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STEVEN WOLFSON
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AA 1 – AA 18	Indictment
AA 19 – AA 36	Amended Indictment
AA 37 – AA 57	Superseding Indictment
AA 58 – AA 62	Amended Superseding Indictment
AA 63 – AA 78	Second Amended Superseding Indictment
AA 79 – AA 136	Jury Instructions
AA 137 – AA 143	Verdict Form
AA 144 – AA 151	Judgment of Conviction
AA 152 – AA 153	Notice of Appeal
AA 154 – AA 184	Minutes
AA 185 – AA 325	Transcript October 21, 2020
AA 326 – AA 331	Transcript October 22, 2020
AA 332 – AA 418	Transcript October 28, 2020
AA 419 – AA 423	Transcript October 29, 2020
AA 424 - AA 435	Transcript November 5, 2020
AA 436 – AA 445	Transcript November 25, 2020
AA 446 – AA 459	Transcript January 7, 2021
AA 460 – AA 464	Transcript February 2, 2021
AA 465 – AA 650	Transcript April 12, 2021
AA 651 – AA 857	Transcript April 13, 2021
AA 858 – AA 1111	Transcript April 14, 2021
AA 1112-AA 1293	Transcript April 15, 2021
AA 1294-AA 1457	Transcript April 16, 2021
AA 1458-AA 1469	Transcript April 19, 2021
AA 1470-AA 1500	Transcript April 20, 2021
AA 1501-AA 1518	Transcript June 15, 2021
AA 1519-AA1525	Transcript June 17, 2021

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AA 1526-AA1534	Transcript June 24, 2021
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1 going to select our jury. It's going to take place today and
2 we can move forward.

3 So please, you know, bear with us. So please come
4 back; okay?

5 So we're going to take a ten minute break. We'll
6 need you when you -- yes, Mr. Lexis?

7 (Court/Mr. Lexis confer at the bench.)

8 THE COURT: Yes, there's one other one, Mr. Priest,
9 006, you are excused.

10 All right. Ladies and gentlemen, when you come
11 back, you take the exact same seat you're in right now, so
12 look at your seat number and where you're at.

13 So ladies and gentlemen, it is now -- what time is
14 it?

15 THE CLERK: (Inaudible).

16 THE COURT: We'll come back at 10:20.

17 So ladies and gentlemen, during this recess, and
18 you're going to hear me give you this admonishment each and
19 every time we take a break, and also when you -- after we
20 select a jury, and during the trial, I will read this to you
21 every time we take a break, so I am required to do this.

22 During this recess, you must not discuss or
23 communicate with anyone, including your fellow jurors, in any
24 way regarding the case or its merits, either by voice, phone,
25 e-mail, text, Internet, or other means of communication or

1 social media. You're not to read, watch, or listen to any
2 news or media accounts or commentary about the case. You're
3 not to do any research such as consulting dictionaries, using
4 the Internet or using reference materials. You're not to make
5 any investigation, test the theory of the case, recreate any
6 aspect of the case, or in any other way to investigate or
7 learn about the case on your own. And you're not to form or
8 express an opinion regarding this case until it is submitted
9 to you.

10 So, ladies and gentlemen, we're going to take a ten
11 minute break. Take your personal items with you and we'll see
12 you back in ten minutes.

13 THE MARSHAL: All rise for the exit of the jury.

14 (Outside the presence of the prospective jurors.)

15 THE COURT: Officers, I think Ms. Clark -- or excuse
16 me, Ms. Oliver, Mr. Clark may need a break. Quick, fast and
17 in a hurry.

18 Counsel, after we come back from the break, I'm
19 going to have the District Attorneys or one of them explain
20 the nature of the case to the jurors, list the potential
21 witnesses, any relevant dates and locations, and I'll ask the
22 same from Mr. Arnold and Mr. Hart.

23 MR. ARNOLD: Okay.

24 MR. HART: Okay. And I noticed like the first one
25 up says he has a religious reason he can't serve (inaudible).

1 THE COURT: Mr. Wiggs?

2 THE COURT RECORDER: Are we off the record now,
3 Judge?

4 THE COURT: Off the record.

5 (Court recessed at 10:10 a.m., until 10:24 a.m.)

6 (Outside the presence of the prospective jurors.)

7 THE COURT: All right. Are we ready to go?

8 Bring the jury in.

9 (Inside the presence of the prospective jurors.)

10 THE MARSHAL: All rise for the entry of the jury.

11 THE COURT: All right. Welcome back, ladies and
12 gentlemen. Everyone have a seat. Thank you.

13 Ladies and gentlemen, before we go any further, I'm
14 going to have one of the representatives of the District
15 Attorney's Office who is in front of me to my left introduce
16 themselves, their co-counsel, and they're going to identify
17 you the nature of the charges that have been filed in this
18 case. This will not be an opening statement. It's -- they're
19 strictly going to state these are the types of charges we have
20 filed. Okay, that's all they're going to say.

21 They're going to advise you of any relevant dates
22 and locations, and then they will give you a list of potential
23 witnesses that may be called in this case. They may not call
24 all these witnesses, but these are potential witnesses.

25 We need to know if you are familiar with either the

1 attorneys, the -- the allegations contained in this case, or
2 any of the potential witnesses. Some of these witnesses may
3 be friends, neighbors, or co-workers, and we need to know if
4 any of you are, you know, familiar with them.

5 Next, I will turn to the attorneys in front of me
6 and to my right. They will identify themselves, the client
7 that they represent, and then if they have any relevant dates
8 or locations different than what the State has, they will
9 advise you of those dates and locations. They will also
10 advise you of any potential witnesses that they may call.

11 So again, please listen carefully to what they have
12 to say.

13 So, State, please go ahead.

14 MS. COLE: Good morning, everyone. My name is
15 Madilyn Cole and this is my co-counsel, Chad Lexis. We are
16 Deputy District Attorneys and we represent the State of
17 Nevada.

18 We are prosecuting this case, the State of Nevada
19 versus Veneshia Oliver and Darrell Clark. And in this case,
20 the defendants are charged with conspiracy to commit larceny,
21 conspiracy to commit burglary, residential burglary, invasion
22 of the home, burglary of a business, theft, fraudulent use of
23 credit or debit card, and attempt fraudulent use of credit or
24 debit card, robbery, coercion, possession of document or
25 personal identifying information, possession of credit or

1 debit card without cardholder's consent, possession of
2 burglary tools and carrying concealed firearm or other deadly
3 weapon.

4 Ladies and gentlemen, all of these events took place
5 from July through August 2020 of this past summer, and they
6 stem from a series of hotel room break-ins that happened on
7 the -- on the Strip, specifically, the properties in reference
8 are the Bally's, the Paris, and the Harrah's.

9 Other businesses and establishments that are
10 involved is the 7-Eleven, the Sbarros Pizza at Bally's, ARCO
11 and Target, all down there by the Strip.

12 And also, I have a list of names. Not all of these
13 people are going to testify. These are the names that are
14 associated with the case. But please listen carefully to see
15 if you recognize any of these names: Cisco Alemar. Desiree
16 Anathihan. Janeid Anif. Trey Arfuso. Emely Armenta.
17 Officer Arteaga. Dianne Bach. Brooke Bargholtz. Kate Berry.
18 Officer Brackin. Officer Brant-Garcia. Officer Butler.
19 Detective Byrd. Marchmont Cannon. David Carlson. Esther
20 Chae. Officer Clark. Officer Connors. Officer Cruz-Camacho.

21 A custodian of records from 7-Eleven on 4158 Koval
22 Lane by the name of Bobby Patel (phonetic). A custodian of
23 records at American Express. A custodian of records at ARCO
24 located at 209 E. Flamingo, Las Vegas, Nevada. A custodian of
25 records for Capital One. A custodian of records for Desert

1 Cab, specifically, James Methe, and Trey Arfuso.

2 A custodian of records for Sbarro at 3655 South Las
3 Vegas Blvd. A custodian of records for Walgreens located at
4 1180 East Flamingo, Las Vegas, Nevada. A custodian of records
5 for Letgo. A custodian of records for Caesar's Entertainment,
6 specifically, Tony Lemons.

7 A custodian of records for Facebook. A custodian of
8 records for Kabit. A custodian of records for Metro PCS and
9 T-Mobile. A custodian of records for Target located at 4001
10 South Maryland Parkway. A custodian of records for Visa.

11 William Dalia. Officer De Souza. Officer Diaz.
12 Officer Elizalde. Officer Ellis. Rebecca Finger. Officer
13 Frumkin. Officer Funes. Bertha Gerdeau. Heather
14 Gouldthorpe. Latoya Gustus. Officer Halm.

15 Officer Hanshew. Criselda Heather. Jason
16 Henkelmann. Officer Hoag. Raven Hough. Officer Jacobitz.
17 Bobby Johnson. Officer Johnson. Devonica (phonetic) Jones.
18 Elaine Knepp. Gary Krusinski. Michael Lee. Officer Lee.
19 Tony Lemons. Officer Leung. Officer Lewsader. Armando
20 Lopez.

21 Jewell Love. Officer Magana. Officer Manigault.
22 Detective Mann. Officer Mazzone. Bertha McLane. Marissa
23 Metro. Duwayne Mills. Officer Montablano. Officer O'Keefe.
24 Officer Paine. Johnathon Payne. Officer Perez. Officer
25 Pierce. Officer Reeder. Dorothy Stewart. William Strench.

1 Richard Tenhet. Officer Thi. David Travis. Richard
2 Vonfeldt. Inga Williams. Patricia Williams.

3 As well as Kathryn Aoyama. Gino Basilotta. James
4 Beattie (phonetic). Logan Bodily. Janel Brackin. Donna
5 Brant-Garcia. Trent Byrd. Kimberly Dannenberger. Mallory
6 Diehl. James Downing. Shawn Fletcher. Kostaki Fradageikus
7 (phonetic).

8 Chris Gandy (phonetic). Kellie Gauthier. Heather
9 Gouldthorpe. Samantha Halm. David Johnson. Craig King.
10 Anya Lester. Christian Lopez. Linda Manigault. David Mann.
11 Jamie Nordstrom (phonetic). Tabatha Paine. Allison Rubino.
12 And Kevin Skeeahan.

13 All right. Thank you, counsel.

14 Is anyone familiar with our two District Attorneys
15 here, please raise your hand.

16 No hands being raised.

17 Anyone familiar with the -- the alleged incidents
18 that are involved in this case, please raise your hand.

19 No hands being raised.

20 Anyone -- oh, we do have a hand here.

21 PROSPECTIVE JUROR NO. 004: I heard about it in the
22 news.

23 THE COURT: Hang on, sir. We're going to --

24 PROSPECTIVE JUROR NO. 004: Sorry.

25 THE COURT: We need you to come up to the

1 microphone.

2 Same thing. Your name and the last three numbers on
3 your badge.

4 Wiggs, 004.

5 PROSPECTIVE JUROR NO. 004: Wiggs, 004.

6 THE COURT: Yes, sir.

7 PROSPECTIVE JUROR NO. 004: I remember hearing about
8 this in the news.

9 THE COURT: Do you recall anything specific about
10 the case?

11 PROSPECTIVE JUROR NO. 004: Nothing specific.
12 Probably their pictures on the Internet.

13 THE COURT: And when was the last time you may have
14 seen something -- you may have seen something on the Internet?

15 PROSPECTIVE JUROR NO. 004: Probably when it
16 happened.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 004: Or after they were --

19 THE COURT: Well, these are allegations. I want to
20 -- and I'm going to mention that in just a few moments here.
21 These are strictly allegations. The charges that are filed
22 are strictly allegations by the State and the State has the
23 burden of proving the case beyond a reasonable doubt.

24 Okay, sir? But since last year, sir, have you seen
25 any -- any reports or heard anything about these?

1 PROSPECTIVE JUROR NO. 004: No.

2 THE COURT: Okay. The attorneys may have some
3 follow up questions for you.

4 PROSPECTIVE JUROR NO. 004: Okay.

5 THE COURT: But thank you, sir.

6 Anyone else? Again, anyone else familiar with any
7 of the witnesses, the State identified?

8 It looks like no hands being raised.

9 All right. Next up, Mr. Arnold, please introduce
10 yourself, your -- your client, any relevant dates, locations,
11 and any potential witnesses that you may call.

12 MR. ARNOLD: Good afternoon -- well, good morning,
13 everyone. My name is Carl Arnold. This is my client Darrell
14 Clark who I have the pleasure of representing.

15 All the relevant witnesses will be called by the
16 State. Thank you very much.

17 THE COURT: All right. Thank you.

18 Anyone familiar with Mr. Arnold or with Mr. Clark?

19 It appears that no hands are being raised.

20 Mr. Hart, same for you.

21 MR. HART: Good morning. My name is Martin Mart.
22 And I represent Ms. Oliver here, Veneshia Oliver. The only
23 other potential witness would be Toby Caperon (phonetic).

24 THE COURT: All right. Thank you, Mr. Hart.

25 Anyone familiar with Mr. Hart or Ms. Oliver, or the

1 potential witness that Mr. Hart identified? Please raise your
2 hand.

3 All right. No hands being raised. Thank you,
4 ladies and gentlemen.

5 Ladies and gentlemen, through this process, either
6 my questions or some of the questions that the attorneys may
7 ask you are going to look to see if you have any bias or
8 prejudice in this case.

9 The reality is, we all have bias and prejudices. We
10 all have different backgrounds, different family values,
11 obviously, different parents, so we all have those types of
12 bias and prejudices.

13 An example I always give in a criminal case is
14 regarding a civil case, because I don't want to talk about
15 other criminal cases.

16 In civil cases, sometimes people think that there's
17 too many lawsuits being filed. I'm not saying that's right or
18 wrong or whatever, but some people have that opinion. So that
19 might be a bias and prejudice that that person would have.
20 And we had someone in a civil case that I conducted and they
21 had that bias and prejudice.

22 And after going through the questioning process,
23 they understood and they agreed that although they have that
24 belief, that perhaps too many lawsuits are being filed, they
25 did admit, after thinking about it, that that doesn't mean

1 that some cases are not justified. That some cases should not
2 be brought to the court system.

3 And after going through the process, they understood
4 and they were -- they said that they would be able to put
5 aside that bias and prejudice and base whatever decision they
6 may make on the specific facts of our case. And they did,
7 they said that, and lo and behold they were selected and they
8 did serve.

9 And so when you talk about bias and prejudice, it
10 can be all areas, you know, of you know, the case or -- or of
11 our, you know, community at this point; okay? The bottom line
12 is, can you put those aside and be fair to both sides. That's
13 what we're looking at.

14 Since this is a criminal case, the -- our two
15 prosecutors here have the burden of proving the charges. What
16 counsel just stated as far as locations and witnesses and the
17 type of charges, those are allegations. Allegations are not
18 evidence. Allegations do not prove anything.

19 Evidence in any case comes from the witness stand.
20 They will call witnesses. They will be sworn under oath.
21 They will testify. The defense attorneys may cross-examine
22 them. And it's up for the jury to decide whether or not the
23 State has proved the case beyond a reasonable doubt.

24 The defense has absolutely no burden to call any
25 witnesses, or to present any evidence. The reason for that

1 rule is, the first rule, the State, the prosecutors, bear the
2 burden of proving the case beyond a reasonable doubt. If they
3 fail to do that, then if you are selected as a juror, it'd be
4 your duty to vote not guilty if they fail to prove the case
5 beyond a reasonable doubt. If they do prove the case beyond a
6 reasonable doubt, then you would vote accordingly; okay?

7 Does anybody have any trouble, any problem with that
8 concept of our judicial system, that the State must prove the
9 case beyond a reasonable doubt? Any hands?

10 All right. It appears that no hands are being
11 raised.

12 Also ladies and gentlemen, at the end of the trial,
13 whether it's a civil or criminal case, the Judge will read to
14 you the jury instructions. Jury instructions are the laws
15 that apply to a particular case. And I assure you that the
16 jury instructions that I read to you are, in fact, the laws
17 that will apply to this case. The laws of the State of
18 Nevada, the United States of America, our statutory laws, if
19 any, relevant -- if any, if they are relevant to this case, I
20 will give those to you.

21 And if you are selected as a juror, it will be your
22 duty to apply the facts as you find them to the laws that I
23 give you of the case and then make your decision; okay?

24 Anyone have any problem with that concept, of
25 following the law and applying the law to the facts of the

1 case? Please raise your hand.

2 All right. No hands are being raised.

3 Now, similar to what I just mentioned, like I said,
4 I will give you the law that applies to this particular case,
5 and it is your duty to follow the law. Now, you may disagree
6 with a particular law. But if you are a juror, you still have
7 to follow the law in this case.

8 For example, we may say, well, you know, this
9 particular road should have a speed limit of 45 miles an hour
10 even though it says 35, and you might think, well, I don't
11 have to drive 35 because it's an industrial area, and why
12 can't I drive 45. And maybe you drive down that street and
13 you're driving 45 miles an hour. You're not following the
14 law.

15 But in this case, if you are a juror, you do follow
16 -- you need to follow the law that I give you. We don't give
17 you the law in advance of the case because we haven't heard
18 any evidence. Remember, the allegation -- all we have is
19 allegations. Evidence comes from the witness stand,
20 individuals called to testify, and any exhibits admitted into
21 evidence. That's the evidence in the case that you consider.

22 And so unfortunately, like I said, I can't tell you
23 all the facts of the case. I don't know them either. I
24 haven't heard a single witness in this case. You haven't
25 either. But even with that understanding, is there anyone

1 here who feels that they could not follow the law that I give
2 you in this case? Any hands being raised?

3 There are no hands being raised in this matter.

4 All right. Thank you.

5 Now, ladies and gentlemen, there are some
6 individuals that talked about some potential hardships. We
7 had some about the vaccine and some other issues, and I asked
8 those individuals to, you know, see if they could speak with
9 the appropriate people during the break, and we'll get to
10 those individuals in due course.

11 Everyone should have on your -- on your chair when
12 you came in a sheet of questions here. All right? And what
13 we're going to do is, we're just going to go down the list.

14 Number one is Mr. Anthony Wiggs, 004. And, sir, if
15 you can approach the microphone and just go down the list.
16 You can either call it off by number, or like for example,
17 number one says, how long have you lived in Clark County. So
18 you can just say, you know, you've lived here "x" number of
19 years. Then just go down to number two, number three,
20 etcetera.

21 Now, at certain times during times during your
22 answers, sir, I may ask some follow-up question for you; okay?
23 And so, please -- please bear that in mind for all of you
24 others. Please look at your questions there and study those
25 and we can get through this process a lot quicker.

1 Now, after we go through this sheet of paper, we're
2 going to ask each and every one of you to answer these
3 questions. I'm going to open up the questioning to the
4 attorneys. They may ask you some general questions about
5 serving as a jury, and then they may follow up with perhaps
6 some specific questions in relationship to the answers you've
7 given; okay?

8 So please listen carefully.

9 And so, Mr. Wiggs, at 004, if you can go down that
10 list please, sir.

11 PROSPECTIVE JUROR NO. 004: I've lived in Clark
12 County for two-and-a-half years. I have an Associates Degree
13 in Nursing. I'm a Registered Nurse. I'm about to get married
14 in four months.

15 THE COURT: What does your fiancé do for a living,
16 sir?

17 PROSPECTIVE JUROR NO. 004: She's an administrator
18 at an elementary school.

19 THE COURT: All right. Thank you.

20 PROSPECTIVE JUROR NO. 004: I have two children, 18
21 and 21. And they are both cocktail waitresses.

22 Number 6 is yes. A, yes. B, sometimes. C, depends
23 on the issue.

24 THE COURT: Okay. And what type of crime were you a
25 victim of, sir?

1 PROSPECTIVE JUROR NO. 004: It says, me or anyone
2 close to me.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 004: So --

5 THE COURT: What type of crime?

6 PROSPECTIVE JUROR NO. 004: It was an attack, like
7 an assault.

8 THE COURT: Okay. Was that a friend or a family
9 member?

10 PROSPECTIVE JUROR NO. 004: In my lifetime, both.

11 THE COURT: Okay. Here in Clark County, Nevada?

12 PROSPECTIVE JUROR NO. 004: Never.

13 THE COURT: Okay. And how long ago were those
14 situations, sir?

15 PROSPECTIVE JUROR NO. 004: 15, 20 years ago.

16 THE COURT: All right. Thank you. Go ahead, sir.

17 PROSPECTIVE JUROR NO. 004: Number 7, yes.

18 THE COURT: What type of crime, sir?

19 PROSPECTIVE JUROR NO. 004: Credit card fraud.

20 THE COURT: And who was accused of that crime, sir?

21 PROSPECTIVE JUROR NO. 004: A family member of mine.

22 THE COURT: Okay. Go ahead, sir.

23 PROSPECTIVE JUROR NO. 004: How I feel it was
24 handled, I guess the laws are the laws. But I don't feel
25 they're all handled fairly.

1 I've never served as a juror before.

2 Number 9 is have a I heard about the trial? I guess
3 I don't understand the question. Have I heard about the
4 people being charged? Is that the question?

5 THE COURT: Yes, sir.

6 PROSPECTIVE JUROR NO. 004: Yes, I have.

7 THE COURT: And now that you've mentioned, perhaps
8 on the Internet a year ago --

9 PROSPECTIVE JUROR NO. 004: Um-h'm.

10 THE COURT: -- is that correct?

11 PROSPECTIVE JUROR NO. 004: Um-h'm.

12 THE COURT: And you don't recall anything specific,
13 sir?

14 PROSPECTIVE JUROR NO. 004: No. I just remember the
15 pictures.

16 THE COURT: Okay. All right.

17 PROSPECTIVE JUROR NO. 004: And it being in the
18 news.

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

20 PROSPECTIVE JUROR NO. 004: Yeah, I don't feel like
21 I -- I feel like it would be difficult for me to sit as a
22 juror.

23 THE COURT: And why is that, sir?

24 PROSPECTIVE JUROR NO. 004: I don't want to put
25 anybody in prison because I don't know their -- their

1 background or their social history.

2 THE COURT: Okay. First off, and that's a -- I
3 appreciate that comment, sir.

4 Ladies and gentlemen, I will advise you, and this
5 will also be a jury instruction in this case, that during your
6 determination is strictly for whether or not the State has
7 proved the case beyond a reasonable doubt. That is your job.

8 Only, and only if the defendants are found guilty of
9 any other charges, is there a sentencing, and that is strictly
10 up to the Court, myself. Your sole job is to make a
11 determination as to whether or not the State has proved this
12 case beyond a reasonable doubt.

13 Do you understand that, sir?

14 PROSPECTIVE JUROR NO. 004: Yeah. And I think that
15 would still make it difficult for me.

16 THE COURT: Okay. Would it be -- would it make it
17 impossible for you to be fair in this case?

18 PROSPECTIVE JUROR NO. 004: It would make it
19 impossible.

20 THE COURT: All right. Continue on, sir.

21 PROSPECTIVE JUROR NO. 004: Number 10, I can't be
22 fair and impartial to both sides because of life experiences
23 I've had.

24 THE COURT: Have you had any situation with the lady
25 and gentleman --

1 PROSPECTIVE JUROR NO. 004: Okay.

2 THE COURT: -- accused of the crime here?

3 So I'm just trying to understand, how would the
4 allegations against them, that have nothing to do with you,
5 impact your ability to be fair?

6 PROSPECTIVE JUROR NO. 004: I think it's the system
7 overall in general.

8 THE COURT: Okay. Every single case, sir?

9 PROSPECTIVE JUROR NO. 004: Yes.

10 THE COURT: Is that right? Okay.

11 Continue on, sir.

12 So I think that's all of it. Is that correct?

13 PROSPECTIVE JUROR NO. 004: I think that's all of
14 them.

15 THE COURT: Thank you, sir.

16 All right. Next up is Edith Fernandez, 029.

17 PROSPECTIVE JUROR NO. 029: Okay. Edith Fernandez,
18 029. I've lived in Clark County off and on for about 40
19 years. I have a Ph.D. in higher education student
20 development. I am employed. I'm a vice president at Nevada
21 State College. I have a significant other who is an English
22 professor at the College of Southern Nevada.

23 I have two children, age 16 and 14. I have -- I
24 have been a victim of crime, but in Mexico, not in the United
25 States. And I have a close co-worker, my assistant, who was a

1 victim of a crime, sexual assault. The crime in Mexico was
2 reported. The sexual assault of my co-worker was reported.
3 That went to trial. My feelings about the criminal justice
4 system and that trial was mixed.

5 And I've been accused of stealing when I was a
6 teenager, about five times throughout my life. Nothing that
7 was reported to police. I never have served as a juror. I
8 have not heard anything about this trial. And in my opinion,
9 yes, I can base my verdict solely on the evidence presented.
10 And I do believe I can be fair and impartial to both sides.

11 THE COURT: All right. Thank you very much, Ms.
12 Fernandez.

13 Ms. Charlene Benon, 030.

14 PROSPECTIVE JUROR NO. 030: I've lived in Clark
15 County since 1998. I went to UNLV and got my degree in
16 criminal justice. I currently conduct background checks for
17 employment. My significant other is the assistant director of
18 a medical dispensary, medical marijuana dispensary.

19 I have two children. My son is 21. He is a driver.
20 My daughter is 18 and she's a college student.

21 I don't have anyone close to me that's been the
22 victim of a crime. My brother has been accused of multiple
23 crimes. He's been in and out of prison since he was about 18.

24 THE COURT: Is that -- is he --

25 PROSPECTIVE JUROR NO. 030: Property crimes.

1 THE COURT: Were those situations here in Clark
2 County, Nevada?

3 PROSPECTIVE JUROR NO. 030: They were not. No.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 030: California.

6 THE COURT: Thank you.

7 PROSPECTIVE JUROR NO. 030: I've never served as a
8 juror. I don't know anything about this trial. I do feel I
9 could base my verdict solely on the evidence presented. And I
10 could be fair and impartial to both sides.

11 THE COURT: All right. Thank you very much.

12 John, was it Meisler, 031.

13 PROSPECTIVE JUROR NO. 031: I have lived in Clark
14 County for six-and-a-half years. I got my bachelor's in
15 Sports Marketing and Management. And I am employed in hotel
16 sales. I am married. And my partner works in youth sports
17 technology application for Game Changer.

18 I have a five-and-a-half month old. I have never
19 been a victim or known anybody a victim of a crime, but I have
20 known someone accused of a crime.

21 THE COURT: And what type of crime, sir?

22 PROSPECTIVE JUROR NO. 031: Possession of marijuana
23 and firearms.

24 THE COURT: Is that here in Clark County, Nevada?

25 PROSPECTIVE JUROR NO. 031: California.

1 THE COURT: Okay. Thank you.

2 PROSPECTIVE JUROR NO. 031: The situation was
3 handled justly. I've never served on a jury before. Nothing
4 I've heard about the trial. And yes, I can definitely come up
5 with a verdict based on the evidence. And I can be fair and
6 impartial.

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

8 PROSPECTIVE JUROR NO. 031: Thank you.

9 THE COURT: Jose Esparza, 033.

10 PROSPECTIVE JUROR NO. 033: Good morning. My name
11 is Jose Esparza. 033 is my badge number. Been in Clark
12 County for 29 years. I graduated from MLX (phonetic) as an
13 aviation mechanic. Currently employed as a server in a
14 restaurant. No significant other. No children. Never been a
15 victim of a crime, known anyone been accused of a crime.

16 Have not served as a juror. Have not heard anything
17 about the trial as well. And I can base my verdict solely on
18 the evidence presented during the trial. And I can be fair
19 and impartial to both sides.

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

21 PROSPECTIVE JUROR NO. 033: Thank you.

22 THE COURT: David Acevez, 035.

23 PROSPECTIVE JUROR NO. 035: Hello. My name is David
24 Acevez. My badge number is 0035. I graduated from high
25 school. I lived in Clark County for 16, about 16 years. I'm

1 currently employed. I am the supervisor for a management
2 company, property management company. I am married. My wife
3 is stay at home wife.

4 I don't have childrens. My sister-in-law was -- she
5 was attacked and somebody broke into -- I'm sorry -- into her
6 home and she was attacked in our home -- my home.

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

9 PROSPECTIVE JUROR NO. 035: Yes.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 035: The crime was reported.
12 The person was caught. And I feel the situation was handled
13 properly.

14 Seven, is no. Eight, is no. Nine, is no. Ten, is
15 yes. And 11, is yes.

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

17 PROSPECTIVE JUROR NO. 035: Thank you.

18 THE COURT: Amy Scholes, 048.

19 PROSPECTIVE JUROR NO. 048: My name is Amy Scholes,
20 048. I've lived in Clark County for 30 years. I have a high
21 school graduate with some college classes in accounting. I am
22 employed as a project coordinator. I am married. And my
23 husband is in construction. I have two children, 31 and 34.
24 One is a stay-at-home mom and the other is in IT.

25 I have had somebody close to me the victim of a

1 crime. It was reported. The person was caught. I do feel
2 that it was handled satisfactorily.

3 THE COURT: And ma'am, what type of crime was that?

4 PROSPECTIVE JUROR NO. 048: My first husband was a
5 police officer killed in the line of duty by a drunk driver.

6 THE COURT: Okay. Was that here in Nevada?

7 PROSPECTIVE JUROR NO. 048: No, California.

8 THE COURT: Okay. Thank you.

9 PROSPECTIVE JUROR NO. 048: No, have not been
10 accused or anybody accused of a crime that I know.

11 I have never served as a juror. And I have not
12 heard about the trial. And I believe I could make a fair
13 opinion and a verdict. I can be impartial to both sides.

14 THE COURT: All right. Thank you very much.

15 Patricia Andrade, 051.

16 PROSPECTIVE JUROR NO. 051: Good morning. I'm
17 Patricia Andrade, 051.

18 I've lived here for 40 years. I am a licensed nail
19 technician. Also, I have two jobs. I recently got a second
20 job, because I'm the sole provider now for my family since I'm
21 recently divorced. I do have two children and one adopted,
22 25, 30 and 21. I have been a victim of a crime.

23 THE COURT: Oh, ma'am, the -- your adult children,
24 are they employed?

25 PROSPECTIVE JUROR NO. 051: Yes.

1 THE COURT: And what type of work do they do?

2 PROSPECTIVE JUROR NO. 051: Two of them right now
3 are off due to COVID. So they're on unemployment. And my
4 other one, he works with his father.

5 THE COURT: And what's that?

6 PROSPECTIVE JUROR NO. 051: Construction.

7 THE COURT: Okay. Thank you.

8 PROSPECTIVE JUROR NO. 051: Yes. Handyman.

9 I have been a victim of identity theft. Also, purse
10 snatching and car theft.

11 THE COURT: And how long ago were those situations?

12 PROSPECTIVE JUROR NO. 051: Like five years ago.

13 THE COURT: And was that here in Nevada?

14 PROSPECTIVE JUROR NO. 051: Yes.

15 THE COURT: Okay. Thank you.

16 PROSPECTIVE JUROR NO. 051: I am going through a
17 case with my mom right now for -- she was also a victim of
18 theft from -- it was a big case. We did win. So but it's
19 still going through the process right now.

20 THE COURT: Was that a civil case you're talking
21 about?

22 PROSPECTIVE JUROR NO. 051: Yeah.

23 THE COURT: Is that a yes?

24 PROSPECTIVE JUROR NO. 051: Yes.

25 THE COURT: Okay. Thank you.

1 PROSPECTIVE JUROR NO. 051: Um --

2 THE COURT: And, ma'am, on your situations, I don't
3 know if I missed this, it says, was the individual caught who
4 committed those crimes; do you know?

5 PROSPECTIVE JUROR NO. 051: No, they weren't caught.

6 THE COURT: Okay. Thank you.

7 PROSPECTIVE JUROR NO. 051: No. Sorry.

8 I've never been a juror. Number 9, no. Ten, yes.
9 Eleven, yes.

10 THE COURT: All right. Thank you.

11 Marisol Martin, 054.

12 PROSPECTIVE JUROR NO. 054: Good morning.

13 THE COURT: Good morning.

14 PROSPECTIVE JUROR NO. 054: Marisol Martin, 054.

15 I've lived in Clark County for four years. I have a bachelors
16 in electrical engineering and physics. I am a senior analyst
17 for a mid-size engineering firm here in Vegas. I am married
18 to a flight test engineer who also works at the same
19 engineering firm.

20 I do not have any children. I've had my truck
21 vandalized in Baltimore, and a couple of property stolen here
22 in Vegas. That's last year. And my husband has had his car
23 vandalized and broken into here in Vegas about three years
24 ago. I don't know if the people were ever caught. I was not
25 informed. But we always reported it. And so I don't have any

1 opinion on how the situation was handled.

2 I and nobody I know has been accused of a crime. I
3 have never served on jury duty. There's nothing for 9. And
4 yes on 10 and 11.

5 THE COURT: All right. Thank you.

6 Jose Castaneda, 057.

7 PROSPECTIVE JUROR NO. 057: Hi. My name is Jose
8 Castaneda. I've been in Vegas for 22 years. High school
9 diploma. I'm a supervisor for a construction company. I'm
10 married, home wife. Three kids. Two of them are police
11 officers, one of them is in high school.

12 THE COURT: And sir, you said you had some children
13 that are police officers?

14 PROSPECTIVE JUROR NO. 057: Yes.

15 THE COURT: Are they officers here in Clark County,
16 Nevada?

17 PROSPECTIVE JUROR NO. 057: Yes.

18 THE COURT: Okay. Do you know, are they with Metro,
19 or North Las Vegas?

20 PROSPECTIVE JUROR NO. 057: Yeah, they're with
21 Metro.

22 THE COURT: Okay. Do you know what Department they
23 work in?

24 PROSPECTIVE JUROR NO. 057: I know they're in
25 Summerlin.

1 THE COURT: Okay. Are they patrol officers or are
2 they Detectives --

3 PROSPECTIVE JUROR NO. 057: Yes.

4 THE COURT: Patrol officers? Okay. Thank you, sir.

5 PROSPECTIVE JUROR NO. 057: Six, is no. Seven, is
6 no. I have never served as a juror. I haven't heard anything
7 about the trial. And yes, and yes, on the last questions.

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

9 Debrorah Smith, 058.

10 PROSPECTIVE JUROR NO. 058: My name is Deborah
11 Smith. I've lived in Clark County for 22-and-a-half years. I
12 have some college, no degree. I am an -- I am employed at a
13 bank. And I am an executive administrator there. I'm not
14 married. I have one daughter who's 41. She is a UX
15 (phonetic) Designer in technology for an advertising agency.

16 I have been victim of a crime, and close to someone
17 who has been. I -- our houses were -- both my brother and I,
18 our houses have been burglarized in Oregon and here.

19 THE COURT: Okay. How long ago were those
20 situations?

21 PROSPECTIVE JUROR NO. 058: The one here, for
22 myself, our home was about 12 years ago. There was no one
23 caught. And the situation was just dropped, I guess. No one
24 I know has been accused of a crime. I've gotten to this level
25 as a juror, but that was dismissed, here in Clark County.

1 And I have not heard anything about this trial. I
2 do believe, yes, for 10. And yes, for 11.

3 THE COURT: All right. Thank you, ma'am.

4 Richard White?

5 PROSPECTIVE JUROR NO. 085: My name is Richard
6 White. My number is 085. I've been in Clark County for three
7 years. I'm a high school graduate. I am retired. My wife is
8 retired. No children. I have a family member who was a
9 victim of a crime. And I have a family member who was accused
10 of a crime.

11 THE COURT: And sir, the victim of the crime, what
12 type of crime was that?

13 PROSPECTIVE JUROR NO. 085: It was assault.

14 THE COURT: And how long ago?

15 PROSPECTIVE JUROR NO. 085: Oh, that was 30 years
16 ago.

17 THE COURT: Was that here in Nevada?

18 PROSPECTIVE JUROR NO. 085: No.

19 THE COURT: Okay. Thank you, sir.

20 Was the person ever caught or --

21 PROSPECTIVE JUROR NO. 085: I don't know the
22 particulars --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 085: of either -- of either
25 one of those. I've never been a juror before. And 9, 10 and

1 11, yes.

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

3 Next up is Alfredo Villegas-Ortiz, 094.

4 And sir, before the break, you told us that you had
5 a Zoom, I guess, interview or meeting this afternoon. And I
6 don't know if you were able to speak with the -- the potential
7 employer as far as rescheduling or having it at noon, or
8 perhaps mid-afternoon?

9 PROSPECTIVE JUROR NO. 094: Correct.

10 So Alfredo Villegas, 094. So I was able to
11 reschedule for a later time.

12 THE COURT: All right.

13 PROSPECTIVE JUROR NO. 094: So, yeah.

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

15 PROSPECTIVE JUROR NO. 094: Well, thank you.

16 All right. So I've lived in Las Vegas for all my
17 life, 27 years. I graduated Desert Pines High School.
18 Currently, I am not employed. Let's see, I'm married. My
19 wife does -- I don't -- I don't know her position in the
20 company, but she works for Optim (phonetic).

21 THE COURT: Is that a medical --

22 PROSPECTIVE JUROR NO. 094: Yeah.

23 THE COURT: -- company? Okay.

24 PROSPECTIVE JUROR NO. 094: Yeah.

25 THE COURT: Medical Services? Thank you.

1 PROSPECTIVE JUROR NO. 094: Let's see, I have a nine
2 year old daughter.

3 I've been, let's see, a victim of a car break-in.

4 THE COURT: And how long ago was that, sir?

5 PROSPECTIVE JUROR NO. 094: I think it was -- it was
6 last year.

7 THE COURT: Was that here in Nevada?

8 PROSPECTIVE JUROR NO. 094: Yeah. Right here in
9 Nevada.

10 THE COURT: Okay. Thank you.

11 PROSPECTIVE JUROR NO. 094: And they were never
12 caught and it was dropped. And then I had a family member who
13 -- my father, whose car was -- truck stolen. And they never
14 were caught, the people that, I guess, stole his truck.

15 THE COURT: Was that also here in Nevada?

16 PROSPECTIVE JUROR NO. 094: Also here in Nevada.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 094: Yep.

19 THE COURT: Thank you, sir.

20 PROSPECTIVE JUROR NO. 094: Let's see, on 6, on C, I
21 felt like the situation, I mean, how could they, you know,
22 catch them. You know, it's -- I guess the people were, you
23 know, pretty smart about, you know, that.

24 Seven, all right. I'll -- I guess I'm on 8 then.

25 THE COURT: So no on 7, sir?

1 PROSPECTIVE JUROR NO. 094: Oh, accused of a crime.

2 Oh, no. On 8, I've never served as a juror. Never
3 heard about this trial before. Ten, yes. And 11, yes.

4 THE COURT: All right. Thank you very much, sir.

5 Candace, was it Krubsack? Or Krubsack? I'm sorry.

6 PROSPECTIVE JUROR NO. 099: It's okay.

7 Candace Krubsack, 099.

8 THE COURT: And ma'am, I think we had spoke to you
9 about perhaps your second -- I think it was your second shot
10 that you need. And like I said, I'm not going to get involved
11 in any medical decisions, and that's why I think you and a
12 couple other people had that issue.

13 And that's why I asked if the -- you and the other
14 individuals would contact the facility and see what the time
15 frame was and see if you could reschedule. But like I said, I
16 am -- don't want to do anything that would impact your health.

17 PROSPECTIVE JUROR NO. 099: So they recommend that I
18 still get it tomorrow, but they said I could come in as early
19 as 8:30 or as late at 6:00.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 099: So they said as long as
22 I'm on the schedule tomorrow, that I could come before or
23 after --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 099: -- jury duty and it

1 should be fine.

2 THE COURT: All right. And like I said, if you are
3 selected as a juror, we will, I guarantee you, we will stop
4 either right at 5:00 or before 5:00.

5 PROSPECTIVE JUROR NO. 099: Okay.

6 THE COURT: Okay? Well, thank you, ma'am. And I
7 appreciate you calling.

8 PROSPECTIVE JUROR NO. 099: Perfect.

9 So I've lived in Clark County for six-and-a-half
10 years. I'm currently in school getting my Bachelors in
11 Business Administration in HR Management. I'm employed part-
12 time at a cheer gym. I'm married. My husband works. He's a
13 government contractor at Nevada Test Site.

14 I have two children, 16 and 21. My 21-year-old
15 works for T-Mobile. I do have people close to me that have
16 been a victim of a crime. The only one in Nevada was an
17 assault, and it's actually in court now.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 099: So the person was
20 caught. But they haven't resolved anything yet.

21 THE COURT: Okay. When you -- is it set for trial
22 or do you know?

23 PROSPECTIVE JUROR NO. 099: It's the pretrial is
24 actually today.

25 THE COURT: Okay. Were you a witness to that

1 situation?

2 PROSPECTIVE JUROR NO. 099: No.

3 THE COURT: Okay. And do you think that that
4 situation would have any impact on your ability to be fair in
5 this case if you were selected?

6 PROSPECTIVE JUROR NO. 099: I don't.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 099: They knew the person
9 that assaulted them, so it's a little different.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 099: No, nobody close to me
12 has been accused of a crime. I've never served as a juror
13 before. There's nothing I've heard about the trial that makes
14 me feel I wouldn't be able to sit as a juror. I do feel yes
15 to 10 and 11.

16 THE COURT: All right. Thank you very much.

17 Is it Jeannette, is it Maass?

18 PROSPECTIVE JUROR NO. 101: Yes.

19 THE COURT: And that's 101.

20 PROSPECTIVE JUROR NO. 101: Jeannette Maass, 0101.

21 I've lived in Clark County for 20 years. I have a
22 bachelors degree in electronic engineering. I am employed. I
23 work for Morgan & Morgan Law Firm as an intake specialist. I
24 do have a significant other that is retired. I do not have
25 any children. You know, I had my car broken in years ago here

1 but, you know, I didn't report it or anything.

2 THE COURT: Was that here in Nevada?

3 PROSPECTIVE JUROR NO. 101: Yeah.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 101: Number 7 is yes. My
6 brother. And, you know, I just look at it like you do the --
7 you know, he got what was coming to him.

8 THE COURT: Okay. And what type of crime was he
9 accused of?

10 PROSPECTIVE JUROR NO. 101: He was in possession of
11 stolen merchandise.

12 THE COURT: And was that here in Nevada?

13 PROSPECTIVE JUROR NO. 101: No, that was in
14 California.

15 THE COURT: All right. Thank you.

16 PROSPECTIVE JUROR NO. 101: I've never been a juror.
17 I have not heard about anything about this case. And then
18 number 10 is yes, 11 is yes.

19 THE COURT: All right. Thank you very much.

20 PROSPECTIVE JUROR NO. 101: Um-h'm.

21 THE COURT: Ann McCormack, 118.

22 PROSPECTIVE JUROR NO. 118: Thank you.

23 Ann McCormack, Juror No. 0118. Clark County, come
24 June, 33 years. I have a diploma in the accounting as well as
25 a minor in data processing. I am fully employed as accounting

1 auditor, as well as secretary to the owner of the company. I
2 also am a senior tax advisor.

3 I am not married. I have no children. I have been
4 a victim of a crime and counting five times.

5 THE COURT: Okay. What type of crimes, ma'am?

6 PROSPECTIVE JUROR NO. 118: My -- the first one, it
7 -- I don't know what you would label it. The guy called me on
8 the phone saying he was going to come over and shoot me if I
9 hung up the phone. The second one, I had a burglary in my
10 home. I had -- I've had two cars stolen, and I've had one car
11 broken into where my radio was taken, but I didn't bother
12 reporting that because --

13 THE COURT: Ma'am, were all those situations here in
14 Nevada?

15 PROSPECTIVE JUROR NO. 118: All of them were here in
16 Nevada. Yes, sir.

17 THE COURT: Okay. All right. And about how long
18 can you tell us how long -- how long ago those situations
19 occurred?

20 PROSPECTIVE JUROR NO. 118: One was, I believe, the
21 first one was before 1996. They did catch the gentleman. I
22 did testify in court twice. I was asked to testify a third
23 time but I guess they made a deal because they never called me
24 back for that.

25 The house burglary, I reported it. They were never

1 caught. I did get one of my items back. One of the cars that
2 was stolen was totally stripped from the front firewall all
3 the way to the front. The second car that was stolen was
4 recovered, but no -- no criminals were caught in either of
5 those cases. And the window that was shattered on my car
6 where they stole the radio, I didn't bother reporting that
7 because the radio wasn't even worth 50 bucks. It cost me more
8 to replace the window than the radio.

9 Yes, I have someone who was a victim of a crime. My
10 aunt. Her brother was bludgeoned to death as a security guard
11 in Arizona. My criminal -- the first criminal case that I
12 testified in was handled very well. Other than they failed to
13 notify me when he was released. The second time I testified
14 they had brought him back into the jail system for another
15 crime. That's why had to testify a second time.

16 I've never been a juror. I've not heard about this
17 trial. And I can do the verdict solely on the evidence
18 presented to me. And yes, I can be fair and impartial in the
19 trial.

20 THE COURT: All right. Thank you very much.

21 PROSPECTIVE JUROR NO. 118: Um-h'm.

22 THE COURT: Ruth Phillips, 126.

23 And Ms. Phillips, I believe you were one of the
24 other individuals, we've had a couple here, about the second
25 COVID shot. Were you able to contact the facility and see

1 about either rescheduling or the time frame that you can get
2 your second shot on?

3 PROSPECTIVE JUROR NO. 126: It was at UNLV. I just
4 e-mailed them and they said they would contact me about trying
5 to work with me. So I'm hoping that that will work out. But
6 I don't have any answer yet.

7 THE COURT: Okay. Maybe they'll -- because we're
8 going to take the lunch break around the noon hour.
9 Hopefully, you'll have some word back at that time.

10 PROSPECTIVE JUROR NO. 126: Okay.

11 THE COURT: We'll follow up with you. Thank you,
12 ma'am.

13 PROSPECTIVE JUROR NO. 126: Sounds great.

14 So Ruth Phillips, 126. I've lived in Clark County
15 for 32 years. I have a Masters in Public Administration. And
16 yes, I'm employed at an investment management and advisory
17 firm. My husband also works there. And he's the president of
18 the company. I have three children. They're 32, 30 and 25.

19 The 32 year old is in financial services industry.
20 The twenty -- the 30 year old is in medical residency. And
21 the 25 year old is an accountant.

22 I have yes, we've -- I've had our struck stolen
23 about ten years ago here in Clark County. It was recovered
24 and no one was caught. Also, we had a car broken into
25 probably about 25 years ago and we didn't report that.

1 I have close family members that have been victims
2 of sexual crimes. One was raped, another was sexually abused
3 by a parent.

4 THE COURT: And how long ago were those situations?

5 PROSPECTIVE JUROR NO. 126: Quite awhile ago.

6 THE COURT: I mean, five, ten years --

7 PROSPECTIVE JUROR NO. 126: The -- the --

8 THE COURT: -- 20 years?

9 PROSPECTIVE JUROR NO. 126: The rape was probably
10 ten years, and the parent sexual abuse was 30.

11 THE COURT: Were those situations here in Nevada?

12 PROSPECTIVE JUROR NO. 126: No. Both out of state.

13 THE COURT: Thank you.

14 PROSPECTIVE JUROR NO. 126: No, we haven't been
15 accused of any crime in our family. I have not been a juror
16 before. Probably one thing I should mention in regard to this
17 trial is Metro is one of our investment advisor clients. I
18 don't have any contact with them directly. But and also my
19 dad is a retired California Highway Patrol Officer and my
20 nephew did work for Metro as an officer, not currently.

21 And yes, I think I can be impartial and base my
22 opinion on the evidence presented.

23 THE COURT: All right. Thank you.

24 Wayne Bennett, 129?

25 PROSPECTIVE JUROR NO. 129: Hi. My name is Wayne

1 Bennett, 129. I've lived in Clark County for 17 years. I
2 have two masters degrees, both education related, one math
3 education, one educational administration.

4 I'm employed. I work for the CCSD. I'm divorced.
5 I have two children, 16 and 12. My car was broken into 10
6 years ago in California, did not report it. I've never been
7 accused of a crime. I've never served on a jury. I have no
8 prior knowledge of this case. And yes, to 10 and 11.

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

10 Renae Decesare. I apologize if I mispronounced that.
11 That's 134.

12 PROSPECTIVE JUROR NO. 134: Renae Decesare, 134.

13 I've lived in Clark County 20 years. I have an
14 associate degree in nursing. I am employed. I'm married. My
15 significant other is currently unemployed. My children are 19
16 and 22. They both are in school. No one has ever -- near me
17 has ever been -- no to 6 and no to 7.

18 I served on a jury. It was a criminal trial. A
19 verdict was reached and I was not the foreman.

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

21 PROSPECTIVE JUROR NO. 134: Yes.

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

23 PROSPECTIVE JUROR NO. 134: Somewhere between 2 and
24 5 years.

25 THE COURT: All right. Thank you.

1 PROSPECTIVE JUROR NO. 134: I've heard nothing about
2 this trial. I think I can be -- yes to 10, and yes to 11.

3 THE COURT: All right. Thank you.

4 Taylor Riebel, 140 -- 154.

5 PROSPECTIVE JUROR NO. 154: Hello. Yes. My name is
6 Taylor Riebel, No. 0154. I've lived here in Clark County for
7 five years now. I'm currently in my last semester of college
8 in UNLV as hospitality with a concentration in golf
9 management.

10 Currently employed as a head golf professional at a
11 golf course here in the -- in the City. And no significant
12 other. No children. I have not had anybody close to me a
13 victim of a crime, or me. I have not have been accused of a
14 crime. No to 8. And have not heard anything from this trial.
15 10 and 11, yes.

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

17 Ronald West, 158.

18 PROSPECTIVE JUROR NO. 158: Hi. Ronald West, 158.
19 I've lived in Clark County for 29 years. I have a master
20 degree in educational leadership. I work for the -- a defense
21 contractor as a front line supervisor. I am married. My wife
22 is a casino dealer. She works at the Venetian.

23 I have one child, he's 23. He's autistic, so he
24 stays at home. And my wife has recently been a victim of
25 identity fraud, an unemployment claim was filed against her.

1 Seven, eight, nine is no. And 10 and 11 is yes.

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

3 Lourdes Bortles, or Bortles, 192.

4 PROSPECTIVE JUROR NO. 192: My name is Lourdes
5 Bortles, Number 192.

6 I live in Clark County for 16-and-a-half years. I
7 have a bachelors degree in business administration, major in
8 accounting. I am currently assistant controller for a
9 property management company.

10 I am divorced, no children. My company, a former
11 employee went to trial for fraud, embezzlement, theft.

12 THE COURT: Was that here in Nevada, ma'am?

13 PROSPECTIVE JUROR NO. 192: Yes.

14 THE COURT: Okay. And how long ago was that
15 situation?

16 PROSPECTIVE JUROR NO. 192: 2019, 2020.

17 THE COURT: All right. Thank you.

18 PROSPECTIVE JUROR NO. 192: My ex-husband was
19 recently a victim of fraud online, on Offer Up (phonetic).

20 I haven't been a juror before.

21 THE COURT: Oh, ma'am, let me go back. Was any
22 individual arrested in those situations?

23 PROSPECTIVE JUROR NO. 192: It -- for the -- for my
24 ex-husband? It was a -- we were told to report it on FBI.

25 THE COURT: All right. How about the other

1 situation?

2 PROSPECTIVE JUROR NO. 192: I think they reached a
3 settlement.

4 THE COURT: All right.

5 PROSPECTIVE JUROR NO. 192: The employ -- my
6 employer and the employee.

7 I haven't heard of this trial before. And yes to 10
8 and 11.

9 THE COURT: All right. Thank you very much.
10 Christine Haynes, 196.

11 PROSPECTIVE JUROR NO. 196: Christine Haynes, 196.

12 I've lived in Clark County 21 years. I have a
13 masters in education and higher education. I'm employed as --
14 at -- at the Nevada System of Higher Education as a executive
15 coordinator for government and community relations.

16 I have a significant other. He's disabled. I have
17 three children, 33, 30 and 27. And my oldest daughter is a
18 food server here in Las Vegas at a restaurant. My middle
19 daughter is a homemaker. And my youngest daughter is -- works
20 at a credit union in Idaho.

21 My partner had a motorcycle stolen and they found
22 the motorcycle but not the person who stole it. So the
23 property was returned in good condition and it was handled
24 well, I thought.

25 THE COURT: And how long ago was that situation,

1 ma'am?

2 PROSPECTIVE JUROR NO. 196: Like four years ago.

3 THE COURT: Was that here in Nevada?

4 PROSPECTIVE JUROR NO. 196: Yeah.

5 THE COURT: All right. Thank you.

6 PROSPECTIVE JUROR NO. 196: And then he had a second
7 one stolen that was not recovered.

8 Yes, for number 7. I had a close family member with
9 a DUI. Two DUI's and I thought it was handled right. The
10 consequences were fair.

11 I've never served as a juror before. I've not heard
12 about this case or -- so that would be a no on 9. Yes, I can
13 base my verdict solely on the evidence, and yes, I can be fair
14 and impartial to both sides.

15 THE COURT: All right. Thank you, ma'am.

16 Kyle McCall, 197.

17 PROSPECTIVE JUROR NO. 197: My name is Kyle McCall,
18 Number 197. I was born and raised in Clark County, so I've
19 lived here for over 20 years. I'm currently attending school
20 to become an emergency medical technician.

21 I am employed. I'm a licensed health insurance
22 agent at a contact center. I'm not married. I do not have
23 any children. No to 6 and 7. I have never been a juror
24 before. No to 9, and yes to 10 and 11.

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

1 Debra Yamagata-Toma, 207.

2 PROSPECTIVE JUROR NO. 207: Debra Yamagata-Toma,
3 Number 207.

4 I have lived -- lived in Clark County for 22 years.
5 Some college. I dropped out. I went to court reporting
6 school, but I got married and moved back to Hawaii so I did
7 not complete that course.

8 I am self-employed. I have two children, 38 and 40.
9 One's a bookkeeper. The other one's a lawyer. My father has
10 been a victim of a crime. He was robbed at home with a deadly
11 weapon. That person was never caught.

12 THE COURT: And how long ago was that situation?

13 PROSPECTIVE JUROR NO. 207: Oh, about 2000, 2001

14 THE COURT: All right. And I'm sorry, was that here
15 in Clark County?

16 PROSPECTIVE JUROR NO. 207: Yes.

17 THE COURT: Okay. Thank you.

18 I've never served as a juror before. And I've never
19 heard anything about this case.

20 And yes to number 10 and 11.

21 THE COURT: All right. Thank you.

22 PROSPECTIVE JUROR NO. 207: Thank you.

23 THE COURT: Ronald McCullers, 208.

24 PROSPECTIVE JUROR NO. 208: Ron McCullers, Badge
25 0208. I've lived in Clark County about 20 years. I have an

1 associates degree in engineering. I was in the Marine Corp
2 for 24 years, taught engineering.

3 I'm a armed security guard here in Clark County.
4 Been doing that for 20 years. I'm married. My wife does e-
5 commerce or e-Bay and Amazon for home business.

6 I have one child 17 years old. High school. No,
7 number 6. No, number 7. Yes, I do feel the criminal justice
8 system is good here. Yes, I've served the jury here before.

9 THE COURT: And how long ago was that, sir

10 PROSPECTIVE JUROR NO. 208: In 2011.

11 THE COURT: And was that a civil or criminal case?

12 PROSPECTIVE JUROR NO. 208: It was a civil case,
13 lawsuit. The standing verdict was they were not guilty for
14 that case.

15 THE COURT: I mean, was that no liability?

16 PROSPECTIVE JUROR NO. 208: Yes.

17 THE COURT: Because -- okay, because civil is
18 usually liability. Okay, thank you, sir.

19 PROSPECTIVE JUROR NO. 208: Yes, sir.

20 THE COURT: And were you the foreperson?

21 PROSPECTIVE JUROR NO. 208: Excuse me?

22 THE COURT: Were you the foreperson of that -- in
23 that trial, the jury?

24 PROSPECTIVE JUROR NO. 208: No. Yeah, I was just
25 one of the jurors.

1 THE COURT: Okay. Thank you.

2 PROSPECTIVE JUROR NO. 208: No, I haven't heard
3 anything about this case. And no, I don't think it's -- it's
4 going to be difficult to be a juror. Yes, I -- I'd say yes, I
5 am fair and impartial, I can be.

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

7 PROSPECTIVE JUROR NO. 208: You're welcome.

8 THE COURT: Is it J. Shelby, 217?

9 PROSPECTIVE JUROR NO. 217: Janna (phonetic) Shelby,
10 0217. Number 1, one-and-a-half years I've lived in Clark
11 County. School, I went to -- a couple years of junior college
12 with a certificate in early childhood education. I am not
13 currently employed. I am an officer manager for -- or I used
14 to work for an office manager as an office manager in the
15 medical field.

16 I am married. My spouse is a retired contractor
17 with Home Depot. I have two children, ages 38 and 33. One of
18 them is an office manager in the medical field. The other
19 teaches fitness to children on the spectrum.

20 I've had a couple friends that have been victims of
21 crime. One was credit card fraud that they did not do
22 anything with. One was, purse was snatched and she got the
23 purse back from the person that stole it. And my daughter's
24 car was broken into. They were all reported, but except for
25 the credit card fraud.

1 THE COURT: And ma'am, how long ago were those
2 situations?

3 PROSPECTIVE JUROR NO. 217: About 15 years ago.

4 THE COURT: Was that here in Nevada?

5 PROSPECTIVE JUROR NO. 217: California.

6 THE COURT: All right. Thank you.

7 PROSPECTIVE JUROR NO. 217: And then number 7, my
8 son was sitting in a car on a break from work and next to his
9 employment was a bank. The bank was robbed and the police
10 thought he was the -- or he was the robber. And he got that
11 straightened out right away.

12 And then number 8, I've been -- yes, I've been on a
13 jury. The crime was a DUI. There was no verdict reached. I
14 was not the foreperson.

15 THE COURT: And how long ago was that jury service?

16 PROSPECTIVE JUROR NO. 217: At least ten years ago.

17 THE COURT: Was that here in Nevada?

18 PROSPECTIVE JUROR NO. 217: California.

19 THE COURT: All right. Thank you.

20 PROSPECTIVE JUROR NO. 217: Number 9, no. Ten, yes.
21 Eleven, yes.

22 THE COURT: All right. Thank you.

23 Eduardo Nuno, 218.

24 PROSPECTIVE JUROR NO. 218: 218, Eduardo Nuno.

25 I've lived in Clark County for the last two-and-a-

1 half years. Attended school. Got a degree, two degrees, one
2 in AA in general military studies and one BS in marketing.

3 Currently employed. And I am considered a agent
4 cashier for the VA. I did retire from the military.
5 Currently married for 19 years. We have -- my wife is a
6 homemaker. My son is -- and daughter are both in high school.
7 One is 18, one is 14.

8 Has anybody been close -- yes, the crimes were
9 reported. I had two of mine were out of state. And -- or
10 mother-in-law was here in Nevada, in October.

11 THE COURT: How about the situations involving
12 yourself, sir. Were they here in Nevada?

13 PROSPECTIVE JUROR NO. 218: No, they were out of
14 state.

15 THE COURT: And how long ago were those situations?

16 PROSPECTIVE JUROR NO. 218: One was in 2005, the
17 other one in 2001.

18 THE COURT: All right. Thank you.

19 PROSPECTIVE JUROR NO. 218: And then we have my
20 brother-in-law was accused of domestic violence.

21 THE COURT: And how long ago was that, sir?

22 PROSPECTIVE JUROR NO. 218: And that one in
23 November.

24 THE COURT: And was that here in Nevada?

25 PROSPECTIVE JUROR NO. 218: Yes.

1 THE COURT: Okay. Thank you.

2 And do you think his situation -- is this -- is his
3 situation still ongoing, sir?

4 PROSPECTIVE JUROR NO. 218: No, I think it was
5 already completed. They -- I don't know what -- exactly what
6 they did. But they went ahead and took care of it, 12 hours
7 of confinement. That's all I know.

8 I was a juror in a -- in California. I was
9 considered an alternate juror.

10 THE COURT: And how long ago was that service, sir?

11 PROSPECTIVE JUROR NO. 218: And that was in 2008.

12 THE COURT: Was that civil or criminal?

13 PROSPECTIVE JUROR NO. 218: That was criminal.

14 THE COURT: All right. Thank you.

15 PROSPECTIVE JUROR NO. 218: I've never heard of this
16 case. And yes, and yes.

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

18 Nancy Tennant, 229?

19 PROSPECTIVE JUROR NO. 229: Thank you.

20 Hello, I'm Nancy Tennant, 229. And we -- it'll be
21 three years in May since we moved here from Wyoming. I had a
22 Bachelor of Science degree in education. I taught for 33
23 years and I'm a retired teacher. I'm married. My husband is
24 a retired high school teacher.

25 And I have two sons, 32 and 30, both who are

1 mentally disabled. And 6, 7, 8 and 9 are no. And 10 and 11
2 are yes.

3 THE COURT: All right. Thank you, ma'am.

4 PROSPECTIVE JUROR NO. 229: Um-h'm.

5 THE COURT: Rebecca Reyes, 243.

6 PROSPECTIVE JUROR NO. 243: Hi. My name is Rebecca
7 Reyes, Badge Number is 243. I've lived in Clark County for 33
8 years. I have a masters degree in social work. I am
9 employed. I'm a disease investigator for the Southern Nevada
10 Health District. I am married. My husband is a field
11 consultant for 7-Eleven.

12 I have on daughter, but she's only three years old,
13 so. Six is a no. Seven, is no. I've never been on a jury
14 before. I've not heard about this case. And 10 and 11 are
15 yes.

16 THE COURT: All right. Thank you.

17 Mark Ito, that's 244.

18 PROSPECTIVE JUROR NO. 244: Mark Ito, 244.

19 Lived in Clark County for the past 18 months. But
20 the past 10 months I've actually lived -- I was in Hawaii
21 taking care of personal business. I have a masters degree,
22 undergraduate degree in accounting. Masters degree in
23 business.

24 I'm not employed right now, but I think I should
25 disclose that I've been in banking all my career. Recently,

1 in risk, the risk area of the banking, which deals with loan
2 losses, credit card fraud, things like that. Wrote policies
3 and procedures for the bank. I was a vice president. Just --
4 just to let you know.

5 My wife also works for a financial institution.

6 THE COURT: And sir, as you know, as from one of the
7 District Attorneys mentioned the nature of one of the charges
8 is fraudulent use of a credit or debit card. The fact that
9 you've worked -- you've worked in the banking environment --

10 PROSPECTIVE JUROR NO. 244: Um-h'm.

11 THE COURT: -- do you think that would prevent you
12 from being fair in this case?

13 PROSPECTIVE JUROR NO. 244: Yeah. Too, I was going
14 to say that I could -- I could probably say yes to 10.
15 Eleven, truthfully, I'm not sure if I could honestly, truly be
16 fair and impartial based on my work that I did.

17 THE COURT: All right. The attorneys may have some
18 follow-up questions for you. But thank you, sir.

19 PROSPECTIVE JUROR NO. 244: Okay. No children. I
20 have been a victim myself of credit card fraud. My wife, as
21 well. That was, I think, about five years ago.

22 THE COURT: Was that in Hawaii, sir?

23 PROSPECTIVE JUROR NO. 244: That is in, no,
24 California.

25 THE COURT: Okay. I'm sorry. All right.

1 PROSPECTIVE JUROR NO. 244: And then some close
2 relatives were also victims of crime, but assault. And that
3 was in California.

4 THE COURT: And how long ago were those situations?

5 PROSPECTIVE JUROR NO. 244: Some were very long time
6 ago. Some were actually recent.

7 THE COURT: Like how recent?

8 PROSPECTIVE JUROR NO. 244: Maybe two or three years
9 ago. No one that I -- I haven't been accused of a crime and
10 no one I know has been accused of a crime.

11 Never served as a juror. And not heard of anything
12 about this case. And then, I believe, 10, as I said, yes, I
13 think I could be -- I could -- you know, yes to 10, and I'm
14 not sure about 11.

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

16 William Cichoski, 251.

17 PROSPECTIVE JUROR NO. 251: William Cichoski, Badge
18 251. I've lived in Clark County for 33 years with a few years
19 off for school out of state. I didn't end up graduating, but
20 I went for like three-and-a-half years.

21 I'm employed. I do billing department for a
22 construction company. No kids. Someone tried to steal my
23 car, but the battery was dead so they just vandalized it. It
24 was reported, but nothing happened.

25 Then I was accused of illegal consumption when I was

1 18. And then we did a probation and it was dismissed.

2 I've never served as a juror, and no to 9, and yes
3 to 10 and 11.

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

5 Angela Almaraz, 253.

6 PROSPECTIVE JUROR NO. 253: Thank you.

7 Hello. Angela Almaraz, No. 253. I've lived in
8 Clark County for about 31 years. I do have a bachelors
9 degree, hotel administration. I work for Clark County Risk
10 Management. I do clerical work for, I'd say, insurance FMLA
11 for Clark County employees.

12 I am married. My husband is in construction. I do
13 not have any children. I guess I've had -- somebody tried to
14 steal my credit card. That was about a year ago. My mom did
15 have somebody steal her unemployment card a few months ago.
16 They about -- over \$5,000 from her.

17 Similarly, my mom was accused of stealing from her
18 job and let go. I don't know how far it went. I don't know
19 the exact specifics of it, but I do believe because English is
20 her second language, it might have been a little bit unfair on
21 her part.

22 I have not served as a juror before.

23 THE COURT: And ma'am, let me -- let's go back to
24 number 6.

25 PROSPECTIVE JUROR NO. 253: Um-h'm.

1 THE COURT: You had said that yourself, and I
2 believe you said your mother have been victims of someone
3 trying to or someone stole the credit card.

4 PROSPECTIVE JUROR NO. 253: Um-h'm.

5 THE COURT: How long ago were those situations?

6 PROSPECTIVE JUROR NO. 253: Mine was about a year
7 ago and hers was a few months ago.

8 THE COURT: And were both those here in Nevada?

9 PROSPECTIVE JUROR NO. Yes.

10 THE COURT: Okay. And as you heard, there's an
11 allegation -- I'm always going to emphasize that -- an
12 allegation of fraudulent use of a credit or debit card in this
13 particular case. The fact that that's one of the identified
14 charges, would that have any impact on your ability to be fair
15 in this case?

16 PROSPECTIVE JUROR NO. 253: No.

17 THE COURT: All right. Thank you. Go ahead, ma'am.

18 PROSPECTIVE JUROR NO. 253: I have not served as a
19 juror. I don't know anything about this trial. And I believe
20 I can be fair for 10 and 11.

21 THE COURT: Thank you, ma'am.

22 PROSPECTIVE JUROR NO. 253: Um-h'm.

23 THE COURT: All right. Kenly Bansal, 265?

24 Ladies and gentlemen, I think we have the cleanest
25 microphone in the world here, so.

1 PROSPECTIVE JUROR NO. 265: Good morning, Kenly
2 Bansal, 265. I've lived in Clark County about four-and-a-half
3 years. I have a master degree in social work. I currently
4 work for the VA. I am married. My husband is a physician
5 with the VA. We have two children, one-and-a-half and three-
6 and-a-half. No, to 6. No, to 7. No, to 8. No, to 9. And
7 yes to 10 and 11.

8 THE COURT: All right. Thank you.

9 Stacey Giannantonio. I apologize if I mispronounced
10 that. That's 285.

11 PROSPECTIVE JUROR NO. 285: No, you're correct.

12 THE COURT: All right.

13 PROSPECTIVE JUROR NO. 285: Stacey Giannantonio,
14 Number 285.

15 I've lived in Clark County for 47 years. I have a
16 masters degree in special education. I am a teacher in the
17 Clark County School District. I'm married. My husband is an
18 intake specialist at a dispensary. I have two children, ages
19 16 and 14. No, to number 6 and 7. No, to 8. No, to 9. And
20 yes to 10 and 11.

21 THE COURT: All right. Thank you.

22 Marie Sinclair, 294.

23 PROSPECTIVE JUROR NO. 294: I'm Marie Sinclair, 294.

24 I've been in Clark County three years. I have a
25 bachelor's degree in computer science. I am retired. I was

1 an aerospace software engineer. I'm single. I have three
2 children, 54, 44, and 36. It's electrician, Amazon driver and
3 a long shore man.

4 Six is no. Seven, I had another older brother, now
5 deceased, who went to prison. That was in Massachusetts,
6 roughly 1968.

7 THE COURT: Do you remember what type of charge he
8 went to prison for?

9 PROSPECTIVE JUROR NO. 294: That was armed robbery.

10 THE COURT: Okay. Thank you.

11 PROSPECTIVE JUROR NO. 294: I have served as a juror
12 in a criminal trial in California, late '80s. No verdict was
13 reached and I -- I was the foreperson on that.

14 I haven't heard of this trial before. Ten, is yes.
15 And Eleven, is yes.

16 THE COURT: All right. Thank you.

17 All right the next juror is 297, it's Ring.

18 PROSPECTIVE JUROR NO. 297: E. Ring.

19 THE COURT: Yes. Sir, is it -- is that -- just --
20 do you just go by the initial or is there -- it just says --

21 PROSPECTIVE JUROR NO. 297: Oh, yeah, E is my first
22 name.

23 THE COURT: Okay. Thank you, sir.

24 PROSPECTIVE JUROR NO. 297: Yeah, E is my first.

25 THE COURT: Now, sir, I think -- all right. Thank

1 you. And I believe you were one of the other individuals that
2 were waiting for your second COVID shot.

3 PROSPECTIVE JUROR NO. 297: Correct.

4 THE COURT: Were you able to contact the facility?

5 PROSPECTIVE JUROR NO. 297: No, I have not been able
6 to talk to anybody.

7 THE COURT: Okay. Perhaps try during the lunch hour
8 which --

9 PROSPECTIVE JUROR NO. 297: Sure.

10 THE COURT: -- we're going to be taking a break --

11 PROSPECTIVE JUROR NO. 297: Okay.

12 THE COURT: -- shortly. Go ahead, sir.

13 PROSPECTIVE JUROR NO. 297: But anyways, yes, I've
14 lived in Clark County around 23 years. I have some college.
15 I'm employed as a concierge at a Strip -- Strip hotel. Let's
16 see, my wife is retired. We have no children.

17 I guess, a couple -- I guess when I was a young
18 teenager, like still in high school, I was at a bus stop and
19 some kids surrounded me and took my watch and, you know, my --
20 you know, my money I had. And a few years later when I was in
21 my 20s my best friend was stabbed with a bayonet back in
22 Michigan, 22 -- 22 times.

23 And then before I knew my wife, I guess she was at
24 the -- before the -- they built a -- MGM -- I mean, Mandalay
25 Place Mall. It was just a walkway. And she walking between

1 the Luxor and Mandalay Bay and she was mugged. That was my
2 wife. Before -- and before --

3 THE COURT: Sir, I'm sorry. How long ago was that,
4 sir?

5 PROSPECTIVE JUROR NO. 297: Probably like 25 years
6 ago or so, you know, give or take, you know, between 20 --
7 yeah, before they built the mall. It was just a hotel -- two
8 hotels.

9 THE COURT: And was the person ever caught, sir?

10 PROSPECTIVE JUROR NO. 297: To my knowledge, no.

11 THE COURT: All right. Thank you.

12 PROSPECTIVE JUROR NO. 297: Let me see, I've never
13 been accused of a crime. I've never been on a jury. Let me
14 see, I've never heard of this case and I guess, yes and yes.

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

16 Karina Ponce, 306.

17 PROSPECTIVE JUROR NO. 306: Badge 306, Karina Ponce.

18 I have lived in Clark County for 27 years. I've got
19 a high school diploma. I work at the front desk for a hotel
20 on the Strip. I'm married. I have two children, a four-year
21 old and an eight-month old. And I do know somebody that has
22 been a victim of a crime. That was my uncle. His son stole
23 his car. He was --

24 THE COURT: How long --

25 PROSPECTIVE JUROR NO. 306: -- caught.

1 THE COURT: How long ago was that, ma'am?

2 PROSPECTIVE JUROR NO. 306: A year ago.

3 THE COURT: All right. Here in Nevada?

4 PROSPECTIVE JUROR NO. 306: Yes.

5 THE COURT: All right. Thank you.

6 PROSPECTIVE JUROR NO. 306: He served a couple
7 months, so that was that. And then, my cousin was accused of
8 a crime. Only served a couple months, once again.

9 I have never been a juror. I haven't heard anything
10 about this trial. Yes, to 10 and 11.

11 THE COURT: All right. Thank you.

12 John Nelson, 314.

13 PROSPECTIVE JUROR NO. 314: 314, John Nelson.

14 I've lived in -- in Clark County for 42 years. I
15 have a masters degree in psychology and school administration.
16 I'm a retired educator. I'm married. My wife owns a Academy
17 of Hair Design here in Las Vegas. We have three children, 34,
18 31 and 29. One's a school counselor, one's a math teacher,
19 and one is a nurse.

20 Never a victim of a crime. No, to 7, 8, 9, yes to
21 10. I would like to mention that my eldest sibling has been a
22 prosecutor for 30-some years. So I may have a tendency to
23 lean --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 314: -- in a prosecutorial

1 manner.

2 THE COURT: All right. And where are they a
3 prosecutor or where --

4 PROSPECTIVE JUROR NO. 314: In Indiana.

5 THE COURT: Indiana. Okay. Are they retired at
6 this point?

7 PROSPECTIVE JUROR NO. 314: No, they are not.

8 THE COURT: Okay. And you had said you may lean
9 that way. Now, I had mentioned earlier that -- and it sounds
10 like you know this -- that in a criminal case, the prosecutors
11 just --

12 PROSPECTIVE JUROR NO. 314: Yeah.

13 THE COURT: -- like you said your son would have to
14 prove his case beyond a reasonable doubt. Okay?

15 PROSPECTIVE JUROR NO. 314: Yes, sir.

16 THE COURT: Do you understand that, sir?

17 PROSPECTIVE JUROR NO. 314: Yes, sir.

18 THE COURT: And I'm assuming your son probably has
19 talked to you about those, you know, cases he may have had.

20 PROSPECTIVE JUROR NO. 314: It's my sister.

21 THE COURT: Oh, I'm sorry. Your sister.

22 PROSPECTIVE JUROR NO. 314: That's quite all right.

23 THE COURT: I apologize. The fact that your sister
24 was a prosecutor, are you still going to hold the State to
25 their burden of beyond a reasonable doubt?

1 PROSPECTIVE JUROR NO. 314: Absolutely.

2 THE COURT: Okay. So even though you obviously love
3 your sister, but that -- the question everyone's going to have
4 for you, and I have for you is, you know, we understand your
5 family member has been a prosecutor and that's their job for,
6 I think you said 37 years. But the bottom line is, will you
7 hold the State to that burden.

8 PROSPECTIVE JUROR NO. 314: Yes. Yes, I will.

9 THE COURT: Okay. And not a lesser burden, not a
10 higher burden, but that burden?

11 PROSPECTIVE JUROR NO. 314: No, sir. I just felt I
12 should mention that.

13 THE COURT: And I -- and thank you. And we
14 appreciate that, sir.

15 PROSPECTIVE JUROR NO. 314: Okay.

16 THE COURT: Thank you.

17 PROSPECTIVE JUROR NO. 314: You're welcome.

18 THE COURT: Michael, was it Limon, 315?

19 We'll come to you. Okay.

20 PROSPECTIVE JUROR NO. 315: Yes. Your Honor, my
21 name's Michael Limon, 315. I've lived in Clark County for 52
22 years. I went to Chaparral High School here in Las Vegas. I
23 am employed as a business sales consultant. My wife
24 volunteers. We have four adult children, 30, 31, 33 and 35,
25 real estate, hair dresser, worship leader, and that -- what

1 does the other one do -- man, that's terrible. It will come
2 to me. It's age.

3 THE COURT: Well, sir, what are their dates of
4 birth? No, I'm just kidding.

5 PROSPECTIVE JUROR NO. 315: You're really testing
6 me. Number 6, in 1981, here in Nevada, I had a motorcycle
7 stolen. About ten years ago, my father in Reno was hit by a
8 drunk driver while he was walking on the sidewalk. I believe
9 that the situation was handled fair by the criminal justice
10 system.

11 THE COURT: And sir, you said your motorcycle was
12 stolen; is that correct?

13 PROSPECTIVE JUROR NO. 315: That's correct. In
14 1981. They never found it.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 315: They never -- never got
17 it back. Number 7, I have been accused of a DUI in 1992. And
18 in 2000 for domestic violence.

19 THE COURT: Were those situations here in Nevada?

20 PROSPECTIVE JUROR NO. 315: Here in Las Vegas. Yes.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 315: And I believe that that,
23 again, the criminal justice system was fair on that. I've
24 never served on a jury. I haven't heard nothing about this
25 case. And yes, I can be -- yes, to number 10 and 11. Yes.

1 THE COURT: All right. Thank you.

2 PROSPECTIVE JUROR NO. 315: Thank you.

3 And last but not least, Mr. Mateo Sigala, 325.

4 PROSPECTIVE JUROR NO. 325: My name is Mateo Sigala,
5 325. I'm a native here, born and raised. I did go -- I did
6 graduate college and I went to a trade school and got my
7 certifications as a medical assistant, phlebotomist. And I'm
8 currently in college for my bachelors in biology.

9 I do have a -- I do have a significant other who
10 works for a private animal hospital as a vet tech. I don't
11 have any kids. And I have been a victim of a crime of
12 assault, when I was in fifth grade by a group of high
13 schoolers. That was back in '08, '09.

14 And then my older cousin is a -- he's been accused
15 of car theft, robbery, violating house arrest, and he served
16 that time in 2016. He got out, 2020, but he's back in prison
17 again, later in 2020, for violating house arrest again.

18 THE COURT: Were those -- did those situations occur
19 here in Nevada?

20 PROSPECTIVE JUROR NO. 325: Um-h'm. All of them.

21 THE COURT: Okay. And then how about your
22 situation, where you were a victim?

23 PROSPECTIVE JUROR NO. 325: Here in Nevada.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 325: Yeah. I never left. So

1 and I've never been a juror before. And then I never heard
2 about this case, and yes to 10 and 11.

3 THE COURT: All right. Thank you.

4 Thank you, sir.

5 All right. Ladies and gentlemen, in about five
6 minutes we're going to take our lunch break, but let's try to
7 keep working through the next five minutes.

8 State, do you have any general questions for the
9 panel? I mean, we'll get to the specific individual later,
10 but any general questions that we have not covered?

11 MR. LEXIS: Does anybody believe that the criminal
12 justice system in general is unfair?

13 Sir, come on up.

14 THE COURT: And again, ladies and gentlemen, if
15 you're going to answer yes to any of the attorney's questions,
16 we need you to also state your name and badge number again.

17 MR. LEXIS: Badge number, sir?

18 PROSPECTIVE JUROR NO. 004: 004.

19 MR. LEXIS: And can you expand on that?

20 PROSPECTIVE JUROR NO. 004: My name is Anthony
21 Wiggs.

22 MR. LEXIS: Okay. Can you expand on that sir, why
23 do you believe that?

24 PROSPECTIVE JUROR NO. 004: I just know of many
25 instances of trials and case throughout my life where things

1 just haven't been fair for certain people.

2 MR. LEXIS: Okay. Thank you, sir.

3 Anybody else?

4 Ma'am, in Seat No. 4, Badge 029. Can you please
5 come up?

6 I have a hand out for some of you who answered
7 questions previously. And ma'am, is it true that you also
8 were asked that question and you said that you believe it's
9 not fair? Do you remember that?

10 PROSPECTIVE JUROR NO. 029: Edith Fernandez, 029.

11 What was the question again?

12 MR. LEXIS: Do you believe the criminal justice is
13 effective and fair?

14 PROSPECTIVE JUROR NO. 029: It can be. Yes.

15 MR. LEXIS: Okay. Do you remember giving a
16 questionnaire --

17 PROSPECTIVE JUROR NO. 029: No.

18 MR. LEXIS: -- to Clark County previously? No?

19 PROSPECTIVE JUROR NO. 029: I don't recall that.

20 MR. LEXIS: Okay. Do you -- it also indicates here
21 that you were asked if you have positive thoughts about law
22 enforcement and you stated, no. Is that true?

23 PROSPECTIVE JUROR NO. 029: Correct.

24 MR. LEXIS: Okay. Can you expand on that?

25 PROSPECTIVE JUROR NO. 029: Just reflecting recently

1 on what's been happening on a national scale, I do question
2 law enforcement and I think that it's long overdue that we
3 have reform law enforcement in generally, nationally,
4 everywhere.

5 MR. LEXIS: Okay. There's going to be a lot of cops
6 testifying in this case. Do you believe that you could be
7 fair and impartial to them or is your feelings going to hinder
8 your ability to evaluate the case?

9 PROSPECTIVE JUROR NO. 029: I believe I can be fair
10 and impartial.

11 MR. LEXIS: Okay. And what type of criminal justice
12 reform are you speaking of when you talk about police in
13 general?

14 PROSPECTIVE JUROR NO. 029: I would say selecting
15 police and training police and different tactics police use to
16 de-escalate situations. Police racial profiling in
17 particular, et cetera.

18 MR. LEXIS: Okay. Thank you.

19 Does anyone else believe that the criminal justice
20 system is unfair or they have a negative feeling towards law
21 enforcement?

22 Let the record reflect no hands.

23 At this end of this trial, you're going to be asked
24 to cast judgment upon the defendants, whether it's guilty or
25 not guilty. Is there anything in anybody's background whether

1 it's religious or the way you were raised or just beliefs in
2 general that would hinder your ability to cast judgment upon
3 somebody?

4 Let the record reflect no hands.

5 I'm sure everyone has seen these crime scene shows
6 like CSI, etcetera. Does anybody here believe that the State
7 needs to prove or have forensic evidence in a case, whether it
8 be DNA or fingerprints etcetera, in order to prove a case?

9 Let the record reflect no hands.

10 Does anyone believe that there needs to be an eye
11 witness to a crime for the State to be able to convict?

12 Are you raising your hand, ma'am, or no?

13 Okay.

14 Does anybody disagree with the -- you heard the
15 Judge earlier say that he's the one ultimately sentence if
16 they're found guilty, whether it be probation, classes, jail
17 etcetera.

18 Does anybody disagree with that notion? Does
19 anybody disagree with the notion that the Judge is the person
20 who ultimately would be the sentencer in the case?

21 Let the record reflect no hands.

22 With that said, is there anybody who is going to
23 say, you know what, even though I heard you say that, that the
24 Judge, and I heard the Judge say that he's the sentencer it's
25 still going to weigh on me when I go back and deliberate what

1 the potential sentence is?

2 Okay. Just Juror No. 1 seat? Anybody else?

3 Let the record reflect no hands.

4 Is there anyone here that believes they might have a
5 problem with following the law even though they disagree with
6 the law? I mean, the most common one nowadays is, for
7 example, marijuana. A lot of people have strong beliefs one
8 way or the other, whether it still should be a law or should
9 not be a law.

10 In this particular case, even though we're not
11 dealing with marijuana. If you're given a jury instruction
12 and you're ordered to follow that jury instruction, if you
13 don't believe in it, do you believe you would have a problem
14 in following the law?

15 Let the record reflect no hands.

16 Anybody happy to get their Jury Summons, anxious to
17 potentially be on a jury?

18 Okay. Come on up, sir.

19 You probably didn't think I was going to call on
20 you, eh?

21 PROSPECTIVE JUROR NO. 033: Yeah.

22 MR. LEXIS: So juror in Seat No. 7?

23 PROSPECTIVE JUROR NO. 033: My name is Jose Esparza,
24 033.

25 MR. LEXIS: Okay. Why is that, sir? Why did you

1 want to be on a jury?

2 PROSPECTIVE JUROR NO. 033: This is my second time I
3 ever had it, and my first time I was dismissed. So I'm kind
4 of excited just to be on a jury to just experience it, to be
5 honest.

6 MR. LEXIS: Okay. Mainly just for the experience?

7 PROSPECTIVE JUROR NO. 033: Yeah.

8 MR. LEXIS: Okay. Any other reason? Okay.

9 PROSPECTIVE JUROR NO. 033: No.

10 MR. LEXIS: Thank you.

11 Who else? Come on up, sir.

12 PROSPECTIVE JUROR NO. 154: Taylor Riebel, No. 0154.

13 This is my first opportunity in like a court of law
14 appearance and to kind of see first hand what it's like, what
15 the process is like. And then about two years ago now, I
16 kind of took a -- my first class in college with like how law
17 and how court cases go. So I thought that was really
18 interesting, it kind of perked my interest in the -- the law
19 system.

20 MR. LEXIS: Okay. Thank you.

21 PROSPECTIVE JUROR NO. 154: Um-h'm.

22 MR. LEXIS: Anybody else?

23 PROSPECTIVE JUROR NO. 194: Kyle McCall, 197.

24 Just I've never served on a jury before. So it's
25 something I've looked forward to.

1 MR. LEXIS: Why?

2 PROSPECTIVE JUROR NO. 194: It's a new experience.

3 MR. LEXIS: Thank you.

4 THE COURT: Mr. Lexis, unless there's someone else,
5 let me just stop you right there. We'll take our lunch break
6 and then we'll resume.

7 So, ladies and gentlemen, before we take a lunch
8 break, I just want to tell you, on the first floor of this
9 building there's a -- there's a sandwich shop. Across the
10 street from the main entrance where you came in this morning,
11 there's three or four eating establishments there.

12 And there's one on Fourth and Bonneville, it's a
13 health food -- health food restaurant. And I think by the
14 City Hall building there's another sandwich shop. I'm not
15 endorsing any of these locations, I'm just telling you where
16 they're located. It's strictly up to you where you eat

17 But I just wanted to tell you about that.

18 It is now 12:05. We'll come back at 1:05 promptly
19 so we can resume and pick our jury this afternoon.

20 So, ladies and gentlemen, during this lunch recess
21 you must not discuss or communicate with anyone, including
22 your fellow jurors, in any way regarding the case or its
23 merits, either by voice, phone, e-mail, text, Internet, or
24 other means of communication or social media. You're not to
25 read, watch, or listen to any news or media accounts or

1 commentary about the case. You're not to do any research such
2 as consulting dictionaries, using the Internet or using
3 reference materials. You're not to make any investigation,
4 test the theory of the case, recreate any aspect of the case,
5 or in any other way investigate or learn about the case on
6 your own. And you're not to form or express an opinion
7 regarding this case until it's submitted to you.

8 Have a great lunch. We'll see you at 1:05. Please
9 wait outside until the Marshal escorts you in.

10 THE MARSHAL: All rise for the exit of the jury.

11 (Outside the presence of the prospective jurors.)

12 THE COURT: Can someone shut the door, please?

13 All right. We're outside the presence of the jury
14 panel.

15 Juror No. 004, Mr. Wiggs. He has given quite a few
16 answers that I don't know if either party or any of the
17 parties are going to be able to rehabilitate him.

18 Is there any agreement to not question him any
19 further?

20 MR. ARNOLD: No objection. But I need to finish
21 mine.

22 THE COURT: Mr. -- Mr. Hart?

23 MR. HART: Yeah. He actually wrote in that he
24 couldn't (indiscernible) also.

25 MR. LEXIS: Yeah. No objection from the State.

1 MR. HART: He's a conscientious objector.

2 THE COURT: Okay. So probably the next -- I mean,
3 probably the next break we'll release him. So let's don't ask
4 him any further questions.

5 All right. Anything by the State before we break
6 for our lunch?

7 MR. LEXIS: Yeah. Judge, I would just point out
8 that --

9 THE COURT RECORDER: Can you speak into the
10 microphone, please?

11 MR. LEXIS: Sure.

12 THE COURT: Yeah. I know. Sorry. I'm -- I think
13 it's the new normal, so.

14 MR. LEXIS: Judge, just so you know, I only have --
15 Hello?

16 THE COURT: Are they off, Cynthia?

17 THE COURT RECORDER: No.

18 MR. LEXIS: Is that (inaudible)?

19 THE COURT RECORDER: Maybe the batteries are dead.

20 THE MARSHAL: There you go.

21 MR. LEXIS: All right.

22 MS. COLE: There you go.

23 MR. LEXIS: Just so you know, Judge, when we come
24 back, I only have a -- a few more questions, a couple more
25 questions.

1 But as far as, I would say Juror Number -- in Seat
2 4, 029, I do have a problem with, and I would ask for a for-
3 cause challenge. It's -- what she was testifying to is
4 clearly inconsistent with what she put in her questionnaire.
5 And in addition when I phrased it another way which was
6 basically the -- saying the same thing, she admitted that.

7 And so I just want to let the Court know where I'm
8 going with that one.

9 THE COURT: All right. I'll mark for-cause and if
10 either defense counsel -- I mean, when we get to her, you're
11 free to question her and see if you want her, rehabilitate
12 her. But we'll deal --

13 MR. ARNOLD: For the record, we have incomplete --
14 we don't have questionnaires for everyone.

15 Additionally, from my previous trial, I seen that
16 some of these answers that are noted in the questionnaires
17 were not the answers by the actual juror, and we should just
18 follow up on those.

19 THE COURT: No, that's fine. I'm not -- not going
20 to make any decision on that right now. But Mr. Lexis just
21 brought it to our attention.

22 Anything else by you, Mr. Arnold, before we leave
23 for lunch?

24 MR. ARNOLD: Nothing further, Your Honor.

25 THE COURT: Anything by you, Mr. Arnold?

1 MR. HART: I believe Mr. -- I believe Mr. Arnold
2 expressed the same opinions that I did. I'm not sure -- I
3 don't know, she said she didn't remember filling out the form.
4 I noticed it's asking the same question twice, so I'm not sure
5 what was going on.

6 THE COURT: All right.

7 MR. LEXIS: And, Judge, I -- obviously, it's pretty
8 -- I'm pretty sure that we're going to finish early today.

9 Are you going to read them the initial instructions
10 so tomorrow we can go straight to opening statements?

11 THE COURT: Depending on how much time we have.

12 MR. LEXIS: Okay.

13 THE COURT: I mean, I would -- I would like to --

14 MR. LEXIS: Okay.

15 THE COURT: -- just so we can get more time in with
16 the jury --

17 MR. LEXIS: Yes.

18 THE COURT: -- I mean, jury time. So it's up to you
19 three gentlemen as to how -- and ladies, I'm sorry -- as to
20 how long you're going to take in questioning the jury.

21 But we do need to get it done today.

22 MR. LEXIS: Oh, yeah. We'll get it done.

23 THE COURT: Okay?

24 MR. LEXIS: Thank you.

25 THE COURT: All right. See everybody at 1:05.

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

2 (Outside the presence of the prospective jurors.)

3 (Pause in the proceedings.)

4 THE COURT: All right. We're on the record right
5 now. Both clients are present. We're outside the presence of
6 the jury panel.

7 We'll have one alternate in this case, so as you
8 know, based upon the nature of the charges, each side's
9 entitled to four peremptory challenges and then one challenge
10 for an alternate. The parties, if they so choose, can
11 stipulate to exercise five peremptory challenges at one time,
12 and then whoever ends up in Seat 13 is our alternate. Or if
13 you want to do just four and see who's left, and then we'll
14 have the one additional challenge.

15 Any --

16 MR. LEXIS: Judge, I would prefer five wherever.

17 THE COURT: Okay. Mr. Arnold?

18 MR. ARNOLD: (Inaudible) five.

19 THE COURT: Okay. So again, if you -- if you waive
20 one, you don't waive them all. And whoever -- so each side
21 will be able to exercise five peremptory challenges --

22 THE COURT RECORDER: I need Mr. Arnold --

23 THE COURT: -- who ends up in Seat 13, is our
24 alternate.

25 THE COURT RECORDER: (Inaudible).

1 THE COURT: All right.

2 MR. LEXIS: Judge, one last thing.

3 THE COURT: Sure.

4 MR. LEXIS: I already told Mr. Arnold and Mr. Hart,
5 Mr. Hart?

6 MR. HART: Yeah, I'm here.

7 MR. LEXIS: Just so you know, that a Second Amended
8 Indictment, we kept -- accidentally kept dash 2 at the end,
9 even though -- so I just whited it out. They're both being
10 tried together, so on the case number, the -- the Clerk
11 pointed it out.

12 MR. HART: So it's going to be 2 and 3?

13 MR. LEXIS: No, it's just C and then the case
14 number, instead of dash 1, dash 2, since it --

15 MR. HART: Okay.

16 THE COURT: No objection, Mr. Arnold?

17 MR. ARNOLD: None, Your Honor.

18 THE COURT: No objection, Mr. Hart?

19 MR. HART: No, Your Honor.

20 THE COURT: All right. Let's bring the jury in.

21 MR. LEXIS: And Judge, just so you know, too --

22 THE COURT: Yeah.

23 MR. LEXIS: -- I plan on passing -- you already know
24 my for-cause which is the person in Seat No. 1 and No. 4

25 THE COURT: Right. I don't think there's much

1 argument about No. 1.

2 THE MARSHAL: All rise for the entry of the jury.

3 (Inside the presence of the prospective jurors.)

4 THE COURT: All right. Everyone have a seat.

5 Welcome back, ladies and gentlemen.

6 Mr. Lexis did you have a -- did you have a couple
7 more general questions for our panel or --

8 MR. LEXIS: The State will pass, Judge.

9 THE COURT: All right. Mr. Arnold, do you have any
10 general questions for the panel before we get into the
11 individual questioning?

12 MR. ARNOLD: Yes, Your Honor.

13 Sitting here today, so far, the State hasn't offered
14 any evidence in regards to my client.

15 Does anyone out here feel that my client is guilty?

16 Let the record indicate no hands.

17 Additionally, my client is African-American. I am
18 African-American. Is there anyone have a bias in regards to
19 my client's race or my race?

20 Seeing no hands, Your Honor, I'll pass my questions
21 to Mr. Hart.

22 THE COURT: All right. Mr. Hart?

23 MR. HART: Obviously, the same two questions that
24 were just asked by Mr. Arnold would be asked by me and I'm
25 going to -- I'm assuming if it didn't work for one, it's not

1 going to work for the other; right?

2 Okay. The other question is, nobody was -- some of
3 you filled out forms, some (indiscernible) to call and they
4 don't bother to give us the information.

5 Who here has family or close friends that are law
6 enforcement? I know you, because I already got it.

7 Okay. And I'm sorry, my -- my order is not very
8 good. You are number -- yeah, please.

9 PROSPECTIVE JUROR NO. 048: Amy Scholes.

10 MR. HART: You're Amy Scholes?

11 PROSPECTIVE JUROR NO. 048: Yes.

12 MR. HART: Number 48.

13 PROSPECTIVE JUROR NO. 048: Yes.

14 MR. HART: Okay.

15 PROSPECTIVE JUROR NO. 048: I my previous husband,
16 he's passed away. He was in law enforcement.

17 MR. HART: Yes.

18 PROSPECTIVE JUROR NO. 048: And I have a nephew in
19 law enforcement --

20 MR. HART: Yes.

21 PROSPECTIVE JUROR NO. 048: -- in California.

22 MR. HART: Okay. With your former husband being
23 killed in the line of duty, I know it's kind of a sensitive
24 thing. Are you sure that would not affect your ability to
25 fairly assess this case?

1 PROSPECTIVE JUROR NO. 048: I don't believe it
2 would. I've never been in this situation so I can't say. But
3 I don't believe it would.

4 MR. HART: Okay. And you can understand why the
5 term "I don't believe" might give me a little bit of pause.
6 Would you view officer testimony more favorably based on your
7 relationship?

8 PROSPECTIVE JUROR NO. 048: No, I don't think so.

9 MR. HART: And I'm sorry, I'm not trying to be
10 insensitive. My father-in-law was killed by a drunk driver,
11 too. I also know that our feelings about him, he was a pretty
12 great man to begin with. But you know, he became more
13 idolized, I guess, for lack of a better term.

14 Would that affect you at all, with him, especially
15 since it was in the line of duty?

16 PROSPECTIVE JUROR NO. 048: No, I don't think so.

17 MR. HART: Okay. While I've got you up here, are
18 there any questions you would -- if you were in my position,
19 is there anything I should ask you that I would want to know?

20 PROSPECTIVE JUROR NO. 048: Nothing I can think of.

21 MR. HART: And what's that?

22 PROSPECTIVE JUROR NO. 048: Nothing I can think of.

23 MR. HART: Okay. Thank you.

24 And in the back --

25 THE COURT: Well --

1 MR. HART: -- is it Mr. Castaneda?

2 Did you say -- yeah, you said you had two children
3 that are officers.

4 PROSPECTIVE JUROR NO. 057: Yes.

5 Jose Castaneda, 57 -- 057.

6 MR. HART: And they're both with Metro here?

7 PROSPECTIVE JUROR NO. 057: Yes.

8 MR. HART: And they're both patrol?

9 PROSPECTIVE JUROR NO. 057: Yes.

10 MR. HART: Do they know you're on jury duty?

11 PROSPECTIVE JUROR NO. 057: That I don't know.

12 MR. HART: Do you guys talk much or --

13 PROSPECTIVE JUROR NO. 057: Well, I kind of forgot
14 about it until today so --

15 MR. HART: That seems to be going around.

16 PROSPECTIVE JUROR NO. 057: Yes.

17 MR. HART: I thought I'd sleep in too, but it didn't
18 work that way.

19 Do you talk to them often?

20 PROSPECTIVE JUROR NO. 057: Yes.

21 MR. HART: Okay. If you were to come back with a
22 verdict of not guilty, would that be a problem in talking with
23 your kids that are cops?

24 PROSPECTIVE JUROR NO. 057: Probably not.

25 MR. HART: And I'm just going to go back to the

1 words I hate "probably". Do you think it would have any
2 influence on you whatsoever?

3 PROSPECTIVE JUROR NO. 057: No.

4 MR. HART: Okay. And that's all I'm asking from you
5 right now. Thank you.

6 PROSPECTIVE JUROR NO. 057: Thanks.

7 MR. HART: Are there another couple hands?

8 Are we bringing them all up here or what are we
9 doing, boss?

10 THE MARSHAL: Tell me which way you want me to go.
11 I'll go over here.

12 THE COURT: Actually, Mr. Hart, since we have
13 questionnaires on most the people, if you want to just do that
14 when we get to them when we ask the individual questions about
15 law enforcement --

16 MR. HART: Okay. Well, let me see who we have that
17 maybe I don't have a questionnaire for.

18 THE COURT: All right.

19 MR. HART: So, 23. I know, I'm working on it.

20 Okay. And 28, and 20, and --

21 THE MARSHAL: 39.

22 MR. HART: 39, thank you. 37. And was there one
23 behind the beam? I can't see.

24 THE MARSHAL: 27.

25 MR. HART: 27? Thank you. Okay.

1 And is there anybody here for any -- and I --
2 religious reasons -- and I know this was asked a little bit
3 ago -- but any religious reasons, moral reasons, they would
4 not be able to -- you cannot sit as a juror and be -- and
5 judge -- in judgment of other people?

6 Okay. No. 11. Or 51.

7 Do you want me to wait on that then, Your Honor?

8 THE COURT: Yes, please.

9 MR. HART: Okay. And I note -- is everybody here a
10 U.S. Citizen?

11 Okay. I didn't see it on the questionnaire, so I
12 just need to make sure.

13 Anybody here hate defense attorneys?

14 My dad's not here.

15 Okay. Okay. Anybody here feel they shouldn't be a
16 juror, period?

17 Okay. I'll pass the general.

18 THE COURT: All right. Thank you.

19 State, do you have any individual follow-up for Mr.
20 Wiggs?

21 MR. LEXIS: No, Your Honor.

22 THE COURT: All right. Mr. Arnold, do you have any
23 follow-up?

24 MR. ARNOLD: No, Your Honor.

25 THE COURT: Mr. Hart?

1 MR. HART: No, Your Honor.

2 THE COURT: I believe there was a motion; is that
3 correct, counsel?

4 MR. ARNOLD: That's correct, Your Honor.

5 MR. HART: Yes, Your Honor.

6 THE COURT: Okay. Thank you.

7 Defense, Mr. Hart and Mr. Arnold, you can take turns
8 going first or second when I call on defense, or it's up to
9 you two gentlemen.

10 On -- we will go to Edith Fernandez, 029, defense
11 counsel.

12 MR. ARNOLD: I have no --

13 THE COURT: Any questions, Mr. Arnold?

14 MR. ARNOLD: -- (inaudible) your Honor.

15 THE COURT: Pass for cause?

16 MR. ARNOLD: Pass for cause, Your Honor.

17 THE COURT: Thank you.

18 Mr. Hart?

19 MR. HART: Yeah. I just want to be clear, and I'm
20 sorry, my notes are not great. Well, they're great, I just
21 can't read them.

22 You were asked about whether you thought there could
23 be improvement in the system. Okay.

24 Does that mean you think all cops are bad?

25 PROSPECTIVE JUROR NO. 029: Edith Fernandez, 029.

1 No, I don't believe all cops are bad.

2 MR. HART: Okay. One of the key things you talked
3 about was de-escalation.

4 Okay. And then you also said in training and
5 hiring.

6 PROSPECTIVE JUROR NO. 029: Yes.

7 MR. HART: Correct?

8 PROSPECTIVE JUROR NO. 029: Yes.

9 MR. HART: Okay. And I assume that's to be more
10 culture -- well, I don't want to put words in your mouth.

11 Why do you say -- why do you believe that?

12 PROSPECTIVE JUROR NO. 029: There's a history of
13 police being white male and amongst a certain class, there's a
14 history of folks not being able to break into the police if
15 you're a minority for women. This is historical.

16 MR. HART: Okay. And I -- other way, as a group, I
17 think this is the -- probably the most educated jury panel
18 I've ever had. And yours kind of stuck out, even among them.
19 So you have a -- is your Ph.D. from Michigan?

20 PROSPECTIVE JUROR NO. 029: The University of
21 Michigan.

22 MR. HART: Yes. Sorry, dad went to State.

23 PROSPECTIVE JUROR NO. 029: Go Blue.

24 MR. HART: Yeah. And what was that Ph.D. in?

25 PROSPECTIVE JUROR NO. 029: Higher education,

1 student development.

2 MR. HART: Okay. And you went to Harvard?

3 PROSPECTIVE JUROR NO. 029: Harvard University in
4 education administration, planning and social policy.

5 MR. HART: And those were the masters?

6 PROSPECTIVE JUROR NO. 029: Yes.

7 MR. HART: Okay. And then your -- sorry, it's like
8 (indiscernible) BA was from UNLV?

9 PROSPECTIVE JUROR NO. 029: Incorrect.

10 MR. HART: Well, no. Harvard on the Hill, Reno.

11 PROSPECTIVE JUROR NO. 029: UNLV. I have a masters
12 in public administration.

13 MR. HART: Okay.

14 PROSPECTIVE JUROR NO. 029: University of Nevada
15 Reno, I have a bachelors of arts.

16 MR. HART: Okay. So you said that your belief on
17 this is based on historic -- historical information?

18 PROSPECTIVE JUROR NO. 029: Historical information
19 that exists with us today has resulted in systems that we have
20 today.

21 MR. HART: Okay.

22 PROSPECTIVE JUROR NO. 029: Yes.

23 MR. HART: You're not afraid of knowledge, it sounds
24 like.

25 PROSPECTIVE JUROR NO. 029: Bring it on.

1 MR. HART: Okay. I'm a lowly attorney. I don't
2 want to compete.

3 But you have had victims of crime -- friends --
4 friends that are victims of crime --

5 PROSPECTIVE JUROR NO. 029: Correct.

6 MR. HART: -- and yourself?

7 PROSPECTIVE JUROR NO. 029: Correct.

8 MR. HART: Okay. In spite of being -- seeing there
9 might be a problem with some of our institutions --

10 PROSPECTIVE JUROR NO. 029: Right.

11 MR. HART: -- can you be a fair juror?

12 PROSPECTIVE JUROR NO. 029: I can be critical and a
13 fair juror.

14 MR. HART: Yeah. We don't ask you to --

15 PROSPECTIVE JUROR NO. 029: Yeah.

16 MR. HART: -- leave your brain at the door.

17 Okay. And after hearing everything about all the
18 treatment here with the air filters and everything, do you
19 feel a little more comfortable?

20 PROSPECTIVE JUROR NO. 029: Can you repeat that?
21 Hear the treatment --

22 MR. HART: Well, you -- you had said that you --
23 somebody in your household might be at risk, I believe. After
24 hearing about the air filters and treatment, do you feel a
25 little more comfortable about sitting as a juror?

1 PROSPECTIVE JUROR NO. 029: Oh, yes.

2 MR. HART: Okay. Can you think of any reason you
3 shouldn't be a juror?

4 PROSPECTIVE JUROR NO. 029: Not --

5 MR. HART: Other than work, you've got to think of
6 what you're --

7 PROSPECTIVE JUROR NO. 029: Other than work, you
8 read my face, there's no other reason.

9 MR. HART: Okay. If you are a juror, will you be
10 able to give your attention here even though you have stuff
11 going on with work?

12 PROSPECTIVE JUROR NO. 029: I would have to figure
13 out how to delegate.

14 MR. HART: Very good. Nothing further.

15 PROSPECTIVE JUROR NO. 029: Okay.

16 THE COURT: Pass for cause?

17 MR. HART: Pass for cause.

18 THE COURT: All right. State?

19 MR. LEXIS: Nothing other than what's previously
20 noted with the Court, Judge. I'll pass.

21 THE COURT: All right. State, any follow-up
22 questions for Benon, 030?

23 MR. LEXIS: State passes, Judge.

24 THE COURT: Any follow-up by the defense?

25 MR. ARNOLD: Mr. Arnold passes for cause, Your

1 Honor.

2 THE COURT: Thank you. Mr. Hart, any follow-up?

3 MR. HART: Sorry, I'm the pain.

4 You got -- you had your degree in criminal justice?

5 PROSPECTIVE JUROR NO. 030: Correct.

6 MR. HART: Would that have any affect on your --

7 well, why did you choose criminal justice?

8 PROSPECTIVE JUROR NO. 030: The law interested me.

9 I thought I wanted to be an attorney for a time.

10 MR. HART: Okay. And you took a test and you

11 figured out that it's not a good idea?

12 PROSPECTIVE JUROR NO. 030: I had a family and just

13 didn't go forward with it.

14 MR. HART: Good choice. And you said you work in a

15 dispensary?

16 PROSPECTIVE JUROR NO. 030: No, no, no, my boyfriend

17 is the assistant director for a marijuana dispensary.

18 MR. HART: Okay. Sorry.

19 PROSPECTIVE JUROR NO. 030: Not me.

20 MR. HART: Okay. You're not the backgrounds check

21 person?

22 PROSPECTIVE JUROR NO. 030: No, I -- I do. That's

23 what I do. I do background checks.

24 MR. HART: Okay. Who do you do background checks

25 for?

1 PROSPECTIVE JUROR NO. 030: A private investigator.

2 MR. HART: Okay. Mostly civil or criminal?

3 PROSPECTIVE JUROR NO. 030: Criminal.

4 MR. HART: All right.

5 PROSPECTIVE JUROR NO. 030: Actually, both. But
6 primarily criminal.

7 MR. HART: Can I ask who?

8 PROSPECTIVE JUROR NO. 030: What do you mean?

9 MR. HART: Who do you work for?

10 PROSPECTIVE JUROR NO. 030: It's -- it's a vendor.
11 So they get people who need employment checks like Walmart,
12 different -- different companies need background checks, some
13 people who either are currently work, or trying to get a job
14 and that gets farmed out to us. And then we either clear them
15 or don't based on if they have a background.

16 MR. HART: Okay. And would that have any affect on
17 your sitting as a juror?

18 PROSPECTIVE JUROR NO. 030: No.

19 MR. HART: Is there any reason you shouldn't be
20 sitting here as a juror?

21 PROSPECTIVE JUROR NO. 030: No.

22 MR. HART: Is there anything I should want to ask
23 you?

24 PROSPECTIVE JUROR NO. 030: No. I mean, I used to
25 work for the Constable's office. I don't know if that

1 qualifies as law enforcement in your eyes. But I worked for
2 Las Vegas Constable, and Henderson Constable.

3 MR. HART: How long ago did you work for Las Vegas?

4 PROSPECTIVE JUROR NO. 030: About a year-and-a-half
5 ago. So --

6 MR. HART: After the -- after Metro took it over?

7 PROSPECTIVE JUROR NO. 030: Uh --

8 MR. HART: Well, actually, the County took it over.

9 PROSPECTIVE JUROR NO. 030: I actually left when
10 Metro took it over and then I went for -- worked for DA
11 Juvenile and then I worked for the Henderson Constable.

12 MR. HART: Okay. Okay. So you worked for DA
13 Juvenile also?

14 PROSPECTIVE JUROR NO. 030: Um-h'm.

15 MR. HART: As an investigator or --

16 PROSPECTIVE JUROR NO. 030: No, as a secretary,
17 legal secretary.

18 MR. HART: Okay. And was that on the criminal part
19 of it or --

20 PROSPECTIVE JUROR NO. 030: No, that was DA
21 Juvenile. So it was child abuse and neglect cases.

22 MR. HART: Okay. And so you have relationships with
23 quite a few people in law enforcement then?

24 PROSPECTIVE JUROR NO. 030: I do, yes.

25 MR. HART: Based on that? Okay.

1 Will that affect you at all?

2 PROSPECTIVE JUROR NO. 030: No.

3 MR. HART: Are you sure?

4 PROSPECTIVE JUROR NO. 030: I'm positive.

5 MR. HART: Okay. Pass for cause.

6 THE COURT: All right. Thank you.

7 Defense, any follow-up questions for John Meisler,
8 031?

9 MR. ARNOLD: Mr. Meisler?

10 PROSPECTIVE JUROR NO. 031: Sorry, sir.

11 MR. ARNOLD: I didn't get what your -- you said you
12 were married, had a partner. What did that person do?

13 PROSPECTIVE JUROR NO. 031: She works for a company
14 called Game Changer. It's a score keeping app for
15 (indiscernible) sports.

16 MR. ARNOLD: Okay. And you work in hotel sales; is
17 that correct?

18 PROSPECTIVE JUROR NO. 031: Yes, sir.

19 MR. ARNOLD: Prior to that, did you have any other
20 employment?

21 PROSPECTIVE JUROR NO. 031: Prior to hotel sales?
22 Yeah, I worked for the Chicago Bandits in Chicago Illinois in
23 sports.

24 MR. ARNOLD: So it's all been sports related?

25 PROSPECTIVE JUROR NO. 031: Before hotels, correct.

1 Yeah.

2 MR. ARNOLD: What brought you out here to Las Vegas?

3 PROSPECTIVE JUROR NO. 031: My mother worked in the
4 hotel industry, really was intrigued by. I loved to come
5 visit her out here. So I wanted to get my foot in the door.
6 And the fact that I could sell women's sports, I could sell
7 MGM Resorts Hotels.

8 You also said that you had a friend that was accused
9 of a crime?

10 PROSPECTIVE JUROR NO. 031: It was my cousin.

11 MR. ARNOLD: And what crime was that?

12 PROSPECTIVE JUROR NO. 031: It was marijuana
13 possession and firearm possession.

14 MR. ARNOLD: That's right.

15 PROSPECTIVE JUROR NO. 031: In California.

16 MR. ARNOLD: We'll pass for cause, Your Honor.

17 THE COURT: All right. Thank you.

18 Mr. Hart?

19 MR. HART: Is there any reason you shouldn't be here
20 as a juror?

21 PROSPECTIVE JUROR NO. 031: No, sir.

22 MR. HART: Do you want to be a juror?

23 PROSPECTIVE JUROR NO. 031: Absolutely.

24 MR. HART: Okay. I gotta ask that. Why?

25 PROSPECTIVE JUROR NO. 031: I've always been a guy

1 that likes to follow the rule, I've always been a rule
2 follower, you know, just grew up with strict parents. It's
3 either right or wrong.

4 MR. HART: Okay. And always a rule follower. Is
5 there any gray in your life?

6 PROSPECTIVE JUROR NO. 031: Besides hotel sales, no.

7 MR. HART: All right. Okay. If there's a hung jury
8 and you are on the small side, would you be able to stick to
9 your guns?

10 PROSPECTIVE JUROR NO. 031: Absolutely.

11 MR. HART: Able to make your own decisions?

12 PROSPECTIVE JUROR NO. 031: Absolutely.

13 MR. HART: Pass for cause.

14 PROSPECTIVE JUROR NO. 031: All right. Thank you.
15 State, any follow up?

16 MR. LEXIS: State passes.

17 THE COURT: Thank you.

18 State, any follow-up for Jose Esparza, 33?

19 MR. LEXIS: State passes.

20 THE COURT: Thank you.

21 Defense?

22 MR. ARNOLD: Sir, Mr. Esparza?

23 THE COURT: Mr. Esparza, come on up.

24 MR. ARNOLD: Didn't you raise your hand in regards
25 to relatives in law enforcement?

1 PROSPECTIVE JUROR NO. 033: My name is Jose Esparza,
2 Badge is 033. No, I did not.

3 MR. ARNOLD: Oh, okay. I thought you did.

4 And then the last question, again, if the jury was
5 deadlocked and you firmly believed that the State didn't
6 produce enough evidence to show my client was guilty beyond a
7 reasonable doubt, could you effectively stick to that decision
8 without being persuaded by others?

9 PROSPECTIVE JUROR NO. 033: Yes, sir.

10 MR. ARNOLD: All right.

11 No further questions. Pass for cause, Your Honor.

12 THE COURT: Thank you.

13 Mr. Hart?

14 MR. HART: Just a quick one. You're an aviation
15 mechanic?

16 PROSPECTIVE JUROR NO. 033: I graduated about a year
17 ago, but I've since -- due to the whole corona, I haven't been
18 able to land a job in the aviation field.

19 MR. HART: Okay. What are you doing now then? I'm
20 sorry.

21 PROSPECTIVE JUROR NO. 033: I'm currently a server
22 in a restaurant in a casino.

23 MR. HART: Okay. And sorry, you said you were happy
24 to get your summons and that --

25 PROSPECTIVE JUROR NO. 033: Yes.

1 MR. HART: -- was just of --

2 PROSPECTIVE JUROR NO. 033: Just to do -- I was just
3 pretty stoked to do my part and also the experience of going
4 through this as well.

5 MR. HART: Okay. No -- no secret agenda?

6 PROSPECTIVE JUROR NO. 033: No, sir.

7 MR. HART: Just learn something?

8 PROSPECTIVE JUROR NO. 033: No secret agenda.

9 MR. HART: How do you feel about it so far?

10 PROSPECTIVE JUROR NO. 033: It's interesting. It's
11 good. I mean, I got nothing negative.

12 MR. HART: Okay. Pass for cause.

13 THE COURT: All right. Thank you.

14 Defense, any follow-up for David Acevez, 035?

15 PROSPECTIVE JUROR NO. 035: David Acevez, 035.

16 MR. ARNOLD: Sir, there's two defendants in this
17 case. The State's required to prove the case against my
18 client --

19 THE COURT RECORDER: Mr. Arnold, can you speak into
20 the microphone, please?

21 MR. ARNOLD: I'm sorry.

22 THE COURT RECORDER: Thank you.

23 MR. ARNOLD: The State's required to prove the case
24 against my client beyond a reasonable doubt and the case
25 against Mr. Hart's client beyond a reasonable doubt.

1 If they fail to prove that case against my client
2 beyond a reasonable doubt, but you find the other, Mr. Hart's
3 client, guilty beyond a reasonable doubt, can you separate the
4 two and keep my client out of it, if you didn't feel there is
5 enough evidence against my client?

6 PROSPECTIVE JUROR NO. 035: Yes.

7 MR. ARNOLD: All right.

8 And we'll pass for cause, Your Honor.

9 THE COURT: All right. Thank you.

10 Mr. Hart?

11 MR. HART: And yes, there are a number of charges
12 here, various incidents. Will you be able to evaluate each
13 and every charge in each and every incident separately?

14 PROSPECTIVE JUROR NO. 035: I'll do my best, yes.

15 MR. HART: Mr. Acevez?

16 PROSPECTIVE JUROR NO. 035: Yes. My answer is yes.

17 MR. HART: Okay. When -- you just said, what,
18 you'll do your best?

19 PROSPECTIVE JUROR NO. 035: And separate --

20 MR. HART: Why did you say that?

21 PROSPECTIVE JUROR NO. 035: -- each --

22 MR. HART: What's that?

23 PROSPECTIVE JUROR NO. 035: I'm sorry?

24 MR. HART: You said you'd do your best.

25 PROSPECTIVE JUROR NO. 035: Um-h'm.

1 MR. HART: Was there any hesitation?

2 PROSPECTIVE JUROR NO. 035: No. The answer is yes.

3 MR. HART: Okay. So you could find someone guilty
4 of one crime, but not another?

5 PROSPECTIVE JUROR NO. 035: I'm sorry?

6 MR. HART: You could -- if like I said, there's
7 different charges here.

8 PROSPECTIVE JUROR NO. 035: Yes.

9 MR. HART: So --

10 PROSPECTIVE JUROR NO. 035: Well, that all depends
11 on -- on -- on the evidence.

12 MR. HART: Okay. And you've heard the expression,
13 if there -- if there is smoke there is fire?

14 PROSPECTIVE JUROR NO. 035: Yes.

15 MR. HART: Okay. Is there always fire when there's
16 smoke?

17 PROSPECTIVE JUROR NO. 035: Not necessarily.

18 MR. HART: Okay. If you were sitting where my
19 client is, or where Mr. Arnold's client is, would you feel
20 comfortable with somebody of your frame of mind as a juror?

21 PROSPECTIVE JUROR NO. 035: I don't think there's
22 nothing wrong with my frame of mind. I think I will be
23 comfortable.

24 MR. HART: Okay. What about if you were sitting
25 where Mr. Bunker is (phonetic), or Ms. Cole?

1 PROSPECTIVE JUROR NO. 035: Same thing.

2 MR. HART: Okay. Pass for cause.

3 THE COURT: All right. Thank you.

4 Any follow-up by the State?

5 MR. LEXIS: State passes, Judge.

6 THE COURT: Thank you.

7 State, any follow-up questions for Amy Scholes, 048?

8 MR. LEXIS: State passes, Judge.

9 THE COURT: Thank you.

10 Any follow-up by the defense?

11 MR. ARNOLD: Pass for cause, Your Honor.

12 THE COURT: Thank you.

13 Mr. Hart?

14 MR. HART: I'm not trying to beat up on you, Ms.

15 Scholes. Sorry.

16 The other question was, when you were asked about if
17 you could be fair, originally when it went around, you'd said,
18 I believe you could be. And I'd just like you to expand on
19 why it was a "believe".

20 PROSPECTIVE JUROR NO. 048: Well, I -- I've never
21 been in this situation. I -- I've never been a juror. I
22 believe to the best of my ability that I could do what was
23 required.

24 MR. HART: Okay. So you realize that you don't know
25 what you're going to until you've done it?

1 PROSPECTIVE JUROR NO. 048: Correct.

2 MR. HART: Okay. It's not necessarily a concern,
3 but just a self awareness of --

4 PROSPECTIVE JUROR NO. 048: Yes.

5 MR. HART: Okay. I just wanted to make sure that's
6 what it was.

7 Thank you.

8 PROSPECTIVE JUROR NO. 048: Um-h'm.

9 MR. HART: Pass for cause.

10 THE COURT: All right. Thank you.

11 Defense, any follow-up questions for Patricia
12 Andrade, 051?

13 MR. ARNOLD: Yes. Ms. Andrade, you stated that you
14 can't judge -- make a judgment for religious reasons. What
15 did you mean by that?

16 PROSPECTIVE JUROR NO. 051: It was from the
17 (inaudible).

18 THE COURT: Ma'am, you need to come up.

19 THE MARSHAL: Name and badge number.

20 PROSPECTIVE JUROR NO. 051: Patricia Andrade.

21 THE MARSHAL: Now step forward. You've got to speak
22 into the microphone.

23 PROSPECTIVE JUROR NO. 051: 0151 -- or 051. Sorry.

24 THE MARSHAL: That's okay.

25 PROSPECTIVE JUROR NO. 051: It wasn't the religious

1 part. It's just that the question before that, because I was
2 a victim of also the identity theft, and there's a lot of
3 that, that would like not be so good for me.

4 MR. ARNOLD: Well, you don't have any reason to
5 believe that my client was involved in your identity theft
6 matter; right?

7 PROSPECTIVE JUROR NO. 051: No. No.

8 MR. ARNOLD: And so you're able to look at the
9 evidence against my client individually; right?

10 PROSPECTIVE JUROR NO. 051: Yes.

11 MR. ARNOLD: And so in regards to that question, if
12 you can make a judgment for -- even though you have religious
13 reasons --

14 PROSPECTIVE JUROR NO. 051: Uh-huh.

15 MR. ARNOLD: -- you're able to make a judgment of
16 not guilty or guilty --

17 PROSPECTIVE JUROR NO. 051: Yes.

18 MR. ARNOLD: -- is that correct?

19 PROSPECTIVE JUROR NO. 051: That's correct.

20 MR. ARNOLD: Okay.

21 No further questions. Pass for cause, Your Honor.

22 THE COURT: Thank you.

23 Mr. Hart?

24 MR. HART: Okay. Sorry, just a quick follow-up.

25 And you did say because you were a victim of

1 identity theft?

2 PROSPECTIVE JUROR NO. 051: Um-h'm.

3 MR. HART: This is called voir dire to tell the
4 truth. And we don't have a mind reader. You know what I
5 mean?

6 PROSPECTIVE JUROR NO. 051: Um-h'm.

7 MR. HART: We're just asking. Are you sure you'll
8 be able to put that out of your mind when it comes to
9 evaluating this case?

10 PROSPECTIVE JUROR NO. 051: I can't say unless I --
11 until I hear the case and the evidence. So I can't say yes or
12 no.

13 MR. HART: Okay. Let's ask it -- so -- well, if you
14 were me right now, would you be a little nervous about having
15 you as a juror?

16 PROSPECTIVE JUROR NO. 051: I can't answer that. I
17 don't know.

18 MR. HART: Okay. Well, I'm asking, based on what
19 you know in your mind.

20 PROSPECTIVE JUROR NO. 051: No.

21 MR. HART: Okay. And you're sure that being the
22 victim of identity theft will not come into your thinking or
23 evaluation of the case?

24 PROSPECTIVE JUROR NO. 051: I would hope not. But,
25 you know --

1 MR. HART: Okay.

2 PROSPECTIVE JUROR NO. 051: -- like I said, I can't
3 answer something I don't know yet.

4 MR. HART: Okay. Well, no, and like I said, this is
5 just -- this is to figure out -- we all have biases.

6 PROSPECTIVE JUROR NO. 051: Um-h'm.

7 MR. HART: Some are bad, and most are not, you know,
8 not a problem, you know.

9 PROSPECTIVE JUROR NO. 051: Yeah.

10 MR. HART: Fish versus steak. I don't know who
11 would ever pick fish, but. So I've just got to ask you, you
12 can't tell me -- can you tell me that it will not affect your
13 evaluation of this case?

14 PROSPECTIVE JUROR NO. 051: It will not.

15 MR. HART: Okay. So you can say definitively, being
16 a victim of identity theft will not be a problem?

17 PROSPECTIVE JUROR NO. 051: Correct.

18 MR. HART: Okay. So it won't come into any of your
19 thoughts?

20 PROSPECTIVE JUROR NO. 051: No.

21 MR. HART: Okay. That's all we can ask for.

22 The other question I had was you said you had -- you
23 mentioned you're having two jobs right now?

24 PROSPECTIVE JUROR NO. 051: That is correct.

25 MR. HART: Okay. Are you going to be able to give

1 this trial your attention or are you going to be thinking
2 about two jobs?

3 PROSPECTIVE JUROR NO. 051: Well, like I said, I'm
4 the sole provider and also for my mom that's 78 years old, so
5 I have to work.

6 MR. HART: Oh, I did not realize you -- you had
7 adult children.

8 PROSPECTIVE JUROR NO. 051: Yes. But my daughter
9 doesn't live with me. Only my two boys and my mother.

10 MR. HART: Okay. But your -- are your -- were your
11 children working?

12 PROSPECTIVE JUROR NO. 051: My daughter works.
13 She's still on call at Aria, and my son is not. He hasn't
14 been called back yet.

15 MR. HART: Okay. So you're paying for your mom --

16 PROSPECTIVE JUROR NO. 051: Car insurance,
17 utilities, food, everything.

18 MR. HART: And I've just got to ask you, can you
19 guarantee that won't come into your mind and you'll pay
20 attention to this?

21 PROSPECTIVE JUROR NO. 051: I would pay attention.

22 MR. HART: Okay. Pass for cause.

23 THE COURT: Thank you.

24 Any follow-up by the State?

25 MR. LEXIS: No, Your Honor.

1 THE COURT: Pass for cause?

2 MR. LEXIS: Yes, Your Honor.

3 THE COURT: All right. State, any follow-up for
4 Marisol Martin --

5 MR. LEXIS: Pass, Your Honor.

6 THE COURT: -- 054? Pass?

7 MR. LEXIS: Yes, Your Honor.

8 THE COURT: Okay. Defense?

9 MR. ARNOLD: Mr. Arnold, pass for cause.

10 THE COURT: All right. Mr. Hart?

11 MR. HART: Pass.

12 THE COURT: Thank you.

13 Defense, any follow-up questions for Jose Castaneda,
14 057?

15 MR. ARNOLD: Mr. Arnold, pass for cause.

16 THE COURT: All right. Mr. Hart, any follow-up?

17 MR. HART: You -- like I said, we talked about your
18 kids being patrol officers. I'm sorry?

19 THE COURT: I think that was -- was it two nephews,
20 sir?

21 MR. HART: No. Sons or son and daughter?

22 PROSPECTIVE JUROR NO. 057: My two sons.

23 THE COURT: Okay.

24 MR. HART: Okay. I didn't want to be sexist on
25 that, but -- and I guess to be -- would that give you -- tend

1 to affect you giving police officers' testimony more weight or
2 less weight?

3 PROSPECTIVE JUROR NO. 057: Less. I guess, less.

4 MR. HART: Less weight? Okay.

5 So would you be unfair to the State because of this?

6 PROSPECTIVE JUROR NO. 057: Not really.

7 MR. HART: Okay. And I'm sorry, but you said you'd
8 give the police officers less -- their testimony less weight.
9 Can I ask why?

10 PROSPECTIVE JUROR NO. 057: No, you can. I couldn't
11 understand the question. That's why I answer that the first
12 time.

13 MR. HART: Okay. So you misunderstood the question?

14 PROSPECTIVE JUROR NO. 057: Yes. Yes.

15 MR. HART: Okay. So would you be more likely to
16 give police officers' testimony more weight or less weight
17 based on the fact that two of your sons are police officers?

18 PROSPECTIVE JUROR NO. 057: That's a hard question
19 for me.

20 MR. HART: I'm sorry. I didn't understand what you
21 said.

22 PROSPECTIVE JUROR NO. 057: Well, I have no answer
23 for that.

24 MR. HART: Okay. If a police officer testifies, are
25 you going to give their testimony more credibility than you

1 would lay people, regular people, because their police
2 officers?

3 PROSPECTIVE JUROR NO. 057: No, I would be fair.

4 MR. HART: Okay. Would you give them less
5 credibility because -- than the lay person?

6 PROSPECTIVE JUROR NO. 057: No, it won't be less.

7 MR. HART: Nothing further. Pass for cause.

8 THE COURT: Thank you.

9 State, any follow-up?

10 MR. LEXIS: Sir -- sir, could you come on down?

11 THE COURT: Sir, we have some more questions.

12 MR. LEXIS: I'm just going to phrase it a different
13 way, sir.

14 Whether I call up a rocket scientist, a firefighter,
15 a cop, or a regular person, will you be able to wait until you
16 hear the evidence and evaluate their credibility and determine
17 what if any weight to give that person?

18 PROSPECTIVE JUROR NO. 057: Yes.

19 MR. LEXIS: Thank you. Nothing further.

20 THE COURT: Pass for cause?

21 MR. LEXIS: Yes, Judge.

22 THE COURT: All right. Thank you.

23 State, any follow-up for Deborah Smith, 058?

24 MR. LEXIS: No, Your Honor. Pass for cause.

25 THE COURT: Thank you. Defense?

1 MR. ARNOLD: Pass for cause, Mr. Arnold.
2 THE COURT: Thank you.
3 Mr. Hart?
4 MR. HART: Which one was Deborah Smith?
5 Oh, in the back.
6 I'll pass for cause.
7 THE COURT: Okay. Thank you.
8 Defense, any follow-up for Richard White, 085?
9 MR. ARNOLD: Yes. (Inaudible)? Oh, how you doing
10 sir?
11 PROSPECTIVE JUROR NO. 085: Okay.
12 MR. ARNOLD: You said you're retired but I didn't
13 get what you're retired from.
14 PROSPECTIVE JUROR NO. 085: I worked in a chemical
15 company. I -- we made perfume.
16 MR. ARNOLD: Oh, okay.
17 And then wasn't your wife retired also?
18 PROSPECTIVE JUROR NO. 085: Yes.
19 MR. ARNOLD: And what did she do?
20 PROSPECTIVE JUROR NO. 085: She worked for a candy
21 company. She was a secretary.
22 MR. ARNOLD: Oh. How long did you have that job
23 for?
24 PROSPECTIVE JUROR NO. 085: I was there about 27
25 years.

1 MR. ARNOLD: Is that here in --

2 PROSPECTIVE JUROR NO. 085: No, that was in New
3 Jersey.

4 MR. ARNOLD: Okay. What brought you to Vegas?

5 PROSPECTIVE JUROR NO. 085: Retirement. We always
6 came here on vacation.

7 MR. ARNOLD: Mr. Arnold passes for cause.

8 THE COURT: Thank you. Mr. Hart?

9 MR. HART: And I'm sorry, you had a family member
10 accused of a crime?

11 PROSPECTIVE JUROR NO. 085: Yes.

12 MR. HART: And I'm sure you said it, but what was
13 that?

14 PROSPECTIVE JUROR NO. 085: It was drug possession,
15 but it was many years ago, 30 years ago.

16 MR. HART: Okay. Is there anything I should ask you
17 in particular?

18 PROSPECTIVE JUROR NO. 085: I don't think so, no.

19 MR. HART: Okay. Any -- do you want to be a juror?

20 PROSPECTIVE JUROR NO. 085: Yes.

21 MR. HART: Why?

22 PROSPECTIVE JUROR NO. 085: I've never done it
23 before and I'm 67 and I'd like to experience -- do the
24 experience.

25 MR. HART: Very good. Pass for cause.

1 THE COURT: Thank you.

2 Any follow-up by the State?

3 MR. LEXIS: Pass for cause, Judge.

4 THE COURT: Thank you.

5 State, any follow-up for Alfredo Villegas-Ortiz, 94?

6 MR. LEXIS: Pass for cause, Judge.

7 THE COURT: Thank you.

8 Defense, any follow-up?

9 MR. ARNOLD: Mr. Arnold, pass for cause.

10 THE COURT: Thank you.

11 Mr. Hart?

12 MR. HART: Pass for cause.

13 THE COURT: Thank you.

14 All right. Defense, any follow-up for Candace -- is
15 it Krubsack, 99?

16 MR. ARNOLD: Pass for cause, Mr. Arnold.

17 THE COURT: Mr. Hart?

18 MR. HART: Sorry, Ms. Krubsack. You're another one.

19 PROSPECTIVE JUROR NO. 099: Yes.

20 MR. HART: Yeah. Can I ask who you know that's in
21 law enforcement?

22 PROSPECTIVE JUROR NO. 099: So, Candace Krubsack,
23 099. My uncle was a lifelong law enforcement and I have three
24 very close friends that are all law enforcement.

25 My son was also in the Explorer Program with Metro.

1 MR. HART: Okay. The -- you said it was an uncle?

2 PROSPECTIVE JUROR NO. 099: Yes.

3 MR. HART: Here in Vegas or somewhere else?

4 PROSPECTIVE JUROR NO. 099: No, somewhere else. And
5 he's passed on.

6 MR. HART: Okay. And then the very close friends,
7 here in Vegas?

8 PROSPECTIVE JUROR NO. 099: New Mexico.

9 MR. HART: Okay. So you wouldn't have to worry
10 about talking to them about doing a --

11 PROSPECTIVE JUROR NO. 099: No, no, no.

12 MR. HART: -- jury here?

13 Would that affect your evaluation of police officers
14 and their testimony?

15 PROSPECTIVE JUROR NO. 099: No.

16 MR. HART: Would you give them anymore credence?

17 PROSPECTIVE JUROR NO. 099: No.

18 MR. HART: Any less?

19 PROSPECTIVE JUROR NO. 099: No.

20 MR. HART: Pass for cause.

21 THE COURT: Thank you.

22 Any follow-up by the State?

23 MR. LEXIS: Pass for cause, Judge.

24 THE COURT: Thank you.

25 State, any follow-up for Jeannette Maass?

1 MR. LEXIS: Pass for cause, Judge.

2 THE COURT: Thank you.

3 Defense?

4 MR. ARNOLD: Ms. Maass? It said intake specialist
5 is your job. What's that?

6 PROSPECTIVE JUROR NO. 101: It's mainly talking to
7 potential clients for personal injury cases.

8 MR. ARNOLD: Okay. That's what I thought.

9 How long have you been doing that for?

10 PROSPECTIVE JUROR NO. 101: Just about three months.

11 MR. ARNOLD: What occupation did you have prior to
12 that?

13 PROSPECTIVE JUROR NO. 101: Well, for the last two
14 years before that I was taking care of my mom who has
15 dementia.

16 MR. ARNOLD: Um-h'm.

17 PROSPECTIVE JUROR NO. 101: And then prior to that I
18 was a operations manager here in Las Vegas for a company that
19 does like software and printers, copiers, things like that.

20 MR. ARNOLD: What brought you to Las Vegas?

21 PROSPECTIVE JUROR NO. 101: Too expensive in
22 California where I lived and figured I'd better live here or I
23 won't own anything.

24 MR. ARNOLD: What part of California?

25 PROSPECTIVE JUROR NO. 101: I started out in

1 Sacramento, then moved up further north to just outside of the
2 Bay Area, Santa Rosa area.

3 MR. ARNOLD: You said that your brother, he was
4 accused of a crime, stolen merchandise.

5 PROSPECTIVE JUROR NO. 101: Um-h'm.

6 MR. ARNOLD: And you believe that he was treated
7 fairly in the criminal justice system?

8 PROSPECTIVE JUROR NO. 101: Yeah. I mean, he -- he
9 did it and, you know, and they -- you know, gave him whatever
10 they -- I don't even remember what he got for that. But he
11 had a lot of problems when he was younger and early '20s and
12 drugs and all kinds of stuff. So --

13 MR. ARNOLD: And you had no problem with how the
14 case was handled or?

15 PROSPECTIVE JUROR NO. 101: No. No, I think it --
16 they were very fair to him for a long time.

17 MR. ARNOLD: Mr. Arnold passes for cause.

18 THE COURT: Thank you.

19 Mr. Hart?

20 MR. HART: You actually did a -- filled out the
21 form?

22 PROSPECTIVE JUROR NO. 101: Um-h'm.

23 MR. HART: And one of the things you said was you
24 might have difficulty because you're taking care of your
25 disabled mother who is 81.

1 PROSPECTIVE JUROR NO. 101: Yeah. She lives in a --
2 so I had to place her in -- it's a senior group home which is
3 is about, you know, ten minutes from my house. In a group
4 home facility, it's in a private residence, and there's like
5 -- like right now I think there's six residents. But they
6 don't do insulin shots.

7 MR. HART: Okay.

8 PROSPECTIVE JUROR NO. 101: So I go -- I work from
9 home and so I go back and forth to test her blood sugar and,
10 you know, give her her insulin if she needs it.

11 MR. HART: Can I ask when you do that?

12 PROSPECTIVE JUROR NO. 101: What's that?

13 MR. HART: When do you normally do that?

14 PROSPECTIVE JUROR NO. 101: Well, I try to get
15 there, you know, at the latest, in the evening, 6:00, and then
16 you know, doing it in the morning. But my sister helps also,
17 so. She just moved in with me to help because it's big, you
18 know, it's a lot.

19 MR. HART: Yes. Okay. So that will be taken care
20 of then?

21 PROSPECTIVE JUROR NO. 101: Yeah.

22 MR. HART: Okay. I just -- I just wanted to make
23 sure.

24 PROSPECTIVE JUROR NO. 101: Um-h'm.

25 MR. HART: Can you think of any reason you shouldn't

1 sit as a juror?

2 PROSPECTIVE JUROR NO. 101: No. I mean, I can't
3 think of anything.

4 MR. HART: If you were sitting where my client is,
5 would you feel comfortable with some -- someone with your
6 frame of mind --

7 PROSPECTIVE JUROR NO. 101: Yeah.

8 MR. HART: -- sitting as a juror?

9 PROSPECTIVE JUROR NO. 101: Sure.

10 MR. HART: Same with the State?

11 PROSPECTIVE JUROR NO. 101: Yeah.

12 MR. HART: Pass for cause.

13 THE COURT: All right. Thank you.

14 Defense, any follow-up for Ann McCormack, 118?

15 MR. LEXIS: State passes, Judge.

16 THE COURT: Actually, it was the defense up, but
17 I'll note that, Mr. Lexis.

18 So defense, any follow-up for McCormack?

19 MR. ARNOLD: Mr. Arnold passes for cause.

20 THE COURT: Mr. Hart?

21 MR. HART: Sorry, Ms. McCormack.

22 PROSPECTIVE JUROR NO. 118: Ann McCormack, 0118.

23 MR. HART: Okay. You've been the victim of five
24 crimes?

25 PROSPECTIVE JUROR NO. 118: Yes.

1 MR. HART: Okay.

2 PROSPECTIVE JUROR NO. 118: And my sister recently
3 just one in where she lives.

4 MR. HART: Congratulations.

5 Will that -- I just need to ask, will that affect
6 you at all? Will there be, I get to get somebody, going on,
7 in the back of your mind?

8 PROSPECTIVE JUROR NO. 118: No. Hm-h'm.

9 MR. HART: Are you sure?

10 PROSPECTIVE JUROR NO. 118: Positive.

11 MR. HART: Okay. Thank you very much.

12 PROSPECTIVE JUROR NO. 118: Um-h'm.

13 THE COURT: Pass for cause, Mr. Hart?

14 MR. HART: Pass for cause.

15 THE COURT: And the State previously passed.

16 And the State is up on Ruth Phillips.

17 Any questions?

18 MR. LEXIS: State passes, Judge.

19 THE COURT: All right. Thank you.

20 Actually, Ms. Phillips, can you come up? I have a
21 follow-up question.

22 And, Ms. Phillips, I think you were one of those
23 individuals about the COVID shot, and you weren't able to get
24 ahold of anybody earlier on. And were you able to speak with
25 anyone over the lunch hour?

1 PROSPECTIVE JUROR NO. 126: No, they were supposed
2 to e-mail me at some point and they haven't yet.

3 THE COURT: And when was your shot or is your shot
4 scheduled for?

5 PROSPECTIVE JUROR NO. 126: It's next -- it's
6 Monday.

7 THE COURT: This Monday or next Monday?

8 PROSPECTIVE JUROR NO. 126: Next Monday, the --

9 THE COURT: A week -- a week from today?

10 PROSPECTIVE JUROR NO. 126: -- 19th -- the 19th.

11 THE COURT: Okay. All right.

12 PROSPECTIVE JUROR NO. 126: So I'm assuming that
13 they can do something. I just don't know.

14 THE COURT: Okay. And I'm sorry, did I ask, State,
15 did you pass for Ms. Phillips?

16 MR. LEXIS: Yes, sir.

17 THE COURT: Okay. Thank you.

18 Defense, any follow-up questions for Ms. Phillips?

19 MR. ARNOLD: Ma'am, didn't you raise your hand for
20 law enforcement connections?

21 PROSPECTIVE JUROR NO. 126: Yes. My father was a
22 highway patrolman in California, retired. And my nephew
23 worked at Metro. He has since left Metro.

24 MR. ARNOLD: Did he retire or start a new career?

25 PROSPECTIVE JUROR NO. 126: Started a new career.

1 MR. ARNOLD: We'll pass for cause, Your Honor.

2 THE COURT: Thank you.

3 Mr. Hart?

4 MR. HART: Just the same questions, the law
5 enforcement relationships.

6 Can you put that aside and not let it affect how you
7 treat this case?

8 PROSPECTIVE JUROR NO. 126: I'm a real detailed,
9 methodical kind of person. And I consider myself honest. And
10 I think that I could put aside any biases and look at the
11 facts of the case.

12 MR. HART: Okay. When you say you could put aside
13 any biases?

14 PROSPECTIVE JUROR NO. 126: Well, I -- I -- I'm
15 probably somewhat biased having the background that I have
16 with, you know, living with a law enforcement officer my whole
17 childhood and, you know, my whole life basically.

18 So I would have to say I have some kind of bias, but
19 I think, you know, I consider myself able to overlook that.

20 MR. HART: Okay. So you -- I take it you have a
21 good relationship with your father?

22 PROSPECTIVE JUROR NO. 126: Yes.

23 MR. HART: Okay. And I'm not trying to be --

24 PROSPECTIVE JUROR NO. 126: And he's a good man and
25 all that, so.

1 MR. HART: And I'm not trying to be snarky, it's
2 just that --

3 PROSPECTIVE JUROR NO. 126: Yeah.

4 MR. HART: Yeah. And so you grew up in a pro law
5 enforcement family?

6 PROSPECTIVE JUROR NO. 126: Yes.

7 MR. HART: Okay. Well, then I will ask you what you
8 believe about possibly needing to make some changes in the
9 system. Do you believe that's true or not?

10 PROSPECTIVE JUROR NO. 126: There's always ways to
11 improve a system. And, you know, there's individuals that
12 abuse power. And we just need to have things in place to have
13 that not happen, so.

14 MR. HART: Okay. And your nephew, he left law
15 enforcement?

16 PROSPECTIVE JUROR NO. 126: Yes.

17 MR. HART: Okay.

18 PROSPECTIVE JUROR NO. 126: Yes, he lives in
19 California now, and he's in doing addiction counseling.

20 MR. HART: Okay. I'll pass for cause.

21 THE COURT: All right. Thank you.

22 Defense, any follow-up for Wayne Bennett, 129?

23 MR. LEXIS: State passes, Judge.

24 MR. ARNOLD: Mr. Bennett?

25 PROSPECTIVE JUROR NO. 129: 0129, Wayne Bennett.

1 MR. ARNOLD: Sir, I didn't get your occupation.

2 PROSPECTIVE JUROR NO. 129: I'm a school teacher.

3 MR. ARNOLD: And how long have you done that for?

4 PROSPECTIVE JUROR NO. 129: 29 years.

5 MR. ARNOLD: What do you teach?

6 PROSPECTIVE JUROR NO. 129: High school math.

7 MR. ARNOLD: For all 29 years?

8 PROSPECTIVE JUROR NO. 129: I taught junior high

9 school math in New York City.

10 MR. ARNOLD: What brought you to Vegas?

11 PROSPECTIVE JUROR NO. 129: Cheap housing.

12 MR. ARNOLD: Makes sense.

13 And you -- did you have any ties to law enforcement?

14 PROSPECTIVE JUROR NO. 129: No.

15 MR. ARNOLD: I'll pass for cause.

16 THE COURT: Thank you.

17 Mr. Hart?

18 MR. HART: Anything I should ask you?

19 PROSPECTIVE JUROR NO. 129: No.

20 MR. HART: Okay. How do you like teaching right

21 now?

22 PROSPECTIVE JUROR NO. 129: Right now?

23 MR. HART: Yeah.

24 PROSPECTIVE JUROR NO. 129: I love teaching. But

25 right now it's not teaching.

1 MR. HART: Okay.

2 Nothing further. Pass for cause.

3 THE COURT: All right. Thank you.

4 The State had previously passed.

5 Does the State have any follow-up questions for
6 Renae Decesare -- I pronounced it incorrectly the last time, I
7 apologize -- Renae Decesare, 134.

8 State, any follow-up?

9 MR. LEXIS: No, sir. State passes.

10 THE COURT: Thank you.

11 Defense?

12 MR. ARNOLD: Ma'am, I see that you have prior jury
13 experience. When was that?

14 PROSPECTIVE JUROR NO. 134: Within the last eight
15 years.

16 MR. ARNOLD: Okay. Was it a state case, or a
17 federal case?

18 PROSPECTIVE JUROR NO. 134: State.

19 MR. ARNOLD: So it was here in Clark County?

20 PROSPECTIVE JUROR NO. 134: Yeah. In this building.

21 MR. ARNOLD: What type of case was it?

22 PROSPECTIVE JUROR NO. 134: A child abuse case.

23 MR. ARNOLD: I have no further questions. Pass for
24 cause.

25 THE COURT: Thank you.

1 Mr. Hart?

2 MR. HART: The -- the obvious question, will the
3 fact that you were on a prior jury affect you in any way?

4 PROSPECTIVE JUROR NO. 134: No.

5 MR. HART: Okay.

6 PROSPECTIVE JUROR NO. 134: I'll give up my turn to
7 somebody who would like it though.

8 MR. HART: Now, you were not -- were you the foreman
9 on the other one?

10 PROSPECTIVE JUROR NO. 134: No, I was not.

11 MR. HART: Okay. Sorry. I couldn't remember.
12 Somebody said foreman.

13 PROSPECTIVE JUROR NO. 134: Yeah.

14 MR. HART: And you're not going to -- you understand
15 every case is different?

16 PROSPECTIVE JUROR NO. 134: Yeah.

17 MR. HART: Different attorneys have different
18 styles?

19 PROSPECTIVE JUROR NO. 134: Yes.

20 MR. HART: Some are better looking than others, you
21 won't hold that against us; right?

22 PROSPECTIVE JUROR NO. 134: No.

23 MR. HART: Okay. Pass for cause.

24 THE COURT: All right. Thank you.

25 Defense, any follow-up for Taylor Riebel, 154?

1 MR. ARNOLD: Pass for cause for the Defense --

2 THE COURT: Thank you.

3 MR. ARNOLD: -- Mr. Arnold.

4 THE COURT: Mr. Hart?

5 MR. HART: Pass for cause.

6 THE COURT: All right. State, any follow-up?

7 MR. LEXIS: State passes.

8 THE COURT: Thank you.

9 State, any follow-up for Ronald West, 158?

10 MR. LEXIS: State passes.

11 THE COURT: Thank you.

12 Defense?

13 MR. ARNOLD: Mr. West, can you approach?

14 PROSPECTIVE JUROR NO. 158: Ronald West, 158.

15 MR. ARNOLD: And sir, when did that identity theft
16 happen to your wife?

17 PROSPECTIVE JUROR NO. 158: Less than 30 days ago.

18 MR. ARNOLD: What have been the ramifications of
19 that?

20 PROSPECTIVE JUROR NO. 158: None, really. It was a
21 fraudulent on unemployment claim. We got notified. We've
22 seen no other evidence of any type of action. We took action
23 to stop credit freeze, stuff like that. But we've -- there's
24 no real victim involved, no money was lost or anything like
25 that.

1 MR. ARNOLD: Oh, okay.

2 We'll pass for cause, Your Honor.

3 MR. ARNOLD: All right. Thank you.

4 Mr. Hart?

5 MR. HART: Just to be clear, will that recent
6 incident have any affect on you --

7 PROSPECTIVE JUROR NO. 158: No.

8 MR. HART: -- when you're evaluating this case?

9 PROSPECTIVE JUROR NO. 158: No. I was one of the
10 ones that also raised my hand about law enforcement, just to
11 let you know.

12 My brother was a Nevada Highway Patrolman. He's
13 since retired.

14 MR. HART: Okay.

15 PROSPECTIVE JUROR NO. 158: I've had no
16 communication with him for 23 years.

17 MR. HART: Okay.

18 PROSPECTIVE JUROR NO. 158: So --

19 MR. HART: And would that affect you at all?

20 PROSPECTIVE JUROR NO. 158: No.

21 MR. HART: Do you want to be in a jury?

22 PROSPECTIVE JUROR NO. 158: If I'm selected, great.
23 If I'm not, it's okay. It's just, what it is, what it is.

24 MR. HART: Okay. Pass for cause.

25 PROSPECTIVE JUROR NO. 158: Thank you.

1 THE COURT: Thank you.

2 Defense, any follow-up for Lourdes Bortles, 192?

3 MR. ARNOLD: Yes. Ms. Bortles.

4 PROSPECTIVE JUROR NO. 192: Lourdes Bortles, 192.

5 MR. ARNOLD: And ma'am, you said you had an employee
6 that was involved in theft and embezzlement?

7 PROSPECTIVE JUROR NO. 192: Yeah. My previous
8 property manager and my company, they had a lawsuit against
9 each other regarding theft, embezzlement, fraud. And I don't
10 know --

11 MR. ARNOLD: What was your participation in the
12 case?

13 PROSPECTIVE JUROR NO. 192: During in the case, in
14 the court, I was left out of it. But the investigation
15 outside the Court, they made me find some fraudulent invoices,
16 vendors, stuff like that.

17 MR. ARNOLD: And so they -- your work left it up to
18 you to find that information?

19 PROSPECTIVE JUROR NO. 192: Yeah. I work with few
20 supervisors to look into the accounts payables being the
21 controller.

22 MR. ARNOLD: Were you the noticed it first?

23 PROSPECTIVE JUROR NO. 192: No.

24 MR. ARNOLD: It was brought to your attention by
25 your employer?

1 PROSPECTIVE JUROR NO. 192: Yes.

2 MR. ARNOLD: And then you said your ex-husband had a
3 crime against him?

4 PROSPECTIVE JUROR NO. 192: No. He was a victim of
5 like a fake check from someone. It's -- he was helping
6 somebody sell an old wheelchair on Offer Up and then somebody
7 offered and said they cannot come and give cash, that kind of
8 fraud.

9 MR. ARNOLD: Okay.

10 PROSPECTIVE JUROR NO. 192: And they gave a cashier
11 check and they said that the cashier check was over because
12 the bank made a mistake of sending the money towards the
13 movers, too. So they asked my ex-husband to return the extra
14 -- extra cash. Then after a few days, the bank said that
15 cashier check is fraudulent.

16 MR. ARNOLD: How long ago did that occur?

17 PROSPECTIVE JUROR NO. 192: Two months ago.

18 MR. ARNOLD: Where did you come from before you moved
19 here to Las Vegas?

20 PROSPECTIVE JUROR NO. 192: You have time?

21 MR. ARNOLD: What was that?

22 PROSPECTIVE JUROR NO. 192: Do you have time?

23 So from the Philippines I --

24 MR. ARNOLD: Oh.

25 PROSPECTIVE JUROR NO. 192: -- moved to Hong Kong

1 for five years as an investment advisor. Then from there I
2 went to Thailand for 14 years for property management. Then
3 Las Vegas.

4 MR. ARNOLD: And what brought you to Las Vegas?

5 PROSPECTIVE JUROR NO. 192: Marriage which is gone.

6 MR. ARNOLD: I'll pass for cause, Your Honor.

7 THE COURT: Thank you.

8 Mr. Hart, any follow-up?

9 MR. HART: No, Your Honor. Pass for cause.

10 THE COURT: Any follow-up by the State?

11 MR. LEXIS: State passes.

12 THE COURT: Thank you.

13 State, any follow-up for Ms. Haynes, 196?

14 MR. LEXIS: State passes, Judge.

15 THE COURT: Thank you.

16 Defense?

17 MR. ARNOLD: Ms. Haynes?

18 PROSPECTIVE JUROR NO. 196: Christine Haynes, 196.

19 MR. ARNOLD: It says that you're involved in
20 community relations. Is that for CCSD?

21 PROSPECTIVE JUROR NO. 196: I'm sorry, say it again?

22 MR. ARNOLD: Is that for the School District?

23 PROSPECTIVE JUROR NO. 196: It's the Nevada System
24 of Higher Education which is the umbrella administration for
25 all the public colleges in Nevada.

1 MR. ARNOLD: What does your job duties entail?

2 PROSPECTIVE JUROR NO. 196: The -- the community
3 relations portion?

4 MR. ARNOLD: Yes, ma'am.

5 PROSPECTIVE JUROR NO. 196: Mainly, I oversee the --
6 I support the Equity Diversity and Inclusion Council, the
7 Hispanic Serving Institution Task Force and other diversity
8 initiatives.

9 MR. ARNOLD: Okay. How long have you been doing
10 that for?

11 PROSPECTIVE JUROR NO. 196: About seven years.

12 MR. ARNOLD: What did you do prior to that?

13 PROSPECTIVE JUROR NO. 196: Well, I've -- I've been
14 in the same -- I've been there 21 years. My -- my duties
15 change frequently. Seven years ago, the person who was
16 coordinating the Diversity Initiatives left and so I was given
17 his duties. So it's just part of my job. That's just one
18 facet of my job. I also do government relations.

19 MR. ARNOLD: What do you have to do with the
20 government?

21 PROSPECTIVE JUROR NO. 196: Well, right now I do --
22 I'm sort of a jack of all trades. So I do -- I help -- I
23 support our government affairs team and I coordinate -- it's
24 hard to explain. I coordinate things related to currently the
25 legislative session.

1 MR. ARNOLD: Yeah.

2 PROSPECTIVE JUROR NO. 196: So white papers and
3 legislative packets, legislative communications, letters to
4 our state delegation and stuff like that.

5 PROSPECTIVE JUROR NO. 196: All right. Are you busy
6 right now since they are (indiscernible) in session?

7 PROSPECTIVE JUROR NO. 196: Yes. But not as busy as
8 -- like I'm more of a support person. So I'm not on the front
9 lines of that. So I'm busy, yes. But I'm not -- I'm trying
10 to explain my job. I'm a coordinator in that I have a little
11 piece -- a little hand in everything. But I'm not the sole
12 responsibility for all of these things. Except for the -- the
13 HSI Task Force and the EDIC (phonetic) Council, I do take care
14 of that solely on my own as far as the support goes,
15 currently, because we don't -- we're short staffed.

16 MR. ARNOLD: It said that you also had a family
17 member with a DUI?

18 PROSPECTIVE JUROR NO. 196: My daughter.

19 MR. ARNOLD: Okay. And what that recent?

20 PROSPECTIVE JUROR NO. 196: No. She -- she's 33
21 now. She had it -- she had one when she was 21, and then one
22 when she was 23.

23 MR. ARNOLD: And did you feel she was treated fairly
24 with --

25 PROSPECTIVE JUROR NO. 196: Yes.

1 MR. ARNOLD: -- those?

2 PROSPECTIVE JUROR NO. 196: Yes.

3 MR. ARNOLD: We'll pass for cause, Your Honor.

4 THE COURT: Thank you.

5 Mr. Hart?

6 MR. HART: Yes, Ms. Haynes, you filled out one of
7 these also?

8 PROSPECTIVE JUROR NO. 196: Yes.

9 MR. HART: You had specifically asked if you could
10 do your civic duty later because you were waiting for a COVID
11 vaccine and you have somebody at home that's at risk.

12 PROSPECTIVE JUROR NO. 196: Well, yes. I didn't
13 realize you guys had taken all these precautions. And the
14 last time I was here, there was this whole room was just
15 packed with people and it -- there was no air and it was
16 really bad. And I just -- I was picturing it to be that way.
17 So this is actually safer than I thought it was going to be,
18 so.

19 MR. HART: Okay. That's what I was going to follow
20 up on.

21 PROSPECTIVE JUROR NO. 196: Yeah. I feel better now
22 that I'm here.

23 MR. HART: Okay.

24 PROSPECTIVE JUROR NO. 196: Yeah.

25 MR. HART: And the last time you were here --

1 PROSPECTIVE JUROR NO. 196: Was --

2 MR. HART: -- were you on a jury?

3 PROSPECTIVE JUROR NO. 196: No, it was a civil, a
4 mesothelioma case, and there -- there was like I swear there
5 was 200 people in here. And we had to --

6 MR. HART: Yeah.

7 PROSPECTIVE JUROR NO. 196: -- fill out a
8 questionnaire and then they were going to pick if you had to
9 come back and I didn't have to come back.

10 MR. HART: Okay. Yeah, no, trust me, there can be
11 200 people in here.

12 PROSPECTIVE JUROR NO. 196: Yeah.

13 MR. HART: Probably more. Okay.

14 So you'll be HSI Task Force, what is that?

15 PROSPECTIVE JUROR NO. 196: Hispanic Serving
16 Institution. It's a Task Force. So each of our seven
17 teaching institutions have a goal toward reaching HSI status,
18 and those that are already HSI status, we work together
19 collaboratively just to share best practices and getting
20 federal grants for having HSI status that goes to help
21 basically all students, not just Hispanics.

22 MR. HART: Okay. And then the EDIC Council.

23 PROSPECTIVE JUROR NO. 196: Equity Diversity and
24 Inclusion Council. It's the -- it's made up of the campus
25 diversity officer from each of our eight institutions,

1 including our research institute. And they meet monthly, also
2 collaboratively, not just sharing best practices, but also
3 working on action items to -- to promote inclusion and equity
4 on the campuses and look at policies to help -- looking at
5 policy whether it's helpful or not.

6 MR. HART: We're -- we're okay. I think I --

7 PROSPECTIVE JUROR NO. 196: Yeah.

8 MR. HART: Okay. And --

9 PROSPECTIVE JUROR NO. 196: That's it.

10 MR. HART: -- there will be somebody able to cover
11 some of this for you if you're here?

12 PROSPECTIVE JUROR NO. 196: No. We -- we don't have
13 any -- I'm it right now. We just lost our senior policy
14 analyst and our chief of staff, so I'm it now.

15 MR. HART: Will you be able to give this trial your
16 attention?

17 PROSPECTIVE JUROR NO. 196: I believe so, yes.

18 MR. HART: Okay. And you know how much I love that
19 word "believe".

20 PROSPECTIVE JUROR NO. 196: Oh, sorry.

21 MR. HART: No, not a problem. I just -- I'm trying
22 to -- I mean, I'm just trying to find out if -- with, you
23 know, you said you'd -- because you're sort of with the
24 legislature you said --

25 PROSPECTIVE JUROR NO. 196: I'll go home and I'll

1 work from home in the evenings. And then have to come back
2 here. I'll have to still do my work, but.

3 MR. HART: Okay. Very good.

4 Can you be a fair and impartial juror?

5 PROSPECTIVE JUROR NO. 196: Yes. I -- I think so.

6 MR. HART: Pass for cause then.

7 THE COURT: All right. Thank you.

8 Defense, any follow-up questions for Kyle McCall,
9 197?

10 MR. ARNOLD: Yes, Your Honor.

11 And Mr. McCall, what -- I know that you take blood
12 for a living right now. Is that correct?

13 PROSPECTIVE JUROR NO. 197: I'm sorry. Could you
14 repeat your question?

15 MR. ARNOLD: I believe you're a medical tech you
16 said?

17 PROSPECTIVE JUROR NO. 197: Yes, sir. And in school
18 to be an EMT. Yes.

19 MR. ARNOLD: Okay. And I thought that you got your
20 certification to take people's blood?

21 PROSPECTIVE JUROR NO. 197: No, I'm not quite that
22 far yet.

23 MR. ARNOLD: No?

24 PROSPECTIVE JUROR NO. 197: No, sir.

25 MR. ARNOLD: Okay. Was that something that you are

1 striving for? I thought I heard you say that word.

2 PROSPECTIVE JUROR NO. 197: In the future, yes. My
3 goal is to get to the paramedic level.

4 MR. ARNOLD: Your goal is to do what?

5 PROSPECTIVE JUROR NO. 197: Get to the paramedic
6 level.

7 MR. ARNOLD: Oh, okay. That's what I was going to
8 ask you. What was your ultimate career goal there.

9 PROSPECTIVE JUROR NO. 197: My ultimate career goal
10 is to get to paramedic and then the paramedic to nursing
11 program, so nursing is the way I'm going.

12 MR. ARNOLD: I'll pass for cause, Your Honor.

13 THE COURT: Thank you.

14 Mr. Hart?

15 MR. HART: So you want to be a juror?

16 PROSPECTIVE JUROR NO. 197: Yes, sir.

17 MR. HART: Still feel that way?

18 PROSPECTIVE JUROR NO. 197: Yes.

19 MR. HART: Okay. Is there any reason you shouldn't
20 be a juror?

21 PROSPECTIVE JUROR NO. 197: No, sir.

22 MR. HART: Should I be nervous having you as a
23 juror?

24 PROSPECTIVE JUROR NO. 197: No, sir.

25 MR. HART: Should the State be nervous having you as

1 a juror?

2 PROSPECTIVE JUROR NO. 197: No, sir.

3 MR. HART: Pass for cause.

4 THE COURT: Thank you.

5 State, any follow-up questions?

6 MR. LEXIS: Pass, Judge.

7 THE COURT: All right. Thank you.

8 State, any follow-up questions for Debra Yamagata-
9 Toma?

10 MR. LEXIS: Pass, Judge.

11 THE COURT: Thank you.

12 Defense?

13 MR. ARNOLD: Ma'am, can you approach the microphone?

14 How many have we passed for cause? Are we on 24,

15 Your Honor?

16 THE COURT: We'll do one more just --

17 MR. ARNOLD: One more?

18 THE COURT: Well, we're going to finish up with --

19 MR. ARNOLD: Okay.

20 THE COURT: -- this juror.

21 PROSPECTIVE JUROR NO. 207: Debra Yamagata, 207.

22 MR. ARNOLD: Ma'am, you said that you had a child
23 that was a lawyer?

24 PROSPECTIVE JUROR NO. 207: Yes.

25 MR. ARNOLD: What type of law do they practice?

1 PROSPECTIVE JUROR NO. 207: Oh, she did criminal,
2 work comp, PI, divorce. Right now she's going to be working
3 the Attorney General's Office. But I believe she was a public
4 defender, too. This is all in Hawaii. Up here she did
5 divorce and she was head of the Legal Aid Department.

6 MR. ARNOLD: So she practiced in Hawaii for the
7 whole time?

8 PROSPECTIVE JUROR NO. 207: And -- and here. She
9 worked for Wright Lawyers (phonetic) I believe it was doing
10 divorce cases. But she just --

11 MR. ARNOLD: How long --

12 PROSPECTIVE JUROR NO. 207: -- recently moved to
13 Hawaii. She's going to be working for the Attorney General's
14 Office.

15 MR. ARNOLD: How long did she practice here?

16 PROSPECTIVE JUROR NO. 207: Here, about two years,
17 three years. But she's -- actually, she's still with Legal
18 Aid, just kind of doing work from home because of COVID. But
19 she did just move to Hawaii, but she's still working at Legal
20 Aid.

21 MR. ARNOLD: Here?

22 PROSPECTIVE JUROR NO. 207: Here, yes.

23 MR. ARNOLD: Okay.

24 PROSPECTIVE JUROR NO. 207: But from Hawaii. She's
25 doing it from Hawaii. Yeah.

1 MR. ARNOLD: Okay. I understand.

2 All right. I'll pass for cause.

3 THE COURT: Thank you.

4 Mr. Hart?

5 MR. HART: And you also had family in law

6 enforcement?

7 PROSPECTIVE JUROR NO. 207: Law -- no.

8 MR. HART: Friends? Or did I just --

9 PROSPECTIVE JUROR NO. 207: Yeah. Well --

10 MR. HART: -- write something down wrong?

11 PROSPECTIVE JUROR NO. 207: -- this one neighbor of
12 mine, he's SWAT, but he's from California.

13 MR. HART: Okay.

14 PROSPECTIVE JUROR NO. 207: Yeah.

15 MR. HART: So nobody here that would affect you?

16 PROSPECTIVE JUROR NO. 207: No.

17 MR. HART: I might have written in the wrong spot.

18 Can I ask your daughter's name?

19 PROSPECTIVE JUROR NO. 207: Sonja Toma (phonetic).

20 MR. HART: Okay. And you said she did some defense
21 work also?

22 PROSPECTIVE JUROR NO. 207: Back in Hawaii,
23 criminal, yes.

24 MR. HART: Okay.

25 PROSPECTIVE JUROR NO. 207: With her father, my ex-

1 husband.

2 MR. HART: So your ex-husband's an attorney?

3 PROSPECTIVE JUROR NO. 207: Yes.

4 MR. HART: Okay. Does criminal defense?

5 PROSPECTIVE JUROR NO. 207: Yes.

6 MR. HART: Okay.

7 PROSPECTIVE JUROR NO. 207: Back in Hawaii. He was
8 a public defender, supervisor, at one point until he opened up
9 his own law firm.

10 MR. HART: Okay. And the obvious question, will
11 that give any bias against defense attorneys?

12 PROSPECTIVE JUROR NO. 207: I'm sorry?

13 MR. HART: Does that give you any bias against
14 defense attorneys?

15 PROSPECTIVE JUROR NO. 207: No. I'm -- I'm good.
16 Yeah.

17 MR. HART: Okay. Just want to make sure.

18 Any reason you shouldn't be a juror?

19 PROSPECTIVE JUROR NO. 207: Well, I just have a lot
20 of work to do, but I need to do my duty, too, here.

21 MR. HART: Okay. If you're selected as a juror,
22 will you pay attention?

23 PROSPECTIVE JUROR NO. 207: Yes, sir.

24 MR. HART: Pass for cause.

25 PROSPECTIVE JUROR NO. 207: Thank you.

1 THE COURT: All right. Thank you.

2 Can I see counsel in the -- in the back room there?

3 Please bring your notes with you.

4 (Bench conference begins.)

5 THE COURT: All right. The court recorder told me
6 last time she was having difficulty hearing us. So make sure
7 if you're answering to any particular question, or if you have
8 anything to say, please, you know, approach the microphone.
9 Unfortunately, the system is not as good as we think.

10 There was -- we all agreed that Mr. Wiggs would be
11 taken off; is that correct? That he would be excused?

12 Mr. Hart?

13 MR. HART: Yes.

14 THE COURT: Mr. Arnold?

15 MR. ARNOLD: Yes.

16 THE COURT: Mr. Lexis?

17 MR. LEXIS: Yes.

18 THE COURT: Okay. And there was a motion by Mr.
19 Lexis on Edith Fernandez, 029. Would you please state your
20 basis for your challenge?

21 MR. LEXIS: Yes, Judge.

22 She testified completely inconsistent with what is
23 in her questionnaire, and if we are to take those as true,
24 which I hope we would, given they're given to us by the Jury
25 Commissioner, then I would ask that you take that into

1 consideration.

2 And then when I pressed her on it, again, she
3 admitted that yes, that is the case as far as her essentially
4 negative likings towards police officers and the criminal
5 justice system.

6 THE COURT: All right. Thank you.

7 Mr. Hart?

8 MR. HART: Your Honor, and that's why I did the
9 follow-up. She believes that there should be more training
10 and deescalation, and possibly more training in being an
11 officer and possible screening. She also said she could be
12 fair in this. She is -- I mean, she has a couple of masters,
13 a couple bachelors, I think three masters, a bachelors and a
14 Ph.D.

15 It sounds like she does analytical reasoning and I
16 believe anybody that has done any research at all or reading
17 on there will find that there tends to be biases and there
18 could be some improvements in our system, period. I think
19 that's just a -- that's a matter of reality.

20 But as far as evaluating the case, and the case, she
21 said she -- any particular officer, no. She didn't distrust
22 officers. She thought there could be improvements in the
23 system. And could be a fair juror.

24 THE COURT: All right. Thank you.

25 Mr. Arnold?

1 MR. ARNOLD: And the only other point I would make
2 is that I don't believe the questionnaires always accurately
3 reflect what the individual's, you know, responses are. So I
4 can't say that she was lying. She gave us her honest and
5 truthful answers today in court.

6 MR. HART: And she said she didn't remember filling
7 out a questionnaire -- sorry, Marty Hart. She did say -- she
8 -- I think she said she didn't remember filling out the
9 questionnaire before, because, quite frankly, there's another
10 juror on there that it said that she couldn't judge people
11 because of her religion. We didn't get to her. But she
12 didn't raise her hand when we asked that twice today.

13 And I looked over specifically at her.

14 THE COURT: All right. Thank you.

15 Anything further, Mr. Lexis?

16 MR. LEXIS: No, Judge.

17 THE COURT: Okay. She did make some statement that
18 she thought the criminal justice system was unfair, but I
19 think she was properly rehabilitated. She says she doesn't
20 believe all police officers are bad. She did state that --
21 sorry -- she did state that she thought that there should be
22 good training and hiring. She was a victim of a crime in this
23 matter [sic]. So I don't -- I don't think there was enough to
24 accept the challenge for cause.

25 So I'm going to deny that challenge.

1 All right. Counsel, here is what we have. Just
2 double check with your notes, please, if we are -- these
3 people have been passed for cause, and I'll just double check.
4 Then we'll go out there and we'll exercise their peremptory
5 challenges. Just double check right now with your notes.

6 MR. LEXIS: Judge, I have one other request.

7 THE COURT: Sure.

8 MR. LEXIS: Chad Lexis for the State.

9 Judge, given the -- given the length -- length of
10 this trial and just the situation we're in with COVID and
11 stuff, I would ask for two alternates instead of one, Judge.

12 THE COURT: All right.

13 That's probably a good idea.

14 So we -- the next up would be Ronald McCullers. So
15 I'll ask him some questions. And if there isn't any -- if
16 there is not any challenge for cause for Mr. McCullers, then
17 we'll print out this sheet with 24 names on it.

18 Mr. Hart?

19 MR. HART: And these are not in the order that -- on
20 our list at all. So I'm trying to --

21 THE CLERK: I did them the next -- the next one that
22 was available to be dismissed. So I pulled from the next in
23 line.

24 THE COURT: I'm sorry. Come up closer, please.

25 THE CLERK: Oh, sorry. I pulled from next in line.

1 So like --

2 MR. ARNOLD: Should have started with either
3 Fernandez, No. 4.

4 THE COURT: Right.

5 MR. ARNOLD: And worked all the way down.

6 THE COURT: You didn't do that?

7 MR. ARNOLD: See --

8 THE CLERK: Yeah. Because I crossed out him. So I
9 pulled --

10 MR. ARNOLD: Because it starts with Kyle McCall and
11 then Wayne Bennett.

12 THE COURT: Yeah. We need to put those in order.

13 MR. ARNOLD: Yeah. Just go four, five, six --

14 THE CLERK: Because, okay, because here's what I
15 did. Because so Mr. Wiggs was the last one we dismissed. So
16 these people filled in before him. So he --

17 THE COURT: No, no, no, no, no.

18 MR. ARNOLD: No, no, you're -- we're not doing it
19 that way.

20 THE COURT: Just straight down the list.

21 THE CLERK: Oh.

22 MR. ARNOLD: Yeah.

23 THE COURT: Straight down the list.

24 THE CLERK: Oh.

25 THE COURT: She'll -- you'll -- she'll retype that.

1 MR. ARNOLD: I know how you did it. It's like if
2 they were all sitting down.

3 THE CLERK: Oh, that's how --

4 THE COURT: That's right.

5 MR. ARNOLD: Yeah.

6 THE CLERK: Okay.

7 THE COURT: No. Okay. So you'll -- that's easy
8 enough to retype.

9 MR. ARNOLD: All right.

10 THE COURT: So we'll go through --

11 THE CLERK: Okay.

12 THE COURT: -- number -- we'll go through Mr.
13 McCullers. Okay. While we're doing that --

14 THE CLERK: Um-h'm.

15 THE COURT: -- you'll retype this list.

16 THE CLERK: Okay.

17 THE COURT: We'll see if there's any issues with mr.
18 McCullers. If there -- if he's passed for cause for all three
19 of you, then we're done, and we'll hand that piece of paper
20 back and forth.

21 MR. ARNOLD: Right.

22 THE COURT: All right. Thank you.

23 (End of bench conference.)

24 THE COURT: All right. Defense, do you have any
25 follow-up questions for Ronald McCullers, 208?

1 MR. ARNOLD: Pass for cause, Your Honor.

2 THE COURT: Thank you.

3 Mr. Hart?

4 MR. HART: McCullers.

5 THE MARSHAL: It's right here, sir.

6 THE COURT: 208. Mr. McCullers, can you stand up,
7 please, sir? Thank you.

8 PROSPECTIVE JUROR NO. 208: Ronald McCullers, 208.

9 MR. HART: Yes. You're an -- you're an armed
10 security guard?

11 PROSPECTIVE JUROR NO. 208: Yes. Been doing it 20
12 years here.

13 MR. HART: Can I ask where?

14 PROSPECTIVE JUROR NO. 208: I do for particularly
15 DMVs. I've done Welfare. I'm contracted with the State.

16 MR. HART: Okay.

17 PROSPECTIVE JUROR NO. 208: Allied Universal.

18 MR. HART: Not any of the resorts or any of the
19 hotels we're talking about here?

20 PROSPECTIVE JUROR NO. 208: No.

21 MR. HART: Okay. Just wanted to make sure.

22 Anything about that that would affect your ability
23 to be a fair juror?

24 PROSPECTIVE JUROR NO. 208: No.

25 MR. HART: Pass for cause.

1 THE COURT: All right. Thank you.

2 Any follow-up by the State?

3 MR. LEXIS: The State passes, Judge.

4 THE COURT: All right. Thank you.

5 One moment, please, ladies and gentlemen.

6 Ladies and gentlemen, as you know, a majority of you
7 were able to fill out a questionnaire. Also, some of you gave
8 some answers on the telephone. All of you have answered my
9 questions. All of you have answered some of the general
10 questions by all the attorneys. And they have advised me that
11 they have sufficient information on all of you to make a
12 determination as to who they're going to select for this jury.

13 In this type of case, each side is entitled to
14 exercise what we call peremptory challenges, which means they
15 can just excuse one of the jurors without setting forth any
16 reason whatsoever. And so each side will be entitled to
17 exercise five peremptory challenges. In just one moment, they
18 will start that process. As soon as that has been completed,
19 then we will have our jury selected.

20 (ATTORNEYS EXERCISE PEREMPTORY CHALLENGES)

21 THE COURT: All right. Ladies and gentlemen, the
22 attorneys have either exercised or waived their five
23 peremptory challenges. In just one moment, the Court Clerk
24 will call off the roll call of those individuals who have been
25 selected to hear this case.

1 (Pause in the proceedings.)

2 THE CLERK: Okay. Seat No. 1, Badge No. 030,
3 Charlene Benon.

4 Seat No. 2, Badge No. 051, Patricia Andrade.

5 Seat 3, Badge No. 054, Marisol Martin.

6 Seat 4, 058, Deborah Smith.

7 Seat 5, 085, Richard White.

8 Seat 6, Badge No. 099, Candace Krubsack.

9 Seat 7, Badge No. 101, Jeannette Maass.

10 Seat 8 will be Badge No. 118, Ann McCormack.

11 Seat 9, Badge No. 126, will be Ruth Phillips.

12 Seat 10, Badge No. 134, Renae Decesare.

13 Sorry if I pronounced your name wrong.

14 Seat 11, will be Badge No. 158, Ronald West.

15 Seat 12, will be Badge No. 192, Lourdes Bortles.

16 And Seat 13 will be Badge No. 197, Kyle McCall.

17 Seat 14, will be Badge No. 207, Debra Yamagata-Toma.

18 THE COURT: All right. Ladies and gentlemen, those
19 of you whose names were just called, you have been selected to
20 be a juror in this case. We are going to commence the trial
21 tomorrow at 9:00 a.m., and you will be in room -- courtroom
22 3F. It is on this floor. And so tomorrow you wait outside
23 the courtroom at 3F until the Marshal escorts you in. And
24 then we'll start the trial at that time.

25 Those of you whose names were not called off, you do

1 have my thanks of the entire Regional Justice Center, all the
2 Judges, as well as the attorneys, for your time of filling out
3 the questionnaire and your time today during this process.

4 So, you do have my thanks.

5 Again, those individuals whose names were called,
6 you are ordered to return tomorrow, 9:00 a.m., 3F. The
7 Marshal will give you some instructions here of where you park
8 for the future for this case.

9 All right. So please have a safe drive home. And
10 we'll see you back -- those -- again, those names who have
11 been called, at 9:00 a.m. sharp tomorrow. Thank you.

12 THE MARSHAL: All rise for the exist of the jury.

13 (Outside the presence of the prospective jurors.)

14 THE COURT: All right. We're outside the presence
15 of the jury panel.

16 Before the Court adjourns, anything by the State?

17 MR. LEXIS: No, Judge.

18 THE COURT: Anything by Mr. Arnold?

19 MR. ARNOLD: No, Your Honor.

20 THE COURT: Mr. Hart?

21 MR. HART: No, Your Honor.

22 THE COURT: Okay.

23 MR. HART: (Inaudible) quick and painless.

24 THE COURT: Okay.

25 MR. HART: That's all

1 THE COURT: We -- we will see everybody at 9:00 a.m.
2 tomorrow sharp.

3 MR. ARNOLD: What courtroom?

4 THE COURT: 3F.

5 MR. ARNOLD: Okay.

6 THE COURT: 3 as -- 3 Frank.

7 THE CLERK: Mr. Arnold and Mr. Hart, you guys didn't
8 have any exhibits or anything to turn in? No?

9 MR. HART: Not at this time, no.

10 THE CLERK: Okay. All right.

11 THE COURT: All right. Thank you.

12 MR. LEXIS: Could you have District Court IT down
13 there at 8:30?

14 THE COURT: Ms. Clerk, will you make sure IT is down
15 there at 8:30? That's delegation. Did you see that?

16 THE CLERK: I can call (inaudible).

17 MR. HART: (Inaudible).

18 THE COURT: So we've got it taken care of.

19 MR. LEXIS: Okay. Thank you.

20 (Court recessed at 3:04 p.m., until Tuesday,
21 April 13, 2021, at 9:08 a.m.)

22 * * * * *

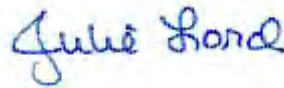
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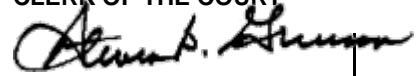
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ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case.

A handwritten signature in blue ink, reading "Julie Lord".

VERBATIM DIGITAL REPORTING, LLC



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-20-351676-1
)	C-20-351676-2
Plaintiff,)	
vs.)	DEPT. XVII
)	
VENESHIA LANETTE OLIVER,)	
and DARRELL CLARK,)	
)	
Defendants.)	

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

TUESDAY, APRIL 13, 2021

TRANSCRIPT OF PROCEEDINGS:
JURY TRIAL - DAY 2

APPEARANCES:

FOR THE STATE:	CHAD N. LEXIS, ESQ. <i>Chief Deputy District Attorney</i>
	MADILYN M. COLE, ESQ. <i>Deputy District Attorney</i>
FOR DEFENDANT OLIVER:	MARTIN W. HART, ESQ.
FOR DEFENDANT CLARK:	CARL E. ARNOLD, ESQ.

RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, CLARK COUNTY, NEVADA, TUESDAY, APRIL 13, 2021

2 (Case called at 9:08 a.m.)

3 (Outside the presence of the jury.)

4 THE COURT RECORDER: Okay, we're on the record.

5 THE COURT: All right, thank you. We're on the
6 record now, outside the presence of the jury panel.

7 Mr. Lexis, there was an issue with the Superseding
8 Indictments as far as having a dash one, dash two. Could you
9 please put that on the record?

10 MR. LEXIS: Yes, Judge. I filed the one yesterday
11 just with the case number and not a dash one, dash two. I
12 would move to strike that Amended Second Superseding
13 Indictment. And then I just brought up a version which has
14 the dash one and dash two, and I would ask that that be filed.

15 THE COURT: Any objection, Mr. Arnold?

16 MR. ARNOLD: No, Your Honor.

17 THE COURT: Any objection, Mr. Hart?

18 MR. HART: No, I'm assuming it's the same. I was
19 shown it. I didn't get a --

20 THE COURT: Yes.

21 MR. HART: -- chance to go all the way through. As
22 long as the same --

23 THE COURT: Are they the same, Mr. Lexis?

24 MR. LEXIS: It's the same, Judge.

25 THE COURT: All right, they'll be filed. Thank you.

1 Anything else before the marshal brings the jury in?

2 MR. LEXIS: Just when Madilyn comes down, I'll put
3 on the record the stipulation to the exhibits, Judge, but the
4 ones that I just want to make clear ahead of time that are not
5 to go back to the jury is that this is during the time frame
6 of the law where, in order for it to be a commercial burglary,
7 they need to have a prior conviction. And so I will be
8 admitting those but not as exhibits for the jury, but they'll
9 be court exhibits.

10 So I will be bringing down -- I'll put it on the
11 record when I put on everything else. I just want to make
12 that clear that when I -- when those do come in, they'll just
13 be court exhibits, and they'll be prior felony -- a prior
14 felony for the -- each of the defendants.

15 THE COURT: All right. And has copies of those
16 prior convictions been provided to Mr. Arnold and Mr. Hart?

17 MR. LEXIS: Yes, Judge.

18 THE COURT: Is that correct, Mr. Arnold?

19 MR. ARNOLD: Yes, Your Honor.

20 THE COURT: Is that correct, Mr. Hart?

21 MR. HART: Yes, Your Honor.

22 THE COURT: All right, thank you. Anything else by
23 the State?

24 MR. LEXIS: No, Judge.

25 THE COURT: Anything by Mr. Arnold?

1 MR. ARNOLD: No, Your Honor.

2 THE COURT: Anything, Mr. Hart, you want to add?

3 MR. HART: No, Your Honor.

4 THE COURT: Okay. Just -- I think the marshal's
5 just lining up the jurors.

6 (Pause in the proceedings.)

7 THE COURT: And I don't know if all counsel are
8 aware, but if we have to have a sidebar, we have to go into
9 the jury room and speak into a microphone that will be hot.

10 MR. HART: Perfect.

11 (Pause in the proceedings.)

12 THE COURT: Are we ready, Marshal?

13 THE MARSHAL: One of the jurors just showed up, so
14 we're ready to go, ready to go.

15 THE COURT: You said one of the jurors what?

16 THE MARSHAL: They just got here.

17 THE COURT: Okay.

18 THE MARSHAL: So now we're ready.

19 THE COURT: Let's bring them in.

20 THE MARSHAL: All right, let's go to work. All rise
21 for the entry of the jury.

22 (Inside the presence of the jury.)

23 THE COURT: All right. Good morning, ladies and
24 gentlemen. Welcome back. Everyone, have a seat, please.

25 Thank you. We are now going to swear in the jury panel.

1 THE CLERK: Please stand and raise your right hands.

2 JURY PANEL SWORN

3 THE COURT: All right, thank you. Have a seat. All
4 right. Ladies and gentlemen, it's -- obviously, you've been
5 selected as jurors in this case, and I will now take a few
6 minutes to talk to you about what to expect in this case. My
7 comments are intended to serve as an introduction to the
8 trial. At the end of the trial, I will give you more detailed
9 instructions in writing, and those instructions will control
10 your deliberations.

11 This is a criminal case brought by the State of
12 Nevada against the defendants, Veneshia Oliver and Darrell
13 Clark. This case is based upon a Second Amended Superseding
14 Indictment. The clerk will now read to you the Second
15 Superseding Amended Indictment and state the defendants'
16 pleas.

17 (SECOND AMENDED SUPERSEDING INDICTMENT READ BY THE CLERK)

18 THE COURT: All right, thank you. Ladies and
19 gentlemen, you should distinctly understand that the Second
20 Amended Superseding Indictment just read to you is simply a
21 description of the charges made by the State against the
22 defendants. It is not evidence of anything. It does not
23 prove anything. Therefore, the defendants start out with a
24 clean slate. Defendant has -- defendants have pled not guilty
25 and are presumed innocent.

1 In a criminal trial, there are two basic rules to
2 keep in mind. One, defendant is -- defendants are presumed
3 innocent unless proven guilty beyond a reasonable doubt. The
4 defendants are not required to present any evidence or prove
5 their innocence. The law never imposes upon a defendant in a
6 criminal case the burden of calling any witnesses or
7 introducing any evidence. Two, to convict, the State must
8 prove beyond a reasonable doubt that crimes were committed and
9 the defendants are the individuals who committed them.

10 Certain things are not evidence, and you must not
11 consider them as evidence in deciding the facts of this case:
12 statements and arguments by the attorneys; questions and
13 objections of the attorneys; testimony I instruct you to
14 disregard; anything that you see or hear when court is not in
15 session, even if it comes from one or more of the parties or
16 witnesses. Remember, evidence is sworn testimony by a witness
17 while court is in session and documents and other things
18 received into evidence as exhibits.

19 There are two kinds of evidence: direct and
20 circumstantial. Direct evidence is testimony about what the
21 witness saw, heard, or did. Circumstantial evidence is
22 indirect proof of one or more facts from which you can find
23 another fact. For example, if you wake up in the morning, and
24 you see the ground, the sidewalk, and street are wet, and
25 water's running down the gutter, you may find from those facts

1 that it rained during the night. It is proof of one or more
2 facts from which you can find another fact. If you were awake
3 during the night and saw the rain fall, that would be direct
4 evidence, which is something you personally saw. You may
5 consider both direct and circumstantial evidence in deciding
6 this case. The law permits you to give equal weight or value
7 to both, but it is for you to decide how much consideration to
8 give any evidence.

9 There are rules of law that control what can be
10 received in the evidence. When a lawyer asks a question or
11 offers an exhibit into evidence, and the lawyer on the other
12 side thinks that it is not permitted by the rules, that lawyer
13 may object. If I overrule the objection, the question may be
14 answered or the exhibit received. If I sustain the objection,
15 the question cannot be answered, and the exhibit cannot be
16 received. Whenever I sustain an objection, ignore the
17 question and do not guess what the answer might have been.

18 Sometimes I may order evidence stricken from the
19 record and tell you to disregard or ignore such evidence.
20 This means that you cannot consider this evidence when you are
21 deciding the case.

22 It is the duty of a lawyer to object when they
23 believe that the admission of the evidence would violate the
24 rules. You should not be prejudiced in any way against a
25 lawyer who makes objections on behalf of the party the lawyer

1 represents. Also, I may find it necessary to admonish a
2 lawyer. If I do, you should not be prejudiced towards the
3 lawyer or the client because I have found it necessary to
4 admonish the lawyer.

5 Until this case is submitted to you, do not talk to
6 each other about the case or anyone who has anything to do
7 with it until the end of the case when you go to the jury room
8 to decide your verdict. Do not talk with anyone else either
9 by phone, mail, text, internet, or other means about the case
10 or anyone who has anything to do with it until the trial has
11 ended and you have been discharged as jurors. You may tell
12 them that you are a juror in a criminal case, but that is all.

13 Do not let anyone talk to you about the case or
14 about anyone who has anything to do with it. If someone tries
15 to talk to you, please report it immediately to the marshal.

16 Do not read any news stories, listen to any radio
17 broadcasts, or watch any television broadcasts, or watch any
18 television reports about the case or about anyone who is
19 involved with it.

20 Do not do any research such as consulting
21 dictionaries, using the internet, or using reference
22 materials, or make any investigation about the case on your
23 own.

24 You may be tempted to visit a particular location.
25 Please do not do so. In view of the time that has elapsed

1 since this case has come to trial, substantial changes may
2 have occurred at the location in question. Also, in making an
3 unauthorized visit without the benefit of explanation, you may
4 get an erroneous impression. Therefore, please avoid going
5 near or past any of the locations that are identified in this
6 case.

7 In deciding the facts of this case, you may decide
8 which witnesses to believe and which witnesses not to believe.
9 You may believe everything a witness says, only part of it, or
10 none of it.

11 In considering the weight or value of the testimony
12 of any witness, you may consider the appearance, attitude, and
13 behavior of the witness when testifying, and a number of other
14 things, including, one, the witness's ability to see, hear, or
15 know of the things the witness testifies to; the quality of
16 the witness's memory; the inclination of the witness to speak
17 truthfully; whether or not the witness has any interest in the
18 outcome of the case or any motive, bias, or prejudice; whether
19 the witness is contradicted by anything the witness said or
20 wrote before trial; and how reasonable is the witness's
21 testimony when considered with other evidence which you
22 believe.

23 In deciding whether or not to believe a witness,
24 keep in mind that people sometimes forget things. You need to
25 consider whether the contradiction was due to an innocent

1 lapse in memory or an intentional falsehood, and that may
2 depend on whether it has to do with an important fact or only
3 a small detail.

4 The weight and value of evidence does not
5 necessarily depend on the number of witnesses testifying for
6 one side. You must consider all the evidence, and you may
7 decide the testimony of a smaller number of witnesses on one
8 side has more weight or value than that present -- presented
9 by a larger number of witnesses on the other side.

10 During this trial, you will be given the opportunity
11 to ask written questions of any of the witnesses called to
12 testify. You are not encouraged to ask a large number of
13 questions because that is the primary responsibility of
14 counsel. Once the attorneys have finished their questions, I
15 will ask you whether any of the jurors have any questions.
16 Please write down your question with your juror number on a
17 sheet of paper and raise your hand. The marshal will collect
18 your question.

19 Questions must be factual in nature, designed to
20 clarify information already presented, and addressed to the
21 witness. Jurors must not place undue weight on the responses
22 to their questions. After consulting with the attorneys in
23 court, I will determine whether your question is legally
24 proper. No adverse inference should be drawn if the Court
25 does not ask a particular question.

1 It will be your duty to look at all of the evidence
2 to be presented and determine whether or not the State has
3 proven the defendants guilty beyond a reasonable doubt. You
4 are the sole judges of the facts. You will decide the facts
5 -- what the facts are from the evidence that will be
6 presented. The evidence consists of testimony of witnesses,
7 and documents, and other things received in the evidence as
8 exhibits.

9 You must apply the facts presented to the law the
10 Court will give you and, in that way, reach your verdict. It
11 is important that you perform your duty of determining the
12 facts diligently and conscientiously, for ordinarily, there is
13 no way of correcting an erroneous determination of the facts
14 by the jury.

15 During this trial, do not take anything that I say
16 or do as indicating my opinion as to how you should decide the
17 case or to influence you in any way in your determination of
18 the facts. At times, I may even ask questions of witnesses.
19 If I do so, it is for the purpose of bringing out matters
20 which should be brought out and not in any way to indicate my
21 opinion about the facts or to indicate the weight or value you
22 should give to the testimony of a witness.

23 Do not make up your mind about what the verdict
24 should be until after you've gone to the jury room to decide
25 the case and you and your fellow jurors have discussed the

1 evidence. It is important to keep an open mind throughout the
2 trial.

3 At the end of the trial, you will have to make your
4 decision based upon what you recall of the evidence. You will
5 not have a written transcript to consult. Please pay close
6 attention to the testimony. It is very difficult and
7 time-consuming for the court recorder to play back lengthy
8 testimony.

9 If you wish, you may take notes to help you remember
10 what a witness said. If you do take notes, please keep them
11 to yourself until you and your fellow jurors go to the jury
12 room to decide the case. Do not allow note-taking to distract
13 you from what the witness is saying. You should rely upon
14 your own memory of what was said and not be overly influenced
15 by the notes of other jurors.

16 During the course of the trial, the attorneys for
17 both sides, all court personnel, including myself, are not
18 permitted to converse with members of the jury. These
19 individuals are not trying to be antisocial or rude. We are
20 bound by ethics and the law to talk to you. To do so might
21 contaminate your verdict. However, you are allowed to ask the
22 marshal any questions. Those questions cannot be relating to
23 the case, more of procedure or -- excuse me, more of
24 scheduling issues or any problems that you may have.

25 The trial will proceed in the following manner. One

1 of the deputy district attorneys will make an opening
2 statement, which will outline what the State expects to prove.
3 Then the defendants' attorneys may make an -- may make an
4 opening statement; however, this is not required. Opening
5 statements serve as an introduction to the evidence.

6 The State will then present its evidence, and
7 counsel for the defendants may examine the -- may -- excuse
8 me, may cross-examine the witnesses. Following the State's
9 case, the defense may present evidence, and the deputy
10 district attorneys may cross-examine the witnesses. However,
11 as I have said, the defendants are not obligated to present
12 any evidence.

13 After all the evidence has been presented, I will
14 instruct you on the law. After the instructions on the law
15 have been read to you, each side has the opportunity to
16 present oral argument. What is said in closing argument is
17 not evidence. The arguments are designed to summarize and
18 interpret the evidence. Since the State has the burden of
19 proving the defendants guilty beyond a reasonable doubt, the
20 State has the right to open and close the arguments. After
21 the arguments have been completed, you will retire to
22 deliberate your verdict.

23 State, are you ready with your opening?

24 MS. COLE: Yes, Your Honor.

25 //

1 STATE'S OPENING STATEMENT

2 MS. COLE: Throughout the duration of this trial,
3 you are going to learn that June 2020 through August of 2020,
4 there was a series of hotel room burglaries that started
5 occurring, and you're going to learn that what was distinctive
6 and unique about these particular burglaries was the damage
7 that was done to these doors when making an entrance.

8 You're going to hear from the two lead detectives
9 who, when they first got assigned to investigate these,
10 immediately recognized that this was something unique and
11 distinctive, especially regarding rooms on the Strip. And
12 you're going to hear them testify that in all of their years
13 of experience working on the Strip, this was a particular
14 distinctive fact, and this piece of evidence allowed them to
15 realize that these specific particular burglaries were, in
16 fact, connected.

17 Now, you're going to hear from Mr. Gary Krusinski,
18 who was staying at the Paris Hotel on August 16th, 2020, and
19 he left his room that evening. Subsequently, he came back and
20 immediately noticed that his door had been damaged, that his
21 room had been broken into and entered, and that somebody who
22 he did not give permission to had entered his room. There was
23 credit cards missing, his wallet missing, other valuable
24 items; in particular, a distinctive pair of headphones that
25 have a unique name and a unique color.

1 And so he calls security. He calls police. And
2 you're going to also learn that shortly after his room was
3 burglarized, his American Express credit card was used at the
4 Sbarro Pizza inside the Bally's Hotel.

5 Now, you're also going to learn that the Paris and
6 the Bally's are connected, and at some point, you can be
7 walking from the Paris to the Bally's and not even realize it.
8 They're sister properties. And so this Sbarro inside the
9 Bally's is very close in proximity to his room that was
10 burglarized.

11 You're also going to learn, and you're going to be
12 able to view video surveillance of another one of Mr.
13 Krusinski's credit cards, a different one, different from the
14 American Express, a Capital One credit card that,
15 approximately 10 minutes later after the card was used at
16 Sbarro's, was used at the 7-Eleven on Koval. Again,
17 geographically, this is very close in proximity to the Paris
18 Hotel.

19 And you're going to see on video surveillance and
20 the evidence will show the defendants, specifically, Veneshia
21 in a black and white jumpsuit at the Paris on August 16th, in
22 the 7-Eleven on August -- on August 16th, and also in the ARCO
23 convenience store; the defendant Darrell Clark wearing light
24 shorts, light gray shorts, a white shirt, and a white cap.
25 Again, on August 16th, their clothing is going to match, all

1 of the different locations that they arrive in.

2 Now, on August 21st, 2020 -- or 2020, you're going
3 to hear from Rebecca Finger and Brooke Bargholtz, who are two
4 individuals that were staying in a hotel room at the Paris on
5 this date. They were there with some of their other
6 girlfriends, visiting Las Vegas, having a good time. They
7 leave the morning of August 21st, and they go down to
8 breakfast in the hotel. Around 7:45, they leave. They return
9 at 8:30.

10 Immediately upon returning to their hotel room, same
11 thing. They notice the door has pry marks, scratches. They
12 go inside; the room has been completely ransacked. They
13 immediately know that their room has been burglarized. And
14 one particular fact that they notice is there's a cell phone
15 left in the room, and it's a cell phone that doesn't belong to
16 any of the girls that they don't recognize. And this is a
17 very important fact and piece of evidence, and I want you to
18 remember this cell phone throughout these next few days, this
19 specific cell phone that none of them identify as their own.

20 Now, at approximately 9:30, you're going to learn
21 and you're going to hear from a custodian of record from
22 Target that the Target on Maryland Parkway, which, again,
23 those of you who are familiar with the area, is very close to
24 the Paris, Harrah's, Bally's, and you're -- the evidence is
25 going to show that Veneshia Oliver walks into Target. This

1 time, she's wearing black shorts, a tank top. And you're
2 going to learn that Brooke Bargholtz's credit card and Rebecca
3 Finger's credit cards were stolen, and they are then attempted
4 to be used by the defendant at this Target.

5 You're also going to learn that Brooke and Rebecca
6 have other stolen property; their computers, laptops, Apple
7 AirPods, Apple Watches, lots of high-value items stolen, but
8 specifically, they each have credit cards taken. And at 9:30,
9 you're going to see, and you're going to be able to see on the
10 receipts and the video surveillance that their cards were
11 attempted at this Target that's very close to the Paris and
12 the Harrah's.

13 Now, earlier in the summer, around June 15th, these
14 same burglaries started occurring at the Harrah's. And you're
15 going to hear from victim Esther Chae, who, again, doesn't
16 live in Las Vegas, came to Las Vegas to vacation, to have a
17 good time. Las Vegas is a -- is a city built on tourism. All
18 these people -- none of these people were from here. They
19 came here, visiting to utilize everything that Las Vegas has
20 to offer.

21 And Esther Chae came back to her room on June 15th.
22 When she tried to open her hotel room door, her key to her
23 room would not work, and she thought that was odd. So she got
24 on her cell phone, and she called down to security. She told
25 security, you know, for some reason, my card's not working,

1 you know. At that point, she started to hear voices in her
2 room, and shortly thereafter, a male, a black male adult, came
3 out. He pushed her against the wall. He grabbed her neck
4 with his hands, squeezing her neck. She was holding her
5 phone. He took her phone and then completely ran off.

6 Shortly thereafter, a female suspect, who Esther
7 describes as being 5'5, slender-built black female, came out
8 of the room shortly thereafter. You're going to hear that
9 Esther was cooperative with detectives, that she conducted and
10 completed a six-pack photo lineup wherein she identified
11 Defendant Darrell Clark with 50 percent certainty, and you're
12 going to hear her testify. You're going to get to hear her
13 describe and tell you how this interaction affected her, how
14 scared she was, how she didn't know what was going on.

15 You're also going to learn that another event, again
16 at the Harrah's on August 6th, Bertha Geradeau and her sister,
17 again, came to Las Vegas to vacation, to have a good time.
18 They leave their room on the night of the 6th. They come
19 back. What do they notice? Same damage to the door, same
20 scratch marks, same forced entry. They come into the room,
21 completely ransacked. Bertha has a lot of designer expensive
22 items that are taken from her, all name-brand, very expensive
23 designer items.

24 Through the course of the investigation, detectives
25 are able to pull a surveillance still from the Harrah's on 8/6

1 depicting the suspects that are seen throughout the other
2 events, the same individuals. Throughout Detective Mann's
3 investigation -- who you're going to hear from, and he's one
4 of our lead detectives specifically dealing with the Harrah's
5 location. Through the course of his investigation, he was
6 able to identify Defendant Darrell Clark's social media, and
7 on his social media, he was selling property that was
8 consistent with that that the victims had lost or that was
9 taken from them through the course of these burglary series.

10 And you're going to see on this PowerPoint, in the
11 top right-hand photo, that was posted on his social media
12 website. Detective Mann was able to send that photo to Bertha
13 wherein everything she circled was the property that she
14 identified was missing and was the property that she
15 identified that was hers that was taken on that date and at
16 that time. And as you can see, those are unique, specific,
17 high-end fashion items.

18 Now, lastly but certainly not least, there -- the
19 last event you're going to be hearing about through the course
20 of this trial occurred on August 23rd, again, in this time
21 frame between June and August when the Strip had just recently
22 reopened amidst the COVID-19 pandemic, and tourists were
23 coming back. Jewell Love and Patricia Williams were staying
24 at this hotel. They also had several other family members,
25 several other girls that were staying there with them.

1 You're going to learn, same thing, they leave their
2 room at approximately 9:15. When they come back, they realize
3 their room has been burglarized, that their high-value items
4 -- Patricia Williams is going to tell you that she had a
5 little pocket of her Social Security card, her children's
6 Social Security cards, which was taken. You're going to hear
7 Jewell Love talk about she had a specific orange Tupac shirt
8 and a specific backpack that, immediately on returning to the
9 room, she identified were missing, and they reported those
10 things.

11 You're going to learn that once the suspects were
12 apprehended, their phones were seized. And you're going to
13 learn that in Darrell Clark's phone, the evidence is going to
14 show that he had a photo of Patricia Williams's Social
15 Security cards; not only her Social Security cards, but her
16 children's Social Security cards.

17 You're also going to learn that once they had
18 identified that this was a series, there was officers that
19 created a task force and were working together. Essentially,
20 because the defendants were posting the stolen items on social
21 media, an officer undercover was able to start reaching out,
22 and they set up a time to meet and a place to meet in order to
23 recover some of the stolen property. Particularly, they were
24 going -- they had decided that they were going to meet up and
25 purchase an Apple Watch.

1 That Apple Watch actually ended up being one of
2 Rebecca Finger's stolen items, specifically, her Apple Watch
3 that was taken, if you recall, on August 21st, 2020. Same
4 exact serial number.

5 And you're going to learn that when they were
6 apprehended -- again, as they're leading up to conduct a sale,
7 a transaction, obviously, the defendants did not realize that
8 this was actually an undercover cop -- Defendant Veneshia
9 Oliver is found with those screwdrivers in her purse. She's
10 found with Esther Chae -- Esther Chae, remember is from June
11 15th. She was the robbery, where she walked up into her room,
12 and she realized that she heard voices. Her Victoria's Secret
13 credit card was stolen. That was found in Veneshia Oliver's
14 purse.

15 If you also recall, Jewell Love talks about a
16 backpack and an orange Tupac shirt. That is Jewell Love's
17 orange Tupac shirt that Defendant Darrell Clark is wearing
18 when he goes to meet up, unbeknownst to him, to an undercover
19 officer to sell the stolen items.

20 I don't know if you noticed that, also, that left
21 picture with the backpack, that was also Jewell Love's
22 property. And you will see on surveillance video from the
23 Harrah's that, ultimately, before the defendant goes up into
24 the elevators, he does not have a backpack. Subsequently,
25 when he comes back down from the elevators, all of a sudden,

1 he has that backpack, and that backpack again is identified by
2 Jewell Love, matching the backpack that she had that was
3 stolen on that date and time.

4 So, ladies and gentlemen, at the end of this trial,
5 Mr. Lexis and I are going to get up here, and we're going to
6 ask you to return verdicts of guilty on all counts to both
7 defendants. Thank you.

8 THE COURT: Thank you, counsel. Mr. Hart, are you
9 going to exercise your right for an opening at this time?

10 MR. HART: Your Honor, I'll waive my right at this
11 time.

12 THE COURT: All right. Mr. Arnold?

13 DEFENDANT CLARK'S OPENING STATEMENT

14 MR. ARNOLD: Good morning, ladies and gentlemen of
15 the jury. The COVID summer, hotels opened, guests came back
16 to Las Vegas. On the dates of August 6th through August 7th
17 at the Harrah's Hotel, 59 guests -- 32 out of 59 guests
18 reported that their stuff was stolen out of their rooms.
19 That's just on the period of August 6th through August 7th.
20 The fortuitous thing in each and every one of these instances,
21 the hotel guest was not in the room for each and every one.

22 Here's the thing. Possession of stolen property is
23 not indicative of a person going inside the room. Those are
24 two very distinctive charges. There are several charges in
25 the Indictment that refer to actually going into the room.

1 You're going to sit through three and four days of
2 evidence. You're going to see videotape, you're going to see
3 photos of stolen property, and it's all in an effort to
4 suggest one thing: that my client, Mr. Clark, entered into
5 these rooms. But what you will see is not one single
6 fingerprint in these rooms. What you will see is no DNA in
7 these rooms. What you will see is no video footage of him
8 getting off the elevator at any of these rooms. What you will
9 see is no evidence of him leaving these rooms with any
10 property. There's none whatsoever.

11 They're going to be able, without a reasonable
12 doubt, to prove that he was in possession of one item, and
13 that one item is a iWatch, iWatch that was taken out of one of
14 the rooms, and he was attempting to sell that iWatch through
15 his social media accounts. However, that's the only piece of
16 stolen property that they will ever be able to prove beyond a
17 reasonable doubt that was in my client's possession. Again,
18 possession is not indicative of going inside these hotel
19 rooms. Those are two very distinctive charges.

20 And, at the conclusion, we're going to come back up
21 here, and we'll go through the evidence, we'll go through
22 every one of the charges, and you will see that my client
23 never entered into any of these rooms, never committed a home
24 invasion or a burglary of these rooms, and anything related to
25 the charges in the rooms, we're going to ask that you return a

1 not guilty verdict for my client. Thank you.

2 THE COURT: Thank you, Mr. Arnold. Ladies and
3 gentlemen, you've been -- I think we started around nine
4 o'clock and been sitting for a while. Let's take a 10-minute
5 break. It is now 10:25. We'll come back at 10:35. Every
6 time we take a break, please leave your notepads on your table
7 there.

8 During this recess, you must not discuss or
9 communicate with anyone, including fellow jurors, in any way
10 regarding the case or its merits either by voice, phone,
11 email, text, internet, or other means of communication or
12 social media. You're not to read, watch, or listen to any
13 news, or media accounts, or commentary about the case. You're
14 not to do any research such as consulting dictionaries, using
15 the internet, or using reference materials. You're not to
16 make any investigation, test a theory of the case, recreate
17 any aspect of the case, or in any way investigate or learn
18 about the case on your own, and you are not to form or express
19 an opinion regarding this case until this matter is submitted
20 to you.

21 Ladies and gentlemen, I must read this admonishment
22 to you each and every time we take a break, okay? So probably
23 by the end of the trial, you'll have it memorized as well,
24 okay? So we'll see you back at 10:35. Again, wait for the
25 marshal to escort you back into the courtroom.

1 THE MARSHAL: All rise for the exit of the jury.

2 (Outside the presence of the jury.)

3 THE COURT: All right. We'll see everybody back in
4 about 10 minutes.

5 MR. ARNOLD: Your Honor?

6 THE COURT: Yes.

7 MR. ARNOLD: For the record, I'd like to state an
8 objection. I didn't during the State's opening because I
9 didn't want to draw the jury's attention to it, but in their
10 opening frame, they put up a -- whatever you call it, a
11 screenshot saying that Bally's -- there are robberies that
12 occurred -- well, burglaries that occurred at Bally's, the
13 Paris Hotel, and Harrah's.

14 Through this whole Indictment that we sat through
15 this morning, there's absolutely no charges of anything that
16 happened at Bally's. There are no burglaries at Bally's that
17 my client is being charged or indicted for. I mean, this
18 unnecessarily rang the bell in regards to things that occurred
19 at Bally's, and it's highly prejudicial.

20 I haven't had a chance to talk to Mr. Hart about
21 this, but, I mean, the bottom line, there has to be some type
22 of relief or admonishment at this point.

23 MR. HART: Your Honor, I would join in his
24 objection.

25 THE COURT: All right, thank you. I'm sorry,

1 anything else to add, Mr. Hart?

2 MR. HART: I would simply join in his objection,
3 Your Honor.

4 THE COURT: Okay, thank you. State, your response?

5 MR. LEXIS: Judge, Mr. Arnold just told you there's
6 no events that happened at Bally's. Well, the Sbarro event,
7 which is listed in the Indictment, is 100 percent at Bally's,
8 and we've got footage at Bally's, and there will be evidence
9 at Bally's, all within the Sbarro event. So what Mr. Carl --
10 what Mr. Arnold said, we absolutely do have an event at the
11 Bally's.

12 MR. ARNOLD: And --

13 MS. COLE: That's correct, Your Honor. And
14 furthermore, if I may respond, when I was talking about the
15 Bally's, the Harrah's, and the Paris specifically, throughout
16 the video surveillance, and I explained this to the jury, the
17 Bally's and the Paris are connected. There's a hallway that's
18 indoor, and you can be walking from the Bally's and walking to
19 the Paris without even knowing. They're sister properties.

20 So, ultimately, when I was talking about those, in
21 the context, it was saying -- at no point did I say there was
22 a room burglary in Bally's, but there is absolutely a burglary
23 of Bally's because the Sbarro's that we have charged as a
24 commercial burglary is in the Bally's.

25 But in the context of the room burglaries, when I

1 specifically talked about room burglaries, I talked about
2 Harrah's and Paris. But in regards to Bally's, Bally's video
3 surveillance is absolutely appropriate. We have stills from
4 Bally's, there's an event at Bally's, and the Bally's and
5 Paris, for all intents and purposes, are essentially connected
6 without even exiting. It's one huge casino. So, based upon
7 that, it's completely appropriate, what was -- what was stated
8 in opening statement.

9 MR. ARNOLD: Your Honor --

10 THE COURT: Yes.

11 MR. ARNOLD: -- I anticipated this response from the
12 State, and that's why I waited before showing this hand. In
13 the Declaration of Arrest by this detective, this detective,
14 who's the lead detective that will be testifying at some
15 point, he did home invasion, burglary investigations at the
16 Bally's, the Paris, and the -- and Harrah's. I know without a
17 shadow of a doubt that Ms. Cole misspoke when she put that up
18 there. She did not know that I would be objecting to that.

19 This is what I want to happen, is there is no
20 further reference in this trial in regards to anything that
21 happened at Bally's since it's not inside the Indictment.

22 MS. COLE: And, Your Honor, if I may respond?

23 THE COURT: Yeah, sure, go ahead.

24 MS. COLE: Sbarro's that is actually charged in the
25 Indictment, that address is listed in the Bally's Hotel, so

1 I'm not sure what Mr. Arnold is arguing.

2 MR. ARNOLD: I don't dispute that. I don't dispute
3 that.

4 MS. COLE: What is charged --

5 THE COURT: Which count -- which count is that?
6 Hang on.

7 MS. COLE: -- in the Indictment --

8 THE COURT: One at a time. Which count is that in
9 the Indictment? Do you have that handy?

10 MS. COLE: Yes, Your Honor.

11 MR. ARNOLD: And I don't dispute that, but what I
12 specifically asked for were no reference to room invasions, or
13 burglaries, or thefts that occurred at the Bally's Hotel where
14 the guests stayed.

15 MR. LEXIS: Judge --

16 MR. ARNOLD: That's completely different than in
17 Sbarro's.

18 MR. LEXIS: Your Honor, I think I do recall what Mr.
19 Arnold's talking about. And, look, they -- the detectives
20 believe they're good for multiple home invasions and
21 burglaries around the Strip, okay? And, yes, I assure Mr.
22 Arnold that when the detectives go up there, we're not going
23 to be talking about any residential burglaries that happened
24 at Bally's or any of the other ones.

25 The information at Bally's will be targeted as

1 surveillance that shows them going in between the two casinos
2 around these events, as well as the Sbarro's. But, yes, I
3 agree with Mr. Arnold, and I believe that's what he's getting
4 at. We're not going to be insinuating with these detectives
5 that they were also investigating multiple other burglaries,
6 which they were, at the Bally's and multiple other properties.

7 MR. ARNOLD: Good. Then we're on the same page,
8 Your Honor.

9 THE COURT: Okay. Do you --

10 MS. COLE: That's correct.

11 THE COURT: Are you requesting any type of
12 admonishment, Mr. Arnold?

13 MR. ARNOLD: The only admonishment would be to the
14 State, and he's -- and I trust his word there will be no talk
15 about room invasions that occurred at the Bally's.

16 MR. LEXIS: Yeah, that's fine.

17 THE COURT: Okay. All right. Ms. Cole, Mr. Lexis,
18 you'll make sure on that, and also, advise your witnesses not
19 to bring up the fact that there were room burglaries at the
20 Bally's Hotel and Casino.

21 MS. COLE: Your Honor --

22 MR. LEXIS: We've done, Judge, and we will do it
23 again.

24 MS. COLE: And just for the Court's reference, on
25 page 3 of the Second Amended Superseding is Count 5 for

1 Sbarro, and that address is located at 3645 South Las Vegas
2 Boulevard, which is inside the Bally's Hotel --

3 THE COURT: Okay.

4 MS. COLE: -- and Casino. And, Your Honor, just for
5 the record, we have a lot of video surveillance, and not --
6 because, again, the Bally's and the Paris are intertwined and
7 they're sister properties, there is going to be video
8 surveillance of the defendants in Bally's.

9 There's going to be no reference by the State that
10 they committed room burglaries at Bally's, but there is going
11 to be video surveillance of them walking from Bally's to the
12 Paris. And so I just want Mr. Arnold to be aware of that,
13 that we are not prohibited from showing the video surveillance
14 of the defendants in Bally's.

15 THE COURT: So both defendants are shown on the
16 video in Bally's; is that correct?

17 MS. COLE: Yes.

18 MR. LEXIS: Yes, we're --

19 THE COURT: Okay.

20 MS. COLE: There's tons of video surveillance
21 because of the close proximity of the two hotels where they're
22 walking from Paris, and then they end up in Bally's, and
23 Bally's to Paris, and vice versa, but there's going to be no
24 inference or argument by the State that there were any room
25 burglaries committed at Bally's.

1 THE COURT: Okay. I think it's appropriate to show
2 that because they are -- they are -- they lead to one another,
3 and also, there are charges of a conspiracy, which you need to
4 show that they were acting in concert throughout, so.

5 MS. COLE: Correct.

6 THE COURT: So that's fine, but again, just admonish
7 your witnesses not to mention that they were also
8 investigating room burglaries at Bally's.

9 MS. COLE: Yes, that's correct, Your Honor.
10 Understood.

11 THE COURT: And I'm assuming -- and the defense
12 won't open that door.

13 MR. ARNOLD: Correct, Your Honor.

14 THE COURT: Okay. All right, we'll see you --
15 well --

16 MR. LEXIS: One other -- one other thing, Judge,
17 just because we have a lot of CORs out here, including the
18 T-Mobile person. I've talked to the defense counsels, and it
19 looks like we're going to be stipulating to these exhibits
20 with the caveat that they want -- and we're going to produce
21 him -- the TASS guy, which is the phone-mapping person --

22 THE COURT: Right.

23 MR. LEXIS: -- and the person that dumped the
24 phones, those two experts. When I went over the exhibits with
25 Mr. Arnold and Mr. Hart, they are demanding that they'll

1 stipulate to all these, but that we need to produce those two
2 individual experts to lay the proper foundation, and I agree
3 with all that. They are going to come.

4 So, with that, Judge, I'd move to admit State's 1
5 through 176.

6 THE COURT: Any objection, Mr. Arnold?

7 MR. ARNOLD: No, Your Honor.

8 THE COURT: Any objection, Mr. Hart, 1 through 176?

9 MR. HART: Subject to being able to lay the
10 foundation --

11 MR. ARNOLD: What he just said.

12 MR. HART: -- no.

13 MR. LEXIS: With those -- yeah, we will.

14 MR. HART: Yeah.

15 THE COURT: Okay, subject --

16 MS. COLE: Specifically, in regards to the T-Mobile
17 CDRs and the maps?

18 MR. HART: Yeah. I mean, well, you're going to --
19 I'm sure you're going to have somebody come in and talk about
20 the videos from the casino.

21 MR. LEXIS: Absolutely, absolutely.

22 MR. HART: Yeah. I mean --

23 THE COURT: All right.

24 MR. LEXIS: A lot of these CORs that would -- like,
25 for example, the T-Mobile --

1 MR. HART: Yeah.

2 MR. LEXIS: -- this guy's here, and he could spend
3 hours up there talking about --

4 MR. HART: Oh, I --

5 MR. LEXIS: -- all the things, but we're going to
6 have the --

7 MR. HART: Yeah.

8 MR. LEXIS: -- phone-mapping person up there, and --

9 MR. HART: Yeah, the map guy coming in.

10 MR. LEXIS: -- this is how I took the data, and this
11 is what it shows.

12 MR. HART: Yeah. No, this -- yeah, this is the data
13 we got, or this is our -- the records we got from --

14 MR. LEXIS: T-Mobile.

15 MR. HART: -- T-Mobile; this is how we use them.
16 Like I said, there just has to be --

17 MS. COLE: Correct.

18 MR. HART: -- foundation as to -- yeah.

19 THE COURT: All right. Subject to proper
20 foundation, 1 through 176 will be admitted.

21 (State's Exhibits 1 through 176 are admitted)

22 MR. LEXIS: Okay.

23 THE COURT: All right. Just take your break, and
24 we're past our 10 minutes, but go ahead and take -- everyone
25 take a break, please.

1 (Court recessed at 10:35 A.M. until 10:49 A.M.)

2 (Outside the presence of the jury.)

3 THE COURT: We're ready.

4 (Pause in the proceedings.)

5 THE MARSHAL: All rise for the entry of the jury.

6 (Inside the presence of the jury.)

7 THE COURT: All right, everyone have a seat.

8 Welcome back, ladies and gentlemen. State, who is your first
9 witness?

10 MS. COLE: Your Honor, the State calls Tony Lemons.

11 THE COURT: All right, thank you.

12 THE MARSHAL: Watch your step. Raise your right
13 hand. Face the clerk. Once she swears you in, scoot your
14 chair all the way in to that red dot, and you got to speak up
15 loud because you're behind this glass.

16 THE WITNESS: Okay.

17 ANTHONY LEMONS, STATE'S WITNESS, SWORN

18 THE CLERK: Thank you. Please have a seat.

19 THE WITNESS: Thank you.

20 THE CLERK: And state and spell your first and last
21 name for the record.

22 THE WITNESS: Anthony Lemons, L-e-m-o-n-s. First
23 name's A-n-t-h-o-n-y.

24 THE COURT: Go ahead, counsel.

25 //

1 DIRECT EXAMINATION

2 BY MS. COLE:

3 Q Good morning, sir. Where do you work?

4 A I work for Caesars Entertainment.

5 Q Okay. And how long have you worked there for?

6 A I started in 1997.

7 Q Mr. Lemons, what is your position and title at
8 Caesars?

9 A Security investigator, citywide.

10 Q Okay. And as a security investigator for Caesars,
11 what are your job duties?

12 A To investigate all different types of criminal
13 activity that happens upon our properties.

14 Q Okay. And can you list off some of the properties
15 that Caesars has?

16 A Paris, Bally's, Harrah's, Flamingo, Caesars, Rio.

17 Q Okay. And those would technically be all properties
18 that you are charged with supervising?

19 A Yes.

20 Q And how long have you worked for Caesars as an
21 investigator?

22 A About 16 years.

23 Q Okay. And as part of your job duties as an
24 investigator at Caesars, you have access to all of the many
25 video surveillance systems; is that correct?

1 A Yes.

2 Q Okay. And you're familiar with all of the Caesars
3 properties?

4 A Yes.

5 Q Specifically, the Paris and the Harrah's?

6 A Yes.

7 Q Okay. And did you become involved in an
8 investigation regarding hotel room burglaries happening at the
9 Paris and Harrah's throughout the months of June through
10 August 2020?

11 A Yes.

12 Q Okay. Did you assist Metro in their investigation
13 into those room burglaries that were occurring?

14 A Yes.

15 Q Okay. And did you provide video surveillance to
16 those detectives?

17 A Yes.

18 Q Okay. And that was specifically from the Paris on
19 8/16/2020 and 8/21/2020?

20 A Yes.

21 Q And specifically on Harrah's, 8/23/2020 and
22 8/6/2020?

23 A Yes.

24 Q Okay. And essentially, this video surveillance
25 essentially -- well, let me back up. Were you able to

1 pinpoint particular times with particular suspects?

2 A Yes.

3 Q Okay. And that surveillance video that you, in
4 fact, provided to Metro was those particularized time frames
5 with particular suspects?

6 A Yes.

7 Q Okay. Sir, I'm going to show you what's been marked
8 as State's stipulated Exhibit 172. Okay, sir, can you see the
9 date and timestamp of this particular video?

10 A Yes. It's --

11 Q And what is that?

12 A 8/16/20 at 20:26 hours, 8:26 hours.

13 Q Okay. And then can you also tell us the time frame?
14 So it looks like it starts at 8/16. So it looks like it
15 starts, on the left-hand side, from 8/16, 20:26?

16 A Yes.

17 Q What does it go 'til on the right-hand side, sir?

18 A Right-hand side? Sorry, I see it. Apologize. 8/16
19 at 20:45.

20 Q Okay. So that's the relevant time frame of these --
21 of this particular clip?

22 A Yes.

23 Q Okay. And now I'm publishing.

24 (Surveillance video played)

25 MS. COLE: Okay.

1 BY MS. COLE:

2 Q So, specifically, can you identify the two
3 individuals that are depicted in this still?

4 A Yes.

5 Q Please describe what you see.

6 A An African-American male wearing a white shirt, ball
7 cap, and blue jeans. African-American female with -- looks
8 like a one-piece striped outfit.

9 Q Okay, and what color is that?

10 A It's like white and black.

11 Q Okay, playing. I'm just going to speed this up a
12 little bit. Okay, sir. And this is more of a fuzzy angle,
13 but this looks -- we're at 20:26:23. What area are we looking
14 at right here?

15 A That's what I call like the mall area, going in over
16 to -- if you can play it a little more. That's our mall area.

17 Q Okay. And can you describe what the mall area is?

18 A Okay. Well, there's, so, a food court, and depends
19 on which property, then you go into where they have different
20 restaurants.

21 Q Okay. And where is this located?

22 A Over at Paris.

23 Q Okay. Is this that same mall area you were talking
24 about?

25 A Yes.

1 Q Okay. I'm going to pause it right there. Are those
2 same two individuals depicted that you described earlier?

3 A Yes.

4 Q Okay. So, essentially, this surveillance video is a
5 bunch of surveillance tracking those particular suspects?

6 A Yes.

7 Q Okay, throughout their comings and goings at the
8 Paris?

9 A Yes.

10 Q Okay. Sir, the Paris and Bally's are connected;
11 they're sister properties, correct?

12 A Yes.

13 Q Okay. So at some point, does the Paris turn into
14 the Bally's and vice versa?

15 A Yes.

16 Q Okay, sir. I'm going to pause that right there.
17 What are we looking at here; what part of the hotel?

18 A That's still the mall area.

19 Q Okay. And the individual depicted, can you please
20 describe?

21 A African-American male, white shirt, ball cap, and
22 shorts.

23 Q Okay. And in looking at the timestamp, it says this
24 is 8/16, 20:27. That's obviously in military time, correct?

25 A Yes.

1 Q Okay. So what would be the regular time, Pacific
2 Standard Time?

3 A 8:27 --

4 Q Okay.

5 A -- P.M.

6 Q So this particular clip is from 8:26 to 8:45?

7 A Yes.

8 Q Okay. I'm going to fast-forward again. Okay, sir.
9 Do we see one individual or two individuals?

10 A Two.

11 Q Okay. And what's the timestamp?

12 A 8:29.

13 Q Okay. In non-military time?

14 A 8:29 P.M.

15 Q Okay, sir. And are we looking at the same mall area
16 that you described?

17 A Yes.

18 Q And, again, those two suspects walking together?

19 A Yes.

20 Q And this is still eight -- what -- I'm sorry. What
21 time is it right now?

22 A 8:29 P.M. and 26 seconds.

23 Q Thank you. Again, sir, what are we looking at in
24 this video? Is this the mall area that you referenced, or --

25 A Yes.

1 Q -- is it different?

2 A Mall area.

3 Q Okay. And this is specifically in the Paris?

4 A Yes.

5 Q And then, again, sir, in this frame, are we still
6 looking at the same two suspects depicted?

7 A Yes.

8 Q Okay. And can you please describe the clothing or
9 what the two are wearing?

10 A Okay. African-American male is wearing a white
11 shirt, ball cap, and jeans. African-American female is
12 wearing a, like, two-tone, looks like black and white or black
13 and gray striped outfit, with a black purse with white side
14 with black stripes.

15 Q Okay. And when you refer to "purse," is that the
16 bag on her left-hand shoulder?

17 A Yes.

18 Q Is that what you're referring to --

19 A Yes.

20 Q -- depicted right here? Thank you. Okay, sir.
21 Where -- what are we looking at right here?

22 A The elevator lobby.

23 Q Okay. And this is at the Paris, correct?

24 A Yes.

25 Q And, sir, just for reference, I'm going to pause.

1 We're looking at video surveillance from 8/16, and now this
2 says 20:30. Is that 8:30?

3 A Yes.

4 Q Thank you.

5 MS. COLE: Okay, going to -- brief indulgence. Get
6 up our next video.

7 (Pause in the proceedings.)

8 MR. HART: Your Honor, could we have a quick
9 sidebar?

10 THE COURT: All right.

11 (Sidebar begins.)

12 THE COURT: All right. Because of the
13 identification issues, if you speak -- this is Judge Villani.
14 If you speak, please identify yourself and then make your
15 comment. Mr. Hart?

16 MR. HART: Hello. Marty Hart. And I -- on the walk
17 back here, Ms. Cole figured out what I was doing the sidebar
18 about. It appears that the elevator that they were just going
19 into with the mirrors in it is in Bally's, not in Paris, and
20 part of our discussion we had earlier was not any information
21 about possible room burgs at Bally's.

22 MR. LEXIS: This is Chad Lexis for the State. But
23 you also ruled, Judge, that, as you stated, we need to prove
24 that they're aiding and abetting and conspiring with one
25 another. I don't care if I have pictures of them at Hoover

1 Dam together; that is relevant evidence to show that these two
2 know each other, are closely connected with one another.

3 I assure you we're not going to ask any of these
4 people, are you -- do you see them going up to commit a
5 burglary at the Bally's in a hotel room. We're not -- we're
6 not doing that, but it's absolutely relevant to show when
7 they're in any place due to the conspiracy nature and the
8 aiding and abetting of this.

9 MR. ARNOLD: Well, we'll discuss that.

10 THE COURT: Yes, Mr. Arnold?

11 MR. ARNOLD: And this is Carl Arnold. And we'll
12 discuss that more because there is a mere presence instruction
13 that has to be given in this case. However, this is the
14 problem that we're running into now is we just showed a
15 picture of Bally's elevator lobby. Most jurors may have some
16 kind of, you know, visit to Bally's and be able to identify
17 that. You have already put it on the record again that this
18 thing happened at Bally's. You just showed them getting into
19 the elevator bank. And, again, you know --

20 MS. COLE: And --

21 MR. ARNOLD: -- it's just confusing at this point.

22 MR. LEXIS: Judge, if the only charge was the
23 Sbarro's at Bally's, it would be 100 percent relevant to show
24 that they were together going up the elevators; they even had
25 a room, if that was the case, at Bally's. So, not to mention,

1 all of these charges, once again, it is highly relevant to --
2 I see absolutely no basis to object to showing these people
3 going in and out of the elevators, even if there is no video
4 of them in the elevator going up or in the hallways in the
5 residence, but I would still argue that that's relevant. Once
6 again, I got to show that these people are intertwined to
7 this point of a conspiracy.

8 Mr. Arnold just brought up where we're going to
9 argue about mere presence, even more of a reason on why I --
10 why this is relevant, for me not to -- for him not to just
11 argue, oh, well, you know, he just happened to be there at the
12 time. No. These people are closely connected with one
13 another throughout this entire event and even caught together,
14 living together, driving together. This is all relevant,
15 Judge.

16 THE COURT: Okay. This is Judge Villani here. Are
17 there any videos showing the two defendants going into an
18 elevator together in Bally's?

19 MR. LEXIS: Yes.

20 MR. HART: The one we just looked at.

21 THE COURT: Okay.

22 MR. LEXIS: Yes.

23 THE COURT: I mean, actually going in the elevator?

24 MR. LEXIS: Yes, sir, there's --

25 THE COURT: Okay, there's other ones? And is there

1 a video that picks them up at a later time in Bally's? I
2 mean, does it go to -- I know the different floors, there's
3 maybe a -- you know, a different level of the casino or
4 perhaps a convention area. I mean, I don't know what it
5 shows, but --

6 MS. COLE: Your Honor, Madilyn Cole for the State.
7 Your Honor, this is the problem that we're running into is the
8 Paris and the Bally's are interconnected, so a lot of times,
9 the video surveillance shows them walking from the Bally's
10 into the Paris. The CD that I was currently playing with Mr.
11 Lemons is the CD that is labeled Paris 8/16, but in that, on
12 that date and time, they're back and forth between Bally's and
13 the Paris. There is no video surveillance that the State has
14 whatsoever that depicts the defendants in hallways. The State
15 is not going --

16 THE COURT: There is none?

17 MS. COLE: There is none.

18 THE COURT: Okay. All right.

19 MS. COLE: We do not have any video surveillance, it
20 doesn't exist, of them in the hallways at the Paris, of them
21 in the hallways at the Bally's. But it absolutely is relevant
22 evidence that they are in hotels at the Bally -- hotel
23 elevators at Bally's and hotel elevators at Paris because on
24 8/16, they are charged with a burglary at Sbarro's at Bally's,
25 so it's relevant to prove that they are in that area at the

1 time that the burglaries are committed.

2 Furthermore, because the hotels are really one and
3 the same. That's the State's position is that even though
4 they're technically called two different properties, they are
5 connected. You don't have to exit the Paris before you get to
6 Bally's.

7 So at no point is the State going to argue -- we can
8 certainly cure this or limit this. At no point is the State
9 going to argue that room burglaries were occurring at Bally's,
10 but Bally's video surveillance and the location of Bally's is
11 absolutely relevant to prove the conspiracy, to prove that
12 they burglarized the -- Gary Krusinski's room on 8/16, and to
13 prove that they burglarized the Sbarro Pizza in Bally's on
14 8/16.

15 MR. ARNOLD: Gary --

16 MS. COLE: And this is the video from 8/16.

17 MR. ARNOLD: This is Carl Arnold. Gary's room was
18 not at Bally's.

19 MS. COLE: That's correct.

20 MR. ARNOLD: Okay.

21 MS. COLE: Madilyn Cole for the State. Gary
22 Krusinski's room was at Paris.

23 MR. ARNOLD: Right.

24 MS. COLE: But Sparro's Pizza, which they
25 burglarized on 8/16, is in the Bally's because the hotels are

1 connected.

2 MR. ARNOLD: Okay. So the cure is just show video
3 of them going into the Sbarro's, that we don't have to show
4 video of them going into a elevator bank at Barry's -- I mean
5 at Bally's.

6 THE COURT: Okay. I'm going to allow the video
7 depiction of the defendants in Bally's in the elevator area,
8 even, in fact, in the elevators, as long as you -- you're
9 telling me you will not show any video depiction for any of
10 the floor -- room floors in Bally's, and you will not argue
11 anything about room burglaries.

12 MS. COLE: That -- Madilyn Cole for the State. Your
13 Honor, that's correct. I do -- would note that the elevator
14 videos stop at them exiting the floors, but at no point can
15 you tell what floor. We're not going to argue that they're
16 getting off on specific floors. Even if you can see the floor
17 level, it's not my understanding that they correspond with the
18 floors that are burglarized. We're not going to make that
19 argument.

20 We are just going to say that they're in the hotel
21 -- or they're in the elevators, but at no point are we going
22 to argue that they're burglarizing hotel rooms at Bally's.

23 THE COURT: All right, so that's the Court's ruling.
24 Mr. Arnold, Mr. Hart, if you want the Court to make any
25 admonishment to the jury to say that there's no allegation of

1 any room burglaries in the Bally's Hotel.

2 MS. COLE: Okay.

3 MR. HART: I'm afraid that just brings more
4 attention to it.

5 MR. ARNOLD: Yeah. For --

6 THE COURT: Well, it's up to you. I'm --

7 MR. ARNOLD: For right now, no, not --

8 THE COURT: Okay.

9 MS. COLE: And --

10 MR. ARNOLD: -- to the jury, but --

11 MS. COLE: Your Honor, Madilyn Cole for the State.

12 I will also -- when I go back out with the witness, I will ask
13 him specifically, is there any hall room video surveillance
14 from the Paris, Bally's at all, so it's very clear that
15 there's no hallway --

16 MR. ARNOLD: Bally's? Why Bally's? Stay away from
17 Bally's.

18 THE COURT: Yeah.

19 MS. COLE: Okay, then I'll just say the Paris. I'll
20 just say the Paris.

21 THE COURT: All right. Thank you.

22 (End of sidebar.)

23 THE COURT: All right. Counsel, restate your last
24 question, please.

25 BY MS. COLE:

1 Q Mr. Lemons, just to confirm, at the -- this video
2 that you provided from the Paris, is there any surveillance
3 video in actual hallways?

4 A In the hotel, no.

5 Q Okay. And is that particularly for privacy reasons?

6 A Correct.

7 Q Okay. So there's never going to be any surveillance
8 video of actual hallways where the hotel rooms are?

9 A No.

10 Q Okay. Okay, playing.

11 (Surveillance video played)

12 BY MS. COLE:

13 Q Okay, sir, so we just pulled up a different video
14 clip. This is 8/16. Can you tell the jury what the timestamp
15 of this particular video goes through?

16 A 8:44 and 15 seconds to -- it looks like, at the
17 bottom right -- my eyes are going bad. 8:48 and 19 seconds.

18 Q Okay. So if we -- if we're looking at the bottom
19 left-hand corner, that says 8/16, 20:44?

20 A Um-hum.

21 Q And then, to the right bottom hand corner, does that
22 say 8/16/2020, 22:18?

23 A Yes.

24 Q Okay. So this is essentially video from 8:45 to
25 10:18?

1 A Yes.

2 Q Okay. Okay, sir, I'm going to pause it right there,
3 and I'm just going to fast-forward to a pertinent timestamp.
4 Okay. What time is this right now? What date and time?

5 A It's 8/16 at 22 -- 10:15 P.M.

6 Q Okay. And what are we looking at right here?

7 A Elevator shot. A camera inside the elevator.

8 Q Okay.

9 A An African-American male with a white shirt inside
10 the elevator.

11 Q Okay. And, again, the time and date stamp is 8/16
12 at 22:15?

13 A Yes.

14 Q And we're at the Paris?

15 A Yes.

16 Q Okay, sir, I'm going to pause it right now. What
17 are we looking at right here?

18 A Another elevator with an African-American female
19 with a black bag and white stripes on the side.

20 Q Okay. And is that the only individual depicted in
21 the elevator?

22 A Yes.

23 Q And, again, the date and timestamp, this is 8/16 at
24 10:15?

25 A Yes.

1 Q Okay, sir, and I'm going to pause it right here.
2 We're looking at timestamped 8/16, 10:15 P.M. What are we
3 looking at right here?

4 A The elevator foyer.

5 Q Okay. And what's the individual depicted in this
6 shot?

7 A African-American male with a white shirt, ball cap,
8 and the shorts.

9 Q Okay, sir. I'm just going to back that up really
10 quickly. I'm pausing it right there at 8/16, 22:16, so 10:16
11 P.M. What are we seeing right here?

12 A You see the African-American female coming out of
13 the other elevator --

14 Q Okay.

15 A -- along with a bag.

16 Q And that elevator, that was the far right elevator?

17 A Yes.

18 Q And, sir, what part of the hotel are we looking at
19 right here?

20 A This is just outside the rooming area.

21 Q Okay. And, sir, at 8/16 -- I'm going to pause it
22 right there, 22:16. What are we looking at right here?

23 A The African-American female with a striped one-piece
24 outfit, with a black bag with white and black stripes on the
25 side.

1 Q And, sir, I'm going to pause it briefly and just
2 fast-forward to the relevant time frame. I'm pressing play at
3 8/16/2020, 22:17, so 10:17. What are we looking at right
4 here?

5 A Looks like the exit doors.

6 Q Same two suspects?

7 A Yes.

8 Q And, again, that timestamp is 10:17?

9 A Correct.

10 Q And, sir, the direction that the suspects are going,
11 what direction is that?

12 A They're going over towards Bally's.

13 Q Okay.

14 MS. COLE: Court's brief indulgence.

15 (Surveillance video played)

16 BY MS. COLE:

17 Q Sir, is this the other angle where that last camera
18 picked up?

19 A Yes.

20 Q Okay, and the time and date stamp is 8/16, 22:17?

21 A Yes.

22 Q And, again, sir, at 22:18, the suspects are still
23 walking?

24 A Yes.

25 Q Now, what are we looking at right here?

1 A This is Bally's Casino.

2 Q Okay. So at this point, we've crossed over into
3 Bally's?

4 A Yes.

5 Q Okay. And this is at 8/16, 22:18?

6 A Yes.

7 Q Okay. And so I'm going to stop it right there.
8 Again, Paris and Bally's, smooth transition?

9 A Yes.

10 Q You might not even know if you're entering into
11 another property because they flow together?

12 A Correct.

13 Q Are we looking at the casino floor?

14 A Yes.

15 Q And I'm going to fast-forward to a pertinent time
16 frame. Okay, sir, 22:19:49. What are we looking at here?

17 A The same two individuals. African-American male
18 with a white shirt, ball cap; African-American female with a
19 black bag over at Bally's like in the mall area.

20 Q And I'm going to fast-forward. Okay, sir. What are
21 we looking at right here?

22 A Okay. Over at Bally's, they have like a little food
23 court area. You got Sbarro's Pizza in that area, and a
24 Subway, and like a burger place.

25 Q Okay. And for reference, I'm going to pause the

1 video at 8/16, 22:22, so that's 8/16 at 10:22. And if you
2 could please -- and you can get off the stand. I just want
3 you to point on the screen, or if you can -- I don't know if
4 you can touch that monitor and describe --

5 THE COURT: You can draw on the monitor, sir --

6 THE WITNESS: Okay.

7 THE COURT: -- with your finger. You should be able
8 to.

9 THE WITNESS: Okay.

10 MS. COLE: Okay.

11 BY MS. COLE:

12 Q Can you point out where the food court is, in
13 particular, the Sbarro's?

14 A They're all right up in there.

15 MS. COLE: Your Honor, do you mind if he just stands
16 up off the stand and points at the screen?

17 THE COURT: That's fine.

18 THE WITNESS: Okay.

19 BY MS. COLE:

20 Q Okay, sir, you can --

21 A All right.

22 Q -- get off the stand and show us on the screen where
23 the food court -- in particular, where Sbarro's is.

24 THE COURT: And, sir, since we do not have a
25 microphone where you're at, please speak up very loudly so we

1 can pick up your answer.

2 THE WITNESS: Okay. Sbarro's would be right up in
3 this area.

4 BY MS. COLE:

5 Q Okay, so for the record, you're pointing to the very
6 top right of the screen?

7 A Yes.

8 Q And this is the video that's depicting 8/16/2020,
9 and the timestamp is 22:22:19 --

10 A Yes.

11 Q -- PDT? Thank you, sir. Continuing to play. Okay,
12 sir, and I just fast-forwarded. The timestamp is now 8/16/20,
13 22:29:10. And, sir, we're still looking at the still frame of
14 the food court?

15 A Yes.

16 Q Okay, and this is in the Bally's?

17 A Yes.

18 Q I'm going to fast-forward just a little further.
19 Okay, sir.

20 A Yes.

21 Q I'm going to direct your attention to -- I'm going
22 to pause it right there. Oh, let me just back up a little
23 bit. Okay. Sir, I'm going to direct your attention to where
24 you were pointing to in the right-hand corner, that part of
25 the food court. What are we looking at right there?

1 A The African-American female with a black bag with
2 white on the side up in the seating area, walking through the
3 seating area.

4 Q Okay, and I'm going to pause it right there. Is she
5 by herself, or is there an --

6 A No, the --

7 Q -- another individual?

8 A The African-American male with a white shirt and a
9 ball cap appears to be with her.

10 Q Okay. And for the record, this is 8/16/2020 at
11 10:30 P.M.?

12 MR. HART: 10:31.

13 THE WITNESS: Yes.

14 BY MS. COLE:

15 Q Okay. And those two appear to be walking together?

16 A Yes.

17 Q Okay. And that's on the outer portion of the food
18 court?

19 A Yes.

20 Q Okay. And from what you can see, same clothing?

21 A Yes.

22 Q Okay, sir, and I'm going to stop right there. We're
23 looking at 8/16/2020, and it looks like it's 10:31. Is that
24 the exit of the Bally's?

25 A Yes.

1 Q Okay. And, again, can you tell us what we're
2 looking at right here?

3 A The African-American female with a black bag and the
4 African-American male with a white shirt, and a ball cap, and
5 the shorts. They just exited the food court area, what we
6 call the Race and Sport stores.

7 Q Okay. And the male individual, is he handling
8 anything else that he hasn't prior -- that he hasn't had
9 before?

10 A Looks -- yeah, looks like a bag.

11 Q Okay. Can you make out the color of the bag?

12 A It's a white bag.

13 Q Thank you, sir. Okay. Okay, and I'm now getting
14 ready to publish State's Exhibit 173. Sir, this is what's
15 been marked as the Harrah's video surveillance.

16 MS. COLE: And for the record, this is going to be
17 Exhibit No. 173.

18 (Surveillance video played)

19 BY MS. COLE:

20 Q Sir, what are we looking at right here?

21 A This is the porte cochere over at Harrah's, the cab
22 drop-off area.

23 Q Okay. And can you also state the date and time
24 frame?

25 A 8/23/2020 at 8:11 P.M.

1 Q Okay. And that technically says 20:11, but you're
2 just saying it in --

3 A Yes.

4 Q -- what time it is --

5 A It's 20:11 and 27 seconds.

6 Q Okay. And what camera are we looking at?

7 A Camera 185.

8 Q Thank you. And, sir, I'm going to stop it right
9 there. I'm going to have you describe that female individual
10 with the large bag.

11 A African-American female with a black bag with white
12 stripes on the side of it, white and black stripes on the
13 side.

14 Q Okay. Okay, sir, and I'm going to pause it right
15 here. Can you describe that individual that just got out of
16 the same cab?

17 A African-American male with black shorts and a
18 light-colored shirt.

19 Q Okay. And, again, this is Camera 185?

20 A Correct.

21 Q This is the date stamp of 8/23/2020 at 20:11?

22 A Yes.

23 Q Okay. Okay, switching to Camera 306. Okay. Can
24 you tell us the date and timestamp of this camera that we're
25 looking at?

1 A 8/23/2020 at 20:12 and 22 seconds.

2 Q Okay. And, again, that's 8:12 P.M.?

3 A Yes.

4 Q Okay. And we're inside of the Harrah's at this
5 point?

6 A Yes.

7 Q Okay. Can you please describe the female depicted
8 in this still?

9 A African-American female with shorts, a tank top,
10 with a black bag with white and black stripes on the side.

11 Q Okay, sir, and I'm going to pause it right here.
12 Oh, let me go back. Okay. That's the same frame we just saw?

13 A Yes.

14 Q Still looking at Camera 306. And, sir, what are we
15 looking at right here?

16 A I see the African-American male with a light shirt
17 and dark-colored shorts.

18 Q Okay. And what is the -- what is the time and date
19 stamp on Camera 306 --

20 A Eight --

21 Q -- the angle we're looking at right now?

22 A 8/23/2020 at 20:12 hours and 55 seconds.

23 Q Okay, and that's 8:12 P.M.?

24 A Yes.

25 Q Sir?

1 A Yes.

2 Q That's 8:12 P.M.?

3 A Yes.

4 Q Thank you. Okay, sir, I'm going to pause it right
5 here. What frame are we looking at now? Can you state the
6 camera, the date, and the time?

7 A Camera 60, 8/23/2020 at 20:13 hours, 8:13 P.M.

8 Q Thank you. And --

9 MR. HART: Your Honor, that'd be closer to 8:14,
10 technically. It's --

11 THE COURT: I'm sorry. I can't hear, Mr. Hart.

12 MR. HART: Sorry. I believe it'd be closer to 8:14.
13 We keep rounding it off, but there's minutes in between -- you
14 know, almost a full minute in between a lot of these.

15 THE COURT: Sir, if there's a specific time frame,
16 and counsel asks you about the time, please give the exact
17 time.

18 THE WITNESS: Okay.

19 THE COURT: All right, thank you. Go ahead,
20 counsel. Next question.

21 BY MS. COLE:

22 Q Yes, sir, please read the full number for the time.

23 A 20:13 and 56 seconds.

24 Q Okay, and so it's almost 8:14?

25 A Correct.

1 Q Okay, and what are we looking at? Can you please
2 describe the individual depicted here?

3 A African-American male, light-colored shirt with dark
4 shorts.

5 Q Thank you. And what area of the hotel are we in
6 right now?

7 A That is going into the Mountain Tower, the elevator
8 banks.

9 Q Okay. Okay, sir, I've changed the camera again.
10 Can you tell us the camera, the date, and the full timestamp?

11 A Camera 2,001. 8/23/2020 at 20:21 and 12 seconds.

12 Q Okay. So at 8:21; is that correct?

13 A Yes.

14 Q Okay, and can you describe the individual depicted
15 in this still?

16 A The African-American female wearing a hat, with dark
17 halter top, with a black bag with the white stripes on the
18 side, and you can see a C on it.

19 Q Okay, the letter C?

20 A The letter C, yes.

21 Q Thank you, sir. And, again, is this the elevator
22 well we're looking at?

23 A Yes, going in the Mountain Tower.

24 Q Okay. And then can you tell us what camera and the
25 timestamp we're looking at here?

1 A Camera 60. 8/23/2020 at 20:55 and 30 seconds.

2 Q Okay, so that's 8:55?

3 A Correct.

4 Q Okay. And what's depicted there?

5 A An African-American male wearing a light-colored
6 shirt, dark shorts. African-American female with a black bag
7 with the letter C, ball cap, black top, black shorts, looks
8 like wearing a wig.

9 Q Thank you. What camera are we looking at right
10 here?

11 A Camera 2,000.

12 Q Okay. And the date and timestamp?

13 A 8/23/2020 at 21:28 and 42 seconds.

14 Q Okay. And who -- what is -- what part of the hotel
15 are we in right now?

16 A The elevator lobby.

17 Q Okay. And who is depicted in this?

18 A The African-American female with a black bag, letter
19 C, the black hat, tank top, shorts.

20 Q And this is the elevator lobby?

21 A Correct.

22 Q Okay, sir. And what camera are we at right now?

23 A 2,001.

24 Q Okay. And the date -- oh, excuse me. Let me get to
25 this one. Okay, I apologize. Sir, can you tell us -- this is

1 Camera 2001, and what is the date and timestamp --

2 A 8/20 --

3 Q -- of this particular video?

4 A 8/23/2020 at 21:41 and 28 seconds.

5 Q Okay. And what time is that in Las Vegas time?

6 A 9:41 and 28 seconds P.M.

7 Q Thank you. And who did we just see depicted there?

8 A Can you repeat, please?

9 Q I'm sorry?

10 A I didn't hear you.

11 Q Who did we see depicted there?

12 A The African-American male with a light-colored shirt
13 and dark shorts.

14 Q Okay, and that's the elevator well?

15 A Correct. Mountain Tower.

16 Q Sir, directing your attention to -- okay, sir. What
17 camera, and date, and timestamp is this?

18 A Camera 73. It's 8/23/2020 at 22, looks like 34 and
19 36 seconds.

20 Q Okay. Okay, sir, and who's being depicted right
21 here?

22 A The African-American male with a light-colored shirt
23 and dark pants -- dark shorts. I'm sorry.

24 Q Okay. Anything new about how he's depicted here?

25 A He has a backpack.

1 Q Okay. Sir, what camera are we looking at right
2 here?

3 A 502.

4 Q Okay. And what's the time and date stamp?

5 A 8/23/2020 at 22:35 and 10 seconds.

6 Q Okay. And who are we viewing and what are we
7 viewing here?

8 A African-American male with a light-colored top, now
9 have a backpack, dark-colored shorts. He's at one of our NRT
10 machines.

11 Q Okay. And I'm sorry, what color did you say the
12 shirt was?

13 A It's a light color.

14 Q Okay. And, sir, I'm just going to pause it. What
15 is the date and timestamp?

16 A 8/23/2020 at 22:35 and 36 seconds.

17 Q Okay. And what time is that in Las Vegas time?

18 A That would be 10:35 and 36 seconds --

19 Q Thank you, sir.

20 A -- P.M.

21 Q And then I'm going to direct your attention to
22 Camera 98. Can you please state the date and timestamp?

23 A 8/23/2020 at 22:35 and 25 seconds.

24 Q Okay. And, again, in Las Vegas or Pacific Standard
25 Time?

1 A Yeah, 10:35 and 29 seconds P.M.

2 Q Sir, I'm going to pause it right there at 22:35:42.
3 What are we looking at right here?

4 A The African-American female with a tank top, dark
5 tank top, dark shorts, with a black bag with a C --

6 Q Thank you, sir.

7 A -- and the white stripes on the side, possibly a
8 wig, going out our north doors.

9 Q Okay. Sir, can you tell us the date and timestamp
10 of where I paused this Camera 98 video?

11 A 8/23/2020 at 22:36:01.

12 Q Okay. And is that 10:36:01 --

13 A Yes.

14 Q -- Las Vegas time?

15 A Yes.

16 Q Okay. And who is depicted here?

17 A The African-American male with a light-colored
18 shirt, dark shorts, now with the backpack.

19 Q Thank you, sir.

20 MS. COLE: Madam Clerk, can I get Exhibit No. 2,
21 please? Thank you. For the record, I'm showing defense
22 counsel what's been marked as State's stipulated Exhibit No.
23 2.

24 MR. ARNOLD: Okay.

25 MS. COLE: And for the record, I'm publishing

1 State's stipulated Exhibit No. 2.

2 THE COURT: All right, thank you.

3 BY MS. COLE:

4 Q Sir, while this is starting, I'm going to show you
5 State's stipulated Exhibit No. 174.

6 MS. COLE: Your Honor, permission to approach?

7 THE COURT: Yes.

8 BY MS. COLE:

9 Q Can you tell us what we're looking at in that still
10 photo? Or can you -- first off, do you recognize that still
11 photo?

12 A Yes, I do.

13 Q Okay. And where is that still photo from?

14 A That's from Harrah's.

15 Q Okay, on what date and time?

16 A The date is going to be -- looks like the 5th, it's
17 a little blurry, at 21:34 hours.

18 Q Okay. Sir, can I have that?

19 MR. ARNOLD: Your Honor, for clarification, did he
20 say a date?

21 THE WITNESS: It said -- I saw it said 5th.

22 MS. COLE: And I'm just --

23 THE COURT: I'm sorry?

24 MS. COLE: I'm going to -- I'm going to publish it.
25 I believe that actually says 6th.

1 THE WITNESS: 6th? Okay. I did -- it was blurry.

2 MS. COLE: Let me just zoom in.

3 THE COURT RECORDER: Oh, you want the doc cam?

4 MS. COLE: Yes.

5 THE COURT RECORDER: Oh, I'm sorry.

6 MS. COLE: Can you switch over?

7 THE COURT RECORDER: Yeah, I have to switch it here.

8 MS. COLE: Oh, thank you.

9 THE COURT RECORDER: There you go.

10 BY MS. COLE:

11 Q And, sir, that number right there, is that actually
12 a six?

13 A Yes.

14 Q Now that you can see it better?

15 A Yes.

16 Q Okay. And you mentioned this was, in fact, from the
17 Harrah's?

18 A Yes.

19 Q Okay. And that date again and time?

20 A The 6th at 21:34 hours even.

21 Q Thank you.

22 MS. COLE: And then if we could just switch back
23 over.

24 THE COURT RECORDER: Okay.

25 MS. COLE: Okay.

1 (Surveillance video played)

2 BY MS. COLE:

3 Q Sir, can you tell us the date and time of this
4 particular video?

5 A 8/21 --

6 Q Okay.

7 A -- at 07:27 and 36 seconds.

8 Q Okay. And this particular video surveillance,
9 again, because we're on a new one, is this time and date range
10 from 8/21/2020, 7:27, to 8/21/2020, 8:36 P.M. -- or 8:36 A.M.?
11 Excuse me.

12 A Yes.

13 Q Sir, this is the Paris, correct?

14 A Yes.

15 Q Okay. I'm going to skip ahead a little bit. Okay.
16 Sir, can you please describe the individual that we see
17 depicted in this surveillance still?

18 A African-American female with a white, like, halter
19 top, dark shorts, with a black bag with white stripes on the
20 side with the letter C.

21 Q Okay. And the date and time -- or the date and
22 timestamp, please?

23 A 8/21 at 07:30 and 31 seconds.

24 Q Thank you. And that's 7:30 in the morning, correct?

25 A Yes.

1 Q Okay, sir, I'm going to pause it right here. Where
2 are we at in the hotel?

3 A Elevator banks.

4 Q Okay. And was that the same female depicted?

5 A Yes.

6 Q Thank you. What are we looking at right here?

7 A Inside the elevator.

8 Q And we're at the Paris?

9 A Yes.

10 Q And this is at 7:31 A.M.?

11 A Correct.

12 Q Just to fast-forward it, sir, now the time and date
13 stamp is 8/21 at 7:41 A.M.; is that correct?

14 A Yes.

15 Q And what are we looking at right here?

16 A The same African-American female inside the
17 elevator.

18 Q Okay. Is she carrying anything?

19 A She has a black bag with the letter C.

20 Q And this is inside an elevator at the Paris?

21 A Yes.

22 Q Okay. Sir, what are we looking at right here?

23 A This is the prior -- the African-American female
24 with a white halter top, dark shorts, with a black bag with
25 the white stripes on the side, letter C, and an

1 African-American male with a red shirt, ball cap, and blue
2 jeans.

3 Q Okay. And what color is the hat?

4 A Red.

5 Q Okay. And this is at 8/21/2020 at 7:42:28?

6 A Correct.

7 Q And, again, we're at the Paris?

8 A Paris, yeah, before you go into the elevator lobby
9 area.

10 Q Okay. And, sir, is this the elevator at the Paris?

11 A Yes.

12 Q Okay. And are the female and the male suspect both
13 in this elevator?

14 A Yes.

15 Q Okay. And the time and date stamp, please?

16 A 8/21/20 at 07:43 and 17 seconds.

17 Q Thank you. And, sir, do both male and female
18 suspects exit the elevator?

19 A Yes.

20 Q Okay. And that's at 8/21/20, 7:38?

21 A Yes.

22 Q Briefly, sir, can you tell me the date and timestamp
23 that we're looking at right here? And I know this video is a
24 little bit fuzzy.

25 A It's 8/21/20 at 08:30 and 51 seconds.

1 Q Okay. And who is depicted?

2 A You have the male -- can you rewind it? I -- I --

3 Q Is there an individual wearing a red shirt --

4 A Yes.

5 Q -- and a hat?

6 A I see the male with a red -- with a red shirt, red
7 hat, and back -- looks like he has a backpack.

8 Q Is this, again, 8/21/20, 8:31 A.M.?

9 A Yes.

10 Q And this is in the elevator at the Paris?

11 A Yes.

12 Q He exits the elevator?

13 A Say it again, please.

14 Q Did he just exit the elevator?

15 A Yes.

16 Q And, sir, is that the same individual that was in
17 the elevator?

18 A Yes. African-American male with a red shirt, red
19 hat, jeans, and backpack.

20 Q Okay.

21 THE COURT: So, everybody, we're 12:10 at this time.

22 I think it's a good time for us to take our lunch break.

23 Ladies and gentlemen, we're going to take a one-hour lunch, so

24 we'll come back at 1:10. It's 12:10 now, so one hour, 1:10.

25 Again, please wait outside the courtroom until the marshal

1 escorts you in. Please make sure your notebooks remain on
2 your table.

3 During this lunch recess, you must not discuss or
4 communicate with anyone, including your fellow jurors, in any
5 way regarding the case or its merits either by voice, phone,
6 email, text, internet, or other means of communication or
7 social media. You're not to read, watch, or listen to any
8 news, or media accounts, or commentary about the case. You're
9 not to do any research such as consulting dictionaries, using
10 the internet, or using reference materials. You're not to
11 make any investigation, test a theory of the case, recreate
12 any aspect of the case, or in any other way investigate or
13 learn about the case on your own, and you are not to form or
14 express an opinion regarding the case until it's submitted to
15 you.

16 Again, ladies and gentlemen, during the lunch break,
17 you may see some of my staff, myself, some of the attorneys,
18 some of the witnesses at the lunch hour. Please understand
19 everyone's under strict orders basically to ignore you, so we
20 will not have any communication to you. Oftentimes, people
21 will say hello, nice weather, something like that. None of us
22 are going to make any comments towards you, so please ignore
23 us. We are not going to take any offense to that, and we're
24 going to ignore you, okay? Have a great lunch. We'll see you
25 back at 1:10.

1 THE MARSHAL: All rise for the exit of the jury.

2 (Outside the presence of the jury.)

3 THE COURT: All right. Sir, we'll need you to come
4 back at 1:10, please.

5 THE WITNESS: Yes.

6 THE COURT: All right. Anything by the State before
7 I leave?

8 MR. LEXIS: No, Judge.

9 THE COURT: Anything by Mr. Arnold?

10 MR. ARNOLD: No, Your Honor.

11 THE COURT: Mr. Hart?

12 MR. HART: No, Your Honor.

13 THE COURT: All right, see everybody back at 1:10.
14 Have a good lunch.

15 (Court recessed at 12:12 P.M. until 1:20 P.M.)

16 (Outside the presence of the jury.)

17 THE MARSHAL: All rise for the entry of the jury.

18 (Inside the presence of the jury.)

19 THE COURT: All right. Welcome back, ladies and
20 gentlemen. We're going to recall our witness.

21 All right, sir, do you understand that you are still
22 under oath?

23 THE WITNESS: Yes.

24 THE COURT: All right. Go ahead and have a seat,
25 sir. Go ahead, counsel.

1 MS. COLE: Thank you, Your Honor. So, Mr. Lemons --
2 and just for the record, we are -- we still have State's
3 Exhibit No. 2 that has been stipulated into evidence. The
4 current timestamp is 8/21/20 at 8:33, and Mr. Lemons, I'm
5 going to continue playing that as soon as you're ready.

6 (Surveillance video played)

7 BY MS. COLE:

8 Q Sir, I'm going to pause it right there. Can you
9 please state the date and timestamp and what we're looking at
10 right here?

11 A 8/21/20, 08:33 and 57 seconds.

12 Q Okay. And the individual depicted?

13 A African-American male with a red hat, red shirt,
14 blue jeans, and a backpack.

15 Q Okay. And, again, we're at the Paris, and this is
16 8:30 in the morning?

17 A Correct.

18 Q Sir, I'm going to pause it right there. Is that
19 that same individual you described depicted right there?

20 A I'm sorry?

21 Q Sir, is that that same individual depicted right
22 there that you just previously described?

23 A Yes.

24 Q Okay. And --

25 A African-American male with a red shirt, red hat,

1 backpack, and blue jeans.

2 Q Okay. And can you please state the date and
3 timestamp?

4 A 8/21/20 at 08:34 and 40 seconds.

5 Q Same individual we're looking at right here?

6 A Yes.

7 Q And, sir, can you please describe the individual
8 depicted right there?

9 A African-American female with black shorts and a
10 white halter top, with a black bag with a C on the side and
11 the white and black stripes on the side. Excuse me.

12 Q Okay. Sir, at Harrah's and the Paris, what is the
13 retention of video surveillance? What is the retention
14 period?

15 A Seven days.

16 Q Okay. And what happens after seven days?

17 A It gets taped over.

18 Q Okay. And, sir, directing your attention to what's
19 been previously stipulated to, State's Exhibit No. 174, just
20 put that on the projector. And what you earlier described as
21 an exhibit -- or as a still photo from surveillance video from
22 the Harrah's on August 6th, by the time there was a request
23 for video surveillance, did you still have that video
24 surveillance in your system?

25 A No, tape retention had expired.

1 Q Okay. And that's referencing the video on August
2 6th, 2020, at the Harrah's?

3 A Correct.

4 Q Okay. So this still -- this still of the
5 surveillance video is what you had left?

6 A Yes.

7 MS. COLE: Court's brief indulgence. And, Your
8 Honor, at this time, I'll pass the witness.

9 THE COURT: All right. Defense counsel, any
10 questions for this witness? Mr. Arnold?

11 MR. HART: Mr. Arnold, he's calling you first.

12 MR. ARNOLD: Oh, you want me to go first? Can we
13 switch back?

14 THE COURT RECORDER: Oh, you want the Elmo?

15 MR. ARNOLD: Yeah, just for that picture.

16 THE COURT RECORDER: All right.

17 (Pause in the proceedings.)

18 CROSS-EXAMINATION

19 BY MR. ARNOLD:

20 Q Good morning, Mr. Lemons.

21 A Good morning.

22 Q Or good afternoon. Sir, that picture of 174, you
23 said that's a still photograph. How did you get the still
24 photograph, though? What's that from?

25 A That's from the elevator bank up in surveillance.

1 Q So there wasn't a camera that took that. Wasn't
2 that taken off a video?

3 A Well, you can take a snapshot photo from video,
4 yeah.

5 Q Okay. So you had the video, and you took a snapshot
6 photo, and that's how we're seeing Exhibit 174?

7 A Correct.

8 Q Is that correct?

9 A Yes.

10 Q So, again, you were asked, where is the video
11 footage for 8/6?

12 A Correct. We didn't have it. At that point in time,
13 what had happened, all we had was a description of a
14 individual committing a crime. That's all we had to go --
15 these individuals matched that description. Nothing was saved
16 at that point in time.

17 Q So why wasn't it saved? If you had this, somebody
18 alerted to you that there are two African -- a male and a
19 woman that was involved or suspects of, you know, robberies.
20 It gave you enough information to go ahead and take this still
21 photograph. How come you just didn't keep the whole video?

22 A Because that's -- that's all we had to go on was
23 just a basic description, so they didn't save video at that
24 point in time.

25 Q So are you trying to say that all the video from 8/6

1 at Harrah's was destroyed?

2 A Correct.

3 Q Why?

4 A Because it had been taped over.

5 Q And why was it taped over?

6 A Because it passed the retention time. Like I said,
7 all we had was just a vague description. These two
8 individuals match that description. That's all we had at that
9 point in time.

10 Q So how come this video wasn't taped over?

11 A Which one?

12 Q The one that we're looking at, the still photograph.

13 A Well, the video was taped over.

14 Q If it was taped over, how come you got a still
15 photograph from it?

16 A Well, at that -- at that point in time, when you
17 start looking through cameras, hey, these might be people of
18 interest or something to that extent. They snapped a photo.
19 That's all we had done at that point in time.

20 Q Let's go through your background, sir. What's your
21 position again at Caesars?

22 A Investigator.

23 Q And are you in charge of the video surveillance?

24 A Well, we have access to the rooms, yes, and we can
25 pull video.

1 Q You have access to the rooms; you have access to
2 video surveillance. In regards to how the video surveillance
3 works, isn't there video in the hallways of the rooms?

4 A No.

5 Q There's no video at the end of the hallway? No
6 video at the back?

7 A No.

8 Q No video at the staircase?

9 A No.

10 Q What about inside the elevator itself, is there
11 video?

12 A There are certain elevators cameras, yes. So --

13 Q And we saw some of those today --

14 A Yes.

15 Q -- is that correct?

16 A Correct.

17 Q And you have the ability to zoom in and out with the
18 video; is that correct?

19 A If you're watching it live.

20 Q If you're watching it live?

21 A And it depends on which type of camera.

22 Q Earlier this morning, I believe we were watching it
23 live; is that correct?

24 A Well, what I mean, live is -- you have two different
25 types of cameras. You have a PTZ that can zoom in, so if I'm

1 at the control, I can zoom in on somebody. But if you're
2 watching something that's afterwards, you can't zoom in.

3 Q Okay. So, again, earlier this morning, we were
4 watching the video. I think a button was accidentally pulled,
5 and we got a zoom-in picture of a lady on a bench where --
6 excuse me, where we could clearly see her face. Don't we have
7 that in these videos that have been introduced into evidence?

8 A Well, once you record a video, you can zoom -- I
9 mean, certain systems, you can zoom in a little bit, but
10 usually, it pixelizes.

11 Q It would what?

12 A Usually, it'll -- sometimes it'll pixelize.

13 Q Sorry, I didn't hear you. He was talking to me.

14 A Well, once a video is recorded, certain systems have
15 capabilities you can zoom in a little bit, but when it blows
16 up the picture like she did here with this one, it'll
17 sometimes start pixelizing.

18 Q Well, wouldn't you agree that most of the video that
19 we saw this morning, that was fuzzy?

20 A Some of it was, yes.

21 Q And do we have any clear photographs of that video?

22 A No. What we have is what's on video.

23 Q So, like, we don't have a close-up of the face of
24 the individuals where you can take the photograph and easily
25 compare this man's face or this woman's face to the video?

1 A What we have is what we showed earlier.

2 Q So, mostly, how you're making these identifications
3 of who was upstairs and who was downstairs is based upon the
4 clothing because you said there was similarity in clothing; is
5 that correct?

6 A Correct.

7 Q But we don't know whose face is in that clothing; is
8 that correct?

9 A Well, it is whoever's on that video.

10 Q And I was staring at these videos, trying to see.
11 Can you even tell if that individual has a mask on or not, the
12 black male?

13 A It depends on --

14 Q I mean, in this video, it's clear that he has a
15 mask.

16 A Yeah, it looks like he has one here.

17 Q Right. But in the other ones that we saw, can you
18 tell if there was -- individual had a mask on or not?

19 A It's hard to tell.

20 Q It's very hard to tell. It's hard to tell any
21 features of that person's face from the video; isn't that
22 correct?

23 A You saw what I saw.

24 Q And I want to come back to this zoom feature. In
25 the zoom feature, can't you look -- does the zoom feature work

1 in the elevators? Yes or no?

2 A No, I've never seen it work in the elevator.

3 Q But --

4 A Those are fixed cameras.

5 Q How come we can't tell what floor is pushed on the
6 videos?

7 A Because certain cameras just -- they've been around
8 for a long time, and some video is better than others.

9 Q We saw video from Harrah's, we saw video from Paris,
10 both elevator banks, right?

11 A Yes.

12 Q So, and this all falls under Caesars Entertainment,
13 right?

14 A Yes.

15 Q So you're going to tell me that Caesars
16 Entertainment doesn't have strong enough video that I could at
17 least see the buttons of where a person pushes?

18 A Depends on where they're standing in the elevator.
19 Sometimes you see it; sometimes you don't.

20 Q Did you see Ocean's Eleven?

21 A It's been a long time.

22 Q Ocean's Twelve, Thirteen, any of those?

23 A Yeah.

24 Q And how they broke in there, and there was cameras
25 everywhere?

1 A That's in the movies.

2 Q That's not what we have in -- at the hotel?

3 A We do have cameras, yes.

4 Q But not everywhere?

5 A Well, at one point in time. Cameras can be moved.

6 Q It would seem --

7 A At one --

8 Q -- at one point in time, in this generation, the
9 cameras should even be better; isn't that correct?

10 A That's your opinion.

11 Q Well, that's not true. You're the guy that works --

12 A Yeah.

13 Q -- works there. Is it not true that cameras -- are
14 we saying that the cameras in the '70s are still the same
15 cameras here in 2021?

16 A No, more than likely not. I wasn't working there in
17 the '70s.

18 Q So they got better, didn't they?

19 A I would think so.

20 Q And so it baffles me that I can't have a clear
21 video. Does it baffle you?

22 A Well, there's thousands of cameras out there, so, I
23 mean, there's different things. They need to be maintained,
24 things like that.

25 Q How much video footage -- hours of video footage did

1 you look at during the course of your investigation?

2 A That's hard to say. A lot of hours.

3 Q Was it days?

4 A Pardon?

5 Q Was it days?

6 A Is it -- that is hard to say.

7 Q And did you see other individuals that frequent
8 those establishments, the Paris and the Harrah's, on a regular
9 basis coming in and out of the hotel in your days of looking
10 at video?

11 A Not the same individuals, no.

12 Q Do you have any video of any alleged suspect
13 carrying some type of tool, like a jack or a hammer, to get to
14 the doors and open them?

15 A No.

16 Q As part of your investigation, did you go look at
17 the doors that were broken into?

18 A Yes.

19 Q And would it be, in your opinion as an investigator,
20 that there was some type of tool used to enter into those
21 rooms?

22 A Well, there was pry marks on the door -- on the
23 doorframes and the door -- and the door, yes.

24 Q So, yes. Because of the pry marks, you believe that
25 some type of tool was used; is that correct?

1 A Yes.

2 Q And in those videos, we didn't see anybody with any
3 tools in their hands, did we?

4 A No.

5 Q I want to go -- focus your attention back to the
6 doors again. It sounds like an older hotel. I haven't been
7 there, but do you have key cards to get inside the rooms?

8 A Yeah, we have like little access cards. Yes.

9 Q Okay. If a room is breached as it was in this case,
10 and the key card wasn't used, isn't there an alarm or
11 something that goes off?

12 A No.

13 Q Why not?

14 A They don't have no alarms like that.

15 Q Isn't there a way to detect if the door opens
16 without the use of a key card?

17 A Yes.

18 Q And isn't there a printout that demonstrate when the
19 door is opened or closed without a key card?

20 A It depends on the hotel.

21 Q Well, let's start with the Paris. Do they have that
22 feature?

23 A I believe so, yes.

24 Q Let's go to the Harrah's. Do they have that
25 feature?

1 A Yes.

2 Q That's the only two hotels we're talking about, sir.
3 Okay. So it has this feature, and it would notify us when
4 these doors are being breached --

5 A No.

6 Q -- is that correct?

7 A No, it wouldn't notify.

8 Q What would it do?

9 A Well, if a door is breached, there's no alarm or
10 anything like that that will go off.

11 Q Right, but there is some kind of electronic data
12 that would suggest the door is being opened without the key
13 card; is that correct?

14 A Yes.

15 Q I don't remember. Just on this last video of the
16 woman, you said that she was African-American. How were you
17 able to tell that so distinctly from that?

18 A Well, it's just from the complexion.

19 Q Well, she looked light-skinned to me, so how did you
20 know she was African-American?

21 A Just, like I said, by her complexion.

22 Q But we are looking at her from behind, and so you
23 were looking at her legs, her arms, and that's how you're able
24 to tell?

25 A Yes.

1 Q No other features?

2 A Well, which video are you talking about?

3 Q The very last one. We had a picture of a woman with
4 shorts on.

5 A Yeah.

6 Q And you said, well, she's African-American. I kept
7 looking --

8 A Well, that was because -- well, plus, also, the
9 stuff she was carrying. She had that bag.

10 Q There it is. And so, basically, since she had a
11 similar bag to the person in the other videos, you believe
12 that that woman that we saw in this video was
13 African-American?

14 A No, because I have seen enough video of the
15 individual carrying that bag.

16 Q Okay. Is there only one -- that -- is that bag so
17 unique that nobody else can have that bag?

18 A No.

19 Q Yeah. The last thing I was curious about, you had
20 -- are those timestamps that we saw running at the bottom of
21 each video, are those accurate?

22 A Usually within sometimes -- depends on the system --
23 a minute, 30 seconds sometimes. For the most part, within a
24 few seconds. Sometimes there has been other videos or
25 whatever, it might be off by, like, let's say 30 seconds to a

1 minute.

2 Q Okay. We were watching earlier video in the
3 morning, the one you stated that it was from the Paris Hotel.
4 We saw a gentleman with a white t-shirt, he had a coffee in
5 his hand, and you had him going out -- going in an elevator at
6 10:15 and then turning to his left. And then, approximately
7 still 10:15, according to the video, another woman comes up in
8 the elevator at the far right and then goes in the same
9 direction. Do you remember that video?

10 A Yes.

11 Q Okay. Then I was looking at the time and wrote it
12 down again. You had them at 10:17 coming down and walking in
13 the direction of Bally's. So between 10:15 and 10:17 is
14 approximately -- those are minutes, right?

15 A Yes.

16 Q Okay, so it took them two minutes. What floor was
17 that? Oh, you don't know because the video doesn't show the
18 floor, right?

19 A Correct.

20 Q Okay, but I'd imagine it had to be a couple of
21 floors up. It took them two minutes to get from a hotel room,
22 go and search through the hotel room, get whatever they got
23 from the hotel room, come all the way back down the elevator,
24 and then get all the way down to Bally's at 10:17? Two
25 minutes?

1 A It'd be pretty fast.

2 Q It was fast, but that's what your video showed,
3 right?

4 A Okay, if you say so.

5 Q I didn't say so; that's what I was looking at. Do
6 you have any information to dispute that?

7 A No.

8 MR. ARNOLD: I'll pass the witness, Your Honor.

9 THE COURT: Any questions, Mr. Hart?

10 MR. HART: Just a few.

11 CROSS-EXAMINATION

12 BY MR. HART:

13 Q I just want to follow up, and maybe I'm mistaken.
14 It's all digital recording you have there, correct?

15 A Yes.

16 Q Okay, at Harrah's?

17 A Yeah.

18 Q Digital, not analog?

19 A Yes.

20 Q At Paris?

21 A Yes.

22 Q At Bally's?

23 A Yes.

24 Q Okay. And you have literally thousands of cameras
25 at each place, right?

1 A Yes.

2 Q And you have stationary, and then you -- fixed
3 cameras --

4 A Yes.

5 Q -- that cover -- unless there's a corner somewhere,
6 cover the entire area, correct, on the floor of the casino
7 downstairs, correct?

8 A Now, say it again. I'm sorry.

9 Q They cover pretty much every square foot, absent a
10 little corner here or there, of the casino lobby, downstairs
11 area, correct?

12 A For the -- for the most part, yes.

13 Q Okay. You also have cameras that you can use a
14 little joystick and zoom in --

15 A Correct.

16 Q -- turn it around, follow, et cetera, correct?

17 A If you're watching it live, yes.

18 Q Okay. And so when you're saying you followed them
19 or surveilled them, it was -- you were watching stationary --
20 you have stationary cameras that go throughout the place,
21 correct?

22 A Yes.

23 Q Okay. And you're able to pick them up here, to
24 there, to the next place throughout?

25 A Correct.

1 Q Correct? And that's in the areas -- probably be --
2 you know, we're looking at 174 here. Like, the elevator
3 lobbies, stores, et cetera, and then it's even -- there are
4 even more cameras on the casino floor, correct?

5 A Yes.

6 Q Okay. Now, you said there's a seven-day retention?

7 A Yes.

8 Q Is that for all properties?

9 A That's the standard.

10 Q Okay. That's for all properties?

11 A Yes.

12 Q Paris?

13 A Yes.

14 Q Bally's?

15 A Yes.

16 Q And Harrah's, correct?

17 A Yes.

18 Q Okay. But you have backups so you can save whatever
19 you choose if there's a request or there's an incident,
20 correct?

21 A If there's a request, yes.

22 Q Okay. Well, if you have an event at your place, and
23 you're an investigator, you can start to investigate
24 immediately, correct?

25 A It depends on the situation. We handle multiple --

1 Q Within 24 hours?

2 A Pardon?

3 Q Within 24 hours?

4 A Yeah, but we handle multiple investigations.

5 Q Okay.

6 A We handle multiple properties.

7 Q Okay. And just to be clear, on No. 174, which is
8 this deal that says "pause," so for August 6th, somebody took
9 a picture of a paused video screen?

10 A Yes.

11 Q And that's all?

12 A Yes.

13 Q That's the only bit of video or anything else from
14 that day?

15 A Yes.

16 Q Only picture?

17 A Yes.

18 Q Were there any other events that day that you saved
19 stuff for?

20 A Not that I'm -- not that I have saved or anything,
21 no.

22 Q Okay.

23 A There could have been other events, yes, such as
24 they save stuff for gaming, things like that.

25 Q Would you have access to those?

1 A Yes.

2 Q Okay. And it's your testimony today that there are
3 no cameras in the lobby areas, getting out on the various
4 floors?

5 A Correct. In the hotel towers, yes, there's no
6 cameras in lobbies, on the floors -- or in the floors.

7 Q And none going down the hall?

8 A No. Correct.

9 Q Has that always been the -- been like that?

10 A As far as I know, yes. There is a couple towers at
11 one of our properties that has cameras, but that is it.

12 Q Okay, because I could have sworn I distinctly
13 remember seeing down a hall on one. That's why I'm asking.

14 A Yeah, not in --

15 Q For an event.

16 A Not in the hotel.

17 Q Okay. But there -- and not showing where people
18 come out?

19 A Pardon?

20 Q Not even in the lobbies, the foyers where they come
21 out of the -- out of the different elevators?

22 A Some of the hotels do have cameras point in that
23 direction. Depends on where the camera is. Like, at one of
24 our hotels, it's a PTZ.

25 Q Which is a?

1 A Pan and tilt, where -- that's one that can be moved.
2 So if they're -- let's say they're following somebody, then
3 they'll move the camera back in that direction.

4 Q Okay. But then they'd be going down the hall or
5 something, right?

6 A Yeah.

7 Q Correct?

8 A Yes.

9 Q Okay. Now, when we talked about -- so, like, at any
10 time, you can -- you have backups where you can save -- like,
11 this stuff was saved to a DVD, correct?

12 A Yes.

13 Q Okay, or you have other hard drives you can save --

14 A Yes.

15 Q -- information to, correct?

16 A Yes.

17 Q So you can save it if you choose, if you just
18 determine if it's significant enough?

19 A I didn't say that.

20 Q Okay.

21 A It depends on the situation, you know, when we get
22 the information. You know, we work with surveillance when
23 they get the information, so when it's reported.

24 Q Okay. Well, August 6th was supposed to be a
25 robbery, correct?

1 A Yes.

2 Q Okay. And you -- Mr. Arnold asked you about when a
3 door opens, do you guys have a log --

4 A Yes.

5 Q -- that you can do, electronic log for all doors?

6 A Yes.

7 Q Okay. Whether it's opened, and those are available
8 for going back a ways, correct?

9 A Yes.

10 Q Okay. Whether it's opened with a card or just
11 opened, forced, correct?

12 A Yes.

13 Q Okay. Now, you also have security by the elevators,
14 correct?

15 A No, not always. It -- the manpower. It depends.
16 Certain times, there is security by the elevators; certain
17 times, there's not.

18 Q Okay. You don't generally have somebody you have to
19 show a card to go into --

20 A No.

21 Q -- get to the elevators?

22 A No.

23 Q You said sometimes?

24 A Yeah. They used to have it posted, but then, when
25 the workflow gets busy, they'll pull those officers and have

1 them do other stuff.

2 Q Okay. Did you check to see if people were working
3 those elevators?

4 A At that time, we didn't have anybody posted at those
5 elevators. (Indiscernible) it was pre-pandemic, where, you
6 know, after the pandemic --

7 Q It's safe to say if I was to walk through any one of
8 these three casinos, through the lobbies, through the casino
9 floor, and back out, you would be able to track me, correct?

10 A To a certain extent. You know, if you walk into a
11 blind spot --

12 Q Yeah.

13 A -- our cameras turn another way.

14 Q Okay. But you also had the fixed pretty much
15 covering everything, correct? I mean, I could stand in one
16 place for a couple minutes, but you'd eventually get me
17 moving, correct?

18 A Well, if you walk through, and we have a
19 description, eventually, yes. I mean, you walk through a
20 casino, eventually, one camera's going to pick you up.

21 Q Yeah, okay. Especially on the casino floor?

22 A Yeah.

23 Q Okay. How long do you retain the information on
24 doors opening and closing?

25 A I'm not sure how long that goes back for.

1 Q Months --

2 A It goes by entries, so it's -- I'm not sure exactly
3 how -- how many entries it'll go back.

4 Q Okay. It can go back weeks and months, correct?

5 A I believe they can probably go back -- it depends on
6 how many times the door is accessed, and engineering usually
7 pulls those reports.

8 Q Yeah.

9 A Depends on the property, and depends on how many
10 times a door's been opened and closed.

11 Q Okay. How many does it record? Do you know?

12 A No, I don't.

13 Q Would you say at least 100?

14 A Yeah.

15 Q Okay. At least 100 openings and closings?

16 A Yeah.

17 Q And quite probably more, correct?

18 A Yeah.

19 MR. HART: Okay. Nothing further for this witness.

20 THE COURT: Any redirect by the State?

21 MS. COLE: Yes, Your Honor, briefly.

22 REDIRECT EXAMINATION

23 BY MS. COLE:

24 Q Mr. Lemons, let's talk a little bit about the
25 surveillance that was collected in this case. Ultimately,

1 when security is tasked, or yourself, an investigator, with
2 obtaining certain surveillance, was there certain time frames
3 that you were alerted to -- of?

4 A Yes.

5 Q Okay. And essentially, when you're surveilling
6 somebody, and I'm using that term as a term of art, is your
7 job to particularly track their movement in the properties?

8 A Yes.

9 Q Okay. And so the surveillance video that you
10 collected was essentially you got a suspect description, and
11 you tracked those suspect descriptions throughout their
12 movements when they were in Caesars properties?

13 A Yes.

14 Q Okay. And that was the video that we looked at
15 today at length?

16 A Yes.

17 Q Okay. Now, besides -- I believe the Harrah's video
18 from 8/23 is the only date that the video actually is in
19 chronological order?

20 A Yes.

21 Q Okay. So it's fair to say that the video that we
22 viewed from 8/16 and 8/21, not necessarily all video clips are
23 in chronological order?

24 A Correct.

25 Q Is it also fair to say that there's different angles

1 and different cameras for different time frames?

2 A Yes.

3 Q And some of the video might be out of order?

4 A Yes.

5 Q Okay. So, essentially, the video that you collected
6 in regards to 8/16 and 8/21 at the Paris that we viewed today
7 is not necessarily all in chronological order?

8 A No.

9 Q We have certain time frames, but the video within
10 those time frames isn't necessarily in chronological order?

11 A Correct.

12 Q Meaning that there might be some video segments that
13 come out of order?

14 A Yes. Due to camera location and stuff, and you're
15 trying to save stuff, yes, sometimes things get out of order.

16 Q Okay. And when you're conducting surveillance of
17 different suspects, it's fair to say that they're getting
18 picked up on multiple different cameras throughout a property?

19 A Yes.

20 Q Okay. And when that video is being compiled, it's
21 not necessarily all in order?

22 A Correct.

23 Q Okay. Since Mr. Arnold was specific about some time
24 frames on August 16th, let's go back to that video.

25 A Okay.

1 MS. COLE: I'm going to need State's Exhibit No.
2 172. Thank you.

3 (Surveillance video played)

4 BY MS. COLE:

5 Q So, sir, in this specific video, these times range
6 generally from August 16th, 2020 at 20:26 through August 16th,
7 2020 at 20:45?

8 A Correct.

9 Q Okay. Sir, I'm going to play a different video.
10 Let me get to that.

11 (Surveillance video played)

12 BY MS. COLE:

13 Q Okay, sir, so we're looking at the -- in this
14 particular video, this time frame is from 8/16, 20:44, through
15 8/16, 22:18?

16 A Correct.

17 Q So that's essentially 8:45 to 10:18?

18 A Correct.

19 Q Okay. And in this particular time period, this is
20 all the different camera angles that you guys were able to get
21 of these two suspects compiled into this time range?

22 A Correct.

23 Q Okay, sir. What is the timestamp right here?

24 A This is 8/16 at 20:46 and 58 seconds.

25 Q Okay. And, sir, what is this time frame?