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Electronically Filed
Jan 12 2022 04:05 p.m.
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Clerk of Supreme Court

IN THE SUPREME COURT

OF THE STATE OF NEVADA

DARRELL CLARK, Appellant, vs. THE STATE OF NEVADA, Respondent.	Docket No. 83303

APPELLANT'S APPENDIX

VOLUME 6

Alphabetical Index to Appendix

Indictment	Pgs.	1-18
Amended Indictment	Pgs.	19-36
Superseding Indictment	Pgs.	37-57
Reporters Transcript	Pgs.	58-213
Amended Indictment	Pgs.	214-217
Verdict	Pgs.	218-223
Judgment of Conviction	Pgs.	224-231
Notice of Appeal	Pgs.	232-233
Request for Transcript of Proceedings	Pgs.	234-235
Case Appeal Statement	Pgs.	236-238
Amended Judgment of Conviction	Pgs.	239-246
Recorder's Transcript of Hearing	Pgs.	247-258
Recorder's Transcript of Hearing	Pgs.	259-272
Recorder's Transcript of Hearing	Pgs.	273-277
Recorder's Transcript of Hearing	Pgs.	278-282
Recorder's Transcript of Hearing	Pgs.	283-300
Recorder's Transcript of Hearing	Pgs.	301-307
Recorder's Transcript of Hearing	Pgs.	308-313
Recorder's Transcript of Hearing	Pgs.	314-318
Recorder's Transcript of Hearing	Pgs.	319-328

Recorder's Transcript of Hearing	Pgs.	329-359
Recorder's Transcript of Hearing	Pgs.	360-371
Recorder's Transcript of Hearing	Pgs.	372-535
Recorder's Transcript of Hearing	Pgs.	536-717
Recorder's Transcript of Hearing	Pgs.	718-971
Recorder's Transcript of Hearing	Pgs.	972-1178
Recorder's Transcript of Hearing	Pgs.	1179-1364
Amended Judgment of Conviction	Pgs.	1365-1372

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

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

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

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

PROSPECTIVE JUROR NO. 126: Okay.

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

PROSPECTIVE JUROR NO. 126: Sounds great.

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

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

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

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

THE COURT: And how long ago were those situations?

PROSPECTIVE JUROR NO. 126: Quite awhile ago.

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

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

THE COURT: -- 20 years?

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

THE COURT: Were those situations here in Nevada?

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

THE COURT: Thank you.

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

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

THE COURT: All right. Thank you.

Wayne Bennett, 129?

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.

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

THE COURT: All right. Thank you.

Taylor Riebel, 140 -- 154.

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

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

THE COURT: All right. Thank you, sir.

Ronald West, 158.

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

I have one child, he's 23. He's autistic, so he stays at home. And my wife has recently been a victim of 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,

ma'am?

PROSPECTIVE JUROR NO. 196: Like four years ago.

THE COURT: Was that here in Nevada?

PROSPECTIVE JUROR NO. 196: Yeah.

THE COURT: All right. Thank you.

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

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

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

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

Kyle McCall, 197.

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

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

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, teached 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

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

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

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

THE COURT: Rebecca Reyes, 243.

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

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

THE COURT: All right. Thank you.

Mark Ito, that's 244.

PROSPECTIVE JUROR NO. 244: Mark Ito, 244.

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

I'm not employed right now, but I think I should 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.

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

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

THE COURT: How long ago were those situations?

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

THE COURT: And were both those here in Nevada?

PROSPECTIVE JUROR NO. Yes.

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

PROSPECTIVE JUROR NO. 253: No.

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

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

THE COURT: Thank you, ma'am.

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

THE COURT: All right. Kenly Bansal, 265?

Ladies and gentlemen, I think we have the cleanest 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.

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

PROSPECTIVE JUROR NO. 306: A year ago.

THE COURT: All right. Here in Nevada?

PROSPECTIVE JUROR NO. 306: Yes.

THE COURT: All right. Thank you.

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

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

THE COURT: All right. Thank you.

John Nelson, 314.

PROSPECTIVE JUROR NO. 314: 314, John Nelson.

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

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

THE COURT: Okay.

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?

PROSPECTIVE JUROR NO. 314: Absolutely.

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

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

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

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

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

PROSPECTIVE JUROR NO. 314: Okay.

THE COURT: Thank you.

PROSPECTIVE JUROR NO. 314: You're welcome.

THE COURT: Michael, was it Limon, 315?

We'll come to you. Okay.

PROSPECTIVE JUROR NO. 315: Yes. Your Honor, my name's Michael Limon, 315. I've lived in Clark County for 52 years. I went to Chaparral High School here in Las Vegas. I am employed as a business sales consultant. My wife volunteers. We have four adult children, 30, 31, 33 and 35, 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.

THE COURT: All right. Thank you.

PROSPECTIVE JUROR NO. 315: Thank you.

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

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

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

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

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

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

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

PROSPECTIVE JUROR NO. 325: Here in Nevada.

THE COURT: Okay.

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?

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

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

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

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

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

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

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

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

MR. HART: And what's that?

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

MR. HART: Okay. Thank you.

And in the back --

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

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

PROSPECTIVE JUROR NO. 057: No.

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

PROSPECTIVE JUROR NO. 057: Thanks.

MR. HART: Are there another couple hands?

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

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

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

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

THE COURT: All right.

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

Okay. And 28, and 20, and --

THE MARSHAL: 39.

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

THE MARSHAL: 27.

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 Fermandez, 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 thinks 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 as 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?

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

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

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

PROSPECTIVE JUROR NO. 033: Yes, sir.

MR. ARNOLD: All right.

No further questions. Pass for cause, Your Honor.

THE COURT: Thank you.

Mr. Hart?

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

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

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

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

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

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?

PROSPECTIVE JUROR NO. 035: Same thing.

MR. HART: Okay. Pass for cause.

THE COURT: All right. Thank you.

Any follow-up by the State?

MR. LEXIS: State passes, Judge.

THE COURT: Thank you.

State, any follow-up questions for Amy Scholes, 048?

MR. LEXIS: State passes, Judge.

THE COURT: Thank you.

Any follow-up by the defense?

MR. ARNOLD: Pass for cause, Your Honor.

THE COURT: Thank you.

Mr. Hart?

MR. HART: I'm not trying to beat up on you, Ms. Scholes. Sorry.

The other question was, when you were asked about if you could be fair, originally when it went around, you'd said, I believe you could be. And I'd just like you to expand on why it was a "believe".

PROSPECTIVE JUROR NO. 048: Well, I -- I've never been in this situation. I -- I've never been a juror. I believe to the best of my ability that I could do what was required.

MR. HART: Okay. So you realize that you don't know what you're going to until you've done it?

PROSPECTIVE JUROR NO. 048: Correct.

MR. HART: Okay. It's not necessarily a concern, but just a self awareness of --

PROSPECTIVE JUROR NO. 048: Yes.

MR. HART: Okay. I just wanted to make sure that's what it was.

Thank you.

PROSPECTIVE JUROR NO. 048: Um-h'm.

MR. HART: Pass for cause.

THE COURT: All right. Thank you.

Defense, any follow-up questions for Patricia Andrade, 051?

MR. ARNOLD: Yes. Ms. Andrade, you stated that you can't judge -- make a judgment for religious reasons. What did you mean by that?

PROSPECTIVE JUROR NO. 051: It was from the (inaudible).

THE COURT: Ma'am, you need to come up.

THE MARSHAL: Name and badge number.

PROSPECTIVE JUROR NO. 051: Patricia Andrade.

THE MARSHAL: Now step forward. You've got to speak into the microphone.

PROSPECTIVE JUROR NO. 051: 0151 -- or 051. Sorry.

THE MARSHAL: That's okay.

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.

PROSPECTIVE JUROR NO. 101: Yeah. She lives in a -- so I had to place her in -- it's a senior group home which is is about, you know, ten minutes from my house. In a group home facility, it's in a private residence, and there's like -- like right now I think there's six residents. But they don't do insulin shots.

MR. HART: Okay.

PROSPECTIVE JUROR NO. 101: So I go -- I work from home and so I go back and forth to test her blood sugar and, you know, give her her insulin if she needs it.

MR. HART: Can I ask when you do that?

PROSPECTIVE JUROR NO. 101: What's that?

MR. HART: When do you normally do that?

PROSPECTIVE JUROR NO. 101: Well, I try to get there, you know, at the latest, in the evening, 6:00, and then you know, doing it in the morning. But my sister helps also, so. She just moved in with me to help because it's big, you know, it's a lot.

MR. HART: Yes. Okay. So that will be taken care of then?

PROSPECTIVE JUROR NO. 101: Yeah.

MR. HART: Okay. I just -- I just wanted to make sure.

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

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.

MR. ARNOLD: Oh, okay.

We'll pass for cause, Your Honor.

MR. ARNOLD: All right. Thank you.

Mr. Hart?

MR. HART: Just to be clear, will that recent incident have any affect on you --

PROSPECTIVE JUROR NO. 158: No.

MR. HART: -- when you're evaluating this case?

PROSPECTIVE JUROR NO. 158: No. I was one of the ones that also raised my hand about law enforcement, just to let you know.

My brother was a Nevada Highway Patrolman. He's since retired.

MR. HART: Okay.

PROSPECTIVE JUROR NO. 158: I've had no communication with him for 23 years.

MR. HART: Okay.

PROSPECTIVE JUROR NO. 158: So --

MR. HART: And would that affect you at all?

PROSPECTIVE JUROR NO. 158: No.

MR. HART: Do you want to be in a jury?

PROSPECTIVE JUROR NO. 158: If I'm selected, great. If I'm not, it's okay. It's just, what it is, what it is.

MR. HART: Okay. Pass for cause.

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 fin 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: Were 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

a juror?

PROSPECTIVE JUROR NO. 197: No, sir.

MR. HART: Pass for cause.

THE COURT: Thank you.

State, any follow-up questions?

MR. LEXIS: Pass, Judge.

THE COURT: All right. Thank you.

State, any follow-up questions for Debra Yamagata-Toma?

MR. LEXIS: Pass, Judge.

THE COURT: Thank you.

Defense?

MR. ARNOLD: Ma'am, can you approach the microphone?

How many have we passed for cause? Are we on 24, Your Honor?

THE COURT: We'll do one more just --

MR. ARNOLD: One more?

THE COURT: Well, we're going to finish up with --

MR. ARNOLD: Okay.

THE COURT: -- this juror.

PROSPECTIVE JUROR NO. 207: Debra Yamagata, 207.

MR. ARNOLD: Ma'am, you said that you had a child that was a lawyer?

PROSPECTIVE JUROR NO. 207: Yes.

MR. ARNOLD: What type of law do they practice?

PROSPECTIVE JUROR NO. 207: Oh, she did criminal, work comp, PI, divorce. Right now she's going to be working the Attorney General's Office. But I believe she was a public defender, too. This is all in Hawaii. Up here she did divorce and she was head of the Legal Aid Department.

MR. ARNOLD: So she practiced in Hawaii for the whole time?

PROSPECTIVE JUROR NO. 207: And -- and here. She worked for Wright Lawyers (phonetic) I believe it was doing divorce cases. But she just --

MR. ARNOLD: How long --

PROSPECTIVE JUROR NO. 207: -- recently moved to Hawaii. She's going to be working for the Attorney General's Office.

MR. ARNOLD: How long did she practice here?

PROSPECTIVE JUROR NO. 207: Here, about two years, three years. But she's -- actually, she's still with Legal Aid, just kind of doing work from home because of COVID. But she did just move to Hawaii, but she's still working at Legal Aid.

MR. ARNOLD: Here?

PROSPECTIVE JUROR NO. 207: Here, yes.

MR. ARNOLD: Okay.

PROSPECTIVE JUROR NO. 207: But from Hawaii. She's 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-

husband.

MR. HART: So your ex-husband's an attorney?

PROSPECTIVE JUROR NO. 207: Yes.

MR. HART: Okay. Does criminal defense?

PROSPECTIVE JUROR NO. 207: Yes.

MR. HART: Okay.

PROSPECTIVE JUROR NO. 207: Back in Hawaii. He was a public defender, supervisor, at one point until he opened up his own law firm.

MR. HART: Okay. And the obvious question, will that give any bias against defense attorneys?

PROSPECTIVE JUROR NO. 207: I'm sorry?

MR. HART: Does that give you any bias against defense attorneys?

PROSPECTIVE JUROR NO. 207: No. I'm -- I'm good. Yeah.

MR. HART: Okay. Just want to make sure.

Any reason you shouldn't be a juror?

PROSPECTIVE JUROR NO. 207: Well, I just have a lot of work to do, but I need to do my duty, too, here.

MR. HART: Okay. If you're selected as a juror, will you pay attention?

PROSPECTIVE JUROR NO. 207: Yes, sir.

MR. HART: Pass for cause.

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 t
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?

MR. ARNOLD: Pass for cause, Your Honor.

THE COURT: Thank you.

Mr. Hart?

MR. HART: McCullers.

THE MARSHAL: It's right here, sir.

THE COURT: 208. Mr. McCullers, can you stand up, please, sir? Thank you.

PROSPECTIVE JUROR NO. 208: Ronald McCullers, 208.

MR. HART: Yes. You're an -- you're an armed security guard?

PROSPECTIVE JUROR NO. 208: Yes. Been doing it 20 years here.

MR. HART: Can I ask where?

PROSPECTIVE JUROR NO. 208: I do for particularly DMVs. I've done Welfare. I'm contracted with the State.

MR. HART: Okay.

PROSPECTIVE JUROR NO. 208: Allied Universal.

MR. HART: Not any of the resorts or any of the hotels we're talking about here?

PROSPECTIVE JUROR NO. 208: No.

MR. HART: Okay. Just wanted to make sure.

Anything about that that would affect your ability to be a fair juror?

PROSPECTIVE JUROR NO. 208: No.

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

THE COURT: We -- we will see everybody at 9:00 a.m. tomorrow sharp.

MR. ARNOLD: What courtroom?

THE COURT: 3F.

MR. ARNOLD: Okay.

THE COURT: 3 as -- 3 Frank.

THE CLERK: Mr. Arnold and Mr. Hart, you guys didn't have any exhibits or anything to turn in? No?

MR. HART: Not at this time, no.

THE CLERK: Okay. All right.

THE COURT: All right. Thank you.

MR. LEXIS: Could you have District Court IT down there at 8:30?

THE COURT: Ms. Clerk, will you make sure IT is down there at 8:30? That's delegation. Did you see that?

THE CLERK: I can call (inaudible).

MR. HART: (Inaudible).

THE COURT: So we've got it taken care of.

MR. LEXIS: Okay. Thank you.

(Court recessed at 3:04 p.m., until Tuesday, April 13, 2021, at 9:08 a.m.)

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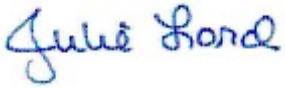
ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case.



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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, Plaintiff, -vs- DARRELL CLARK #7038569 Defendant.	CASE NO. C-20-351676-2 DEPT. NO. XIX

AMENDED JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220, 199.480; COUNT 2 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 3 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 4 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 5 – BURGLARY OF A BUSINESS (Category C Felony) in violation of NRS 205.060, COUNT 6 – BURGLARY OF A BUSINESS (Category C Felony) in violation of NRS 205.060; COUNT 7 – FRAUDULENT USE OF CREDIT OR DEBIT CARD (Category D Felony) in violation of NRS 205.760(1); COUNT 8 – FRAUDULENT USE OF CREDIT OR DEBIT CARD (Category D Felony) in violation of NRS 205.760(1); COUNT 9 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor)

in violation of NRS 205.220, 199.480; COUNT 10 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 11 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 12 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 13 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 19 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220; COUNT 20 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 21 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 22 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 23 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 24 – ROBBERY (Category B Felony) in violation of NRS 200.380; COUNT 25 – COERCION (Category B Felony) in violation of NRS 207.190; COUNT 26 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220, 199.480; COUNT 27 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 28 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 29 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 30 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 31 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220, 199.480; COUNT 32 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 33 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 34 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 35 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 38 – CARRYING CONCEALED FIREARM OR OTHER

DEADLY WEAPON (Category C Felony) in violation of NRS 202.350(1)(d)(3); and thereafter Defendant went to trial on COUNTS 1-13, 19-35, and 38 and plead guilty to COUNT 39, OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of NRS 202.360, pursuant to Guilty Plea Agreement; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220, 199.480; COUNT 2 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 3 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 4 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 5 – BURGLARY OF A BUSINESS (Category C Felony) in violation of NRS 205.060, COUNT 6 – BURGLARY OF A BUSINESS (Category C Felony) in violation of NRS 205.060; COUNT 7 – FRAUDULENT USE OF CREDIT OR DEBIT CARD (Category D Felony) in violation of NRS 205.760(1); COUNT 8 – FRAUDULENT USE OF CREDIT OR DEBIT CARD (Category D Felony) in violation of NRS 205.760(1); COUNT 9 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220, 199.480; COUNT 10 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 11 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 12 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 13 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 19 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220; COUNT 20 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 21 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT

22 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 23 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 24 – ROBBERY (Category B Felony) in violation of NRS 200.380; COUNT 25 – COERCION (Category B Felony) in violation of NRS 207.190; COUNT 26 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220, 199.480; COUNT 27 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 28 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 29 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 30 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 31 – CONSPIRACY TO COMMIT LARCENY (Gross Misdemeanor) in violation of NRS 205.220, 199.480; COUNT 32 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 33 – RESIDENTIAL BURGLARY (Category B Felony) in violation of NRS 205.060.2C; COUNT 34 – INVASION OF THE HOME (Category B Felony) in violation of NRS 205.067; COUNT 35 – THEFT (Category D Felony) in violation of NRS 205.0832, 205.0835; COUNT 38 – CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony) in violation of NRS 202.350(1)(d)(3); thereafter, on the 1st day of July, 2021, the Defendant was present in court for sentencing with counsel CARL E. ARNOLD, ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offenses and, in addition to the $25.00 Administrative Assessment Fee, $250.00 Indigent Defense Civil Assessment Fee and $3.00 DNA Collection Fee, the Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows: **COUNT 3 -** a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24)

MONTHS; **COUNT 4** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 3; **COUNT 5** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONSECUTIVE to COUNT 4; **COUNT 6** – a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONSECUTIVE to COUNT 5; **COUNT 7** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 6; **COUNT 8** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 7; **COUNT 11** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 8; **COUNT 12** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 11; **COUNT 13** – a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 12; **COUNT 21** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 13; **COUNT 22** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 21; **COUNT 23** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 22; **COUNT 24** - a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY (60) MONTHS, CONSECUTIVE to COUNT 22; **COUNT 25** – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a

MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS, CONCURRENT with COUNT 24; **COUNT 28** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 35; **COUNT 29** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 28; **COUNT 30** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 29; **COUNT 33** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 30; **COUNT 34** – a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 33; **COUNT 35** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 34; **COUNT 38** - a MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT with COUNT 35; and **COUNT 39** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of EIGHTEEN (18) MONTHS, CONCURRENT with COUNT 38; **COUNTS 1, 2, 9, 10, 19, 20, 26, 27, 31, and 32 –** SENTENCED to THREE HUNDRED SIXTY-FOUR (364) DAYS in Clark County Detention Center (CCDC), Run CONCURRENT with COUNT 39; with THREE HUNDRED SEVEN (307) DAYS credit for time served. As the $150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in the current case are WAIVED. The AGGREGATE TOTAL sentence is EIGHT HUNDRED SEVENTY-SIX (876) MONTHS MAXIMUM with a MINIMUM of TWO HUNDRED FOUR (204) MONTHS.

THEREAFTER, on the 23rd day of July, 2021, a clerical error having been discovered; COURT ORDERED, the following correction: Defendant was sentenced on Count 18, Count 36 and Count 37 in error. The Aggregate Sentence shall remain the same.

THEREAFTER, on the 14th day of September, 2021, the Defendant not present in court with counsel, CARL E. ARNOLD, ESQ., not present, pursuant to Status Check regarding Clarification of Sentence, and good cause appearing; now therefore; COURT ORDERED, the following correction: Judgment of Conviction corrected on Page 6 to **COUNT 28 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to COUNT 25.**

Dated this 16th day of September, 2021

clm

B28 F24 4EB9 CDE3
Crystal Eller
District Court Judge

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-20-351676-2
vs	DEPT. NO. Department 19
Darrell Clark	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Amended Judgment of Conviction was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 9/16/2021

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