any other times or just that once?

8 PROSPECTIVE JUROR NO. 702: Just that once.

9 THE COURT: All right. Anything about that jury --
10 previous juror service that you feel, like, would affect you here in
11 any way?

12 PROSPECTIVE JUROR NO. 702: No.

13 THE COURT: Okay. Is there anything about the nature of
14 the case or anything you've heard thus far that makes you feel like
15 you wouldn't be able to be fair in this case?

16 PROSPECTIVE JUROR NO. 702: No.

17 THE COURT: And can you base your verdict solely on the
18 evidence presented during this trial and wait in forming your final
19 opinion until the case is submitted to you and you have opportunity
20 to discuss it with your other fellow jurors?

21 PROSPECTIVE JUROR NO. 702: Yes.

22 THE COURT: And you believe you can be fair and
23 impartial to both sides?

24 PROSPECTIVE JUROR NO. 702: Yes.

25 THE COURT: All right. Thank you, sir. I appreciate that.

1 All right. Let me find -- all right. Ms. Riendeau, Badge
2 Number 714. No? Where's the -- oh, yeah, you're right. Sorry, I
3 forgot about you.

4 PROSPECTIVE JUROR NO. 709: Doug Haynes, 709.

5 THE COURT: Thank you. Good thing my marshal --

6 PROSPECTIVE JUROR NO. 709: Thanks for the
7 headphones.

8 THE COURT: Good thing my marshal knows what's going
9 on. Okay.

10 All right. Sir, how long have you lived in Clark County?

11 PROSPECTIVE JUROR NO. 709: 15 years.

12 THE COURT: All right. And how far did you go in school?

13 PROSPECTIVE JUROR NO. 709: Three semesters of
14 college.

15 THE COURT: And what were you studying?

16 PROSPECTIVE JUROR NO. 709: Building construction and
17 technology.

18 THE COURT: Are you employed?

19 PROSPECTIVE JUROR NO. 709: No.

20 THE COURT: All right.

21 PROSPECTIVE JUROR NO. 709: I'm retired 10 years.

22 THE COURT: Okay. And what are you retired from?

23 PROSPECTIVE JUROR NO. 709: The carpenters union.

24 THE COURT: Wonderful. Are you married or in a
25 significant relationship?

1 PROSPECTIVE JUROR NO. 709: I'm in a significant
2 relationship.

3 THE COURT: And do you have any children?

4 PROSPECTIVE JUROR NO. 709: I have three children,
5 eight grandchildren, two great-grandchildren.

6 THE COURT: Oh, wow. The --

7 PROSPECTIVE JUROR NO. 709: I'm bragging.

8 THE COURT: The three children, I'm assuming that
9 they're adults.

10 PROSPECTIVE JUROR NO. 709: Yes.

11 THE COURT: What do they do for work?

12 PROSPECTIVE JUROR NO. 709: My son works for the
13 Department of Defense. My daughter is a nurse in northern
14 California. And my youngest daughter is a banker in Milwaukee.

15 THE COURT: Okay. Great. And the individual that you're
16 in a significant relationship, does that person work?

17 PROSPECTIVE JUROR NO. 709: No, she's retired as well.

18 THE COURT: And what did she do when she wasn't
19 retired?

20 PROSPECTIVE JUROR NO. 709: She worked for the
21 school system in California.

22 THE COURT: Okay. You or anyone close to you ever been
23 the victim of a crime?

24 PROSPECTIVE JUROR NO. 709: I'm been very fortunate.
25 No.

1 THE COURT: Good. You or anyone close to you ever
2 been accused or charged with a crime?

3 PROSPECTIVE JUROR NO. 709: No.

4 THE COURT: Have you ever been a juror before?

5 PROSPECTIVE JUROR NO. 709: No.

6 THE COURT: Is there anything about the nature of this
7 case or anything you've heard thus far that makes you feel like you
8 would not be able to be fair and impartial to both sides?

9 PROSPECTIVE JUROR NO. 709: No.

10 THE COURT: Can you wait in forming your opinion until
11 the matter is ultimately given to you and your fellow jurors to
12 discuss?

13 PROSPECTIVE JUROR NO. 709: Yes.

14 THE COURT: And can you base your verdict solely on the
15 evidence that's presented here in the courtroom?

16 PROSPECTIVE JUROR NO. 709: Yes.

17 THE COURT: And you can be fair and impartial to both
18 sides?

19 PROSPECTIVE JUROR NO. 709: Yes.

20 THE COURT: All right. Thank you, sir. I appreciate that.

21 All right. Ms. Riendeau, okay, here we are.

22 How long have you been in Clark County, ma'am?

23 PROSPECTIVE JUROR NO. 714: About 29 years.

24 THE COURT: Okay. And how far did you go in school?

25 PROSPECTIVE JUROR NO. 714: I did not graduate. I was

1 on my own when I was 14.

2 THE COURT: Okay. And then you've stated that you're
3 employed at Dotty's; is that right?

4 PROSPECTIVE JUROR NO. 714: I am, yes.

5 THE COURT: And how long have you been doing that?

6 PROSPECTIVE JUROR NO. 714: Over 10 years.

7 THE COURT: And are you married or in a significant
8 relationship?

9 PROSPECTIVE JUROR NO. 714: I am divorced.

10 THE COURT: And what did your spouse do when you
11 were married?

12 PROSPECTIVE JUROR NO. 714: He's in the Air Force.

13 THE COURT: Okay. Any children?

14 PROSPECTIVE JUROR NO. 714: I have two adult
15 daughters, they're both in the military and full-time students.

16 THE COURT: Okay. In regards to the question about
17 being a victim, you or anyone close to you?

18 PROSPECTIVE JUROR NO. 714: I was a victim of domestic
19 violence. Not my ex-husband, but the father of my daughters. I did
20 put him in jail.

21 THE COURT: The domestic violence, was that a one-time
22 occurrence or something that happened quite often -- not often, but
23 more than once, I guess I should say?

24 PROSPECTIVE JUROR NO. 714: It only happened once.
25 Once is too many.

1 THE COURT: Yeah, I agree. Did you -- you, obviously,
2 called the police, then?

3 PROSPECTIVE JUROR NO. 714: Yes.

4 THE COURT: And how did you feel they handled that
5 situation?

6 PROSPECTIVE JUROR NO. 714: I mean, I was just glad
7 they took him away, then I left him, so.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 714: Yeah.

10 THE COURT: But did it work its way through the system?
11 Like, did you have to go to court?

12 PROSPECTIVE JUROR NO. 714: I did not.

13 THE COURT: Did he?

14 PROSPECTIVE JUROR NO. 714: No, he did a very short
15 jail stay.

16 THE COURT: Do you feel like that was handled properly
17 by the prosecutors, if you have any opinions one way or the other?

18 PROSPECTIVE JUROR NO. 714: Oh, no. Everything
19 worked out fine, you know. Yeah.

20 THE COURT: Anything about that situation that you feel
21 may affect you or impact you here?

22 PROSPECTIVE JUROR NO. 714: Absolutely not.

23 THE COURT: All right. Any other incidents where you or
24 anyone close to you has been the victim of a crime?

25 PROSPECTIVE JUROR NO. 714: No.

1 THE COURT: Okay. In regards to -- you've stated that
2 you'd been on your own since you were 14?

3 PROSPECTIVE JUROR NO. 714: Yes.

4 THE COURT: Was that as a result of being victimized in
5 any way or?

6 PROSPECTIVE JUROR NO. 714: No. It's a very long story
7 that, you know, clearly we don't have time for.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 714: But my parents left us
10 when I was 14.

11 THE COURT: Were you the oldest?

12 PROSPECTIVE JUROR NO. 714: No.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 714: The youngest.

15 THE COURT: You were the youngest? Okay. So then
16 your siblings kind of took over?

17 PROSPECTIVE JUROR NO. 714: No.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 714: I had my own apartment
20 and a full-time job in a casino when I was 15.

21 THE COURT: Okay. You or anyone close to you ever been
22 charged with a crime?

23 PROSPECTIVE JUROR NO. 714: No one in my side of the
24 family. Sorry, I don't mean to be emotional, because I never talk
25 about it.

1 THE COURT: No, I'm sorry.

2 PROSPECTIVE JUROR NO. 714: It's okay. Nobody in my
3 side of the family, but -- I'm sorry.

4 THE COURT: That's okay.

5 Dean, could we have some tissues, please?

6 PROSPECTIVE JUROR NO. 714: Sorry. It's just a sore
7 subject, but --

8 THE COURT: Don't say -- don't say you're sorry.

9 PROSPECTIVE JUROR NO. 714: We never really talk
10 about -- okay.

11 There's no criminals on my side of the family, but the
12 father of my daughters, his family's just full of criminals. Like, they
13 were in the Dirty Dozen and all kinds -- I've seen a lot of crimes.

14 THE COURT: Okay. Anything about them or some of the
15 things that you saw make you feel like it would impact you here in
16 any way?

17 PROSPECTIVE JUROR NO. 714: I do not think so. I do
18 have a lot of empathy for people, for sure.

19 THE COURT: Okay. And did you hear what I was saying
20 in regards to the gentleman earlier about, you know, it's not just on
21 your -- it's not just you, it's a collective decision by you and your
22 fellow jurors and not if the defendant were found guilty, sentencing
23 is always up to the judge. The jury has nothing to do with that. So
24 does that make you feel a little bit more comfortable about the role
25 of a juror?

1 PROSPECTIVE JUROR NO. 714: I feel comfortable with it,
2 I believe.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 714: I am okay with it.

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 714: Okay.

7 THE COURT: Thank you. All right.

8 Let's turn the -- actually, no. You know what, I'm sorry.
9 There's a few other things that I --

10 PROSPECTIVE JUROR NO. 714: Oh. Okay.

11 THE COURT: I can't let you off the hook yet.

12 PROSPECTIVE JUROR NO. 714: Okay.

13 THE COURT: Have you ever been a juror before?

14 PROSPECTIVE JUROR NO. 714: I was called for jury duty
15 once, but I did not serve.

16 THE COURT: All right. And anything about the nature of
17 this case or anything we've talked about so far or that you've heard
18 so far that makes you feel like you wouldn't be able to be fair?

19 PROSPECTIVE JUROR NO. 714: I do not believe so. This
20 happened, like, right down the street from my house.

21 THE COURT: Oh, okay.

22 PROSPECTIVE JUROR NO. 714: But no.

23 THE COURT: Can you base your verdict solely upon the
24 evidence that is presented today -- or, sorry, solely on the evidence
25 that's presented throughout the trial and wait in forming your

1 opinion until the matter is submitted?

2 PROSPECTIVE JUROR NO. 714: Yes.

3 THE COURT: Okay. And you can be fair to both sides?

4 PROSPECTIVE JUROR NO. 714: Absolutely, yes.

5 THE COURT: All right. Thank you.

6 Let's pass it to Ms. Connors, Badge Number 718.

7 PROSPECTIVE JUROR NO. 718: Yes, Your Honor.

8 THE COURT: Hi, ma'am. How are you?

9 PROSPECTIVE JUROR NO. 718: Okay.

10 THE COURT: How long have you been in Clark County?

11 PROSPECTIVE JUROR NO. 718: 12 years.

12 THE COURT: All right. And how far did you go in school?

13 PROSPECTIVE JUROR NO. 718: Graduated high school.

14 THE COURT: And are you employed?

15 PROSPECTIVE JUROR NO. 718: I am retired, six months

16 now.

17 THE COURT: And what are you retired from?

18 PROSPECTIVE JUROR NO. 718: I worked in the

19 warehouse as a stock pick trainer. And as a union representative

20 for my union.

21 THE COURT: And I'm -- what union was that?

22 PROSPECTIVE JUROR NO. 718: SCIU, local 7-Eleven

23 manufacturing.

24 THE COURT: All right. Thank you.

25 And are you married or in a significant relationship?

1 PROSPECTIVE JUROR NO. 718: Married going on 21
2 years.

3 THE COURT: Congratulations.

4 PROSPECTIVE JUROR NO. 718: Thank you.

5 THE COURT: What did your spouse do, if they worked or
6 when they worked?

7 PROSPECTIVE JUROR NO. 718: My husband is currently a
8 general engineer with Palace Station. Prior to us coming here, he
9 worked for the San Diego local county union plumber-pipefitter
10 union.

11 THE COURT: Okay. And do you have any children?

12 PROSPECTIVE JUROR NO. 718: I have three grown
13 children.

14 THE COURT: And what do they do?

15 PROSPECTIVE JUROR NO. 718: Well, two are
16 housewives, and one -- I believe she's, like, a -- what do they call
17 those people that come after you because your credit's bad? Well,
18 anyway, that's what she does.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 718: That's what she does.

21 THE COURT: Okay. That's good. All right.

22 So you or anyone close to you been the victim of a crime?

23 PROSPECTIVE JUROR NO. 718: Yes.

24 THE COURT: Tell me about that.

25 PROSPECTIVE JUROR NO. 718: I myself was a victim of a

1 crime.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 718: In the first marriage.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 718: So it was in the '70s, to
6 give you respect -- project the setting for that, was that this is a time
7 where abuse was not a thing that women -- you know, they had
8 very little for women and children. So the -- I was just fortunate
9 that it was, you know, it went through and the courts believed me,
10 but not before, through the course of the abuse and the violence,
11 that him and I were brought up on charges of I want to say
12 defrauding the welfare government, because we were on welfare at
13 the time.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 718: So at that time you have
16 to sign certain things if you're on aid. I don't know what it is today,
17 but back then, that's what you had to do. So it required his
18 signature and mine, and he would beat me to force me to sign to
19 fraud the government.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 718: Because he was working
22 on the side and you're supposed to report all that.

23 THE COURT: Got it.

24 PROSPECTIVE JUROR NO. 718: So, yeah.

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

1 that you feel like would impact you in any way here?

2 PROSPECTIVE JUROR NO. 718: Oh, no. That is the
3 reason why I advocate for domestic women, I was homeless behind
4 it with two kids. So I advocate -- I am an advocate for shelters, so I
5 could -- I am very much involved with all of that, so it doesn't
6 happen to anybody else.

7 THE COURT: Okay. Perfect. Thank you.

8 Anyone else that's close to you that's been a victim in any
9 way?

10 PROSPECTIVE JUROR NO. 718: No. But my uncle was
11 charged with -- I want to say assault. He did something that was
12 really bad. He spent eight years in a state Oahu prison.

13 THE COURT: Okay. Do you know anything about that?
14 Or it would -- would it affect you in any way?

15 PROSPECTIVE JUROR NO. 718: No.

16 THE COURT: All right. Have you ever been a juror
17 before?

18 PROSPECTIVE JUROR NO. 718: I was called but never
19 served.

20 THE COURT: All right. And is there anything about the
21 nature of this case or anything you've heard thus far that makes
22 you feel like you wouldn't be able to be fair?

23 PROSPECTIVE JUROR NO. 718: No, I would absolutely be
24 fair.

25 THE COURT: All right. And can you base your verdict

1 solely on the evidence that is presented here in the courtroom and
2 wait in forming your opinion until the matter is submitted to you to
3 discuss with your fellow jurors?

4 PROSPECTIVE JUROR NO. 718: I absolutely would.

5 THE COURT: And you can be fair to both sides?

6 PROSPECTIVE JUROR NO. 718: I'm sorry?

7 THE COURT: You can be fair to both sides?

8 PROSPECTIVE JUROR NO. 718: Yes.

9 THE COURT: All right. Thank you. I appreciate that.

10 Ms. Howell, Badge Number 719. How long have you been
11 in Clark County, ma'am?

12 PROSPECTIVE JUROR NO. 719: I'm from here. I went
13 away to graduate school, and I've been back about 30 years.

14 THE COURT: All right. And so you went to graduate
15 school?

16 PROSPECTIVE JUROR NO. 719: Yes.

17 THE COURT: And what was that in?

18 PROSPECTIVE JUROR NO. 719: Sculpture and drawing.

19 THE COURT: All right. And are you employed?

20 PROSPECTIVE JUROR NO. 719: Yes.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR NO. 719: I'm a cultural
23 programmer for Nevada Humanities.

24 THE COURT: And are you married, in a serious
25 relationship?

1 PROSPECTIVE JUROR NO. 719: Single.
2 THE COURT: And do you have any children?
3 PROSPECTIVE JUROR NO. 719: No.
4 THE COURT: You or anyone close to you ever been the
5 victim of a crime?
6 PROSPECTIVE JUROR NO. 719: Just house burglaries.
7 THE COURT: And were -- was that here in Las Vegas?
8 PROSPECTIVE JUROR NO. 719: Yes.
9 THE COURT: And when you -- you said burglaries, so
10 how many times would you say?
11 PROSPECTIVE JUROR NO. 719: Oh, a couple of times
12 over the course of, you know, long -- many years.
13 THE COURT: Have -- each time, have you reported it to
14 police?
15 PROSPECTIVE JUROR NO. 719: Yes.
16 THE COURT: How do you feel like that was handled?
17 PROSPECTIVE JUROR NO. 719: Well, the last time we
18 never actually saw a policeman, so --
19 THE COURT: They didn't come at all?
20 PROSPECTIVE JUROR NO. 719: No, they sent -- just sent
21 someone with a paper that we filled out.
22 THE COURT: Okay. How do you feel like those were
23 handled?
24 PROSPECTIVE JUROR NO. 719: Okay. When it didn't --
25 we didn't have anything the burglars wanted, so we lucked out.

1 THE COURT: Do you feel like that affected, though, your
2 view of how police conduct investigations, the fact that they just
3 sent someone with the paperwork, or anything like that?

4 PROSPECTIVE JUROR NO. 719: I think it made -- I think
5 regular -- feel like maybe regular citizens might be a little more
6 vulnerable. Just didn't -- because of our city's -- so much demand
7 on our law enforcement.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 719: I mean, it wasn't -- and
10 we didn't pursue it because it wasn't, you know, bad. Just had to
11 fix the door and pick up some boxes.

12 THE COURT: Okay. All right. You or anyone close to you
13 ever been accused of a crime?

14 PROSPECTIVE JUROR NO. 719: I have a nephew right
15 now with a case pending.

16 THE COURT: Is that here?

17 PROSPECTIVE JUROR NO. 719: Yes.

18 THE COURT: All right. And what type of case it is?

19 PROSPECTIVE JUROR NO. 719: I know it's a felony case,
20 but I don't know the circumstances --

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 719: -- totally.

23 THE COURT: Okay. Is there anything about that -- do you
24 have any feelings about how the police handled it, how the
25 prosecutors are handling it, how the defense attorneys are handling

1 it; anything like that?

2 PROSPECTIVE JUROR NO. 719: I don't know any of those
3 particulars. It just kind of happened. So I don't know anything.

4 THE COURT: Okay. Have you ever been a juror before?

5 PROSPECTIVE JUROR NO. 719: I've been called, but not
6 selected.

7 THE COURT: And is there anything about this case that
8 you've heard thus far or the nature of this case that makes you feel
9 like it -- you wouldn't be able to be fair to either side or both sides?

10 PROSPECTIVE JUROR NO. 719: No.

11 THE COURT: All right. And can you base your verdict
12 solely on the evidence that is presented in the courtroom and wait
13 in forming your opinion until the case is submitted to you to
14 discuss with your fellow jurors?

15 PROSPECTIVE JUROR NO. 719: Yes.

16 THE COURT: And you believe you can be fair and
17 impartial to both sides?

18 PROSPECTIVE JUROR NO. 719: Yes.

19 THE COURT: All right. Thank you. I appreciate that.

20 All right. Ma'am, your name and badge number?

21 PROSPECTIVE JUROR NO. 723: Cheryl Kovacs, 723.

22 THE COURT: Thank you. How long have you been in
23 Clark County?

24 PROSPECTIVE JUROR NO. 723: 28 years.

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

1 PROSPECTIVE JUROR NO. 723: Bachelor of science
2 degree in medical technology.

3 THE COURT: Are you employed?

4 PROSPECTIVE JUROR NO. 723: Yes.

5 THE COURT: And what do you do?

6 PROSPECTIVE JUROR NO. 723: I work in molecular
7 pathology at Aurora Diagnostics LMC Pathology.

8 THE COURT: Okay. Are you married, single, significant
9 relationship?

10 PROSPECTIVE JUROR NO. 723: Married.

11 THE COURT: And what does your spouse do?

12 PROSPECTIVE JUROR NO. 723: Currently, he's training to
13 be a pilot.

14 THE COURT: Okay. What did he do before he --

15 PROSPECTIVE JUROR NO. 723: He was a medical
16 technologist also, and he worked for about a year at our church in
17 building maintenance.

18 THE COURT: Okay. Any children?

19 PROSPECTIVE JUROR NO. 723: One.

20 THE COURT: And is that child an adult or a minor?

21 PROSPECTIVE JUROR NO. 723: Minor.

22 THE COURT: You or anyone close to you ever been the
23 victim of a crime?

24 PROSPECTIVE JUROR NO. 723: No.

25 THE COURT: You or anyone close to you ever been

1 charged with a crime?

2 PROSPECTIVE JUROR NO. 723: No.

3 THE COURT: Have you ever been a juror before?

4 PROSPECTIVE JUROR NO. 723: Yes.

5 THE COURT: Tell me when and where?

6 PROSPECTIVE JUROR NO. 723: Here in Clark County, I
7 don't remember how long ago it was.

8 THE COURT: All right. Are we talking, like, older than a
9 decade ago?

10 PROSPECTIVE JUROR NO. 723: I believe so, yeah.

11 THE COURT: All right. Was it a criminal or civil trial?

12 PROSPECTIVE JUROR NO. 723: Criminal.

13 THE COURT: Without telling me the verdict, was a verdict
14 reached?

15 PROSPECTIVE JUROR NO. 723: No.

16 THE COURT: All right. Was there a mistrial or the parties
17 negotiated?

18 PROSPECTIVE JUROR NO. 723: Mistrial.

19 THE COURT: And how far into the process were you
20 before the mistrial was granted?

21 PROSPECTIVE JUROR NO. 723: It was a hung jury.

22 THE COURT: Okay. So it was a hung jury at the end of it?

23 PROSPECTIVE JUROR NO. 723: Yeah.

24 THE COURT: Got it. Were you the foreperson?

25 PROSPECTIVE JUROR NO. 723: No.

1 THE COURT: Is there anything about that process that
2 would affect you in any way here?

3 PROSPECTIVE JUROR NO. 723: No.

4 THE COURT: Anything about the nature of the case or is
5 there anything you've heard this far that makes you feel like you
6 wouldn't be able to be fair in this case?

7 PROSPECTIVE JUROR NO. 723: No.

8 THE COURT: And can you wait in forming your opinion
9 and only base that opinion on the evidence that's presented in this
10 case?

11 PROSPECTIVE JUROR NO. 723: Yes.

12 THE COURT: All right. And you can be fair and impartial
13 to both sides?

14 PROSPECTIVE JUROR NO. 723: Yes.

15 THE COURT: Thank you.

16 Name and badge number, sir?

17 PROSPECTIVE JUROR NO. 778: 778, Rafael Nevarez.

18 THE COURT: All right. Mr. Nevarez.

19 PROSPECTIVE JUROR NO. 778: [Indiscernible].

20 THE COURT: Tilt it towards your mouth.

21 PROSPECTIVE JUROR NO. 778: Okay.

22 THE COURT: Now try.

23 PROSPECTIVE JUROR NO. 778: Can you hear me? Fine
24 so far?

25 THE COURT: No. Did you hit -- did he -- is the light on?

1 PROSPECTIVE JUROR NO. 778: I think it might have died.

2 THE COURT: You think it might have died?

3 PROSPECTIVE JUROR NO. 778: Here we go.

4 THE COURT: There you go.

5 PROSPECTIVE JUROR NO. 778: It's 778. I don't know
6 what's up with it.

7 THE COURT: Will you look at it for a second, Dean?

8 [Pause in proceedings.]

9 THE COURT: Let's give that a try. Nope. All right.

10 THE MARSHAL: Need a new battery.

11 THE COURT: All right. That's okay. So, you know what, I
12 was going to take a recess right after Ms. -- what's your --

13 PROSPECTIVE JUROR NO. 779: Arocha?

14 THE COURT: Arocha. So we will just take that now.

15 So during the recess, you're admonished not to talk or
16 converse among yourselves with -- or with anyone -- sorry.

17 Among yourselves or with anyone else on any subject
18 connected to this trial, or read, watch, or listen to any report of or
19 commentary on the trial of any person connected with this trial by
20 any medium of information, including, without limitation, to
21 newspapers, television, the Internet, and radio, or form or express
22 any opinion on any subject connected with the trial until the case is
23 finally submitted to you.

24 So you could just be out of these doors at 3:40, please.

25 [Prospective jury panel recessed at 3:26 p.m.]

1 THE COURT: Okay. Is there anybody you guys want to
2 talk about thus far?

3 I don't know how Mr. -- let me get to him.

4 MR. LEXIS: Number 760, Judge.

5 THE COURT: Yeah. How -- Mr. Gazmir. I was trying to
6 kind of understand where he was coming from, but --

7 MR. SHAYGAN-FATEMI: Is he the one that doesn't trust
8 humans, Your Honor?

9 MR. HAUSER: Yes.

10 MR. LEXIS: Yes.

11 THE COURT: He doesn't trust humans. That's a good
12 way --

13 MR. LEXIS: I'd ask to kick him, Judge.

14 THE COURT: What's your position?

15 MR. SHAYGAN-FATEMI: We'll submit it, Your Honor.

16 THE COURT: All right. I think he laid a pretty thorough
17 record in regards to first he felt it was unfair -- personally can't
18 judge unfair to make judgment, people, he knows a lot of people
19 that are innocent and are locked away, and he doesn't trust
20 humans. So I'm going to grant the State's motion in regards to
21 Badge Number 760. And we'll need to fill in that seat.

22 Was there anyone else that missed?

23 MS. GOODMAN: And, Your Honor, the only other one
24 that the State's a little concerned about is 714, Ms. Riendeau. The
25 fact that she knows the -- she recognizes the defendant, she lives in

1 the neighborhood, I believe would possibly potentially impair her
2 ability. I understand she hasn't vocally raised that, but I haven't
3 been -- and, Your Honor, and to be honest, I have no clue how that
4 works, when you recognize and you know the defendant, whether
5 or not they're able to serve on the jury.

6 THE COURT: I mean, I think as long as they can be fair
7 and impartial, that's fine. The only thing I worry about a little bit is
8 things that she might spurt out. She makes me a little -- I'm happy
9 to do whatever you guys want me to do. But --

10 MR. SHAYGAN-FATEMI: We -- Your Honor, I don't see a
11 reason for kicking her at this point. There is one that we do have a
12 concern with.

13 THE COURT: All right. So I'll let both sides talk to
14 Ms. Riendeau.

15 And who are you talking -- who was your issue?

16 MR. SHAYGAN-FATEMI: Your Honor, it's Badge
17 Number 772, Jose Razo. He's sitting at the top there in Seat
18 Number 2. He said that no one should have a trial and that he's
19 going to side with the DA.

20 THE COURT: Yeah, I think that's pretty -- what he said.

21 MR. LEXIS: I was going to ask him some questions,
22 Judge.

23 THE COURT: Yeah, I mean, always allow the opportunity
24 for a traverse. I'll allow both sides. So I'll let him go, but I do think
25 he laid a pretty good record in regards to that the would

1 automatically vote with you guys. But I'm happy to have you ask
2 him a few questions.

3 MR. LEXIS: Okay.

4 MR. SHAYGAN-FATEMI: That's fine, Your Honor. Thank
5 you.

6 THE COURT: All right. Sounds good. So I'll see you guys
7 in about 10 minutes. Okay?

8 MR. SHAYGAN-FATEMI: Thank you.

9 MR. LEXIS: Thanks, Judge.

10 MS. GOODMAN: Thanks, Your Honor.

11 THE COURT: Yeah.

12 [Court recessed at 3:30 p.m., until 3:43 p.m.]

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

14 THE COURT: All right. You guys, we are back on the
15 record in C-345584-1, State of Nevada versus Ted Michael Donko,
16 seeing parties and attorneys present. Marshal O'Kelley is just -- I
17 believe they're lined up. It looked like he was coming in, so sorry.

18 [Pause in proceedings.]

19 [Prospective jury panel reconvened at 3:44 p.m.]

20 THE COURT: Do the parties stipulate to the presence of
21 the prospective jury?

22 MR. LEXIS: Yes, Your Honor.

23 MR. SHAYGAN-FATEMI: Yes.

24 MR. HAUSER: Yes, Your Honor.

25 THE COURT: Thank you. All right.

1 So we were at you, I think, Mr. Nevarez, right? Badge
2 Number 778?

3 PROSPECTIVE JUROR NO. 778: Yes.

4 THE COURT: Do you have the mic yet? Nope. All right.
5 I think we've got the situation under control. Good. All
6 right.

7 Mr. Nevarez, how long have you lived in Clark County, sir?

8 PROSPECTIVE JUROR NO. 778: Since 1999, so 29 years.

9 THE COURT: Okay. Hold it just a little bit further. Now
10 we've got a lot going on. That's all right. It's a happy medium.

11 Okay. How far did you go in school?

12 PROSPECTIVE JUROR NO. 778: I have an associate's.

13 THE COURT: What's your associate's in?

14 PROSPECTIVE JUROR NO. 778: Automotive technology
15 and sheet metal fabrication.

16 THE COURT: Okay. Are you currently employed?

17 PROSPECTIVE JUROR NO. 778: Yes.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR NO. 778: I'm a tattooer now.

20 THE COURT: A tattoo artist?

21 PROSPECTIVE JUROR NO. 778: Yes.

22 THE COURT: All right. How long have you been doing
23 that?

24 PROSPECTIVE JUROR NO. 778: I've been in it for five
25 years.

1 THE COURT: Okay. Are you in a significant relationship
2 or married?

3 PROSPECTIVE JUROR NO. 778: Yes, seven years.

4 THE COURT: For which one?

5 PROSPECTIVE JUROR NO. 778: Significant relationship.

6 THE COURT: All right. And what does that person do for
7 work?

8 PROSPECTIVE JUROR NO. 778: We're both tattooers.

9 THE COURT: All right. Any children?

10 PROSPECTIVE JUROR NO. 778: No. Three dogs.

11 THE COURT: Three dogs? Have you ever been the victim
12 of a crime or anyone close to you been the victim of a crime?

13 PROSPECTIVE JUROR NO. 778: Yes.

14 THE COURT: Tell me about that.

15 PROSPECTIVE JUROR NO. 778: It's been multiple
16 occasions. I just --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 778: It's -- I mean, what do you
19 really consider a crime?

20 THE COURT: I guess anything against the law.

21 PROSPECTIVE JUROR NO. 778: I've been jumped before,
22 I've been shot at, lot of stuff. I mean --

23 THE COURT: Okay. So just start with the most recent and
24 we'll just work backwards.

25 PROSPECTIVE JUROR NO. 778: I've been jumped.

1 THE COURT: All right. Tell me when was that?
2 PROSPECTIVE JUROR NO. 778: It was around, I
3 think, 2011.
4 THE COURT: And that was here?
5 PROSPECTIVE JUROR NO. 778: Yes, it was here.
6 THE COURT: And was it random?
7 PROSPECTIVE JUROR NO. 778: Yeah, I got jumped for
8 my money out of Bank of America.
9 THE COURT: Oh, all right. So you were -- were you
10 robbed, then?
11 PROSPECTIVE JUROR NO. 778: Yeah.
12 THE COURT: All right. Were there any weapons?
13 PROSPECTIVE JUROR NO. 778: Hands.
14 THE COURT: Were -- was anyone caught?
15 PROSPECTIVE JUROR NO. 778: No.
16 THE COURT: Did you call 911?
17 PROSPECTIVE JUROR NO. 778: No.
18 THE COURT: You didn't? Why didn't you call 911?
19 PROSPECTIVE JUROR NO. 778: It's part of the show,
20 being alive, I guess.
21 THE COURT: Just -- say it again?
22 PROSPECTIVE JUROR NO. 778: It's just part of being
23 alive. Stuff happens.
24 THE COURT: Okay. All right. What about the time you
25 were shot at?

1 PROSPECTIVE JUROR NO. 778: I think that was just a
2 random thing at a skate park.

3 THE COURT: Okay. When was that?

4 PROSPECTIVE JUROR NO. 778: Maybe 2008.

5 THE COURT: And were there other people there and, like,
6 the gun went off? Or tell me a little bit about it.

7 PROSPECTIVE JUROR NO. 778: It was a drive-by at a
8 skate park.

9 THE COURT: Okay. Were you the only one there or were
10 there a bunch of kids around?

11 PROSPECTIVE JUROR NO. 778: There was a bunch of
12 people.

13 THE COURT: Were the police called that time that you
14 know of?

15 PROSPECTIVE JUROR NO. 778: I don't know.

16 THE COURT: What -- any other things come to mind?

17 PROSPECTIVE JUROR NO. 778: [No audible response.]

18 THE COURT: Were you ever the victim of a crime and
19 police were called that you remember?

20 PROSPECTIVE JUROR NO. 778: Not that I can think of.

21 THE COURT: Okay. Are there any other incidents that
22 come to your mind that I should know about in regards to you
23 being a victim or anyone close to you?

24 PROSPECTIVE JUROR NO. 778: Not that I think would
25 be -- make me impartial to anything or beneficial to you or to

1 anyone else.

2 THE COURT: Okay. What about being accused of a
3 crime?

4 PROSPECTIVE JUROR NO. 778: When I was younger, I
5 got pulled over for being accused of doing graffiti. But that was --
6 nothing happened.

7 THE COURT: Okay. Once the police pulled you over, do
8 you feel like they treated you fairly or not?

9 PROSPECTIVE JUROR NO. 778: I think that's a matter of
10 perspective.

11 THE COURT: Well, what's your perspective?

12 PROSPECTIVE JUROR NO. 778: No.

13 THE COURT: That they didn't treat you fairly?

14 PROSPECTIVE JUROR NO. 778: Yeah.

15 THE COURT: Okay. Why do you feel that way?

16 PROSPECTIVE JUROR NO. 778: Because I was walking
17 down the street.

18 THE COURT: Uh-huh. And how did that situation end?
19 Like did --

20 PROSPECTIVE JUROR NO. 778: It ended fine. They
21 patted me down and I left. They just kind of left me more confused
22 than anything. I was a young kid.

23 THE COURT: Like, why was I stopped?

24 PROSPECTIVE JUROR NO. 778: Yeah.

25 THE COURT: Okay. Any other situations you can think of?

1 You or anyone close to you?

2 PROSPECTIVE JUROR NO. 778: I got a lot of stuff in my
3 family, but nothing -- more or less, my brother's been in and out of
4 trouble his whole life, so I kind of seen it through his problems.

5 THE COURT: Okay. Are his problems more drug-related?

6 PROSPECTIVE JUROR NO. 778: Yeah.

7 THE COURT: And is he older or younger?

8 PROSPECTIVE JUROR NO. 778: He's my older brother.

9 THE COURT: And would you -- do you feel like you know
10 a lot about the situations where he has gotten in trouble or you just
11 know, hey, he got in trouble?

12 PROSPECTIVE JUROR NO. 778: I don't know that I would
13 say that I know too much about each particular situation. It's just a
14 culmination of things that he went through.

15 THE COURT: In general, how would you feel like the court
16 systems have treated -- the court system has treated him or law
17 enforcement has treated him?

18 PROSPECTIVE JUROR NO. 778: Fairly. At the end of it all,
19 I guess, I would say fairly.

20 THE COURT: Is there anything about what you've seen
21 your brother go through that makes you feel like it would affect you
22 here?

23 PROSPECTIVE JUROR NO. 778: No.

24 THE COURT: Anything else you feel like the parties
25 should know in regards to those issues?

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PROSPECTIVE JUROR NO. 778: No.

THE COURT: All right. Have you ever been a juror before?

PROSPECTIVE JUROR NO. 778: No.

THE COURT: Anything about the facts of this case or that nature of this case that you've heard thus far that makes you feel like you wouldn't be able to be fair?

PROSPECTIVE JUROR NO. 778: No.

THE COURT: And can you wait in forming your opinion until the case is finally submitted to you and your fellow jurors after the case is done?

PROSPECTIVE JUROR NO. 778: Yes.

THE COURT: And can you base your opinion solely on the evidence and testimony that's presented in this case?

PROSPECTIVE JUROR NO. 778: Yes.

THE COURT: And you believe you can be fair to both sides?

PROSPECTIVE JUROR NO. 778: Of course.

THE COURT: All right. Thank you, Mr. Nevarez. I appreciate that.

All right. Ms. Arocha, Badge Number 779.

PROSPECTIVE JUROR NO. 779: Yes. Good afternoon, Your Honor.

THE COURT: Good afternoon. How long have you been in Clark County?

1 PROSPECTIVE JUROR NO. 779: I've been here for close to
2 two and a half years.

3 THE COURT: Where were you before?

4 PROSPECTIVE JUROR NO. 779: I was in Miami.

5 THE COURT: And how long in Miami?

6 PROSPECTIVE JUROR NO. 779: Three years.

7 THE COURT: And before Miami?

8 PROSPECTIVE JUROR NO. 779: In Cuba.

9 THE COURT: All right. And what brought you from Miami
10 to Las Vegas?

11 PROSPECTIVE JUROR NO. 779: The hospitality industry.

12 THE COURT: Did -- how far did you go in school?

13 PROSPECTIVE JUROR NO. 779: I went to complete
14 college in Cuba for hospitality industry for four years.

15 THE COURT: All right. And are you employed now?

16 PROSPECTIVE JUROR NO. 779: Yes.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NO. 779: I work front desk agent
19 lead at the Palazzo Hotel.

20 THE COURT: And are you in a married, serious
21 relationship, single?

22 PROSPECTIVE JUROR NO. 779: Significant relationship.

23 THE COURT: What does that person do for work?

24 PROSPECTIVE JUROR NO. 779: He works also in
25 hospitality industry at the Mirage.

1 THE COURT: Do you have any children?
2 PROSPECTIVE JUROR NO. 779: No children.
3 THE COURT: Have you ever been the victim of a crime or
4 anyone close to you been the victim of a crime?
5 PROSPECTIVE JUROR NO. 779: Myself.
6 THE COURT: Okay. Can you tell me about that?
7 PROSPECTIVE JUROR NO. 779: I was sexually abused
8 when I was 12 years old.
9 THE COURT: And was that a one-time thing or
10 reoccurring thing?
11 PROSPECTIVE JUROR NO. 779: It was, like, twice.
12 THE COURT: And was that by a family member?
13 PROSPECTIVE JUROR NO. 779: It was by my neighbor.
14 THE COURT: And how did it end up stopping?
15 PROSPECTIVE JUROR NO. 779: Because I guess that I got
16 [indiscernible]. He start, like emotional blackmailing me that he will
17 harm my family, my dad, my mom. And then one day I say, You
18 will not do none of that. So I told my mom what was going on.
19 And we went to the police, we report it. And they took him away
20 until the trial happened. And he took literally two weeks, they gave
21 him 20 years in prison, because I was not the only kid that he was
22 abusing.
23 THE COURT: Okay.
24 PROSPECTIVE JUROR NO. 779: He was also abusing
25 other kids in the same neighborhood.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 779: Yeah.

3 THE COURT: How do you feel that that matter was

4 handled by both law enforcement as well as the criminal justice

5 system in Cuba?

6 PROSPECTIVE JUROR NO. 779: It was well handled, it

7 was well investigated. They took their time. But they did what they

8 had to do. And they put him on the place that he had to be.

9 THE COURT: Do you feel like there's anything about that

10 that would affect you here in this trial?

11 PROSPECTIVE JUROR NO. 779: Not at all.

12 THE COURT: All right. Any other situations where you or

13 anyone close to you has been a victim?

14 PROSPECTIVE JUROR NO. 779: No.

15 THE COURT: What about accused of a crime, you or

16 anyone close to you?

17 PROSPECTIVE JUROR NO. 779: No.

18 THE COURT: Have you ever been a juror before?

19 PROSPECTIVE JUROR NO. 779: Never.

20 THE COURT: Can you base your verdict solely on the

21 things that you hear and see in the courtroom as part of this case?

22 PROSPECTIVE JUROR NO. 779: Yes.

23 THE COURT: And can you wait in forming your opinion

24 until the case is over and submitted to you to discuss with your

25 fellow jurors?

1 PROSPECTIVE JUROR NO. 779: Absolutely.
2 THE COURT: And you can be fair and impartial to both
3 sides?
4 PROSPECTIVE JUROR NO. 779: Of course.
5 THE COURT: All right. Thank you. I appreciate that.
6 PROSPECTIVE JUROR NO. 729: Badge 729, Rebecca Ricu.
7 THE COURT: Thank you. How long have you been in
8 Clark County?
9 PROSPECTIVE JUROR NO. 729: Since '04.
10 THE COURT: All right. And are you employed?
11 PROSPECTIVE JUROR NO. 729: Yes.
12 THE COURT: What do you do?
13 PROSPECTIVE JUROR NO. 729: I'm a homeowners claims
14 adjuster.
15 THE COURT: And married, significant relationship,
16 single?
17 PROSPECTIVE JUROR NO. 729: Married.
18 THE COURT: What does your spouse do?
19 PROSPECTIVE JUROR NO. 729: He works for a company
20 that decontaminates water at the casinos and hospitals.
21 THE COURT: Okay. Any children?
22 PROSPECTIVE JUROR NO. 729: No.
23 THE COURT: And you or anyone close to you ever been
24 the victim of a crime?
25 PROSPECTIVE JUROR NO. 729: No.

1 THE COURT: Oh, same question, but in regards to
2 accused or charged with a crime?

3 PROSPECTIVE JUROR NO. 729: No.

4 THE COURT: Have you ever been a juror before?

5 PROSPECTIVE JUROR NO. 729: Yes.

6 THE COURT: Tell me about that; what year and when?

7 PROSPECTIVE JUROR NO. 729: That was a long time ago.
8 It was in the '90s when I lived in Florida in Osceola County. It was
9 child abuse.

10 THE COURT: And without telling me what the verdict
11 was, was a verdict reached?

12 PROSPECTIVE JUROR NO. 729: Yes.

13 THE COURT: And were you the foreperson?

14 PROSPECTIVE JUROR NO. 729: No.

15 THE COURT: Is there anything about your previous jury
16 service that makes you feel like it would affect you here?

17 PROSPECTIVE JUROR NO. 729: No.

18 THE COURT: Anything that you've heard thus far or
19 anything about the nature of this case that makes you feel like you
20 would not be able to be fair and impartial to both sides?

21 PROSPECTIVE JUROR NO. 729: No.

22 THE COURT: Can you base your verdict solely on the
23 evidence that is presented in this case and wait in forming your
24 decision until the matter is ultimately submitted to you to discuss
25 with your fellow jurors?

1 PROSPECTIVE JUROR NO. 729: Yes.
2 THE COURT: All right. And you could be fair to both
3 sides?
4 PROSPECTIVE JUROR NO. 729: Yes.
5 THE COURT: Thank you. Appreciate that.
6 Is it Mr. Luvera?
7 PROSPECTIVE JUROR NO. 733: Mr. Mena-Luvera.
8 THE COURT: Mr. Mena --
9 PROSPECTIVE JUROR NO. 733: Badge Number 733.
10 THE COURT: Thank you.
11 How long have you been in Clark County, sir?
12 PROSPECTIVE JUROR NO. 733: I have been here since I
13 was 5. And I'm 29 now.
14 THE COURT: All right.
15 PROSPECTIVE JUROR NO. 733: So 24 years.
16 THE COURT: Okay. And how far did you go in school?
17 PROSPECTIVE JUROR NO. 733: I have a Bachelor's of
18 Science in computer science.
19 THE COURT: Are you employed?
20 PROSPECTIVE JUROR NO. 733: Yes.
21 THE COURT: What do you do?
22 PROSPECTIVE JUROR NO. 733: I am a programmer
23 analyst for Caesar's Entertainment.
24 THE COURT: Married, significant relationship, single?
25 PROSPECTIVE JUROR NO. 733: Married as of November.

1 THE COURT: Congratulations. Any children?
2 PROSPECTIVE JUROR NO. 733: No.
3 THE COURT: You or anyone close to you ever been the
4 victim of a crime?
5 PROSPECTIVE JUROR NO. 733: No.
6 THE COURT: You or anyone close to you ever been
7 charged with a crime?
8 PROSPECTIVE JUROR NO. 733: No.
9 THE COURT: Have you ever been a juror before?
10 PROSPECTIVE JUROR NO. 733: I have been called for
11 service, but not selected.
12 THE COURT: Is there anything about the nature of this
13 case or anything you've heard this far that makes you feel like you
14 would not be able to be fair to both sides?
15 PROSPECTIVE JUROR NO. 733: I can be fair to both sides.
16 THE COURT: And can you wait in forming your opinion
17 and only base your verdict solely on the things that you hear and
18 see in this courtroom?
19 PROSPECTIVE JUROR NO. 733: Yes.
20 THE COURT: You can be fair, like you stated?
21 PROSPECTIVE JUROR NO. 733: Yes.
22 THE COURT: All right. Thank you.
23 Can you pass that onto -- is it Ms. Bermudez?
24 PROSPECTIVE JUROR NO. 747: Yes.
25 THE COURT: All right. How long have you been -- lived in

1 Clark County, ma'am?

2 PROSPECTIVE JUROR NO. 747: About 20 years.

3 THE COURT: And are you employed?

4 PROSPECTIVE JUROR NO. 747: Yes.

5 THE COURT: Well, first I should ask you how far you went
6 in school?

7 PROSPECTIVE JUROR NO. 747: Bachelor's degree.

8 THE COURT: And what was that in?

9 PROSPECTIVE JUROR NO. 747: Interior design.

10 THE COURT: And you are employed, what do you do?

11 PROSPECTIVE JUROR NO. 747: Project engineer for
12 construction company.

13 THE COURT: And are you married, in a significant
14 relationship, or single?

15 PROSPECTIVE JUROR NO. 747: Significant relationship.

16 THE COURT: And what does that person do?

17 PROSPECTIVE JUROR NO. 747: Photographer.

18 THE COURT: Any children?

19 PROSPECTIVE JUROR NO. 747: No.

20 THE COURT: Have you ever been the victim of a crime or
21 has anyone close to you ever been the victim of a crime?

22 PROSPECTIVE JUROR NO. 747: No.

23 THE COURT: Same type of question, but in regards to
24 accused of a crime.

25 PROSPECTIVE JUROR NO. 747: No.

1 THE COURT: Have you ever been a juror before?
2 PROSPECTIVE JUROR NO. 747: No.
3 THE COURT: Can you wait in basing your opinion until
4 the matter is ultimately submitted to you to discuss with your
5 fellow jurors?
6 PROSPECTIVE JUROR NO. 747: Yes.
7 THE COURT: And can you only base your verdict solely
8 on the things that you hear and see as evidence and witnesses in
9 this case?
10 PROSPECTIVE JUROR NO. 747: Yes.
11 THE COURT: And you believe you can be fair to both
12 sides?
13 PROSPECTIVE JUROR NO. 747: Yes.
14 THE COURT: All right. Thank you. I appreciate that.
15 And if you could pass that to -- is it Ms. Sweeney?
16 PROSPECTIVE JUROR NO. 752: Yes.
17 THE COURT: All right. Good afternoon, ma'am.
18 How long have you lived in Clark County?
19 PROSPECTIVE JUROR NO. 752: 23 years.
20 THE COURT: How far did you go in school?
21 PROSPECTIVE JUROR NO. 752: Associate's.
22 THE COURT: And what was your associate's in?
23 PROSPECTIVE JUROR NO. 752: Ultrasound.
24 THE COURT: And are you employed?
25 PROSPECTIVE JUROR NO. 752: Yes.

1 THE COURT: What is it that you do?
2 PROSPECTIVE JUROR NO. 752: I'm an echocardiographer
3 at St. Rose.
4 THE COURT: And married or in a significant relationship?
5 PROSPECTIVE JUROR NO. 752: Relationship.
6 THE COURT: And what does that individual do?
7 PROSPECTIVE JUROR NO. 752: CPA.
8 THE COURT: Any children?
9 PROSPECTIVE JUROR NO. 752: No.
10 THE COURT: Ever been the victim of a crime or anyone
11 close to you ever been the victim of a crime?
12 PROSPECTIVE JUROR NO. 752: No.
13 THE COURT: What about accused of a crime?
14 PROSPECTIVE JUROR NO. 752: No.
15 THE COURT: Ever been a juror before?
16 PROSPECTIVE JUROR NO. 752: No.
17 THE COURT: Is there anything about the nature of this
18 case or anything you've heard this far that makes you feel like you
19 wouldn't be able to be fair?
20 PROSPECTIVE JUROR NO. 752: No.
21 THE COURT: And can you wait in forming your opinion
22 until the case is ultimately submitted to you to discuss with your
23 fellow jurors?
24 PROSPECTIVE JUROR NO. 752: Yes.
25 THE COURT: And can you base your verdict solely on the

1 things that you hear and see as evidence through either exhibits or
2 trial testimony, et cetera, and base your verdict solely on those
3 things?

4 PROSPECTIVE JUROR NO. 752: Yes.

5 THE COURT: And you can be fair to both sides?

6 PROSPECTIVE JUROR NO. 752: Yes.

7 THE COURT: All right. Thank you.

8 Mr. Wilks?

9 PROSPECTIVE JUROR NO. 755: Yes.

10 THE COURT: All right. How long have you been in Clark
11 County, sir?

12 PROSPECTIVE JUROR NO. 755: 14 years.

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

14 PROSPECTIVE JUROR NO. 755: High school graduate.

15 THE COURT: And are you employed?

16 PROSPECTIVE JUROR NO. 755: Yes, gaming --

17 THE COURT: What --

18 PROSPECTIVE JUROR NO. 755: Gaming industry.

19 THE COURT: Gaming industry? Married, significant
20 relationship, or single?

21 PROSPECTIVE JUROR NO. 755: Married.

22 THE COURT: And what does your spouse do?

23 PROSPECTIVE JUROR NO. 755: Gaming industry.

24 THE COURT: Any children?

25 PROSPECTIVE JUROR NO. 755: Three.

1 THE COURT: And are they minors or adults?
2 PROSPECTIVE JUROR NO. 755: One adult. And she's a
3 pharmacy tech.
4 THE COURT: You or anyone close to you ever been the
5 victim of a crime?
6 PROSPECTIVE JUROR NO. 755: Yes.
7 THE COURT: Can you tell me about that, please?
8 PROSPECTIVE JUROR NO. 755: Yeah. Without going into
9 detail, it doesn't affect my judgment on anything.
10 THE COURT: Okay. All right. Would you do me a favor,
11 would you approach, please? Would you come to me with the
12 attorneys.
13 PROSPECTIVE JUROR NO. 755: Yep.
14 [Bench conference transcribed as follows.]
15 THE COURT: All right. Let me just ask you a few
16 follow-up. When you were -- when this happened, how old were
17 you?
18 PROSPECTIVE JUROR NO. 755: 30.
19 THE COURT: Oh, 30? Oh. Okay.
20 PROSPECTIVE JUROR NO. 755: And it didn't happen to
21 me. Happened to my brother.
22 THE COURT: Your brother. Is the [indiscernible]?
23 PROSPECTIVE JUROR NO. 755: Uh-huh.
24 THE COURT: Is he alive?
25 PROSPECTIVE JUROR NO. 755: Yes.

1 THE COURT: Okay. I didn't know if he was --
2 PROSPECTIVE JUROR NO. 755: Yeah, so it was multiple.
3 My brother and my cousin. My cousin's not alive and my brother
4 is.
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NO. 755: And it was in California.
7 THE COURT: All right. So it was, like, a murder and
8 attempt murder?
9 PROSPECTIVE JUROR NO. 755: Uh-huh. Two different
10 occasions.
11 THE COURT: Two different? And then your cousin was
12 murdered?
13 PROSPECTIVE JUROR NO. 755: Uh-huh.
14 THE COURT: And then your brother survived?
15 PROSPECTIVE JUROR NO. 755: He was paralyzed.
16 THE COURT: Is paralyzed. Okay. Were these random or
17 is there -- were they living in a bad part of town? Was it gang
18 activity? Like, how --
19 PROSPECTIVE JUROR NO. 755: I believe my brother's is
20 random and my cousin's was gang activity.
21 THE COURT: Okay. Were you a part of either of those
22 trials, anything like that?
23 PROSPECTIVE JUROR NO. 755: [No audible response.]
24 THE COURT: Do you feel like it was investigated fairly by
25 law enforcement?

1 PROSPECTIVE JUROR NO. 755: Yes.

2 THE COURT: Do you feel like the prosecutors involved,
3 the defense attorneys acted very appropriately and did what they
4 were supposed to do?

5 PROSPECTIVE JUROR NO. 755: Yes.

6 THE COURT: All right. Anything about it -- I know you
7 stated already that you didn't feel like it would impact you, but it's
8 important that I understand that it won't. And it's okay if it does, I
9 just need to know what your -- do you feel like it would impact you
10 in any way?

11 PROSPECTIVE JUROR NO. 755: No.

12 THE COURT: All right. Does anybody have any follow-up
13 questions in regard to that? Because I don't want him to have to
14 talk about it in front of the group.

15 MR. LEXIS: Chad Lexis for the State. No.

16 THE COURT: Nothing from the defense?

17 Thank you, I appreciate it.

18 PROSPECTIVE JUROR NO. 755: Absolutely. Thank you,
19 Judge.

20 [End of bench conference.]

21 THE COURT: Mr. Wilks, anyone close to you or yourself
22 ever been accused of a crime, sir?

23 PROSPECTIVE JUROR NO. 755: Yes, myself. Domestic
24 violence.

25 THE COURT: All right. And when was that?

1 PROSPECTIVE JUROR NO. 755: 2000.

2 THE COURT: And -- sorry, in 2000 were you living here
3 or -- no --

4 PROSPECTIVE JUROR NO. 755: It was California.

5 THE COURT: California. All right.

6 How do you feel like the law enforcement treated you
7 throughout that process?

8 PROSPECTIVE JUROR NO. 755: It was unfair.

9 THE COURT: Unfair?

10 PROSPECTIVE JUROR NO. 755: I don't think that I should
11 have been arrested. I was in the confines of my own apartment and
12 just due to the fact that she was the one who made the phone call, I
13 was the one arrested. I think overall it made me a better person.
14 You know, I went to domestic violence classes and I learned that I
15 had decision-making issues, not anger management issues. So it
16 was unfair initially just due to the fact that I was arrested. But
17 ultimately it taught me a lesson.

18 THE COURT: Okay. Anything about that situation you feel
19 like would affect you here?

20 PROSPECTIVE JUROR NO. 755: No.

21 THE COURT: Did it change the way you viewed law
22 enforcement globally, since you felt like, hey, that wasn't really that
23 fair, how I was treated?

24 PROSPECTIVE JUROR NO. 755: No.

25 THE COURT: Okay. Any other incidents where you or

1 anyone close to you has been accused?

2 PROSPECTIVE JUROR NO. 755: No.

3 THE COURT: Okay. Have you ever been a juror before?

4 PROSPECTIVE JUROR NO. 755: No.

5 THE COURT: Is there anything about the facts of this case
6 or anything you've heard this far that makes you feel like you
7 wouldn't be able to be fair?

8 PROSPECTIVE JUROR NO. 755: No.

9 THE COURT: And can you base your verdict solely on the
10 evidence that's presented in this case and wait in forming your
11 opinion until the case goes to you and your fellow jurors to decide?

12 PROSPECTIVE JUROR NO. 755: Yes.

13 THE COURT: Feel like you can be fair to both sides?

14 PROSPECTIVE JUROR NO. 755: Yes.

15 THE COURT: All right. Thank you, Mr. Wilks. I appreciate
16 that.

17 If you could pass it to Mr. Cooper, Badge Number 756.

18 Good afternoon, sir. How long have you been in Clark
19 County?

20 PROSPECTIVE JUROR NO. 756: I've lived in Clark County
21 my whole life, 60 years. I've been away for just two short instances.

22 THE COURT: Okay. And how far did you go in school?

23 PROSPECTIVE JUROR NO. 756: Fifth year senior in
24 college.

25 THE COURT: All right. And what were you studying?

1 PROSPECTIVE JUROR NO. 756: Engineering. I started off
2 in criminal justice and then finished up in engineering.

3 THE COURT: All right. And we talked a little bit about
4 your employment. But tell me again, give me just a --

5 PROSPECTIVE JUROR NO. 756: I'm the general manager,
6 CEO of a power company.

7 THE COURT: Okay. Are you married, significant
8 relationship, or single?

9 PROSPECTIVE JUROR NO. 756: Married 37 years.

10 THE COURT: Congratulations. Any children?

11 PROSPECTIVE JUROR NO. 756: Four adult children.

12 THE COURT: And can you tell me what they do for a
13 living, please.

14 PROSPECTIVE JUROR NO. 756: One's a schoolteacher,
15 one is a administrative assistant, I have a son that's an attorney that
16 works in tax and business law, and then I have a son that's also an
17 account, CPA.

18 THE COURT: Your son that's is -- he -- that is an attorney,
19 is he an attorney locally here?

20 PROSPECTIVE JUROR NO. 756: Yes.

21 THE COURT: Okay. You or anyone close to you ever been
22 the victim of a crime?

23 PROSPECTIVE JUROR NO. 756: Yes.

24 THE COURT: Can you tell me about that, please.

25 PROSPECTIVE JUROR NO. 756: When I was younger, a

1 man from Las Vegas came out to our valley and tried to force his
2 way into our home.

3 THE COURT: Out in Overton?

4 PROSPECTIVE JUROR NO. 756: Yes.

5 THE COURT: And what -- well, you said tried. So what
6 prevented --

7 PROSPECTIVE JUROR NO. 756: My dad intercepted him.

8 THE COURT: Okay. Were the police called?

9 PROSPECTIVE JUROR NO. 756: Yes, they were. They got
10 there just in time to save the guy.

11 THE COURT: Okay. And do you feel like that was handled
12 appropriately by law enforcement?

13 PROSPECTIVE JUROR NO. 756: Yes, it was.

14 THE COURT: And what about -- was there a law -- I mean,
15 excuse me, was there a case? Was he arrested and --

16 PROSPECTIVE JUROR NO. 756: He was arrested. I
17 don't -- I was in, you know, middle school at the time, so I'm not
18 aware of if there was a case that my parents had to go to.

19 THE COURT: Okay. Anything about that that you feel
20 would impact you here?

21 PROSPECTIVE JUROR NO. 756: No.

22 THE COURT: Any other incidents where you've been a
23 victim or anyone close to you has been the victim of a crime?

24 PROSPECTIVE JUROR NO. 756: You know, at work I
25 encounter a lot of different things. Things like power theft, copper

1 theft. We've had trucks stolen from where I work. But other than
2 that, nothing.

3 THE COURT: Okay. What about accused of a crime? You
4 or anyone close to you?

5 PROSPECTIVE JUROR NO. 756: No. I talked about my
6 brother earlier. He was accused of a crime as well, before the
7 incident. But that's it.

8 THE COURT: All right. Do you feel like your brother,
9 through his situation, was treated fairly?

10 PROSPECTIVE JUROR NO. 756: Yes.

11 THE COURT: Anything about that that you feel would
12 affect you in any way?

13 PROSPECTIVE JUROR NO. 756: No.

14 THE COURT: Have you ever been a juror before?

15 PROSPECTIVE JUROR NO. 756: No.

16 THE COURT: Is there anything about the case or anything
17 that you've heard thus far that makes you feel like you would not be
18 able to be fair to both sides?

19 PROSPECTIVE JUROR NO. 756: I've heard nothing about
20 it, so I could be fair.

21 THE COURT: Okay. And can you base your verdict solely
22 on the evidence that is presented to you here in the courtroom and
23 then wait in forming your opinion until the case is given to you and
24 your fellow jurors to deliberate?

25 PROSPECTIVE JUROR NO. 756: Yes.

1 THE COURT: And you believe you can be fair to both
2 sides?

3 PROSPECTIVE JUROR NO. 756: Yes.

4 THE COURT: All right. Thank you very much. Appreciate
5 it.

6 All right. Ms. Tate, Badge Number 759. How long have
7 you been in Clark County?

8 PROSPECTIVE JUROR NO. 756: 36 years.

9 THE COURT: All right. And retired, correct?

10 PROSPECTIVE JUROR NO. 759: Yes.

11 THE COURT: And I just want everyone to know, Ms. Tate,
12 when I was a baby attorney, would yell at me all of the time. All of
13 the time. But she taught me to be a better lawyer, so.

14 So I know what you did for a living. Are you married,
15 significant --

16 PROSPECTIVE JUROR NO. 759: Yes.

17 THE COURT: What does your spouse to?

18 PROSPECTIVE JUROR NO. 759: Medical assistant.

19 THE COURT: Any children?

20 PROSPECTIVE JUROR NO. 759: Stepchildren.

21 THE COURT: Okay. What -- if any of them are adults,
22 what are their jobs?

23 PROSPECTIVE JUROR NO. 759: Oh, they're in California.

24 THE COURT: Okay. All right. And in regards to -- how far
25 did you go in school?

1 PROSPECTIVE JUROR NO. 759: 13.
2 THE COURT: You or anyone close to you ever been the
3 victim of a crime?
4 PROSPECTIVE JUROR NO. 759: No.
5 THE COURT: You or anyone close to you ever been
6 accused of a crime?
7 PROSPECTIVE JUROR NO. 759: No.
8 THE COURT: Every been a juror before?
9 PROSPECTIVE JUROR NO. 759: I want to say yes, but it
10 was so long ago, and if it was, it was a civil trial.
11 THE COURT: All right. But not sure really?
12 PROSPECTIVE JUROR NO. 759: No, I'm not. It was so
13 long ago.
14 THE COURT: Anything about the nature of this case or
15 anything you've heard thus far that you feel would make it difficult
16 for you to sit as a juror or be fair?
17 PROSPECTIVE JUROR NO. 759: No.
18 THE COURT: And can you wait in forming your opinion
19 until the case is submitted to you to discuss with the other jurors?
20 PROSPECTIVE JUROR NO. 759: Yes.
21 THE COURT: And can you base your verdict solely on the
22 evidence and testimony that's presented during the trial?
23 PROSPECTIVE JUROR NO. 759: Yes.
24 THE COURT: And you can be fair to both sides?
25 PROSPECTIVE JUROR NO. 759: Yes.

1 THE COURT: All right. Okay. Mr. -- if you could pass it to
2 Mr. Marshal.

3 All right. So if you wouldn't mind passing that to --
4 passing it onto the person next to you, please.

5 And that's you, Mr. Liu, correct?

6 PROSPECTIVE JUROR NO. 781: Yeah.

7 THE COURT: All right. Mr. Liu, are you -- how long have
8 you been in Clark County?

9 PROSPECTIVE JUROR NO. 781: Six years.

10 THE COURT: And where were you before that?

11 PROSPECTIVE JUROR NO. 781: Dallas, Texas.

12 THE COURT: And how long were you in Dallas?

13 PROSPECTIVE JUROR NO. 781: 20 years.

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

15 PROSPECTIVE JUROR NO. 781: College courses.

16 THE COURT: And what did you study in college?

17 PROSPECTIVE JUROR NO. 781: Languages and literature.

18 THE COURT: Are you employed? Oh, we talked --

19 PROSPECTIVE JUROR NO. 781: Self-employ.

20 THE COURT: Self-employed. What do you do?

21 PROSPECTIVE JUROR NO. 781: I own a company.

22 THE COURT: What type of --

23 PROSPECTIVE JUROR NO. 781: A publication company.

24 THE COURT: All right. Are you married, in a significant
25 relationship, or single?

1 PROSPECTIVE JUROR NO. 781: Single.
2 THE COURT: Any children?
3 PROSPECTIVE JUROR NO. 781: Daughter and
4 granddaughter.
5 THE COURT: All right. And your daughter, what does she
6 do for a living?
7 PROSPECTIVE JUROR NO. 781: CPA.
8 THE COURT: Have you ever been the victim of a crime or
9 anyone close to you been the victim of a crime?
10 PROSPECTIVE JUROR NO. 781: I, myself.
11 THE COURT: Okay. Tell me about that.
12 PROSPECTIVE JUROR NO. 781: About 20 years ago, I was
13 battery, assaulted, and robbed.
14 THE COURT: Robbed?
15 PROSPECTIVE JUROR NO. 781: Robbed and assaulted.
16 THE COURT: Okay. And where was that?
17 PROSPECTIVE JUROR NO. 781: In California.
18 THE COURT: In California?
19 PROSPECTIVE JUROR NO. 781: Yeah.
20 THE COURT: Was the -- were the suspects caught? Or the
21 suspect, were they caught?
22 PROSPECTIVE JUROR NO. 781: I call the police. The
23 police officer just give me a case number.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 781: Then after that

1 [indiscernible].

2 THE COURT: So how do you feel like that handled by law
3 enforcement?

4 PROSPECTIVE JUROR NO. 781: They handled nothing.
5 They just give me a case number.

6 THE COURT: Okay. In regards to -- did that change the
7 way that you felt about law enforcement? Did it change your
8 views?

9 PROSPECTIVE JUROR NO. 781: No, it didn't have -- more
10 than 20 years, too long time already. If you did ask me, I almost
11 have forgotten about it.

12 THE COURT: Okay. Any other instances where you or
13 anyone close to you has been the victim?

14 PROSPECTIVE JUROR NO. 781: No.

15 THE COURT: What about accused of a crime, you or
16 anyone close to you?

17 PROSPECTIVE JUROR NO. 781: No.

18 THE COURT: Have you ever been a juror before?

19 PROSPECTIVE JUROR NO. 781: No.

20 THE COURT: Is there anything that you've heard thus far
21 about the case?

22 PROSPECTIVE JUROR NO. 781: Nothing I don't.

23 THE COURT: That makes you feel like you wouldn't be
24 able to be fair?

25 PROSPECTIVE JUROR NO. 781: I'll be fair.

1 THE COURT: Okay. And can you base your verdict solely
2 on the evidence and testimony that you hear in this trial?

3 PROSPECTIVE JUROR NO. 781: Yeah.

4 THE COURT: And can you wait in forming your ultimate
5 opinion until the case is given to you at the end of the case and
6 your fellow jurors?

7 PROSPECTIVE JUROR NO. 781: Of course.

8 THE COURT: And you can be fair to both sides?

9 PROSPECTIVE JUROR NO. 781: Sure.

10 THE COURT: All right. Thank you, Mr. Liu. I appreciate
11 that.

12 If you wouldn't mind passing the microphone. Thank you.
13 Name and badge number?

14 PROSPECTIVE JUROR NO. 767: Tamara Jacquez, 767.

15 THE COURT: Thank you.

16 All right. Ms. Jacquez, how long have you been in Clark
17 County?

18 PROSPECTIVE JUROR NO. 767: For about four years.

19 THE COURT: Where were you before that?

20 PROSPECTIVE JUROR NO. 767: In California.

21 THE COURT: For how long?

22 PROSPECTIVE JUROR NO. 767: Since I was born.

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

24 PROSPECTIVE JUROR NO. 767: Some college.

25 THE COURT: What were you studying when you were in

1 college?

2 PROSPECTIVE JUROR NO. 767: Just general courses.

3 THE COURT: And are you employed?

4 PROSPECTIVE JUROR NO. 767: Yes.

5 THE COURT: What is it that you do?

6 PROSPECTIVE JUROR NO. 767: I work for Amazon for the
7 last two months.

8 THE COURT: And you -- in what capacity?

9 PROSPECTIVE JUROR NO. 767: Warehouse.

10 THE COURT: All right. Single, married?

11 PROSPECTIVE JUROR NO. 767: Married, 25 years.

12 THE COURT: And what does your spouse do for a living?

13 PROSPECTIVE JUROR NO. 767: He works for Wyndham
14 Worldwide, maintenance technician.

15 THE COURT: Any children?

16 PROSPECTIVE JUROR NO. 767: No.

17 THE COURT: You or anyone close to you ever been a
18 victim before?

19 PROSPECTIVE JUROR NO. 767: No.

20 THE COURT: You or anyone close to you ever been
21 accused of a crime?

22 PROSPECTIVE JUROR NO. 767: No.

23 THE COURT: Have you ever been a juror before?

24 PROSPECTIVE JUROR NO. 767: Just called, but never
25 served.

1 THE COURT: Is there anything that you heard this far or
2 anything that's been presented that makes you feel like you
3 wouldn't be able to be fair to both sides?

4 PROSPECTIVE JUROR NO. 767: No.

5 THE COURT: Can you wait in forming your opinion until
6 the case is submitted to you and your fellow jurors to discuss?

7 PROSPECTIVE JUROR NO. 767: Yes.

8 THE COURT: And can you base your verdict solely on the
9 evidence and testimony that you hear in this case?

10 PROSPECTIVE JUROR NO. 767: Yes.

11 THE COURT: And you believe you can be fair to both
12 sides?

13 PROSPECTIVE JUROR NO. 767: Yes.

14 THE COURT: All right. Thank you. I appreciate that.
15 Can you pass that?

16 Name and badge number, please.

17 PROSPECTIVE JUROR NO. 768: Lanai Cross, 768.

18 THE COURT: Thank you, Ms. Cross.

19 How long have you been in Clark County?

20 PROSPECTIVE JUROR NO. 768: 15 years.

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

22 PROSPECTIVE JUROR NO. 768: Graduate. High school
23 graduate.

24 THE COURT: All right. And are you employed?

25 PROSPECTIVE JUROR NO. 768: Yes.

1 THE COURT: What do you do, ma'am?
2 PROSPECTIVE JUROR NO. 768: I work for the school
3 district?
4 THE COURT: And what do you do with the school district?
5 PROSPECTIVE JUROR NO. 768: Work for the
6 transportation department.
7 THE COURT: Okay. Married, single --
8 PROSPECTIVE JUROR NO. 768: Single.
9 THE COURT: Any children?
10 PROSPECTIVE JUROR NO. 768: Two minors.
11 THE COURT: All right. And their ages, please?
12 PROSPECTIVE JUROR NO. 768: 13 and 8.
13 THE COURT: Okay. You or anyone close to you ever been
14 the victim of a crime?
15 PROSPECTIVE JUROR NO. 768: No.
16 THE COURT: Same question, but in regards to accused of
17 a crime?
18 PROSPECTIVE JUROR NO. 768: Yes.
19 THE COURT: Can you tell me about that?
20 PROSPECTIVE JUROR NO. 768: I have a cousin on trial for
21 murder.
22 THE COURT: And is that locally?
23 PROSPECTIVE JUROR NO. 768: Arizona.
24 THE COURT: And is the trial happening right now?
25 PROSPECTIVE JUROR NO. 768: Yes.

1 THE COURT: Like, they're in court right now?
2 PROSPECTIVE JUROR NO. 768: Not this second, but yes.
3 THE COURT: Okay. How would you say your relationship
4 is with that cousin?
5 PROSPECTIVE JUROR NO. 768: He called me every day.
6 THE COURT: And do you know a lot about the facts of
7 that case?
8 PROSPECTIVE JUROR NO. 768: Yes.
9 THE COURT: Do you feel -- how do you feel like he's been
10 treated by law enforcement as well as the criminal justice system in
11 regards to his case?
12 PROSPECTIVE JUROR NO. 768: Unfairly.
13 THE COURT: And why do you say that?
14 PROSPECTIVE JUROR NO. 768: Because he's been
15 charged for something he didn't commit.
16 THE COURT: Do you think that that would affect you
17 here?
18 PROSPECTIVE JUROR NO. 768: Yes.
19 THE COURT: In what way?
20 PROSPECTIVE JUROR NO. 768: I see him being innocent.
21 THE COURT: I'm sorry, say it again?
22 PROSPECTIVE JUROR NO. 768: I see him being innocent.
23 I picture my cousin sitting in the chair.
24 THE COURT: Okay. Any other instances?
25 PROSPECTIVE JUROR NO. 768: No.

1 THE COURT: Have you ever been a juror before?
2 PROSPECTIVE JUROR NO. 768: No.
3 THE COURT: Anything about the facts of this case -- and I
4 know what you just said about in regards to your cousin, but is
5 there anything about the facts of this case or anything you've heard
6 thus far that makes you feel like you wouldn't be able to be fair?
7 PROSPECTIVE JUROR NO. 768: No.
8 THE COURT: All right. Thank you.
9 And if you would pass it --
10 Is that Mrs. Gersten?
11 PROSPECTIVE JUROR NO. 770: Yes.
12 THE COURT: Badge Number 770.
13 PROSPECTIVE JUROR NO. 770: Yep.
14 THE COURT: How long have you been in Clark County,
15 ma'am?
16 PROSPECTIVE JUROR NO. 770: Two years.
17 THE COURT: Where were you before that?
18 PROSPECTIVE JUROR NO. 770: Cincinnati, Ohio.
19 THE COURT: And how long in Cincinnati?
20 PROSPECTIVE JUROR NO. 770: More than 20 years.
21 THE COURT: How far did you go in school?
22 PROSPECTIVE JUROR NO. 770: Bachelor's.
23 THE COURT: And what were you studying?
24 PROSPECTIVE JUROR NO. 770: Marketing and
25 journalism.

1 THE COURT: What do you do for a living?
2 PROSPECTIVE JUROR NO. 770: I'm in marketing and
3 communications for a nonprofit.
4 THE COURT: Married, single, in a relationship?
5 PROSPECTIVE JUROR NO. 770: Relationship.
6 THE COURT: And what does that person do?
7 PROSPECTIVE JUROR NO. 770: He's an independent
8 contractor.
9 THE COURT: What does he do?
10 PROSPECTIVE JUROR NO. 770: He builds custom
11 enclosures for peoples' homes.
12 THE COURT: All right. Any children?
13 PROSPECTIVE JUROR NO. 770: No.
14 THE COURT: You or anyone close to you ever been the
15 victim of a crime?
16 PROSPECTIVE JUROR NO. 770: My significant other.
17 THE COURT: Tell me about that.
18 PROSPECTIVE JUROR NO. 770: He was robbed at
19 gunpoint in his home.
20 THE COURT: When was that?
21 PROSPECTIVE JUROR NO. 770: That was several years
22 ago, before I knew him.
23 THE COURT: Was that here in Las Vegas?
24 PROSPECTIVE JUROR NO. 770: It was not.
25 THE COURT: Did he ever tell you anything about how he

1 felt that was handled by law enforcement or the court system?

2 PROSPECTIVE JUROR NO. 770: He's satisfied with how it
3 was handled.

4 THE COURT: All right. Anything about that would affect
5 you in any way here?

6 PROSPECTIVE JUROR NO. 770: No.

7 THE COURT: Any other instances, you or anyone close to
8 you been the victim?

9 PROSPECTIVE JUROR NO. 770: No.

10 THE COURT: You or anyone close to you been accused of
11 a crime?

12 PROSPECTIVE JUROR NO. 770: No.

13 THE COURT: Have you ever been a juror before?

14 PROSPECTIVE JUROR NO. 770: No.

15 THE COURT: Is there anything about the facts of this case
16 or anything you've heard thus far that makes you feel like you
17 would not be able to be fair?

18 PROSPECTIVE JUROR NO. 770: No.

19 THE COURT: Can you wait in forming your opinion until
20 the case is submitted to you to discuss with your fellow jurors?

21 PROSPECTIVE JUROR NO. 770: Yes.

22 THE COURT: And can you base your verdict solely on the
23 evidence that's presented to you?

24 PROSPECTIVE JUROR NO. 770: Yes.

25 THE COURT: And you believe you can be fair to both

1 sides?

2 PROSPECTIVE JUROR NO. 770: Yes.

3 THE COURT: All right. Mr. Markja, Badge Number 760,
4 you are excused, sir. You are excused, so you can go down to the
5 third floor.

6 And if you could call the next juror, please.

7 THE CLERK: Yes, Your Honor.

8 Next in Seat Number 20, Badge Number 784, Shelley
9 Bush.

10 THE COURT: All right. Hi, Ms. Bush.

11 PROSPECTIVE JUROR NO. 784: Hello.

12 THE COURT: All right. So Ms. Bush, Badge Number 784,
13 let me go back to some of the original questions.

14 Did you hear the question I asked about in my courtroom
15 after witnesses, they attorneys are done, asking questions of the
16 witnesses, then jurors can ask?

17 PROSPECTIVE JUROR NO. 784: Yes.

18 THE COURT: And did you understand that I may not be
19 able to ask it and that you can't hold it against anybody?

20 PROSPECTIVE JUROR NO. 784: Yes.

21 THE COURT: Do you have any issues with that?

22 PROSPECTIVE JUROR NO. 784: Nope.

23 THE COURT: All right. And then what about under our
24 system, certain principles apply in every criminal justice trial,
25 criminal trial, that the charging document filed in this case is merely

1 an accusation and it's not evidence of guilt and that the defendant
2 is presumed innocent and that the State must prove that defendant
3 is -- that the defendant is guilty beyond a reasonable doubt. Do you
4 have any issues with those?

5 PROSPECTIVE JUROR NO. 784: Nope.

6 THE COURT: All right. And is there any reason you
7 wouldn't be able to follow the law, the instructions on the law that I
8 give you regardless if you agree with the law or not?

9 PROSPECTIVE JUROR NO. 784: No.

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

11 So talk to me about how long you've lived in Clark
12 County.

13 PROSPECTIVE JUROR NO. 784: One year.

14 THE COURT: And where were you before that?

15 PROSPECTIVE JUROR NO. 784: Arizona.

16 THE COURT: And how long in Arizona?

17 PROSPECTIVE JUROR NO. 784: I was born and raised
18 there.

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

20 PROSPECTIVE JUROR NO. 784: Bachelor's.

21 THE COURT: And what were you studying?

22 PROSPECTIVE JUROR NO. 784: Communication.

23 THE COURT: Are you employed?

24 PROSPECTIVE JUROR NO. 784: Yes.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR NO. 784: I'm a manager at
2 Progressive Insurance.

3 THE COURT: And how long have you been doing that?

4 PROSPECTIVE JUROR NO. 784: Manager job, a year. But
5 I've worked there for 15 years.

6 THE COURT: Okay. Married, significant relationship, or
7 single?

8 PROSPECTIVE JUROR NO. 784: Relationship.

9 THE COURT: And do you have any children?

10 PROSPECTIVE JUROR NO. 784: No.

11 THE COURT: What does that individual do?

12 PROSPECTIVE JUROR NO. 784: He's a high school
13 teacher.

14 THE COURT: You or anyone close to you ever been the
15 victim of a crime?

16 PROSPECTIVE JUROR NO. 784: Yes.

17 THE COURT: Can you tell me about that?

18 PROSPECTIVE JUROR NO. 784: My house was broken
19 into in Phoenix.

20 THE COURT: How long ago, would you say?

21 PROSPECTIVE JUROR NO. 784: Maybe five, six years ago.

22 THE COURT: Were the police called?

23 PROSPECTIVE JUROR NO. 784: Yes.

24 THE COURT: How did you feel that situation was
25 handled?

1 PROSPECTIVE JUROR NO. 784: It was fine.
2 THE COURT: Was anyone ever caught?
3 PROSPECTIVE JUROR NO. 784: Yes.
4 THE COURT: And did you have to go to court?
5 PROSPECTIVE JUROR NO. 784: No.
6 THE COURT: Anything about that situation makes you
7 feel like you wouldn't be able to be fair?
8 PROSPECTIVE JUROR NO. 784: No.
9 THE COURT: Any other instances you or anyone close to
10 you been the victim?
11 PROSPECTIVE JUROR NO. 784: No.
12 THE COURT: Same question, but in regards to accused of
13 a crime?
14 PROSPECTIVE JUROR NO. 784: No.
15 THE COURT: Have you ever been a juror before?
16 PROSPECTIVE JUROR NO. 784: No.
17 THE COURT: Is there anything about the facts of this case
18 or anything you've heard this far that makes you feel like you
19 wouldn't be able to be fair?
20 PROSPECTIVE JUROR NO. 784: No.
21 THE COURT: And can you wait in forming your opinion
22 until the case is submitted to you to discuss with your other jurors?
23 PROSPECTIVE JUROR NO. 784: Yes.
24 THE COURT: And can you base your verdict solely on the
25 things that you hear and see in the courtroom?

1 PROSPECTIVE JUROR NO. 784: Yes.

2 THE COURT: And you believe you can be fair to both
3 sides?

4 PROSPECTIVE JUROR NO. 784: Yes.

5 THE COURT: All right. Thank you.

6 All right. That concludes the Court's questions. So now I
7 will turn it over to the State to do some follow-up and ask any
8 questions that they deem appropriate.

9 MR. LEXIS: I'll be quick, folks. I just have a few questions.
10 If you could please pas the mic back to Juror Number 772.
11 Mr. Razo?

12 PROSPECTIVE JUROR NO. 772: Yes.

13 MR. LEXIS: Sir, all the evidence anis that you're going to
14 consider is going to come from up here on this witness stand,
15 whether it's a photo or testimony. Would you agree with that?

16 PROSPECTIVE JUROR NO. 772: Yes.

17 MR. LEXIS: And the State has the burden of proof; do you
18 agree with that?

19 PROSPECTIVE JUROR NO. 772: Not really.

20 MR. LEXIS: Okay. If you're -- if the judge instructs you
21 that the State has the burden of proof, and you are to consider,
22 when forming your judgment, that the evidence that comes in,
23 whether it's the form of a picture or testimony that's going to come
24 from that witness stand, would you be able to follow that
25 instruction?

1 PROSPECTIVE JUROR NO. 772: I think so. Yeah.

2 MR. LEXIS: Okay. And would you be able to wait in
3 forming any judgment until you hear what's coming out of
4 witness's mouth, whether it's a victim or a witness or an officer?
5 Do you get what I'm saying, sir? Just because I -- say, I call a
6 firefighter, which I'm not, you can't automatically say, Oh, yeah,
7 whatever he's going to say on the stand is the truth. You need to
8 wait until all the evidence is -- comes into this forum. Do you get
9 what I'm saying, sir?

10 PROSPECTIVE JUROR NO. 772: You know, right now,
11 because of what I went through a year and a half ago, I am
12 extremely angry. Being here has brought all these memories and
13 how these guys drove in my car with my baby, who was four
14 months old, it's just --

15 MR. LEXIS: Okay.

16 PROSPECTIVE JUROR NO. 772: -- I don't know.

17 MR. LEXIS: Fair enough, sir.

18 PROSPECTIVE JUROR NO. 772: All right.

19 MR. LEXIS: Will you please the mic to your left or your
20 right.

21 Ma'am, you understand that if the judge says, State, do
22 your opening statement, we do an opening statement, then she
23 says, Call your first witness. But the State says, you know, We rest.
24 What does your verdict have to be? Not guilty, correct?

25 PROSPECTIVE JUROR NO. 777: Yes.

1 MR. LEXIS: You haven't heard any evidence.

2 PROSPECTIVE JUROR NO. 777: Uh-huh.

3 MR. LEXIS: Okay. So again, the State has the burden of
4 proof and we need to prove it by calling people on the stand,
5 whether or not it's photographs, officers, witnesses, et cetera; do
6 you agree with that?

7 PROSPECTIVE JUROR NO. 777: Yes.

8 MR. LEXIS: Okay. Does anybody disagree with that? Let
9 the record reflect no hands.

10 Now, just in general, I know we went over a lot of it, has
11 anybody had -- besides we went over -- any negative contact with
12 law enforcement? Besides what was already mentioned. Let the
13 record reflect no hands.

14 Anybody in general belief just there's too many cops on
15 the street? Let the record reflect no hands.

16 I know use of force has been in the news lately; does
17 anyone have a strong feeling about Metro or any jurisdiction in
18 general, and cops using too much force? Let the record reflect no
19 hands.

20 How many people here are -- were happy to get their
21 summons and want to sit on a jury? Okay.

22 Ma'am, badge number --

23 PROSPECTIVE JUROR NO. 718: 7 --

24 MR. LEXIS: 718?

25 PROSPECTIVE JUROR NO. 718: Yes.

1 MR. LEXIS: Go ahead, ma'am. Do you have -- can you
2 grab the mic behind you?

3 PROSPECTIVE JUROR NO. 718: I was pleased to be called
4 for the second time. My -- I like things that test me and interest me.
5 What I do previously before coming here was that I was a union
6 representative, I negotiated contracts. I also negotiated people to
7 get their jobs back or whatever the company policy that they were
8 termed for. So I'm -- I very much like getting all the facts, getting
9 them all written down, being presented to hear both sides, and help
10 make a decision behind it.

11 So this here is something that I like.

12 MR. LEXIS: Okay. And the other reason why you want to
13 be on the jury?

14 PROSPECTIVE JUROR NO. 718: No, it's -- it's a very
15 interesting. I think more people should do it and more people
16 should be involved and want to be.

17 MR. LEXIS: Okay.

18 PROSPECTIVE JUROR NO. 718: You're, you know, it's
19 part of the community. It's what you do.

20 MR. LEXIS: Who else? Did you have your hand? Go
21 ahead.

22 If you'd pass the mic down one.

23 Juror Number 733; is that correct, sir?

24 PROSPECTIVE JUROR NO. 733: Correct.

25 MR. LEXIS: Okay.

1 PROSPECTIVE JUROR NO. 733: Well, initially not
2 necessarily happy to receive the summons. Now that I am sitting
3 here and participating in the process, it is actually a lot more
4 educational than I first thought.

5 MR. LEXIS: Besides educational reasons, any other
6 reason why you want to sit on a jury?

7 PROSPECTIVE JUROR NO. 733: Just learning more about
8 the process of law and participating in it.

9 MR. LEXIS: Thank you.

10 Who else?

11 Please pass the mic up to -- down to Juror Number 770 --
12 or, I'm sorry, sir, you were 709; is that correct?

13 PROSPECTIVE JUROR NO. 709: Yes. I'm proud to be an
14 American, I'm proud to do my civic duty. And I'm really curious
15 about the process. And I'm anxious to learn. I've never done this
16 before and it's kind of exciting.

17 MR. LEXIS: Okay. Thank you.

18 Anybody else?

19 Could you just pass the mic, sir, to anybody -- closest one
20 to you.

21 Juror 779?

22 PROSPECTIVE JUROR NO. 779: Yes.

23 MR. LEXIS: Ma'am, if we're dealing with the same crime
24 that occurs against two different victims at the same crime, same
25 fact pattern, and one's a doctor in Summerlin and the other one's a

1 homeless drug addict with [indiscernible] bypass; do you believe
2 the district attorney's office should prosecute each of those cases
3 equally, or give more weight to the crime that happened against the
4 doctor?

5 PROSPECTIVE JUROR NO. 779: Each case different,
6 different [indiscernible] is different evidence. You cannot prosecute
7 or analyze both cases the same way. So besides that, be justice
8 should be proportional, should be fair, no matter if he's homeless
9 or if he's a doctor.

10 MR. LEXIS: Okay. So the way we should prosecute both
11 cases equally.

12 PROSPECTIVE JUROR NO. 779: By the law with the same
13 rules, yes.

14 MR. LEXIS: Okay. Does anybody disagree with that
15 notion? Okay.

16 Could you please pass the mic down again.

17 Badge Number 714.

18 PROSPECTIVE JUROR NO. 714: I disagree, because I've
19 seen so many bad things in the world. And when you said a
20 homeless drug addict, unfortunately, I would definitely judge that
21 homeless drug addict and probably, you know, believe that he
22 would do something like that. I'm sorry, I just would. I would judge
23 somebody that was a homeless drug addict versus somebody that
24 was a productive member of society.

25 MR. LEXIS: So again, same fact pattern, same crimes

1 happen against all people, you believe the district attorney's office
2 should -- and Metro should put their resources and their energy
3 more towards prosecuting the crime that happened against the
4 doctor and not the homeless drug addict?

5 PROSPECTIVE JUROR NO. 714: Well, clearly, I believe
6 everyone should be punished for any crime they commit. But if I
7 was at a trial with a homeless drug addict, I would, unfortunately,
8 judge him.

9 MR. LEXIS: Okay. Anybody else? Let the record reflect
10 no hands.

11 Can you please pass the mic to -- if you could pass it just
12 to someone who hasn't talked. There you go.

13 Badge Number 719?

14 PROSPECTIVE JUROR NO. 719: Yes.

15 MR. LEXIS: And I have a follow-up question for you,
16 anyway. You mentioned your nephew was prosecuted?

17 PROSPECTIVE JUROR NO. 719: Yes. He's in a -- it's
18 pending. I don't know where they're at in it right now.

19 MR. LEXIS: Okay. I don't know if you answered this
20 question, but do you believe that the prosecutors treated him fairly
21 and the police officers?

22 PROSPECTIVE JUROR NO. 719: I don't know anything
23 about the circumstances. It's pretty recent, so I haven't --

24 MR. LEXIS: Okay. So, ma'am, if a crime occurred and the
25 State only had one witness, okay, whether it was a victim or an

1 actual witness, but just one person, and they take the stand and
2 they testify, and you believe that person --

3 MR. SHAYGAN-FATEMI: Your Honor, I'm going to object.
4 This is a hypothetical question. It's forbidden by EDCR.

5 THE COURT: Can you finish the -- just one second.

6 MR. LEXIS: Yes.

7 THE COURT: Can you finish the question, please?

8 MR. LEXIS: And you believe that person beyond a
9 reasonable doubt, are you someone that is going to say, You know
10 what? If it's just one person, that's not going to be enough. I'm
11 going to need more evidence than just one person.

12 PROSPECTIVE JUROR NO. 719: I don't know until I heard
13 the evidence.

14 THE COURT: I'm going to overrule the objection.

15 I'm sorry, say it again, ma'am?

16 PROSPECTIVE JUROR NO. 719: I said I wouldn't know
17 until I -- I guess, I'm in the situation.

18 MR. LEXIS: Okay.

19 PROSPECTIVE JUROR NO. 719: There would be the
20 whole trial that I'd be looking at.

21 MR. LEXIS: Okay. But I'm saying if you believe that
22 person beyond a reasonable doubt.

23 PROSPECTIVE JUROR NO. 719: Well, they're testifying
24 under oath, so.

25 MR. LEXIS: Okay. Well, let's back up.

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TED MICHAEL DONKO,) No. 83037
)
Appellant,)
)
v.)
)
THE STATE OF NEVADA,)
)
Respondent.)
)

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