

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

2                                   \_\_\_\_\_

3   VERNON NEWSON JR.,                                   )       No. 83335

4   Appellant,                                   )

5   v.                                   )

6   )

7   THE STATE OF NEVADA,                                   )

8   Respondent.                                   )

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10                                   **APPELLANT'S APPENDIX VOLUME III PAGES 487-736**

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**Case No. 83335**

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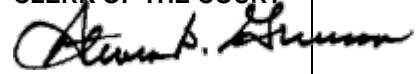
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 VERNON NEWSON, JR.,

12 Defendant.

)  
) CASE#: C-16-313919-1

)  
) DEPT. X

13 BEFORE THE HONORABLE TIERRA JONES  
14 DISTRICT COURT JUDGE  
WEDNESDAY, JULY 14, 2021

15 RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 2

16  
17 APPEARANCES:

18 For the Plaintiff:

BRANDON ALBRIGHT, ESQ.  
PAMELA WECKERLY, ESQ.

19  
20 For the Defendant:

RYAN BASHOR, ESQ.  
KAMBIZ SHAYGAN-FATEMI, ESQ.

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25 RECORDED BY: VICTORIA BOYD, COURT RECORDER

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None		

1 Las Vegas, Nevada, Wednesday, July 14, 2021

2  
3 [Case called at 10:28 a.m.]

4 [Outside the presence of the Prospective Jurors]

5 THE COURT: All right. We're going to bring in the new  
6 jurors, first, that we're just getting. I'm going to go through the  
7 preliminary stuff with them, and then we're going to bring in the jurors  
8 from yesterday, and then I'm going to fill in those two seats with the new  
9 people.

10 MR. BASHOR: And the same process, tomorrow, we'll  
11 discuss the hardship, since -- I mean, as yesterday?

12 THE COURT: Yes. Yes, Mr. Bashor, I kind of know what  
13 you're getting at.

14 MR. BASHOR: If I could predict the future.

15 [Pause]

16 THE MARSHAL: Ready to go?

17 THE COURT: All right.

18 THE MARSHAL: Bring them in?

19 THE COURT: Yeah.

20 THE MARSHAL: All rise for the jurors.

21 [Prospective Jurors in at 10:33 a.m.]

22 THE MARSHAL: All present, Your Honor.

23 THE COURT: Okay. You may all be seated.

24 Good morning everyone. This is the time set for trial in case  
25 number C-313919, the State of Nevada, Plaintiff v. Vernon Newson, Jr.,



1 Defendant. The record will reflect the presence of the Defendant, with  
2 his counsel, the Deputy District Attorneys, and all other officers of the  
3 Court.

4 Do both parties stipulate to the presence of our jury panel?

5 MS. WECKERLY: Yes, Your Honor.

6 MR. BASHOR: Yes, Your Honor.

7 THE COURT: Are the parties ready to proceed?

8 MS. WECKERLY: Yes.

9 MR. BASHOR: Yes, Your Honor.

10 THE COURT: Good morning, ladies and gentlemen. You are  
11 in Department X of the Eighth Judicial District Court. My name is Tierra  
12 Jones, and I am the presiding judge in this Department. You've been  
13 called upon today to serve as a juror in a criminal case. The charge in  
14 this case is murder with use of a deadly weapon. We expect that this  
15 trial may last five to six days.

16 Our trials generally run from no earlier than 8:30 in the  
17 morning to no later than 5:30 at night. Ultimately, there's going to be 14  
18 of you who will be going forward with us as jurors, and alternate jurors  
19 in this case. In this country, we place a great faith in our citizens, as  
20 jurors, to reach fair and objective decisions, and part of what you're  
21 doing here is you're being good citizens to this country, and to this  
22 community, because jury duty is a civic responsibility, like obeying the  
23 laws, voting and paying taxes.

24 We really appreciate the fact that you responded to your jury  
25 summons and so showed up today willing to do this job, because it is a

1 very important job that we're asking you to do. And the right to trial by  
2 jury is a right that's guaranteed in the Constitution, but it's a right that  
3 we can't provide without our citizens like you being willing to show up  
4 and serve on jurors, and I hope that you enjoy this experience as a juror  
5 and find it to be rewarding. And I know that there's a lot of you who are  
6 like, there's nothing rewarding about jury service.

7 But I will say, in all of my time as a lawyer, as well as the  
8 time I've been on bench as a judge, every time I go and talk to jurors  
9 they found it to be a very rewarding experience, because what they all  
10 know that they found, is it's completely different than what you see on  
11 T.V. Completely different in the sense that you guys would already be  
12 out of here, if this was an episode of Law and Order, and yet we're all  
13 still here, but it's completely different than what you see on T.V., and  
14 they've always enjoyed being a part of the process.

15 Even with all that said, I know there's some people who are  
16 sitting there thinking, how I am going to answer these questions so I can  
17 get out of jury duty? I just want to caution you, if that's the path that you  
18 choose to take, because here's the problem with that. I want you to  
19 think about what would happen if you were a party to a lawsuit or you  
20 were accused of a crime, what type of jurors would you want, and what  
21 type of people would you want on your jury?

22 Second of all, you may get out of jury duty in this case, but  
23 that doesn't mean you're done with jury duty. If don't proceed through  
24 the questioning process, and you're not seen as juror in this case, that  
25 means your name goes right back into the hopper for the entrance of a

1 jury summons, but I mean you could be reassigned to a case in short  
2 order.

3           This case is going to last about five to six days. We have  
4 cases that last several weeks, we have cases that last several months,  
5 and I'm sure everyone is aware, with the COVID situation that we faced  
6 last year, we have a lot of jury trials that are backed up, that are going to  
7 need to go, that are going to take a significant period of time. So I want  
8 you to be careful, if you want to answer questions to get out of jury duty,  
9 be very careful of what you wish for, because you might actually get it.

10           I want to take this opportunity to introduce you to my court  
11 staff. You guys have already met Officer Hernandez, he's our Marshal. It  
12 is his job is to maintain the order and security in this courtroom. He is  
13 also my representative to the jury. Anything you need or any problems  
14 that come up for you, during your time here with us, should be brought  
15 to him. But please keep in mind that he cannot talk to you about the  
16 case, and he can't answer any questions about this case.

17           Also please keep in mind he does not have the power to  
18 excuse you from jury duty. If for some reason you can't serve on this  
19 jury, you can't wait until we adjourn for the evening tonight, and tell  
20 Officer Hernandez on the way out, I can't be here tomorrow, because he  
21 doesn't have the power to tell you, you don't have to come. If you had a  
22 flight tomorrow, you can't wait until we leave tonight.

23           Any excusal for not serving on a jury have to be done with all  
24 of the parties present in the courtroom, and they have to be done by me,  
25 as I'm the only person who has the power to excuse you from jury duty.

1 So when we get in the process of selecting a jury that is the time for you  
2 to disclose, if you believe you have any issues that would prevent you  
3 from serving on a jury in this case.

4 To my far right is Victoria Boyd, she's our court recorder.  
5 She sees that everything that is said during the trial is recorded, and that  
6 there's an actual legal record of everything that we do. To my  
7 immediate right is Terry Berkshire [phonetic], she's our court clerk, she  
8 swears in the witnesses, marks exhibits, keeps track of the evidence,  
9 prepares minutes of the proceedings for the record.

10 Sometimes you may also see my assistant and my law clerk  
11 in the courtroom, as well as my extern, they make everything run behind  
12 the scenes while we're in trial.

13 Now I'm going to ask the State to introduce themselves to  
14 you, read a list of witnesses they may call, and give you a synopsis of  
15 their case. Please pay attention to the names of the witnesses on this list  
16 that they are reading out. State?

17 MS. WECKERLY: Thank you, Your Honor.

18 Good morning. My name is Pam Weckerly. My co-counsel is  
19 Brandon Albright, and we work for the Clark County D.A.'s Office. The  
20 case that you've been called to sit for actually occurred back in  
21 December of 2015. It's a murder case that occurred on an on-ramp at  
22 I-15 and Lamb Boulevard, so that's sort of the area of town where it was.

23 The victim in this case was a young lady by the name of  
24 Anshanette McNeil. I'm going to read a list of names of people who  
25 might be called as witnesses, or they may be actually mentioned in the

1 case, so I think the Judge will be asking you if you recognize any of those  
2 names.

3           Bruce Hall, Janei Hall, Zaharia Marshall, Reese Winston,  
4 August Correlas. The next series of names I'm going to read are  
5 witnesses who will be testifying in the case, but they all are associated  
6 with the North Las Vegas Police Department, and that's Ben Owens;  
7 Crime Scene Analyst, Renee Harder; Crime Scene Analyst, Wendy Radke;  
8 Crime Scene Analyst Dana Marks; and a patrol officer by the name of  
9 Boris Santana.

10           You'll also hear from a witness from the Claremont,  
11 California Police Department, and his name is Rick Hawkins. In addition  
12 we will be calling a medical examiner from the Clark County Coroner's  
13 Office, and her name is Dr. Lisa Gavin. We'll also call a firearms' expert  
14 who works for the Las Vegas Metropolitan Police Department, and her  
15 name is Cathy Geil, and lastly, a DNA analyst by the name of Allison  
16 Rubino. Thank you.

17           THE COURT: I'm now going to ask Defense counsel to  
18 introduce you to their client and introduce you to themselves, and give  
19 you a list of witnesses, if they intend to call any witnesses.

20           MR. SHAYGAN-FATEMI: Thank you, Your Honor.

21           Good morning ladies and gentlemen. My name is Kambiz  
22 Shaygan. My co-counsel in this matter is Ryan Bashor. We have the  
23 pleasure of representing Vernon Newson in this case. The witness we  
24 intend on calling is Dr. Mel Pohl. Ladies and gentlemen, Vernon did in  
25 fact kill Anshanette McNeil, in this case, however we adamantly disagree

1 with the Prosecution that this is a first degree killing. At the conclusion  
2 of this trial we're going to ask you to find Vernon guilty of what he  
3 actually did in this case. Thank you so much.

4 THE COURT: Okay. I'm now going to ask the clerk to please  
5 call the roll of the panel of prospective jurors. When your name is called  
6 please answer "present" or "here."

7 THE CLERK: Badge number 017, David Thomson.

8 PROSPECTIVE JUROR 017: Here.

9 THE CLERK: Badge number 026, Emma Smith?

10 PROSPECTIVE JUROR 026: Here.

11 THE CLERK: Badge number 031, Faye Simak?

12 PROSPECTIVE JUROR 031: Here.

13 THE CLERK: Badge number 041, Sally Grenier?

14 PROSPECTIVE JUROR 041 : Here.

15 THE CLERK: Badge number 054, James Space?

16 PROSPECTIVE JUROR 054 : Here.

17 THE CLERK: Badge number 058, Tawanda Baity?

18 PROSPECTIVE JUROR 058 : Here.

19 THE CLERK: Badge number 060, Lori Kekich?

20 PROSPECTIVE JUROR 060: Here.

21 THE CLERK: Badge number 083, Rajesh Kumar?

22 PROSPECTIVE JUROR 083: Here.

23 THE CLERK: Badge number 086, Diania Otruba?

24 PROSPECTIVE JUROR 086: Here.

25 THE CLERK: Badge number 097, Bernard Poon?

1 PROSPECTIVE JUROR 097: Present.

2 THE CLERK: Badge number 109, Joan Gaipman?

3 PROSPECTIVE JUROR 109: Gaipman.

4 THE CLERK: Gaipman.

5 PROSPECTIVE JUROR 109. Here.

6 THE CLERK: Badge number 120, Christine Eaton?

7 PROSPECTIVE JUROR 120: Here.

8 THE CLERK: Badge number 131, Charles Carver?

9 PROSPECTIVE JUROR 131: Here.

10 THE CLERK: Badge number 136, Nanette Cool?

11 PROSPECTIVE JUROR 136: Here.

12 THE CLERK: Badge number 148, Suly Ferreira?

13 PROSPECTIVE JUROR 148: Here.

14 THE CLERK: Roll call.

15 THE COURT: Okay. Is there anyone here whose name was

16 not called? Okay. Ladies and gentlemen we are about to begin the jury

17 selection process, and this is the part of the case where the parties and

18 their lawyers have an opportunity to get to know a little bit about you, in

19 order to help them come to their own conclusions about your ability to

20 be fair and impartial, so they can decide who they think should be jurors

21 in this case.

22 This process is done under oath. So will all of you please

23 stand and raise your right hand, so the clerk can administer the oath?

24 [The prospective jurors were sworn]

25 THE COURT: Okay. The process will go -- you guys have a

1 seat, I apologize. The process will go in this order. I'm going to ask  
2 some general questions of everyone who is seated in the courtroom  
3 today. After those general questions, we are then going to bring in the  
4 members, the potential juror members that we had from yesterday,  
5 because some people were here, yesterday, to begin the questioning.  
6 We're going seat them in these seats, we're going to call you guys up to  
7 replace the seats as we need you, to come and replace the seat, and then  
8 I will direct my questions to those people who are seated in the jury box  
9 in front of me.

10           After that the State will be allowed to ask questions, and then  
11 the Defense will be allowed to ask questions. The questions that you will  
12 be asked during this process are not intended to embarrass you or  
13 unnecessarily pry into your personal affairs, but it is very important that  
14 the parties and their attorneys know enough about you to make this  
15 important decision.

16           There are no right or wrong answers to the questions that  
17 will be asked of you. The only thing I ask is that you answer the  
18 questions as honestly and completely as you can, because you took an  
19 oath to answer all of these questions truthfully and that is what I'm going  
20 to ask you to do. Remaining silent when you have information you  
21 should disclose is a violation of that oath as well. If a juror violates this  
22 oath, it may not only result in us having to try the case all over again, but  
23 it can also result in penalties against that juror personally.

24           So it's very important that you be as honest and complete  
25 with your answers as possible. If you don't understand the question,



1 please ask for an explanation or clarification before you answer the  
2 question. At the end of the questioning we will do what's called  
3 "excusals" where people will be excused so that we can limit the number  
4 down to the 14 people who will remain on the jury.

5 Please do not be offended should you be excused during any  
6 point in this process. This is simply a part of the procedures designed to  
7 assist the parties and their attorneys to select a fair and impartial jury.

8 Once all of the excusals have been done and the challenges  
9 have been exercised we will have 14 qualified jurors. Two of the 14 will  
10 be designated as alternates, and that will not be done until the end of the  
11 trial, the 12 remaining jurors will deliberate the case.

12 I'm now going to ask some questions of the entire group. If  
13 you wish to respond to a question that I ask, please raise your hand and  
14 when you're called upon, stand up, give your name and badge number  
15 before answering the question, so we have an accurate record of who it  
16 is who's speaking.

17 The first question is, is there anyone --

18 THE MARSHAL: Can I interrupt? We'll have to let them know  
19 where that is. Can you guys take a look at your juror summons? The  
20 number that's not highlighted in blue is the badge number, that's the  
21 number, you want to memorize those last three, and then as well as give  
22 your name after that. Sorry, Judge.

23 THE COURT: That's okay. Thank you.

24 Is there anyone who has a disability or a medical issue that  
25 might impact their ability to serve as a juror in this case?

1 PROSPECTIVE JUROR 148: 148, Suly Ferreira.  
2 THE COURT: Okay. What is your issue, ma'am?  
3 PROSPECTIVE JUROR 148: I have surgery, and I'm a  
4 recovering issue, and my knee is still swollen.  
5 THE COURT: Your knee is still swollen?  
6 PROSPECTIVE JUROR 148: Yes.  
7 THE COURT: Does that prevent you from sitting?  
8 PROSPECTIVE JUROR 148: From walking.  
9 THE COURT: Okay. So it prevents you from walking?  
10 PROSPECTIVE JUROR 148: Yes.  
11 THE COURT: Do you have any problems if you sit, though?  
12 PROSPECTIVE JUROR 148: No. Not at all.  
13 THE COURT: You'll be sitting most of the day.  
14 PROSPECTIVE JUROR 148: Okay. That's fine.  
15 THE COURT: Okay. Anyone else?  
16 PROSPECTIVE JUROR 041: Hi, I'm Sally Grenier, 041. I am  
17 disabled and I have scoliosis, so it would be a big problem for me to sit  
18 for very long.  
19 THE COURT: Okay. Thank you, ma'am.  
20 Anyone else? Okay. Seeing no response.  
21 Is there anyone here who's been convicted of a felony?  
22 Okay.  
23 PROSPECTIVE JUROR 136: Nanette Cool, 136.  
24 THE COURT: Okay.  
25 PROSPECTIVE JUROR 136: This was in '97.

1 THE COURT: Okay. Have you had your rights restored,  
2 ma'am?

3 PROSPECTIVE JUROR 136: Yes.

4 THE COURT: Okay. Anyone else?

5 We anticipate that this trial is going to last between five and  
6 six days, and when I say five to six days, that counts today, because we  
7 would start the trial immediately upon selection of the jury; we intend to  
8 do opening statements today.

9 I recognize that serving on a jury is almost always a personal  
10 or financial hardship. So for that reason a financial hardship is not  
11 generally considered an excuse to not serve as a juror. However, you  
12 might be confronted with unique inconveniences or hardships that  
13 would impact your service in this particular trial at this particular time. Is  
14 there anyone here who has an extraordinary reason why he or she  
15 cannot serve as a juror in this case?

16 PROSPECTIVE JUROR 026: Good morning, Emma Smith,  
17 026. I'm a Federal Public Defender, and I have an argument in the Ninth  
18 Circuit on the 30th, and a moot scheduled for next week, that I have to  
19 prep for.

20 THE COURT: Okay. And when is the moot argument  
21 scheduled?

22 PROSPECTIVE JUROR 026: It's next Thursday.

23 THE COURT: Next? We'll be done by then.

24 PROSPECTIVE JUROR 026: Okay. But I have to prep for it  
25 also.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 026: Thank you.

3 THE COURT: Anybody else?

4 PROSPECTIVE JUROR 148: I feel like --

5 THE COURT: Can we get your badge number, ma'am?

6 PROSPECTIVE JUROR 148: I'm sorry. That will be 148.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 148: I have a situation, with one of my  
9 sons, he had a -- he was in jail for attempted murderer, and I don't feel  
10 like this is -- like -- I cannot be fair, I don't feel my mind is not right.

11 THE COURT: Okay. Thank you, ma'am. Is your son still in  
12 jail?

13 PROSPECTIVE JUROR 148: No. He was -- he was out like  
14 three years ago.

15 THE COURT: Okay. So he was released to you?

16 PROSPECTIVE JUROR 148: Yes. He was -- yeah, he was in  
17 jail for five years.

18 THE COURT: Okay. Thank you.

19 PROSPECTIVE JUROR 148: You're welcome.

20 THE COURT: Anyone else? Okay. Seeing no response.

21 Is there anyone here who does not speak English, fluently?  
22 Seeing no response.

23 Is there anyone here who's acquainted with myself, or any  
24 member of my court staff? Okay. Are there any of you here who knew  
25 each other, before you showed up today? Is there anyone here who's

1 acquainted with the Defendant, or either of his lawyers? Is there anyone  
2 here who is acquainted with either of the Deputy District Attorneys? Is  
3 there anyone here who is acquainted with Steve Wolfson, or any other  
4 person in the District Attorney's Office? Okay.

5 PROSPECTIVE JUROR 026: Emma Smith, badge 026. I'm a  
6 Habeas attorney so I sometimes have cases with the District Attorney's  
7 Office.

8 THE COURT: Okay. Have you argued cases against them?

9 PROSPECTIVE JUROR 026: Yes, Your Honor.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 026. Thank you.

12 THE COURT: Thank you.

13 Is there anyone here who's acquainted with any of the  
14 witnesses whose names were listed by the State or by the Defense? No  
15 response. Is there anyone here who knows anything about this case,  
16 other than what has been stated in the courtroom today? Seeing no  
17 response. Is there anyone here who has a philosophical, religious or  
18 other belief that would prevent you from serving as a fair and impartial  
19 juror? Seeing no response.

20 Under our system of criminal justice, there are three  
21 principles that apply in every criminal trial. Those principles are the  
22 charging document filed in this case is merely an accusation and is not  
23 itself any evidence of guilt. The Defendant is presumed innocent, and  
24 the State must prove the Defendant is guilty beyond a reasonable doubt.  
25 Is there anyone here who does not understand or believe in those

1 concepts? Seeing no response.

2 Is there anyone here who would have trouble following the  
3 instructions of the law that I give to you, regardless of whether you think  
4 the law is good or bad? Okay, seeing no response.

5 I will confer with the attorneys in my chambers for just one  
6 second. We'll be right back.

7 [Sidebar at 10:50 a.m., ending at 10:55 a.m., not transcribed]

8 THE COURT: Okay. The Court is going to thank and excuse  
9 badge number 026. Ms. Smith, you're going to be excused from jury  
10 service in this case, and badge number 041, Ms. Grenier, you're going to  
11 be excused from jury service in this case. You guys can just check out  
12 with the marshal, and he will give you further instructions.

13 And then Brian, you can bring in the other panel.

14 THE MARSHAL: You got it, Judge.

15 THE COURT: All right.

16 Ladies and gentlemen, it's just going to take a second, we're  
17 going to bring in the people who were here, yesterday. Get people back  
18 in their seats, and then we're going to call a couple of you guys up to fill  
19 in those seats.

20 [Pause]

21 THE MARSHAL: All rise for the jury.

22 [Pause]

23 THE MARSHAL: All present, Your Honor.

24 THE COURT: Okay. You may all be seated.

25 We are back on the record in C-313919, State of Nevada v.

1 Vernon Newson. May the record reflect Mr. Newson is present with his  
2 lawyers, the Deputy District Attorneys on behalf of the State. Do both  
3 parties stipulate to the remainder of our jury panel?

4 MS. WECKERLY: Yes, Your Honor.

5 MR. BASHOR: Yes, Your Honor.

6 THE COURT: Okay. Ladies and gentlemen, who were with  
7 us, yesterday, thank you so much for joining us back. We are going to  
8 continue the jury selection process where we left off yesterday. Madam  
9 Clerk, if you could call up the next two people, so that they can replace  
10 the seats?

11 THE CLERK: Badge number 017, David Thomson.

12 THE COURT: And, Mr. Thomson, if you could come up and  
13 sit in this first seat on the second row.

14 THE CLERK: And badge number 021, Faye Simak.

15 THE COURT: And, Ms. Simak, if you could come and sit in  
16 this first chair on the front row.

17 THE CLERK: Okay. Thank you very much.

18 THE COURT: Okay. Mr. Thomson, I'm going to start with  
19 you, sir, and I'm going to ask you a series of questions. Sir, how long  
20 have you lived in Clark County?

21 PROSPECTIVE JUROR 017: Since 1996.

22 THE COURT: Okay. How far did you go in school?

23 PROSPECTIVE JUROR 017: I graduated high school.

24 THE COURT: Are you currently employed, sir?

25 PROSPECTIVE JUROR 017: No.

1 THE COURT: Okay. What type of work did you previously  
2 do?

3 PROSPECTIVE JUROR 017: I'm a journeyman carpenter in  
4 the union.

5 THE COURT: Okay. Are you married, or in a significant  
6 relationship?

7 PROSPECTIVE JUROR 017: No. Not anymore.

8 THE COURT: Do you have any children?

9 PROSPECTIVE JUROR 017: Yes.

10 THE COURT: How old are your children?

11 PROSPECTIVE JUROR 017: I have one son who's 28.

12 THE COURT: Does he have work?

13 PROSPECTIVE JUROR 017: Yes. He's working.

14 THE COURT: What type of work does he do?

15 PROSPECTIVE JUROR 017: He works for Las Vegas  
16 Nutrition.

17 THE COURT: Okay. Have you ever been the victim of a  
18 crime, sir?

19 PROSPECTIVE JUROR 017: You mean a serious crime?

20 THE COURT: Yes.

21 PROSPECTIVE JUROR 017: I can say, no.

22 THE COURT: Okay. Have you ever been accused of a crime?

23 PROSPECTIVE JUROR 017: No.

24 THE COURT: Do you have any friends, family members or  
25 close associates who've been the victim of a crime?



1 PROSPECTIVE JUROR 017: Yes.

2 THE COURT: Who's that?

3 PROSPECTIVE JUROR 017: My sister was -- had her house

4 burglarized some years ago.

5 THE COURT: How many years ago?

6 PROSPECTIVE JUROR 017: Probably a dozen years ago.

7 THE COURT: Was that here in Las Vegas?

8 PROSPECTIVE JUROR 017: It was in Texas.

9 THE COURT: Okay. Did she report that to the police?

10 PROSPECTIVE JUROR 017: Yes.

11 THE COURT: Was someone arrested?

12 PROSPECTIVE JUROR 017: No. It was unsolved.

13 THE COURT: It was unsolved?

14 PROSPECTIVE JUROR 017: Uh-huh.

15 THE COURT: Was there anything about that situation that

16 would cause you to believe you couldn't be fair and impartial in this

17 case?

18 PROSPECTIVE JUROR 017: No.

19 THE COURT: Do you have any friends, family members or

20 close associates who've been accused of a crime?

21 PROSPECTIVE JUROR 017: No.

22 THE COURT: Sir, have you ever been a juror before?

23 PROSPECTIVE JUROR 017: No. I haven't.

24 THE COURT: Sir, do you own a firearm?

25 PROSPECTIVE JUROR 017: Yes.

1 THE COURT: What is experience level?

2 PROSPECTIVE JUROR 017: I would say amateur.

3 THE COURT: Do you believe people should be allowed to

4 own firearms?

5 PROSPECTIVE JUROR 017: Yes.

6 THE COURT: Have you, or anyone closely associated with

7 you ever been in a romantic relationship that was volatile and abusive?

8 PROSPECTIVE JUROR 017: I'd have to say, yes.

9 THE COURT: Okay. And who was in the relationship?

10 PROSPECTIVE JUROR 017: I was.

11 THE COURT: Okay. And during the course --

12 PROSPECTIVE JUROR 017: It wasn't so much abusive,

13 though.

14 THE COURT: I'm sorry.

15 PROSPECTIVE JUROR 017: It wasn't abusive, but it was

16 volatile.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR 017: Yeah.

19 THE COURT: And, sir, is there anything about that situation

20 that you went through, in that relationship, that would cause you to

21 believe you couldn't be fair and impartial in this case?

22 PROSPECTIVE JUROR 017: No.

23 THE COURT: Okay. Have you ever had a bad experience

24 with law enforcement?

25 PROSPECTIVE JUROR 017: No.

1 THE COURT: If graphic photos are introduced into evidence  
2 during this trial, will you be able to assess them for their evidentiary  
3 value?

4 PROSPECTIVE JUROR 017: Yes.

5 THE COURT: If someone is taking a controlled substance do  
6 you believe they can still be the victim of a crime?

7 PROSPECTIVE JUROR 017: Yes.

8 THE COURT: Sir, do you understand that Court is not like  
9 CSI, so you may not necessarily see all of the stuff that you would see if  
10 you saw a TV show?

11 PROSPECTIVE JUROR 017: Yes.

12 THE COURT: Some of the witnesses in this case will be  
13 testifying via video, can you assess their testimony like any other  
14 witness who testifies in person, or would it be distracting for you that  
15 they're on video?

16 PROSPECTIVE JUROR 017: No. I could assess them.

17 THE COURT: The presumption of innocence is a core  
18 principle that one is innocent until proven guilty. Do you agree with this  
19 principle?

20 PROSPECTIVE JUROR 017: Yes.

21 THE COURT: It is the responsibility of the State to prove this  
22 case to you beyond a reasonable doubt, because they're the person  
23 accusing someone of a crime. Do you agree with that principle?

24 PROSPECTIVE JUROR 017: Yes.

25 THE COURT: Do you agree with the principle that the

1 Defendant is not responsible to prove his innocence?

2 PROSPECTIVE JUROR 017: Yes.

3 THE COURT: You understand the Defendant has a right not  
4 to testify; if he chooses not to testify will you hold that against him?

5 PROSPECTIVE JUROR 017: No.

6 THE COURT: Have you or anyone closely associated with  
7 you ever been in a close relationship with someone who was a drug  
8 user?

9 PROSPECTIVE JUROR 017: No.

10 THE COURT: Do you think that you may be too emotional to  
11 sit as a juror in this case?

12 PROSPECTIVE JUROR 017: No.

13 THE COURT: Not all killings are considered the same under  
14 the law, so at the conclusion of this case I will instruct you as to elements  
15 of the possible crimes you can consider in your deliberations. Would  
16 you be willing to consider all of those crimes?

17 PROSPECTIVE JUROR 017: Yes.

18 Sir, is there anything about the nature of this case, or  
19 anything you heard here today that would make it difficult for you to be a  
20 fair and impartial juror in this case?

21 PROSPECTIVE JUROR 017: No.

22 THE COURT: Can you base your verdict solely on the  
23 evidence presented during this trial; will you wait to form an opinion  
24 until you've heard all of that evidence?

25 PROSPECTIVE JUROR 017: Absolutely.

1 THE COURT: Can you be fair to both sides?  
2 PROSPECTIVE JUROR 017: Yes.  
3 THE COURT: Okay. Thank you very much, sir.  
4 You can pass the microphone forward to, Miss -- is it Simak?  
5 PROSPECTIVE JUROR 021: Simak.  
6 THE COURT: Simak, okay. Thank you very much. Ma'am,  
7 how long have you lived in Clark County?  
8 PROSPECTIVE JUROR 021: Since '78.  
9 THE COURT: And how far did you go in school?  
10 PROSPECTIVE JUROR 021: Some college.  
11 THE COURT: What did you study?  
12 PROSPECTIVE JUROR 021: Art.  
13 THE COURT: Okay. Are you currently employed?  
14 PROSPECTIVE JUROR 021: Self-employed.  
15 THE COURT: Okay. What type of work do you do?  
16 PROSPECTIVE JUROR 021: My husband and I own an  
17 antique mall.  
18 THE COURT: Antique?  
19 PROSPECTIVE JUROR 021: An, antique mall.  
20 THE COURT: Okay. Are you -- so you are married, and your  
21 husband owns the antique mall with you?  
22 PROSPECTIVE JUROR 021: Yes.  
23 THE COURT: Okay. Do you have any children?  
24 PROSPECTIVE JUROR 021: Yes.  
25 THE COURT: How old are they?

1 PROSPECTIVE JUROR 021: Thirties and 40s.

2 THE COURT: Okay. What type -- do they all work?

3 PROSPECTIVE JUROR 021: Yes.

4 THE COURT: What type of work do they do?

5 PROSPECTIVE JUROR 021: One daughter is a doctor, one  
6 works for the VA in the insurance department, one works for the VA as a  
7 nurse, my son is a retired Metro police officer.

8 THE COURT: Okay. Your son is a retire Metro police officer?

9 PROSPECTIVE JUROR 021: So is my daughter-in-law. Yes.

10 THE COURT: And is that his wife?

11 PROSPECTIVE JUROR 021: Yes.

12 THE COURT: Okay. And when they working for the Las  
13 Vegas Metropolitan Police Department did you have any discussions  
14 with them, regarding their work?

15 PROSPECTIVE JUROR 021: Yes.

16 THE COURT: Okay. Is there anything about the fact that your  
17 son and your daughter-in-law both used to work for Metro, they're both  
18 retired from Metro, that would cause you to believe that you couldn't be  
19 fair and impartial in this case?

20 PROSPECTIVE JUROR 021: I don't believe so.

21 THE COURT: Okay. Ma'am, have you ever been the victim of  
22 a crime, sir?

23 PROSPECTIVE JUROR 021: No.

24 THE COURT: Okay. Have you ever been accused of a crime?

25 PROSPECTIVE JUROR 021: No.

1 THE COURT: Do you have any friends, family members ,or  
2 close associates who've been the victim of a crime?  
3 PROSPECTIVE JUROR 021: Yes.  
4 THE COURT: And who was that?  
5 PROSPECTIVE JUROR 021: My best friend.  
6 THE COURT: What was she the victim of?  
7 PROSPECTIVE JUROR 021: Domestic abuse.  
8 THE COURT: Okay. Were you best friends at the time?  
9 PROSPECTIVE JUROR 021: Yes.  
10 THE COURT: Okay. And was someone arrested for that?  
11 PROSPECTIVE JUROR 021: I don't know if he was arrested.  
12 He was also a Metro officer.  
13 THE COURT: Okay. So you don't remember if he was  
14 arrested?  
15 PROSPECTIVE JUROR 021: I don't think he was.  
16 THE COURT: Okay. Is there anything about that situation  
17 that you went through with your friend that would cause you to believe  
18 you couldn't be fair and impartial in this case?  
19 PROSPECTIVE JUROR 021: I don't believe so. No.  
20 THE COURT: Do you have any friends, family members or  
21 close associates who've been accused of a crime?  
22 PROSPECTIVE JUROR 021: No.  
23 THE COURT: Have you ever been a juror before?  
24 PROSPECTIVE JUROR 021: No.  
25 THE COURT: Do you own a firearm?

1 PROSPECTIVE JUROR 021: Not personally, no.

2 THE COURT: Do you believe people should be allowed to  
3 own firearms?

4 PROSPECTIVE JUROR 021: Yes.

5 THE COURT: Have you, or anyone closely associated with  
6 you ever been in a romantic relationship that was volatile and abusive,  
7 besides your best friend??

8 PROSPECTIVE JUROR 021: Yes, ma'am.

9 THE COURT: Yes, ma'am?

10 PROSPECTIVE JUROR 021: Yes.

11 THE COURT: Okay. Well, who was that?

12 PROSPECTIVE JUROR 021: Me.

13 THE COURT: Okay. And in that situation do you believe that  
14 there's anything about the situation that you went through that would  
15 cause you to believe you couldn't be fair and impartial in this case?

16 PROSPECTIVE JUROR 021: I don't believe so. I don't know.

17 THE COURT: Okay. Would you be able to listen to the facts  
18 and the evidence in this case, and judge this case based on the facts and  
19 the evidence that you hear, here today --

20 PROSPECTIVE JUROR 021: I would hope --

21 THE COURT: -- or during this trial?

22 PROSPECTIVE JUROR 021: I would hope I could. Yes,  
23 ma'am.

24 THE COURT: Okay. Do you think that you may not be able  
25 to, or --



1 PROSPECTIVE JUROR 021: I would try to be as fair and  
2 impartial as I possibly could.

3 THE COURT: Okay. Have you ever had a bad experience  
4 with law enforcement?

5 PROSPECTIVE JUROR 021: My Metro officer husband who  
6 beat me up. Yes, ma'am.

7 THE COURT: Okay. And do you think that there's anything  
8 about that, that will affect your ability to be a juror in this case?

9 PROSPECTIVE JUROR 021: I would try to not let it affect me.

10 THE COURT: Okay. But would you hold it against the Las  
11 Vegas Metropolitan Police Department, because he worked for them?

12 PROSPECTIVE JUROR 021: Oh, no. No. I'm very pro cop,  
13 I'm very pro police.

14 THE COURT: Okay. If graphic photos are introduced into  
15 evidence in this case, will you be able to assess them for their  
16 evidentiary value?

17 PROSPECTIVE JUROR 021: Yes, ma'am.

18 THE COURT: If someone has taken a controlled substance do  
19 you believe they can still be the victim of a crime?

20 PROSPECTIVE JUROR 021: Yes.

21 THE COURT: Do you understand that Court is not like CSI, of  
22 the First 48, or any of those TV shows, so it's not going to be what you  
23 see on TV?

24 PROSPECTIVE JUROR 021: Yes, ma'am.

25 THE COURT: Some witnesses in this case will be testifying

1 via video, can you assess their testimony like any other witness who  
2 testifies in person, or would it be distracting to you?

3 PROSPECTIVE JUROR 021: I don't think it would be  
4 distracting at all.

5 THE COURT: The presumption of innocence is a core  
6 principle that one is innocent until proven guilty. Is this a principle that  
7 you agree with?

8 PROSPECTIVE JUROR 021: Yes, ma'am.

9 THE COURT: It is the responsibility of the State to prove this  
10 case to you beyond a reasonable doubt, because they're the person  
11 accusing someone of a crime. Is this a principle that you agree with?

12 PROSPECTIVE JUROR 021: Yes.

13 THE COURT: The Defendant has a right not to testify. If he  
14 chooses not to testify, would you hold that against him?

15 PROSPECTIVE JUROR 021: No.

16 THE COURT: Do you agree with the principle that the  
17 Defendant has no responsibility to prove his innocence?

18 PROSPECTIVE JUROR 021: I'm sorry, what was that?

19 THE COURT: Do you agree with the principle that it is not the  
20 Defendant's responsibility to prove his innocence?

21 PROSPECTIVE JUROR 021: Yes.

22 THE COURT: Have you or anyone closely associated with  
23 you ever been in a relationship with someone who was a drug user?

24 PROSPECTIVE JUROR 021: No.

25 THE COURT: Do you believe you might be too emotional to

1 sit as a juror in this case?

2 PROSPECTIVE JUROR 021: No.

3 THE COURT: Not all killings are considered the same under  
4 the law, so at the conclusion of this case I will instruct you as to elements  
5 of the possible crimes you'll be allowed to consider during your  
6 deliberations. Will you be able to consider all of those possible crimes?

7 PROSPECTIVE JUROR 021: Yes.

8 THE COURT: Is there anything about the nature of this case,  
9 or anything you've heard here today, that would make it difficult for you  
10 to sit as a fair and impartial juror in this case?

11 PROSPECTIVE JUROR 021: I don't believe so.

12 THE COURT: Can you base your verdict solely on the  
13 evidence presented during this trial and wait to form an opinion until  
14 you've heard all of that evidence?

15 PROSPECTIVE JUROR 021: Yes.

16 THE COURT: Ma'am, can you be fair to both sides?

17 PROSPECTIVE JUROR 021: Yes.

18 THE COURT: Okay. Thank you very much.

19 State, I'm going to pass the panel to you.

20 MR. BASHOR: Judge, can we approach?

21 THE COURT: Yes.

22 [Sidebar at 11:10 a.m., ending at 11:11 a.m., not transcribed]

23 THE COURT: Okay. State?

24 MR. ALBRIGHT: Am I allowed to remove my mask, if I  
25 promise to stay behind the podium?

1 THE COURT: If you stay behind the podium, yes.

2 MR. ALBRIGHT: I will do so, Your Honor.

3 Good morning, everyone. My name is Brandon Albright, you  
4 may recall Pam introducing me yesterday, or early this morning. We  
5 decided that I'd be the one to ask some questions, just so you don't think  
6 I'm the silent partner that doesn't get to talk.

7 So I have a couple follow-up questions. In advance I'll ask  
8 for forgiveness, because some of these are personal. These are  
9 questions kind of digging deeper into things that we feel are important to  
10 get a fair and unbiased jury. So some of these questions might be things  
11 that you wish we would leave in the past, and that you thought you  
12 would never have to talk about again, but they are important in terms of  
13 getting 12 to 14 people that will be fair. So please forgive me in  
14 advance.

15 I'll start, I'll try to go in order, but I know we've kind of  
16 jumped around, since yesterday. So if we can pass the mic to Mr. Smith,  
17 Juror 205, up in the corner.

18 Mr. Smith, you had mentioned that your wife used to take  
19 drugs, although the way you phrased it, it may be because it was before  
20 maybe you met her; is that fair to say?

21 PROSPECTIVE JUROR 205: She was just coming out of  
22 rehab when I met her.

23 MR. ALBRIGHT: Okay. Is that something that you continued  
24 to deal with as a kind of couple?

25 PROSPECTIVE JUROR 205: Maybe it was a little different,

1 but like I said, she hadn't taken any since she'd been out of rehab, so  
2 there was a withdrawal and a conforming period.

3 MR. ALBRIGHT: Okay. Has that been any kind of a source of  
4 strife, or kind of a hardship in your marriage, or your relationship with  
5 her?

6 PROSPECTIVE JUROR 205: It was at first, but it was when we  
7 first met. So we're married with a 12-year-old now, so it's pretty in the  
8 past.

9 MR. ALBRIGHT: Okay. Ms. Larsen, 014?

10 PROSPECTIVE JUROR 014: Yes.

11 MR. ALBRIGHT: You had mentioned that you were accused  
12 of battery; how long ago was that?

13 PROSPECTIVE JUROR 014: Four years.

14 MR. ALBRIGHT: Four years, okay. And then what we didn't  
15 get into, was that domestic battery, did it involve a loved one, or your  
16 husband?

17 PROSPECTIVE JUROR 014: No, it was before we were  
18 married. It went in with the domestic violence against him before, with  
19 his dad. I guess my mother-in-law now -- when we had him arrested she  
20 tried to retaliate against me, so everything was dropped.

21 MR. ALBRIGHT: Understood. When you say everything was  
22 dropped --

23 PROSPECTIVE JUROR 014: Oh.

24 MR. ALBRIGHT: -- was that because your husband didn't go  
25 to court, to testify against his dad?

1 PROSPECTIVE JUROR 014: We went, and it was just more,  
2 so I didn't have to fight against the accusations. We said just drop  
3 everything and go our own way.

4 MR. ALBRIGHT: Okay. In-laws can be difficult enough as it  
5 is, right, without testifying against them in court. Okay. And I guess  
6 since you have a new Star Wars' mask on, what's the [indiscernible] Star  
7 Wars stuff? I apologize, Your Honor, but this could be whether she's a  
8 good juror or not, so --

9 PROSPECTIVE JUROR 014: Oh --

10 MR. ALBRIGHT: -- very strong feelings about it.

11 PROSPECTIVE JUROR 014: -- the first one.

12 MR. ALBRIGHT: Number 1, episode 1?

13 PROSPECTIVE JUROR 014: Episode 1.

14 MR. ALBRIGHT: Okay. You passed that one with flying  
15 colors. Okay.

16 PROSPECTIVE JUROR 014: Thank you.

17 MR. ALBRIGHT: Ms. Loftis, 018. You had mentioned an ex-  
18 brother-in-law was a drug addict, or had issues with drugs?

19 PROSPECTIVE JUROR 018: Yes.

20 MR. ALBRIGHT: Is that correct? When you say ex-brother-in-  
21 law did his drug use have anything to do why he's now your ex-brother-  
22 in-law?

23 PROSPECTIVE JUROR 018: Yes. He was given the choice of  
24 to continue taking drugs or pay rent and diverse and take care of the  
25 children, or to leave, and he left.

1 MR. ALBRIGHT: Okay. And this is your ex-brother-in-law,  
2 not your ex-husband?

3 PROSPECTIVE JUROR 018: Ex-brother-in-law.

4 MR. ALBRIGHT: Okay. But fair to say, then, you kind of saw  
5 how that drug abuse affected his entire life?

6 PROSPECTIVE JUROR 018: Yeah.

7 MR. ALBRIGHT: Okay. And when you say "living with" was  
8 he living with you at the time?

9 PROSPECTIVE JUROR 018: No. He was living with my sister  
10 and the children.

11 MR. ALBRIGHT: Okay. And that ultimatum was given.

12 PROSPECTIVE JUROR 018: Yeah. She told him, you know,  
13 you got to choose.

14 MR. ALBRIGHT: Okay. I see that you didn't mention any kind  
15 of domestic violence experience, so was -- did his drug use not --

16 PROSPECTIVE JUROR 018: No violence.

17 MR. ALBRIGHT: -- result in sort of messy violence --

18 PROSPECTIVE JUROR 018: No.

19 MR. ALBRIGHT: -- between the two?

20 PROSPECTIVE JUROR 018: No. No violence.

21 MR. ALBRIGHT: Mr. Taub.

22 PROSPECTIVE JUROR 063: Uh-huh.

23 MR. ALBRIGHT: Did I pronounce that correctly? And we're  
24 063?

25 PROSPECTIVE JUROR 063: Uh-huh.

1 MR. ALBRIGHT: Kind of a similar question. You mentioned  
2 friends and family were drug users.

3 PROSPECTIVE JUROR 063: Uh-huh.

4 MR. ALBRIGHT: Drug users is just kind of broad, was there  
5 addiction, or how serious was that issue?

6 PROSPECTIVE JUROR 063: Just what you call recreational.

7 MR. ALBRIGHT: Oh, okay.

8 PROSPECTIVE JUROR 063: Yeah. Nothing like go to rehab,  
9 or anything like that.

10 MR. ALBRIGHT: Okay. And when you say "recreational" are  
11 you talking about marijuana, or illegal, still to this day, narcotics?

12 PROSPECTIVE JUROR 063: It's still illegal to this time, yeah.

13 MR. ALBRIGHT: Okay.

14 PROSPECTIVE JUROR 063: It's been a long --

15 MR. ALBRIGHT: It's nothing you would consider an  
16 addiction?

17 PROSPECTIVE JUROR 063: Oh, no. Not at all.

18 MR. ALBRIGHT: And how close were these family members  
19 or friends?

20 PROSPECTIVE JUROR 063: They -- they're relatives of my  
21 wife, and relatives of mine, like my brother, and just, you know -- just  
22 when you go party, then that's just -- that's --

23 MR. ALBRIGHT: Okay.

24 PROSPECTIVE JUROR 063: -- what you do.

25 MR. ALBRIGHT: But in your opinion, then, if I may, it didn't



1 result in an addiction, even though it was illegal drug use?

2 PROSPECTIVE JUROR 063: No.

3 MR. ALBRIGHT: Okay.

4 PROSPECTIVE JUROR 063: Not at all.

5 MR. ALBRIGHT: Did it result in any sort of discontention, and  
6 anger in the family?

7 PROSPECTIVE JUROR 063: No.

8 MR. ALBRIGHT: Okay. So they were able to have an  
9 arguably normal life --

10 PROSPECTIVE JUROR 063: Yeah.

11 MR. ALBRIGHT: -- even if they partook in illegal narcotics?

12 PROSPECTIVE JUROR 063: Uh-huh.

13 MR. ALBRIGHT: Okay. Did you ever -- were you ever around  
14 them when they on drugs?

15 PROSPECTIVE JUROR 063: Oh, yeah.

16 MR. ALBRIGHT: Okay. At parties like you said?

17 PROSPECTIVE JUROR 063: Uh-huh.

18 MR. ALBRIGHT: But nothing ever got violent?

19 PROSPECTIVE JUROR 063: Never.

20 MR. ALBRIGHT: Okay. You also mentioned that your wife  
21 was a victim in a prior relationship --

22 PROSPECTIVE JUROR 063: Correct?

23 MR. ALBRIGHT: -- of domestic violence.

24 PROSPECTIVE JUROR 063: Uh-huh.

25 MR. ALBRIGHT: Were you aware of that, or did you see any

1 of that, or did you just hear about it after you got together with your  
2 wife?

3 PROSPECTIVE JUROR 063: It kind of escalated after she left  
4 him, and I saw like what he got arrested for was smacking her, and she  
5 had happened to be living with me. I didn't see it personally, but I saw  
6 the after affects --

7 MR. ALBRIGHT: Okay.

8 PROSPECTIVE JUROR 063: -- in person.

9 MR. ALBRIGHT: Did you know him, or was he a friend?

10 PROSPECTIVE JUROR 063: No.

11 MR. ALBRIGHT: Okay. Did you hold ill feelings towards  
12 him?

13 PROSPECTIVE JUROR 063: No. No, I just -- I just kind of  
14 accepted who he was, and, yeah, the court system would take its course  
15 and it did.

16 MR. ALBRIGHT: Okay. Having kind of seen that aspect of  
17 violence within a domestic relationship, in your opinion is it ever okay to  
18 hit a woman?

19 PROSPECTIVE JUROR 063: No. It's not okay, but if you're  
20 being attacked you have every right to do it.

21 MR. ALBRIGHT: You're saying if the woman is attacking you  
22 then --

23 PROSPECTIVE JUROR 063: Uh-huh.

24 MR. ALBRIGHT: -- you have to protect yourself?

25 PROSPECTIVE JUROR 063: Yeah.

1 MR. ALBRIGHT: Okay. Now I guess, in that vein, how much  
2 force, then, should be used to stop that person from attacking?

3 PROSPECTIVE JUROR 063: Enough to get away. Not to, you  
4 know, overstep it. You -- and I own a firearm and a concealed weapons'  
5 permit, and then you're just taught, you don't pull it unless you're going  
6 to lose it. It's the same thing in and I took martial arts as well. You're  
7 taught not to use it unless you have to. So if you do that training you  
8 just -- you know when you need to just kind of take somebody and get  
9 them out of the way and leave.

10 MR. ALBRIGHT: Okay. Ms. Fullido?

11 PROSPECTIVE JUROR 085: Yes.

12 MR. ALBRIGHT: Number 085. You mentioned, ma'am, that  
13 your friend was accused of an assault with a deadly weapon in  
14 California, correct?

15 PROSPECTIVE JUROR 085: Yes, correct.

16 MR. ALBRIGHT: And you did say that they were prosecuted?

17 PROSPECTIVE JUROR 085: Yes.

18 MR. ALBRIGHT: Okay. Did that result in them being  
19 convicted of something?

20 PROSPECTIVE JUROR 085: Yes.

21 MR. ALBRIGHT: Did they go to jail and/or prison?

22 PROSPECTIVE JUROR 085: Yes.

23 MR. ALBRIGHT: Okay. Were you -- did you follow that at all?

24 PROSPECTIVE JUROR 085: Yes.

25 MR. ALBRIGHT: Were you involved as a witness or --

1 PROSPECTIVE JUROR 085: No.

2 MR. ALBRIGHT: In any way? Okay.

3 PROSPECTIVE JUROR 085: No.

4 MR. ALBRIGHT: Was there a trial?

5 PROSPECTIVE JUROR 085: Yes.

6 MR. ALBRIGHT: Did you attend the trial?

7 PROSPECTIVE JUROR 085: No.

8 MR. ALBRIGHT: Okay. How close of friend is this?

9 PROSPECTIVE JUROR 085: He was a high school friend.

10 MR. ALBRIGHT: Okay.

11 PROSPECTIVE JUROR 085: Yes.

12 MR. ALBRIGHT: Did this happen when you were in high

13 school, still?

14 PROSPECTIVE JUROR 085: Yeah. Oh, no, we were about

15 two years out of high school already.

16 MR. ALBRIGHT: Okay.

17 PROSPECTIVE JUROR 085: Yeah.

18 MR. ALBRIGHT: Do you feel that your friend was treated

19 fairly by the system?

20 PROSPECTIVE JUROR 085: Yes. He was definitely guilty.

21 MR. ALBRIGHT: Okay.

22 PROSPECTIVE JUROR 085: Uh-huh.

23 MR. ALBRIGHT: Mr. Madidi?

24 PROSPECTIVE JUROR 093: Right, sir.

25 MR. ALBRIGHT: Number 093. Security at the ARIA, correct?

1 PROSPECTIVE JUROR 093: Yes, sir.

2 MR. ALBRIGHT: Is that armed security?

3 PROSPECTIVE JUROR 093: No, sir.

4 MR. ALBRIGHT: Okay. What are some of your duties as

5 security at the ARIA?

6 PROSPECTIVE JUROR 093: Typically just customer service,

7 making sure things don't get too rowdy, being I am required to wear

8 handcuffs.

9 MR. ALBRIGHT: Okay.

10 PROSPECTIVE JUROR 093: Just in case things do get out of

11 hand?

12 MR. ALBRIGHT: Have you ever had to handcuff somebody?

13 PROSPECTIVE JUROR 093: Yes, sir.

14 MR. ALBRIGHT: Okay. Fair to say there's a lot of intoxicated

15 people on the floor?

16 PROSPECTIVE JUROR 093: Yes, sir.

17 MR. ALBRIGHT: How often, if at all, do you ever see

18 domestic disputes on the floor?

19 PROSPECTIVE JUROR 093: It's more common than you

20 thing? Probably -- I'd probably say maybe like two, three times a week.

21 If it's a busy week --

22 MR. ALBRIGHT: Okay.

23 PROSPECTIVE JUROR 093: -- especially with the tourism

24 going back to Vegas; so like it's pretty common.

25 MR. ALBRIGHT: How often do you find that dispute is fueled

1 by intoxication, by people being drunk on alcohol?

2 PROSPECTIVE JUROR 093: I'd say it's almost all the time.

3 MR. ALBRIGHT: And you also mentioned that your mother  
4 was victim of domestic violence by your father; is that fair to say?

5 PROSPECTIVE JUROR 093: Yes, sir.

6 MR. ALBRIGHT: Okay. Are they still together?

7 PROSPECTIVE JUROR 093: No. Unfortunately, my Father  
8 passed away last year of heart disease.

9 MR. ALBRIGHT: Okay. Were they together when he passed  
10 away?

11 PROSPECTIVE JUROR 093: No. They were -- they weren't  
12 separated, but they were living in separate homes.

13 MR. ALBRIGHT: Okay. You had mentioned that the violence  
14 against your mother went unreported; is that correct?

15 PROSPECTIVE JUROR 093: Yes.

16 MR. ALBRIGHT: Okay. Was that when you were fairly  
17 young?

18 PROSPECTIVE JUROR 093: No. That was 2020 of April.

19 MR. ALBRIGHT: Okay.

20 PROSPECTIVE JUROR 093: So --

21 MR. ALBRIGHT: So you have a specific incident. Was there  
22 many growing up, or was there just one that you recall?

23 PROSPECTIVE JUROR 093: My father was very -- he was  
24 never physical, but he was very emotional and mentally abusing toward  
25 the women in my family, so --

1 MR. ALBRIGHT: Okay.

2 PROSPECTIVE JUROR 093: So --

3 MR. ALBRIGHT: When you say "women" does that include  
4 your sisters?

5 PROSPECTIVE JUROR 093: Yes.

6 MR. ALBRIGHT: Okay. I'm sorry to get so personal, but how  
7 was your relationship with your dad?

8 PROSPECTIVE JUROR 093: Overall, growing up as a kid, he  
9 was probably like, you know, the father figure which you want to be, but  
10 as I grew older he got older, you grow apart, and there was points that  
11 he felt threatened, I felt threatened -- and I felt threatened, because  
12 coming to manhood he doesn't want to like -- he's alpha. So once he  
13 sees another person becoming an alpha he becomes more aggressive  
14 when it's not needed, so --

15 MR. ALBRIGHT: Okay. I appreciate your honesty. Given  
16 your kind of intimate experience with domestic violence, and that there  
17 is some components in our trial about domestic violence, will you be  
18 able to separate the two, and not hold the Defendant responsible for  
19 anything that you may have seen your dad do or say?

20 PROSPECTIVE JUROR 093: Yes. I'll be able to separate my  
21 feelings from this case.

22 MR. ALBRIGHT: Ms. Grul?

23 PROSPECTIVE JUROR 093: Uh-huh.

24 MR. ALBRIGHT: If that's how you pronounce it, 097?

25 PROSPECTIVE JUROR 097: Yes.

1 MR. ALBRIGHT: Is it Grul?

2 PROSPECTIVE JUROR 097: Yes.

3 MR. ALBRIGHT: Grul, okay.

4 You had mentioned that your little brother and sister were  
5 victims of domestic violence; is that correct?

6 PROSPECTIVE JUROR 097: Yes. My brother went through --  
7 his first marriage was emotional.

8 MR. ALBRIGHT: Okay.

9 PROSPECTIVE JUROR 097: And then the divorce was not  
10 good. And my sister, older sister, a couple of relationships were both  
11 mental and physical abuse.

12 MR. ALBRIGHT: And were a little bit of a sounding board,  
13 did they talk to you about these experiences?

14 PROSPECTIVE JUROR 097: No. I mean, I saw it from my  
15 sisters, they're older than me, and then my little brother, I mean, we  
16 were close, but, you know, it was -- I didn't like her, to begin with, so I  
17 was on his side.

18 MR. ALBRIGHT: Okay. But the same kind of question, you'll  
19 be able to separate your experience with your past in-laws, versus what  
20 you're going to see in this trial?

21 PROSPECTIVE JUROR 097: Yes.

22 MR. ALBRIGHT: Okay. And then you had mentioned at the  
23 very end of your questioning that you, had, in the past, been a drug-user;  
24 is that correct?

25 PROSPECTIVE JUROR 097: A relationship. I was in a



1 relationship with a drug user.

2 MR. ALBRIGHT: Oh, okay. So it wasn't you, it was your  
3 significant order?

4 PROSPECTIVE JUROR 097: Correct.

5 MR. ALBRIGHT: Okay. All right. And how severe was the  
6 drug use on his part?

7 PROSPECTIVE JUROR 097: Very.

8 MR. ALBRIGHT: Okay.

9 PROSPECTIVE JUROR 097: He -- it was -- it was the high  
10 school sweetheart thing, quite a few years of that and he went to prison,  
11 and in and out, and a couple of years after that I had seen him around, I  
12 could tell he was still using.

13 MR. ALBRIGHT: Okay. And your relationship with him was  
14 before all the criminal in prison, it was in high school?

15 PROSPECTIVE JUROR 097: During.

16 MR. ALBRIGHT: Okay. Oh, during?

17 PROSPECTIVE JUROR 097: Yeah. Went through all that.

18 MR. ALBRIGHT: Did he ever seek treatment?

19 PROSPECTIVE JUROR 097: Not by choice, do the system.

20 MR. ALBRIGHT: Yeah. Mr. Stiff, 103.

21 PROSPECTIVE JUROR 103: Right. Yes.

22 MR. ALBRIGHT: When asked about if people should own  
23 guns you had said "partially"?

24 PROSPECTIVE JUROR 103: Correct.

25 MR. ALBRIGHT: And then in clarifying you said, kind of

1 person-to-person. Can you explain what you mean by that?

2 PROSPECTIVE JUROR 103: Case by case basis. Basically,  
3 you know, go a little bit more than just background checks, and just  
4 someone, because I feel like it's a little too lenient, more restricted --  
5 more restricting and -- something's wrong with that.

6 MR. ALBRIGHT: Okay. So in your opinion who should not  
7 own guns then?

8 PROSPECTIVE JUROR 103: Someone who isn't physically  
9 capable of handling one. Someone who isn't mentally capable of  
10 handling one, and someone out and -- most people outside of like --  
11 most people outside of like trusted areas, sort of thing.

12 MR. ALBRIGHT: And I apologize. What do you mean by  
13 "trusted areas"?

14 PROSPECTIVE JUROR 103: Trusted areas --

15 MR. ALBRIGHT: Geographically, or meaning like what  
16 business they're in?

17 PROSPECTIVE JUROR 103: Like area-wise and sort of like  
18 high population areas, I think it's more restriction on high populous.

19 MR. ALBRIGHT: Okay. And then in rural areas it might --

20 PROSPECTIVE JUROR 103: Be more lenient.

21 MR. ALBRIGHT: Be more lenient.

22 PROSPECTIVE JUROR 103: Yes.

23 MR. ALBRIGHT: Okay. You mentioned family and friends  
24 with drug issues.

25 PROSPECTIVE JUROR 103: Yes.

1 MR. ALBRIGHT: How close are those family and friends to  
2 you?

3 PROSPECTIVE JUROR 103: I had an old friend who had a lot  
4 of problems, and I was there to -- like for leaning on, then we grew apart  
5 later on, don't really talk to him much.

6 MR. ALBRIGHT: Did the drugs just have to do with you guys  
7 growing apart?

8 PROSPECTIVE JUROR 103: No, not really.

9 MR. ALBRIGHT: Okay. But you were there to kind of help  
10 him through --

11 PROSPECTIVE JUROR 103: Yes.

12 MR. ALBRIGHT: -- the drugs. Okay. And then what about  
13 family; you had said "family"?

14 PROSPECTIVE JUROR 103: Distant relation, not too much.

15 MR. ALBRIGHT: Okay. Okay. But fair to say that you saw  
16 with your friend, kind of the --

17 PROSPECTIVE JUROR 103: Effects.

18 MR. ALBRIGHT: The effects of the drugs, how --

19 PROSPECTIVE JUROR 103: Uh-huh.

20 MR. ALBRIGHT: -- emotionally and physically?

21 PROSPECTIVE JUROR 103: Emotionally, yes, physically not  
22 much.

23 MR. ALBRIGHT: Okay. And you had said you worked at a  
24 card shop?

25 PROSPECTIVE JUROR 103: Yeah.

1 MR. ALBRIGHT: What does that mean?

2 PROSPECTIVE JUROR 103: Like trading card games,  
3 Pokeman, Magic Gathering, stuff like that, also like TikTok, role playing  
4 games like Dungeons and Dragons.

5 MR. ALBRIGHT: Okay. Cool.

6 PROSPECTIVE JUROR 103: Specializing in that.

7 MR. ALBRIGHT: Mr. Ogas, is that how you say it?

8 PROSPECTIVE JUROR 112: Yes, sir.

9 MR. ALBRIGHT: 112. At the very end you had kind of said  
10 that you had a bad experience with police officers; can you expand on  
11 that?

12 PROSPECTIVE JUROR 112: Pretty much all through my -- my  
13 life, growing up --

14 MR. ALBRIGHT: Okay.

15 PROSPECTIVE JUROR 112: -- family, like you say, grew up  
16 domestic violence with my dad, so I would say police were not really  
17 something that I looked up to, or -- and like I said, had a lot of issues  
18 growing up. One instance I got tased in my front yard in front of my  
19 family, because they showed up to the warrant to arrest me. So in the  
20 end --

21 MR. ALBRIGHT: When you say "because of your dad" did  
22 you hold resentment because they didn't help in the DV aspect, that you  
23 grew up in, maybe the police interject enough?

24 PROSPECTIVE JUROR 112: Back then it was different time,  
25 sir. I mean, you know, there would --

1 MR. ALBRIGHT: This is in Texas too, right?

2 PROSPECTIVE JUROR 112: Yeah.

3 MR. ALBRIGHT: Okay.

4 PROSPECTIVE JUROR 112: They'd come, you know, they  
5 might show up and, you know, they might not do anything at all. We  
6 finally had to leave him when I was about 14.

7 MR. ALBRIGHT: You leave your dad?

8 PROSPECTIVE JUROR 112: Yeah. So --

9 MR. ALBRIGHT: Okay. And then you [indiscernible] and it  
10 was due to this drunk driver --

11 PROSPECTIVE JUROR 112: Yeah.

12 MR. ALBRIGHT: -- that you're upset at the system. And  
13 when you say "system" what are you referring to?

14 PROSPECTIVE JUROR 112: I think the judicial system, you  
15 know, I think this whole system is cumbersome, and not very efficient. A  
16 lot of things happen that, you know, example, we would get  
17 subpoenaed, show up to the court and they knew that they weren't  
18 having trial that day, and they wouldn't bother to let me, and my family  
19 know that you weren't -- we weren't going to be needed. Instead we'd  
20 have to show up and wait until the docket got called, and then they  
21 would say, "Yo, you're not needed." But they knew that already,  
22 because the person that, you know, that was there on trial wasn't there.

23 MR. ALBRIGHT: How long ago was that again?

24 PROSPECTIVE JUROR 112: This was -- it's about seven years  
25 ago.

1 MR. ALBRIGHT: Okay. And you did mention that he was  
2 caught, but he was --

3 PROSPECTIVE JUROR 112: It was a lady --

4 MR. ALBRIGHT: -- a she, okay.

5 PROSPECTIVE JUROR 112: -- yeah, she was caught.

6 MR. ALBRIGHT: Was anybody in your family injured?

7 PROSPECTIVE JUROR 112: I mean, just bumps and bruises,  
8 mainly, my son, a fractured vertebrae in his neck. You know, all and all,  
9 it was probably about 60, \$70,000 worth of hospital bills, not to mention,  
10 you know, totaled the vehicle. I really, honestly, didn't think I was going  
11 to walk away from that one.

12 MR. ALBRIGHT: Yeah. Do you think given that kind of sour  
13 taste that's been left in your mouth for years, that you'd be able to be fair  
14 to both parties?

15 PROSPECTIVE JUROR 112: Yeah. I -- I believe I could.

16 MR. ALBRIGHT: Ms. Estrella -- or Mister.

17 PROSPECTIVE JUROR 116: Mister. Yes.

18 MR. ALBRIGHT: 116?

19 PROSPECTIVE JUROR 116: Yes.

20 MR. ALBRIGHT: You had mentioned that your wife was a  
21 victim of a DV, by her own brother?

22 PROSPECTIVE JUROR 116: Yes.

23 MR. ALBRIGHT: Okay. And then that was fueled by drug  
24 use?

25 PROSPECTIVE JUROR 116: Yes.

1 MR. ALBRIGHT: Was that while you were married to your  
2 wife?

3 PROSPECTIVE JUROR 116: No. This was before.

4 MR. ALBRIGHT: Okay.

5 PROSPECTIVE JUROR 116: But he did get out we started  
6 dating, so I didn't know about it.

7 MR. ALBRIGHT: Was that -- was she living at the same  
8 house as her brother?

9 PROSPECTIVE JUROR 116: Yes. With their parents.

10 MR. ALBRIGHT: Okay.

11 PROSPECTIVE JUROR 116: He still lives there now.

12 MR. ALBRIGHT: Has he been able to contain his drug use?

13 PROSPECTIVE JUROR 116: No.

14 MR. ALBRIGHT: Fair enough.

15 PROSPECTIVE JUROR 116: He does heroin, so he always  
16 goes in there, and you know, night walks and whatever. And then goes  
17 to jail, and then come back out when he's good.

18 MR. ALBRIGHT: How is your wife's relationship with her  
19 brother now?

20 PROSPECTIVE JUROR 116: Good.

21 MR. ALBRIGHT: Yeah?

22 PROSPECTIVE JUROR 116: He's cool dude when he's sober.

23 MR. ALBRIGHT: Yeah.

24 PROSPECTIVE JUROR 116: Yeah.

25 MR. ALBRIGHT: So she was able to forgive and move on?

1 PROSPECTIVE JUROR 116: Yeah. I think she was detained  
2 as well, just because they were both fighting each other.

3 MR. ALBRIGHT: Oh. When he was arrested she was arrested  
4 too?

5 PROSPECTIVE JUROR 116: Yeah.

6 MR. ALBRIGHT: Okay.

7 PROSPECTIVE JUROR 116: But they let her go.

8 MR. ALBRIGHT: Okay. And he was actually charged with a  
9 crime?

10 PROSPECTIVE JUROR 116: Uh-huh.

11 MR. ALBRIGHT: Okay. Ms. Gravitt, 134.

12 PROSPECTIVE JUROR 134: Yes.

13 MR. ALBRIGHT: Do you know Mr. Tritsch, behind you; he's a  
14 newscaster and your daughter is a newscaster; have you ever met him?  
15 Do you know if your daughter is friends with him?

16 PROSPECTIVE JUROR 134: I have.

17 MR. ALBRIGHT: You have met him?

18 PROSPECTIVE JUROR 134: Yeah.

19 MR. ALBRIGHT: Okay. Just in passing, or --

20 PROSPECTIVE JUROR 134: Just in passing at --

21 MR. ALBRIGHT: Okay.

22 PROSPECTIVE JUROR 134: Just one time at the news  
23 station, passing, yes.

24 MR. ALBRIGHT: Oh, so does your daughter and him work at  
25 the same new station?



1 PROSPECTIVE JUROR 134: No.

2 MR. ALBRIGHT: Oh, okay.

3 PROSPECTIVE JUROR 134: No.

4 MR. ALBRIGHT: Okay. You had mentioned your younger  
5 brother is a drug addict. When you say "is" is it ongoing?

6 PROSPECTIVE JUROR 134: Yes.

7 MR. ALBRIGHT: Okay. How old is your younger brother?

8 PROSPECTIVE JUROR 134: He is 44.

9 MR. ALBRIGHT: How long has he been dealing with that?

10 PROSPECTIVE JUROR 134: Since he was 12.

11 MR. ALBRIGHT: Okay. Okay. Has it resulted in like a  
12 criminal lifestyle at all?

13 PROSPECTIVE JUROR 134: No.

14 MR. ALBRIGHT: Okay. More just in and out of rehabilitation  
15 centers, and, you know?

16 PROSPECTIVE JUROR 134: He hasn't really seeked any help  
17 for that.

18 MR. ALBRIGHT: Okay.

19 PROSPECTIVE JUROR 134: He's been successfully using  
20 since he was about 12 years old.

21 MR. ALBRIGHT: How does it affect, if at all, his relationship  
22 with his family?

23 PROSPECTIVE JUROR 134: I mean, we're all kind of, you  
24 know, co-dependent in a way, of, you know, trying to help keep his  
25 family, you know, together and -- I don't know.

1 MR. ALBRIGHT: So you say "his family" is he married with  
2 kids?

3 PROSPECTIVE JUROR 134: Yes. He's married with kids.

4 MR. ALBRIGHT: Okay. As a result of it all, to your  
5 knowledge, to any like domestic-violence related --

6 PROSPECTIVE JUROR 134: No.

7 MR. ALBRIGHT: -- incidents with his wife?

8 PROSPECTIVE JUROR 134: No, no.

9 MR. ALBRIGHT: Okay.

10 PROSPECTIVE JUROR 134: I've seen -- I've witnessed some  
11 extreme personality, you know, maybe to the extent of like verbal abuse  
12 to his wife, and things that I witnessed with his kids, that you know, as a  
13 mom I, you know, don't like how he -- how he talks to his kids, or  
14 whatever, when he's on -- when he's high. But yeah, not -- no physical.

15 MR. ALBRIGHT: Okay. Ms. Kapel, 156. You had mentioned,  
16 and I wrote "a natural resource" what exactly do you do?

17 PROSPECTIVE JUROR 156: I work with the forest service,  
18 and I focus on like restoration after a fire. So I'll come in and revegetate  
19 if needed.

20 MR. ALBRIGHT: And does that cover all of Nevada?

21 PROSPECTIVE JUROR 156: No. Just forest service land, so  
22 for Las Vegas, that's like the Mount Charleston area.

23 MR. ALBRIGHT: Okay. On your questionnaire you had put  
24 that, generally, and it asks, or do you have positive thoughts on law  
25 enforcement, and you said, "No." Can you explain to me why that is?

1 PROSPECTIVE JUROR 156: Yeah. I just -- I do feel like our  
2 law enforcement have the responsibility to tackle things even beyond  
3 their, you know, maybe training a scope of practice, and I think we would  
4 benefit from, you know, having maybe an expert in domestic violence,  
5 accompany a police officer when they're coming to respond, and focus  
6 more on de-escalation.

7 MR. ALBRIGHT: Okay. The follow-up to that was if you  
8 thought the criminal justice system was fair, and you said, no, is that for  
9 related issues, the same --

10 PROSPECTIVE JUROR 156: Yeah.

11 MR. ALBRIGHT: -- reason?

12 PROSPECTIVE JUROR 156: Yeah.

13 MR. ALBRIGHT: Okay. That being said, and I think the Judge  
14 already asked you this, would you be able to listen to a police officer and  
15 listen to what he or she had to say, and not take them on their word  
16 because they're in uniform, but also not hold it against them because of  
17 what they do for a job?

18 PROSPECTIVE JUROR 156: Yeah. I definitely respect law  
19 enforcement.

20 MR. ALBRIGHT: Okay. Ms. Jacobsen, 194?

21 PROSPECTIVE JUROR 194: Yes.

22 MR. ALBRIGHT: You had mentioned your ex-brother-in-law  
23 being prosecuted locally. Do you know if he was convicted?

24 PROSPECTIVE JUROR 194: Yes.

25 MR. ALBRIGHT: Okay. Did he serve time for that?

1 PROSPECTIVE JUROR 194: He still is.

2 MR. ALBRIGHT: Okay. And when you say "ex-brother-in-  
3 law," did that situation have anything to do with why you get out of the  
4 divorce?

5 PROSPECTIVE JUROR 194: No. Well, it kind of created it,  
6 because when my sister left him he turned to drugs, and then all this  
7 happened.

8 MR. ALBRIGHT: Okay. So on top of the crime that he was  
9 convicted of, there was allegations of drug use --

10 PROSPECTIVE JUROR 194: Yes.

11 MR. ALBRIGHT: -- there was drug use?

12 PROSPECTIVE JUROR 194: Yes.

13 MR. ALBRIGHT: There was drug use?

14 PROSPECTIVE JUROR 194: Yes.

15 MR. ALBRIGHT: Okay. And it actually resulted in the divorce  
16 from your sister?

17 PROSPECTIVE JUROR 194: No. They divorced before.

18 MR. ALBRIGHT: Okay.

19 PROSPECTIVE JUROR 194: But he was still part of the  
20 family, like they got along, so he was still always around.

21 MR. ALBRIGHT: Okay. Do you feel like he was treated fairly,  
22 given that he was prosecuted, probably in this building?

23 PROSPECTIVE JUROR 194: Due to the state of -- or what the  
24 crime was, I didn't follow it, or anything, but, yes.

25 MR. ALBRIGHT: Okay.

1 PROSPECTIVE JUROR 194: For the evidence that I heard  
2 about? Yes.

3 MR. ALBRIGHT: Okay. What I'm getting at is that he was  
4 likely prosecuted by my office, not by me or Ms. Weckerly --

5 PROSPECTIVE JUROR 194: Right, right.

6 MR. ALBRIGHT: -- but I don't want you to hold what  
7 happened to your brother-in-law against me and Pam. So --

8 PROSPECTIVE JUROR 194: Right, right.

9 MR. ALBRIGHT: Okay.

10 PROSPECTIVE JUROR 194: Not, that's --

11 MR. ALBRIGHT: You'll be able to separate the two?

12 PROSPECTIVE JUROR 194: Yeah.

13 MR. ALBRIGHT: Okay. You had, when asked about that it's  
14 [indiscernible] --

15 PROSPECTIVE JUROR 194: Yes.

16 MR. ALBRIGHT: -- and it was flippant, and it was a joke, but a  
17 bad experience dating a police officer --

18 PROSPECTIVE JUROR 194: Correct.

19 MR. ALBRIGHT: -- but just because he was a bad date, not  
20 because it was --

21 PROSPECTIVE JUROR 194: Well, we dated for five years.

22 MR. ALBRIGHT: Okay. Okay.

23 PROSPECTIVE JUROR 194: But it was like 20 years ago.

24 MR. ALBRIGHT: Okay. That being said, you're not going to  
25 hold that against whatever police officer might take the --

1 PROSPECTIVE JUROR 194: No.

2 MR. ALBRIGHT: -- stand this week?

3 PROSPECTIVE JUROR 194: No.

4 MR. ALBRIGHT: Okay. You won't see your ex-boyfriend up  
5 there and --

6 PROSPECTIVE JUROR 194: He's not north Las Vegas.

7 MR. ALBRIGHT: Okay. Arellano, Branden?

8 PROSPECTIVE JUROR 246: Yeah.

9 MR. ALBRIGHT: 246. Mr. Arellano, you had mentioned some  
10 domestic violence with your parents, but you were very young; is that  
11 correct?

12 PROSPECTIVE JUROR 246: Yeah. They got divorced when I  
13 was ten.

14 MR. ALBRIGHT: Okay. Was it due to those violent episodes?

15 PROSPECTIVE JUROR 246: I mean, like I said, like I was  
16 young at the time, so I don't know the exact reason.

17 MR. ALBRIGHT: Okay.

18 PROSPECTIVE JUROR 246: I'm assuming part of it was that.  
19 I think there was infidelity as well, so it was just a mixture of things.

20 MR. ALBRIGHT: How was your relationship with both your  
21 parents now?

22 PROSPECTIVE JUROR 246: Good. I live with my mom, and I  
23 see my father regularly.

24 MR. ALBRIGHT: Okay. You had also mentioned some family  
25 members with drug issues?

1 PROSPECTIVE JUROR 246: Uh-huh.

2 MR. ALBRIGHT: Which -- or how close, the family members?

3 PROSPECTIVE JUROR 246: I've got a brother who uses  
4 recreational marijuana.

5 MR. ALBRIGHT: Okay.

6 PROSPECTIVE JUROR 246: And then my mother was  
7 addicted to prescription medications, prescription narcotics.

8 MR. ALBRIGHT: Okay.

9 PROSPECTIVE JUROR 246: Yeah. And then she got  
10 treatment for that while I was -- when I started working for the mental  
11 health facility.

12 MR. ALBRIGHT: So, yeah, it's an out-patient mental health  
13 center?

14 PROSPECTIVE JUROR 246: Yeah.

15 MR. ALBRIGHT: Yeah. Which center is it?

16 PROSPECTIVE JUROR 246: It's called Human Behavior  
17 Institute.

18 MR. ALBRIGHT: And do you guys work with all sorts of  
19 mental health conditions and diagnoses?

20 PROSPECTIVE JUROR 246: Yes. I mean, we specialize in --  
21 my department, specifically, is crisis response, and we -- it's kind of our  
22 focus, but we do family individual substance abuse. I mean, we see the  
23 whole spectrum.

24 MR. ALBRIGHT: Can you tell me what you mean by crisis  
25 response?

1 PROSPECTIVE JUROR 246: So my specific department, if  
2 there's like a legal 2000 in the hospitals, assuming because we are a  
3 private company, if it's one of the insurances that we're contracted for,  
4 we respond to the hospital or to doctor's offices In town -- or, I shouldn't  
5 say, "we." I would send a clinician to the hospital, or to the doctor's  
6 office to respond to those sort of things, to get them either established  
7 as an out-patient, or kind of determined level of care be it in-patient, out-  
8 patient, or any servicing --

9 MR. ALBRIGHT: Okay.

10 PROSPECTIVE JUROR 246: -- housing.

11 MR. ALBRIGHT: Do you -- I know in the criminal justice  
12 system a lot of times probation will include out-patient mental  
13 healthcare.

14 PROSPECTIVE JUROR 246: Uh-huh.

15 MR. ALBRIGHT: Do you know if you take many people that  
16 are on probation?

17 PROSPECTIVE JUROR 246: It just -- like I said, because we're  
18 a private organization, it depends on the interns that they have at the  
19 time that they're starting with a patient. So occasionally we'll see  
20 patients who are in the hospital, who are -- the court system has said  
21 they need to go to this facility for this level of treatment. But, I mean,  
22 unfortunately if it's their insurance the Court's don't necessarily dictate  
23 what level of treatment they have, so we'll kind of step in and say, this is  
24 the proper level of treatment and get them in the right setting.

25 MR. ALBRIGHT: Thank you. Ms. Farmer, 250.



1 Ms. Farmer, you had also mentioned, towards the end,  
2 yesterday, about being a victim of domestic violence with your ex-  
3 husband?

4 PROSPECTIVE JUROR 250: Yes.

5 MR. ALBRIGHT: Okay. So is that what resulted in -- in the  
6 divorce?

7 PROSPECTIVE JUROR 250: Yes.

8 MR. ALBRIGHT: Okay. Kind of the same question that you  
9 heard earlier, but would you be able to separate your personal  
10 experience and not hold the Defendant responsible for what your  
11 ex-husband did to you?

12 PROSPECTIVE JUROR 250: Yes.

13 MR. ALBRIGHT: And kind of look at the trial through fresh  
14 eyes?

15 PROSPECTIVE JUROR 250: Yes.

16 MR. ALBRIGHT: Okay. A brief indulgence, I'm almost done,  
17 Judge.

18 Okay. Mr. Bacarella?

19 PROSPECTIVE JUROR 264: Bacarella.

20 MR. ALBRIGHT: 264, is his badge number. You had said that  
21 your sister was a victim of domestic violence with her boyfriend?

22 PROSPECTIVE JUROR 264: Yes.

23 MR. ALBRIGHT: Were you a witness to any of those  
24 incidents, or was it just from her telling you?

25 PROSPECTIVE JUROR 264: There was a time I walked in

1 on -- into our room, and saw it happening, yeah.

2 MR. ALBRIGHT: Okay. When you say "it" was there an  
3 actual, physical fight?

4 PROSPECTIVE JUROR 264: Well, he hit her.

5 MR. ALBRIGHT: Okay.

6 PROSPECTIVE JUROR 264: She didn't defend herself.

7 MR. ALBRIGHT: You said she didn't?

8 PROSPECTIVE JUROR 264: No. She yelled, but she didn't  
9 actually hit back, or anything.

10 MR. ALBRIGHT: Okay. Were the police called?

11 PROSPECTIVE JUROR 264: I don't believe so.

12 MR. ALBRIGHT: Okay. I guess, let me ask you, if you saw  
13 her get hit why didn't you call the police? Did she not to, or did you just  
14 not --

15 PROSPECTIVE JUROR 264: I told my mom, I was very young  
16 at the time, and so I told my mom and essentially, he got kicked out.

17 MR. ALBRIGHT: Oh, he was living there at the time?

18 PROSPECTIVE JUROR 264: Yeah.

19 MR. ALBRIGHT: And it did result in him -- okay. Did it result  
20 in them separating, or did they continue to be together?

21 PROSPECTIVE JUROR 264: I think so. I think they separated,  
22 I mean.

23 MR. ALBRIGHT: Okay. Mr. Thomson.

24 PROSPECTIVE JUROR 017: Over here, sir.

25 MR. ALBRIGHT: 017. Mr. Thomson, from this morning, over

1 here. 017. Mr. Thomson, when asked if you were a victim of a crime,  
2 you qualified it by saying "no serious crimes." Can you tell me what you  
3 mean by that?

4 PROSPECTIVE JUROR 017: I've been a victim of like petty  
5 crimes, I believe, in the past, you know, and like a friend stealing from  
6 me. I had a babysitter steal a few things from me, that they weren't  
7 super valuable, but, yeah, things like that.

8 MR. ALBRIGHT: Okay. But no violent crimes, in other  
9 words?

10 PROSPECTIVE JUROR 017: No.

11 MR. ALBRIGHT: Okay. Did you get that babysitter off like a  
12 website, I should be aware of?

13 PROSPECTIVE JUROR 017: No.

14 MR. ALBRIGHT: And then you had mentioned the DV  
15 relationship being volatile, but not abusive, is that how you phrased it?

16 PROSPECTIVE JUROR 017: Right.

17 MR. ALBRIGHT: So does that mean basically yelling at each  
18 other, but not hitting each other?

19 PROSPECTIVE JUROR 017: Yes.

20 MR. ALBRIGHT: Okay. And so fair to say, you said earlier, I  
21 think, it never resulted in physical violence?

22 PROSPECTIVE JUROR 017: No, no physical.

23 MR. ALBRIGHT: Okay. But did lead to a separation?

24 PROSPECTIVE JUROR 017: Yes. Certainly.

25 MR. ALBRIGHT: Ms. Simak?

1 PROSPECTIVE JUROR 031: Uh-huh.

2 MR. ALBRIGHT: 031. You had said you're very pro police,  
3 correct?

4 PROSPECTIVE JUROR 031: Very.

5 MR. ALBRIGHT: Okay. But that being said, if somebody gets  
6 up and they have a badge time, are you going to take them at their word,  
7 just because they have a badge?

8 PROSPECTIVE JUROR 031: No.

9 MR. ALBRIGHT: All right. You'll listen to what they have to  
10 say, in combination with the other evidence, and judge them --

11 PROSPECTIVE JUROR 031: Yes.

12 MR. ALBRIGHT: -- on their testimony.

13 PROSPECTIVE JUROR 031: Yes. Being married to a police  
14 officer and having children as police officers, I know them as people.

15 MR. ALBRIGHT: Okay. And it goes without saying then,  
16 obviously, having your close relationship, including the daughter-in-law,  
17 and son, granted they were on Metro, not North Las Vegas --

18 PROSPECTIVE JUROR 031: Right.

19 MR. ALBRIGHT: -- which you'll hear from.

20 PROSPECTIVE JUROR 031: Right.

21 MR. ALBRIGHT: But you're not going to take, whoever takes  
22 the stand with a badge on, at there were, just because you have a son  
23 who also wore that badge at a time?

24 PROSPECTIVE JUROR 031: Not just because they're wearing  
25 a badge.

1 MR. ALBRIGHT: Okay. And then given your history as a  
2 domestic violence victim --

3 PROSPECTIVE JUROR 031: Yes.

4 MR. ALBRIGHT: -- when asked if you could be impartial and  
5 fair, you were less than definitive, you said to me, "What do you mean  
6 by that," and then you would try, I think is what you said?

7 PROSPECTIVE JUROR 031: Yeah. I don't know. This brings  
8 up a lot of emotion.

9 MR. ALBRIGHT: Understandable.

10 PROSPECTIVE JUROR 031: Yeah.

11 MR. ALBRIGHT: Okay.

12 PROSPECTIVE JUROR 031: I would try very hard to be very  
13 fair and impartial and listen to the facts.

14 MR. ALBRIGHT: Okay. I'm sure they'll have some follow-up,  
15 but given that those emotions will come --

16 PROSPECTIVE JUROR 031: Yes.

17 MR. ALBRIGHT: -- do you think they would affect your ability  
18 to give the Defendant a fair trial?

19 PROSPECTIVE JUROR 031: I would hope not.

20 MR. ALBRIGHT: I appreciate your candor.

21 Does anybody really want to be on the jury? It wasn't a  
22 uniform, no. There wasn't one hand. From 140, Ms. Burnett?

23 PROSPECTIVE JUROR 140: Uh-huh.

24 MR. ALBRIGHT: Okay. And the inverse, does anybody really,  
25 really not want to be on this jury?

1 UNIDENTIFIED PROSPECTIVE JUROR: Yeah. I surely do.

2 MR. ALBRIGHT: So, Mr. Smith, yeah, raised his hand, okay,  
3 205. And then was there one more over here?

4 PROSPECTIVE JUROR 100: Yeah.

5 MR. ALBRIGHT: Okay. Let me quickly -- if I can get your  
6 badge number and your name, sir?

7 PROSPECTIVE JUROR 100: Emmanuel Dela-Cruz, badge 100.

8 MR. ALBRIGHT: Okay. Mr. Dela-Cruz, 100. And, ma'am,  
9 your name?

10 PROSPECTIVE JUROR 216: Laura Sakurai, 216.

11 MR. ALBRIGHT: 216. Okay.

12 UNIDENTIFIED PROSPECTIVE JUROR: With me.

13 MR. ALBRIGHT: Okay. So now the comfort level is rising.  
14 Okay. I appreciate your time. Thank you, ladies and gentlemen.

15 THE COURT: Can counsel approach?

16 [Sidebar at 11:49 a.m., ending at 11:51 a.m., not transcribed]

17 THE COURT: Mr. Albright, you can ask the panel?

18 MR. ALBRIGHT: Yes, Your Honor.

19 THE COURT: Okay. I think you already said it, but I  
20 apologize. We'll have Mister -- Defense? I will decide on my own who's  
21 going ask the questions.

22 MR. BASHOR: Mr. Shaygan's been doing all the talking  
23 so -- good morning-ish everyone. Again, my name is Brian Bashor. I  
24 practice law with Mr. Shaygan here in Las Vegas, and we represent Mr.  
25 Newson. I'm not going to ask questions of every single one of you, and

1 that's not meant to be rude. It's just that the Judge has done such a  
2 thorough and my colleague, Mr. Albright, also very thorough.

3           So I might probably be shortest. It doesn't mean I don't care.  
4 It just means I go last. So thank you for that. I'll go in order. Mr.  
5 Arellano, No. 246, the second seat. Can you just give him a mic? So a  
6 little bit more about what you do. You were using "we" and then "I." Are  
7 you a boss, are you a manager?

8           PROSPECTIVE JUROR 246: So I run the dispatch team, but  
9 I'm not a clinician. So the -- I mean we are a whole team from my  
10 department, which is the mobile response team. So my specific  
11 limitation is just to collect, or my specific role is to collect information  
12 and then send it to a clinician or review with a clinical director, medical  
13 director, and they make final decisions on different things like that.

14           MR. BASHOR: What if members of the team are in  
15 disagreement with one another. Are you in charge of settling that?

16           PROSPECTIVE JUROR 246: In disagreement about what  
17 exactly?

18           MR. BASHOR: Maybe a case on the design of it. I guess say  
19 it was a Human Resources-type issue, harassment for instance.

20           PROSPECTIVE JUROR 246: That goes to Human Resources  
21 or the --

22           MR. BASHOR: Okay. So you're not that kind of problem  
23 solver?

24           PROSPECTIVE JUROR 246: No, no sir.

25           MR. BASHOR: All right, and that will be good. Mister -- or

1 excuse me, Ms. Larsen, 014. Your husband is a security officer?

2 PROSPECTIVE JUROR 014: Yes.

3 MR. BASHOR: Where?

4 PROSPECTIVE JUROR 014: Resorts World.

5 MR. BASHOR: Oh, so brand new --

6 PROSPECTIVE JUROR 014: Yes.

7 MR. BASHOR: Okay, he's busy. And he had been in that  
8 similar kind of work before?

9 PROSPECTIVE JUROR 014: Yes.

10 MR. BASHOR: And I guess that Mr. Albright had been  
11 discussing with another juror, does he -- first of all, does your husband  
12 talk to you about his work?

13 PROSPECTIVE JUROR 014: Yes.

14 MR. BASHOR: Does he talk to you about how to deal with  
15 people under the influence and their behaviors and that sort of thing?

16 PROSPECTIVE JUROR 014: Yes.

17 MR. BASHOR: Any opinions about that that you've formed  
18 to -- just because someone is under the influence, that doesn't make  
19 them a bad person, right?

20 PROSPECTIVE JUROR 014: No.

21 MR. BASHOR: Just might be a bad day?

22 PROSPECTIVE JUROR 014: Exactly.

23 MR. BASHOR: Okay, all right. Next, Ms. Loftis, 018.

24 PROSPECTIVE JUROR 018: Yes.

25 MR. BASHOR: You had a prior civil jury service; is that



1 correct?

2 PROSPECTIVE JUROR 018: Yes.

3 MR. BASHOR: Okay. Was that in Nevada or --

4 PROSPECTIVE JUROR 018: It was Clark County.

5 MR. BASHOR: Clark County, and how long ago was that  
6 again?

7 PROSPECTIVE JUROR 018: I honestly could not tell you. It's  
8 been years.

9 MR. BASHOR: Okay. Do you recall whether or not you were  
10 given jury instructions?

11 PROSPECTIVE JUROR 018: We were given jury instructions.

12 MR. BASHOR: Did you find them complicated or hard to  
13 use?

14 PROSPECTIVE JUROR 018: No.

15 MR. BASHOR: Did the jury -- and this is for anybody I ask  
16 about jury service; I'm not allowed to ask about the outcome. I'm not  
17 trying to. Do you utilize the jury instructions in your deliberations?

18 PROSPECTIVE JUROR 018: I was an alternate, so I was not  
19 involved in part.

20 MR. BASHOR: Okay. On your questionnaire, or I don't -- this  
21 is a new system, so I don't know when these were filled out, okay. You  
22 indicated to the question "In general, do you feel the criminal justice  
23 system is effective," and you answered "no." Do you remember giving  
24 that answer?

25 PROSPECTIVE JUROR 018: Yes.

1 MR. BASHOR: Okay. Can you give us a little bit of an  
2 explanation as to why?

3 PROSPECTIVE JUROR 018: I feel that the system's just  
4 overloaded. They need --

5 MR. BASHOR: Inefficient, slow?

6 PROSPECTIVE JUROR 018: No, no. They just have so much  
7 work to do, they probably need more people.

8 MR. BASHOR: Okay, and then the same answer to the  
9 question "In general, do you feel the criminal justice system is fair," and  
10 you indicated "no." Is that for the same reasons?

11 PROSPECTIVE JUROR 018: For the same reasons, yes. I  
12 mean when you're so overloaded, it's hard to give the best care to the  
13 poorest people.

14 MR. BASHOR: Right, okay. Ms. Crowell, No. 260. Again, you  
15 have some prior jury service, I believe if my recollection is correct, both  
16 civil and criminal?

17 PROSPECTIVE JUROR 018: Correct.

18 MR. BASHOR: But I get the impression that was in  
19 California?

20 PROSPECTIVE JUROR 018: Yes.

21 MR. BASHOR: Same questions on that. Were you given jury  
22 instructions?

23 PROSPECTIVE JUROR 018: Yes.

24 MR. BASHOR: Did you find them easy to read and  
25 understand?

1 PROSPECTIVE JUROR 018: Yes, uh-huh.  
2 MR. BASHOR: Did you deliberate using them?  
3 PROSPECTIVE JUROR 018: Yes.  
4 MR. BASHOR: Did you find them helpful?  
5 PROSPECTIVE JUROR 018: Yes.  
6 MR. BASHOR: Your neighbor, Mr. Staffieri. Did I say that  
7 right?  
8 PROSPECTIVE JUROR 034: Yes.  
9 MR. BASHOR: You indicated you had a weak stomach when  
10 it comes to some of the graphic photos?  
11 PROSPECTIVE JUROR 034: Yes.  
12 MR. BASHOR: Now I know that all parties including the  
13 Judge try to limit the number of photos to those of evidentiary value,  
14 and no one here's going to gratuitously show unnecessary gore or that  
15 sort of thing. Does that help?  
16 PROSPECTIVE JUROR 034: Yes, that would help.  
17 MR. BASHOR: Okay. So we'll do our best to do that.  
18 PROSPECTIVE JUROR 034: Yes sir.  
19 MR. BASHOR: All right, and on your questionnaire, you had  
20 said that, and this isn't meant to embarrass you or anything, but you  
21 indicated that you cannot sit for long periods of time and pay attention?  
22 PROSPECTIVE JUROR 034: Sometimes, yeah. My mind  
23 would wander once in a while, to be honest.  
24 MR. BASHOR: Okay. I think that's true for everybody, but  
25 you didn't -- it's important enough for you to note. So far I get the

1 impression, and I'm not going to take charge of the courtroom but --

2 THE COURT: You might.

3 MR. BASHOR: Judge Jones is going to be taking breaks, as  
4 you have seen, about every hour and a half, two hours. Is that going to  
5 help you clear your mind?

6 PROSPECTIVE JUROR 034: That would help. That's  
7 awesome.

8 MR. BASHOR: Right. Because everyone's, everyone's got to  
9 get some fresh air, use the restroom, clear their head.

10 PROSPECTIVE JUROR 034: Yes sir.

11 MR. BASHOR: Okay, great. Let's see. To the middle of the  
12 next row, it's Ms. Fullido?

13 PROSPECTIVE JUROR 085: Yes.

14 MR. BASHOR: And that is 085. You have indicated on your  
15 questionnaire, and again I don't know when these were filled out or if  
16 your thoughts have changed and that sort of thing. But you were asked  
17 in general do you feel the criminal justice system is fair, and you  
18 indicated "no." Do you remember that?

19 PROSPECTIVE JUROR 085: Yes.

20 MR. BASHOR: Okay. Can you explain why you answered  
21 that way?

22 PROSPECTIVE JUROR 085: I've just seen some instances  
23 where it was kind of unfair.

24 MR. BASHOR: So unfair towards the victim, unfair towards  
25 the --

1 PROSPECTIVE JUROR 085: Yes. Unfair towards the victim.

2 MR. BASHOR: So that the, the perpetrator then should have  
3 been treated more harshly?

4 PROSPECTIVE JUROR 085: Yes.

5 MR. BASHOR: I see. Do you have an example of a situation  
6 like that?

7 PROSPECTIVE JUROR 085: just maybe one example is being  
8 on the streets and just seeing someone get their purse stolen and, you  
9 know, no one's really responding or not even a police officer, super-  
10 responding.

11 MR. BASHOR: Right, like something that is important?

12 PROSPECTIVE JUROR 085: Yeah.

13 MR. BASHOR: And there shouldn't be, and maybe this goes  
14 back to the resource question that expands all around, you know. I  
15 mean there's only so many officers?

16 PROSPECTIVE JUROR 085: Yes.

17 MR. BASHOR: And there are millions of streets and street  
18 corners and that sort of thing?

19 PROSPECTIVE JUROR 085: Exactly.

20 MR. BASHOR: Okay, thank you. Mr. Madidi, No. 093.

21 PROSPECTIVE JUROR 093: Yes sir.

22 MR. BASHOR: Good morning for 45 more seconds. You said  
23 you did some study in Criminal Justice; is that correct?

24 PROSPECTIVE JUROR 093: Yes sir.

25 MR. BASHOR: When you signed up to do those studies,

1 what were you hoping to do?

2 PROSPECTIVE JUROR 093: The initial goal was to get my  
3 Associate's and then start applying for departments, police departments.

4 MR. BASHOR: Okay.

5 PROSPECTIVE JUROR 093: Since I didn't follow through with  
6 the police option, I've decided to make go back to school and get a  
7 paralegal degree.

8 MR. BASHOR: Okay, cool. All right. So yeah, you were  
9 just -- and it sounds like you settled on something kind of in the middle  
10 there. You're at Security at Aria's, and you are in the criminal justice  
11 system in a way, I'm sure. Do some of the people that you have to  
12 handcuff and arrest, do they to your knowledge end up getting  
13 prosecuted? It's an 86.

14 PROSPECTIVE JUROR 093: Usually at the time you're 86, but  
15 most of the time they feel you get cuffed, and they do get taken off by  
16 Metro. I'm not 100 percent sure if they're prosecuted or not. Usually at  
17 the time charges are dropped or they don't follow through.

18 MR. BASHOR: Right, right, okay. And then again on your  
19 questionnaire, you were asked "In general, do you feel the criminal  
20 justice system is fair," and you indicated "no." I mean you -- do you  
21 recall that?

22 PROSPECTIVE JUROR 093: I don't recall that but --

23 MR. BASHOR: Okay, that's no problem. You know, you  
24 might just have misclicked, whatever.

25 PROSPECTIVE JUROR 093: Maybe. But as everyone has

1 said, there's faults in everything, so nothing is ever perfect.

2 MR. BASHOR: Right, especially when a human being's  
3 involved, right?

4 PROSPECTIVE JUROR 093: Right. There's always the human  
5 error.

6 MR. BASHOR: Right. Mr. Tritsch?

7 PROSPECTIVE JUROR 220: Yes.

8 MR. BASHOR: Is that correct?

9 PROSPECTIVE JUROR 220: Yep.

10 MR. BASHOR: Okay. Do you recall filling out this  
11 questionnaire?

12 PROSPECTIVE JUROR 220: It's been a while.

13 THE COURT: And I'm sorry Mr. Bashor. Sir, how long ago  
14 did you fill out the questionnaire? Do you remember?

15 PROSPECTIVE JUROR 220: Probably five to six weeks ago.

16 THE COURT: Okay.

17 MR. BASHOR: Okay, and you were asked can you -- can you  
18 be a fair and impartial juror, and you indicated "no." Do you recall that?

19 PROSPECTIVE JUROR 220: I think just given my position and  
20 the public profile that I have, and not knowing what cases would come  
21 my way as a juror, you know, the fear of God and Judge Jones, I didn't  
22 want to write the wrong answer.

23 MR. BASHOR: That's a sentiment felt by a lot of people.

24 Now let me ask you this. Do you have any recollection of this case in the  
25 media?

1 PROSPECTIVE JUROR 220: There's a lot of tragic cases in  
2 Las Vegas. It all kind of blurs together. I have no idea.

3 MR. BASHOR: Okay, and I know that because you're so  
4 fearful of Judge Jones, you didn't go back to the station yesterday and  
5 Google the name in your system or anything like that?

6 PROSPECTIVE JUROR 220: I listened carefully.

7 MR. BASHOR: All right. Now the news, they oftentimes  
8 when they put a story on about someone getting arrested, they'll use the  
9 word "alleged," right?

10 PROSPECTIVE JUROR 220: Correct.

11 MR. BASHOR: And that's because if it turns out that you're  
12 saying that they're guilty from jump, you could be committing slander?

13 PROSPECTIVE JUROR 220: That's correct.

14 MR. BASHOR: And so -- and oftentimes in your experience,  
15 you'll see that the beginning of the case and what the charges look like in  
16 the beginning of the case, don't necessarily reflect whatever happens in  
17 the end?

18 PROSPECTIVE JUROR 220: Innocent until proven guilty.

19 MR. BASHOR: Right, and so you know, trials happen, things  
20 change, people take plea bargains, that sort of thing, right?

21 PROSPECTIVE JUROR 220: Correct.

22 MR. BASHOR: Okay, and then you use that word "allegedly"  
23 until they're convicted?

24 PROSPECTIVE JUROR 220: Yes.

25 MR. BASHOR: All right. Let's see, Mr. Lambert.



1 PROSPECTIVE JUROR 101: Yes.

2 MR. BASHOR: Good afternoon. In your questionnaire, you  
3 were asked "In general, do you feel the criminal justice system is  
4 effective," and you indicated "no."

5 PROSPECTIVE JUROR 101: Correct.

6 MR. BASHOR: Now can you describe your feelings?

7 PROSPECTIVE JUROR 101: It goes back to a story, and it's  
8 like a shoestring relative in the Rodney King days. He got followed home  
9 and shot on his driveway, and he's paralyzed from the neck down.

10 MR. BASHOR: Wow.

11 PROSPECTIVE JUROR 101: And nothing happened about it.  
12 And like I said I don't -- I don't even know his last name, but I know it's a  
13 shoestring family member way down the road. I was young at the time,  
14 but it did reflect into your memory that something like that, he has to live  
15 like that for the rest of his life and nothing ever happened about it.

16 MR. BASHOR: I see. So there's a frustration, again a  
17 frustration that maybe the right resources weren't in the right place at  
18 the right time?

19 PROSPECTIVE JUROR 101: Well, from my understanding. I  
20 was in Canada.

21 MR. BASHOR: Okay.

22 PROSPECTIVE JUROR 101: But all the resources were at the  
23 situation, at the riot per se.

24 MR. BASHOR: Sure, whereas that kind of gave chaos to all  
25 the other areas.

1 PROSPECTIVE JUROR 101: In the community where he got,  
2 yeah.

3 MR. BASHOR: That was having grown up nearby, that was a  
4 very tense time.

5 PROSPECTIVE JUROR 101: Okay.

6 MR. BASHOR: You also had indicated that "In general, do  
7 you feel the criminal justice system is fair," and you indicated "no." Is  
8 that for the same reason?

9 PROSPECTIVE JUROR 101: Yes.

10 MR. BASHOR: Okay. Ms. Galvez.

11 PROSPECTIVE JUROR 234: Yes.

12 MR. BASHOR: Good afternoon.

13 PROSPECTIVE JUROR 234: Good afternoon.

14 MR. BASHOR: Same two questions we're asking. Do you  
15 feel the system is effective and do you think it's fair, and you indicated  
16 "no" to both questions.

17 PROSPECTIVE JUROR 234: I'll be honest. I didn't  
18 understand the question. I asked for help and nobody that was available.

19 MR. BASHOR: Oh.

20 PROSPECTIVE JUROR 234: Because English is my second  
21 language, and I don't understand a lot of words, and I tried to Google,  
22 but even Google didn't help me. I was on rush when I answered those  
23 questions.

24 MR. BASHOR: I get it, you know. There's life to be lived. A  
25 jury questionnaire is not on the top of the list. Umm, but so English is

1 your second language?

2 PROSPECTIVE JUROR 234: Yes, it is.

3 MR. BASHOR: How have you been doing during all of this?  
4 Have you been able to understand what's going on?

5 PROSPECTIVE JUROR 234: Not a lot of questions, not a lot  
6 of words. Even foregone, I was like tried to get it.

7 MR. BASHOR: Okay.

8 PROSPECTIVE JUROR 234: When the Judge, there was us  
9 and the people, and then I catch what was the word. But not really, I  
10 understand more than I read or write.

11 MR. BASHOR: Okay. Do you think that's going to interfere  
12 with your ability to understand the proceedings as they go on?

13 PROSPECTIVE JUROR 234: Maybe, maybe yes. I'm not sure.  
14 It's like -- it is a good opportunity for me to be here.

15 MR. BASHOR: Sure.

16 PROSPECTIVE JUROR 234: But at the same time it's a  
17 challenge.

18 MR. BASHOR: I'm sorry?

19 PROSPECTIVE JUROR 234: It's a challenge.

20 MR. BASHOR: Challenge, yes.

21 PROSPECTIVE JUROR 234: Yeah, it is. That's what it is for  
22 me right now.

23 MR. BASHOR: Okay, all right. Let's see, Ms. Gravitt? I'm  
24 sorry.

25 PROSPECTIVE JUROR 134: Yes sir, hi.

1 MR. BASHOR: Hi there. Now you are a journalism teacher?

2 PROSPECTIVE JUROR 134: Yes.

3 MR. BASHOR: And I know that it's a fascinating, because  
4 there's a spectrum of stuff that journalism covers right, everything from  
5 politics to where, you know, adoptions, dog adoptions, that sort of thing.  
6 Did you do much, or have you done much in true crime?

7 PROSPECTIVE JUROR 134: No, not with my students.

8 MR. BASHOR: No. I'm sorry?

9 PROSPECTIVE JUROR 134: Not with my students, no.

10 MR. BASHOR: No, okay. But what about when -- did you  
11 ever

12 PROSPECTIVE JUROR 134: I was a professional. I was a  
13 producer for --

14 MR. BASHOR: Okay, and in that profession, did you do much  
15 true crime?

16 PROSPECTIVE JUROR 134: Yeah.

17 MR. BASHOR: Okay, and similar to the question that I asked  
18 your colleague. Oftentimes what something starts out as becomes  
19 something else in your mind in the front -- in your experience?

20 PROSPECTIVE JUROR 134: Yes.

21 MR. BASHOR: Yes, and then if we could go to Ms. Gonzalez.  
22 How are you doing understanding everything that's happening?

23 PROSPECTIVE JUROR 150: I understand almost everything.  
24 This is my second language too.

25 MR. BASHOR: Right, right. But you're pretty comfortable?

1 PROSPECTIVE JUROR 150: Yeah. Maybe my problem is  
2 speaking to --

3 MR. BASHOR: Right, so similar. It's easier to understand  
4 than it is to --

5 PROSPECTIVE JUROR 150: Uh-huh.

6 MR. BASHOR: I understand, okay. On your questionnaire,  
7 the same thing "In general, do you feel the criminal justice system is  
8 fair?" You indicated "no." Can you explain?

9 PROSPECTIVE JUROR 150: I haven't experienced maybe that  
10 sort of thing. I don't remember exactly, and I was on my way to work,  
11 and somebody enter the street, and then I hit him.

12 MR. BASHOR: Uh-huh.

13 PROSPECTIVE JUROR 150: In the back, but I told it was his  
14 fault, but I didn't have, hit him. Those two cases with insurance and then  
15 he sue me, and I lost the case, and I think it wasn't fair.

16 MR. BASHOR: Yeah, sure.

17 PROSPECTIVE JUROR 150: [Indiscernible]

18 MR. BASHOR: That sounds like quite an ordeal.

19 PROSPECTIVE JUROR 150: And I think that -- I didn't have  
20 money to sue them back and I lose everything there. But I think it wasn't  
21 fair because it was his fault.

22 MR. BASHOR: Sure, sure, okay.

23 PROSPECTIVE JUROR 150: Uh-huh, yeah.

24 MR. BASHOR: That sounds horrible.

25 PROSPECTIVE JUROR 150: Uh-huh.

1 MR. BASHOR: But anything about that experience is going  
2 to affect your ability to do, hear both sides fairly?

3 PROSPECTIVE JUROR 150: No, huh-huh.

4 MR. BASHOR: Okay, thank you very much. Number 156, Ms.  
5 Kapel. Mr. Albright already asked you about the law enforcement and  
6 fairness, but you had indicated -- and I'm assuming this. You had a  
7 family trip planned that cannot be moved. This is not going to conflict  
8 with that?

9 PROSPECTIVE JUROR 156: Uh-huh.

10 MR. BASHOR: Awesome. All right. Mr. Morales.

11 PROSPECTIVE JUROR 160: Yes.

12 MR. BASHOR: Good afternoon.

13 PROSPECTIVE JUROR 160: Good afternoon.

14 MR. BASHOR: Sir, I think you had -- you probably have the  
15 most jury experience out of anybody here. You have great luck at the  
16 mailbox.

17 PROSPECTIVE JUROR 160: Exactly.

18 MR. BASHOR: So same thing. Do you recall -- I assume sir  
19 this was in California?

20 PROSPECTIVE JUROR 160: It was in Texas.

21 MR. BASHOR: Texas. I'm sorry, Texas, and were you given  
22 jury instructions?

23 PROSPECTIVE JUROR 160: Yes.

24 MR. BASHOR: And did you find them easy to understand?

25 PROSPECTIVE JUROR 160: Sure.

1 MR. BASHOR: Did you use them in your deliberations?  
2 PROSPECTIVE JUROR 160: Yes.  
3 MR. BASHOR: Did you find them helpful?  
4 PROSPECTIVE JUROR 160: Sure.  
5 MR. BASHOR: Okay, great. And then Mr. Casper, 183.  
6 PROSPECTIVE JUROR 183: Yes.  
7 MR. BASHOR: So same thing. The criminal justice system  
8 effective and criminal justice fair, and you indicated no.  
9 PROSPECTIVE JUROR 183: You know, I might have  
10 answered that wrong.  
11 MR. BASHOR: Okay.  
12 PROSPECTIVE JUROR 183: Yeah, sorry about that. Yes, I'm  
13 for it, you know.  
14 MR. BASHOR: Sure. I think your answers yesterday  
15 demonstrated the opposite to the noes, but I just wanted to give you an  
16 opportunity to explain if you had anything you wanted to say. And then  
17 lastly Ms. Jacobsen, the same two questions you indicated no.  
18 PROSPECTIVE JUROR 194: On both questions?  
19 MR. BASHOR: If that --  
20 PROSPECTIVE JUROR 194: Maybe I just answered -- like he  
21 said, maybe I answered them wrong, just didn't read them right.  
22 MR. BASHOR: I'm not taking my time. So that is no  
23 problem.  
24 PROSPECTIVE JUROR 194: I could tell you I literally just  
25 check, check, check.

1 MR. BASHOR: Right, absolutely. I get it 100 percent. All  
2 right. Is there anything you think that either side needs to know? Miss --

3 PROSPECTIVE JUROR 098: Fowler.

4 MR. BASHOR: Fowler is your name?

5 PROSPECTIVE JUROR 098: Yeah. I just wanted to know if  
6 there's any way this would last longer than six days, because I leave to  
7 go back to college at the end of the month, because I go to school out of  
8 state.

9 MR. BASHOR: Oh no.

10 THE COURT: No, no.

11 MS. FOWLER: Oh okay.

12 MR. BASHOR: Oh no. That won't happen.

13 PROSPECTIVE JUROR 098: Okay.

14 MR. BASHOR: I'm not going to be here. All right, thank you  
15 folks. If I can approach, Your Honor?

16 THE COURT: Yes.

17 [Sidebar at 12:12 p.m., ending at 12:13 p.m., not transcribed]

18 THE COURT: Okay. Ladies and gentlemen, the Clerk is going  
19 to excuse badge number 234. Ms. Galvez, you're going to be excused  
20 from jury service in this case. And the Court is also going to excuse  
21 badge number 031, Ms. Simak. You are going to be excused from jury  
22 service in this case. Okay. Ladies and gentlemen, it is time for us to take  
23 our lunch recess.

24 During this recess, you must not discuss or communicate  
25 with anyone, including fellow jurors in any way regarding the case or its



1 merits, either by voice, phone, email, text, Internet or other means of  
2 communication or social media. Oh, I'm sorry. It probably will help you  
3 guys if I take my mask off, sorry.

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

12           Ladies and gentlemen, it is 12:20. We'll be in recess until  
13 1:30.

14           THE MARSHAL: All rise for the jury.

15                           [Jury out at 12:20 p.m.]

16                           [Outside the presence of the prospective jurors]

17           THE COURT: Okay. May the record reflect that we are  
18 outside the presence of our jury, and for the record, the Defense had a  
19 for cause challenge to badge number 031, Ms. Simak. The challenge  
20 was regarding the fact that she may be too emotional, she may have too  
21 many emotions to sit on this case, and she did say, I wrote in my notes,  
22 this case brings up a lot of her emotions. She hopes her emotions  
23 wouldn't affect her ability to give the Defendant a fair trial, but that was  
24 all she was able to give. State, did you have any objection to excusing  
25 her for cause?

1 MS. WECKERLY: We just submitted it to the Court, Your  
2 Honor.

3 THE COURT: Okay, and the Court decided to excuse her for  
4 cause. The Court also excused badge number 234 upon the Defense's  
5 challenge for cause. They challenged 234 because when she was  
6 questioned regarding English as a second language, it appeared that she  
7 could understand. It's a lot easier for her to understand than it is for her  
8 to speak.

9 However, the Defense made the for cause challenge with the  
10 understanding that there is a lot of legal issues in this case. This case is  
11 strictly a legal issue. I don't think there's a ton of factual dispute in this  
12 case. This case is strictly a legal issue, so the Defense had concerns with  
13 her ability to be able to understand the legal concepts necessary to sit as  
14 a juror in this case.

15 The State made the argument they believe that she was able  
16 to understand based on the representations that she made when she  
17 was questioned. Anything else you guys want to add to the record about  
18 that?

19 MS. WECKERLY: No, Your Honor.

20 MR. BASHOR: No, thank you.

21 THE COURT: Based upon that, the Court did excuse her for  
22 cause as the Court had concerns based upon the legal issues she'll be  
23 asked to determine in this case. She was excused for cause. When we  
24 return from lunch, the Court will replace the two jurors that have been  
25 excused with two new jurors. The Court will begin questioning, and then

1 allow Mr. Albright to question them and then Mr. Bashor, and then at  
2 that point if they're ready to pass the panel for cause, we will do the voir  
3 dire challenges.

4 MS. WECKERLY: Thank you.

5 MR. BASHOR: All right, thank you.

6 THE COURT: Okay. Anything else we need to do outside the  
7 presence?

8 MS. WECKERLY: No thanks.

9 MR. BASHOR: No thank you, Your Honor.

10 THE COURT: All right, and I'll see you guys back at --

11 MR. SHAYGAN-FATEMI: Your Honor at 1:30, correct?

12 THE COURT: Yes, 1:30.

13 [Recess taken from 12:18 p.m. to 1:36 p.m.]

14 THE MARSHAL: All rise for the jury.

15 [Prospective jurors in at 1:36 p.m.]

16 THE MARSHAL: All jurors present and accounted for, Your  
17 Honor.

18 THE COURT: Okay. You may all be seated. We are going to  
19 go back on the record in C-313919, State of Nevada v. Vernon Newson,  
20 Jr. Let the record reflect Mr. Newson is present with his attorney,  
21 Deputy District Attorneys on behalf of the State. Do both parties  
22 stipulate to the presence of our jury panel?

23 MS. WECKERLY: Yes, Your Honor.

24 MR. BASHOR: Yes, Your Honor.

25 THE COURT: Okay. Madam Clerk, if you can call up the next

1 two people.

2 THE CLERK: Badge No. 054, James Space.

3 THE COURT: Okay, Mr. Space. If you could come on up and  
4 take this third seat in on that second row.

5 THE CLERK: Badge number 058, Tiawanda Baity.

6 THE COURT: Ms. Baity, if you could come on up and take  
7 this first seat on the very end here.

8 [Pause]

9 THE COURT: Okay, thank you very much. Okay. Mr. Space,  
10 I'm going to start with you and ask you some individual questions, okay  
11 sir?

12 PROSPECTIVE JUROR 054: Sure.

13 THE COURT: Sir, how long have you lived in Clark County?

14 PROSPECTIVE JUROR 054: About a year and a half.

15 THE COURT: Where were you before that?

16 PROSPECTIVE JUROR 054: New York.

17 THE COURT: How far did you go in school?

18 PROSPECTIVE JUROR 054: College degree.

19 THE COURT: What did you study?

20 PROSPECTIVE JUROR 054: Business.

21 THE COURT: Okay. Sir, are you currently employed?

22 PROSPECTIVE JUROR 054: No.

23 THE COURT: Okay. Were you previously employed?

24 PROSPECTIVE JUROR 054: No, I'm retired.

25 THE COURT: Okay, and what type of work did you retire

1 from?

2 PROSPECTIVE JUROR 054: First one was Air Force; second  
3 one was IBM.

4 THE COURT: Okay. Are you married or in a significant  
5 relationship?

6 PROSPECTIVE JUROR 054: Married.

7 THE COURT: What type of work does your spouse do?

8 PROSPECTIVE JUROR 054: She's a retired school teacher.

9 THE COURT: Okay. Do you have any children?

10 PROSPECTIVE JUROR 054: Two.

11 THE COURT: How old are they?

12 PROSPECTIVE JUROR 054: My daughter's 44; my son's 38.

13 THE COURT: Okay. What type of work do they do?

14 PROSPECTIVE JUROR 054: My daughter's a school teacher;  
15 my son's a major in the Army.

16 THE COURT: Okay, and sir have you ever been the victim of  
17 a crime?

18 PROSPECTIVE JUROR 054: No.

19 THE COURT: Have you ever been accused of a crime?

20 PROSPECTIVE JUROR 054: No.

21 THE COURT: Do you have any friends, family members or  
22 close associates who've been the victim of a crime?

23 PROSPECTIVE JUROR 054: No.

24 THE COURT: Any friends, family members or close  
25 associates who have been accused of a crime?

1 PROSPECTIVE JUROR 054: Yes.  
2 THE COURT: Who was that?  
3 PROSPECTIVE JUROR 054: My cousin.  
4 THE COURT: What was your cousin accused of?  
5 PROSPECTIVE JUROR 054: Capital murder.  
6 THE COURT: And where did that happen?  
7 PROSPECTIVE JUROR 054: New York.  
8 THE COURT: Okay, and was he arrested for that?  
9 PROSPECTIVE JUROR 054: Yes.  
10 THE COURT: And was he prosecuted?  
11 PROSPECTIVE JUROR 054: Yes.  
12 THE COURT: Did you follow that case through the system?  
13 PROSPECTIVE JUROR 054: No.  
14 THE COURT: Is there anything about that situation that  
15 would cause you to believe you couldn't be fair and impartial in this  
16 case?  
17 PROSPECTIVE JUROR 054: No.  
18 THE COURT: Okay. Sir, have you ever sat as a juror before?  
19 PROSPECTIVE JUROR 054: Only in the Air Force.  
20 THE COURT: Okay, when was that?  
21 PROSPECTIVE JUROR 054: I think it was around '83.  
22 THE COURT: Okay, and sir was a civil or a criminal case?  
23 PROSPECTIVE JUROR 054: It was just -- I guess the drug  
24 abuse.  
25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR 054: Drug abuse. He was taking  
2 cocaine.

3 THE COURT: Okay, so it was a drug case?

4 PROSPECTIVE JUROR 054: Yes.

5 THE COURT: Okay. Without telling us what the verdict was,  
6 did the jury reach a verdict?

7 PROSPECTIVE JUROR 054: Yes.

8 THE COURT: Were you the foreperson?

9 PROSPECTIVE JUROR 054: No.

10 THE COURT: Is there anything about that situation that  
11 would cause you not to want to serve again?

12 PROSPECTIVE JUROR 054: No.

13 THE COURT: Okay. Sir, do you own a firearm?

14 PROSPECTIVE JUROR 054: No.

15 THE COURT: Do you believe people should be allowed to  
16 own firearms?

17 PROSPECTIVE JUROR 054: Yes.

18 THE COURT: Have you or anyone closely associated with  
19 you ever been in a romantic relationship that was volatile and abusive?

20 PROSPECTIVE JUROR 054: No.

21 THE COURT: Have you ever had a bad experience with law  
22 enforcement?

23 PROSPECTIVE JUROR 054: No.

24 THE COURT: If graphic photos are introduced into evidence,  
25 will you be able to assess them for their evidentiary value?

1 PROSPECTIVE JUROR 054: Yes.

2 THE COURT: If someone is taking a controlled substance, do  
3 you believe they can still be the victim of a crime?

4 PROSPECTIVE JUROR 054: Yes.

5 THE COURT: Do you understand that Court is not like CSI, so  
6 there's not going to be, necessarily be everything that you see on TV?

7 PROSPECTIVE JUROR 054: Correct, yes.

8 THE COURT: Some witnesses in this case will be testifying  
9 via video. Can you assess their testimony like any other witness who's  
10 here in person?

11 PROSPECTIVE JUROR 054: Yes.

12 THE COURT: And will this be distracting for you?

13 PROSPECTIVE JUROR 054: No.

14 THE COURT: The presumption of innocence is the core  
15 principle that one is innocent until proven guilty. Do you agree with that  
16 presumption?

17 PROSPECTIVE JUROR 054: Yes.

18 THE COURT: It is the responsibility of the State to prove this  
19 case to you beyond a reasonable doubt, because they're the person  
20 accusing someone of a crime. Do you agree with that principle?

21 PROSPECTIVE JUROR 054: Yes.

22 THE COURT: Do you agree with the principle that the  
23 Defendant does not have a responsibility to prove his innocence?

24 PROSPECTIVE JUROR 054: Yes.

25 THE COURT: The Defendant has a right not to testify. If he



1 chooses not to testify, will you hold that against him?

2 PROSPECTIVE JUROR 054: No.

3 THE COURT: Have you or anyone closely associated with  
4 you ever been in a close relationship with someone who was a drug  
5 user?

6 PROSPECTIVE JUROR 054: No.

7 THE COURT: Do you believe you may be too emotional to sit  
8 as a juror in this case in this case?

9 PROSPECTIVE JUROR 054: No.

10 THE COURT: Not all killings are considered the same under  
11 the law. So at the conclusion of this case, I will instruct you as to the  
12 elements of the possible crimes you can consider in your deliberation.  
13 Will you be able to consider all of these possible crimes?

14 PROSPECTIVE JUROR 054: Yes.

15 THE COURT: Sir, is there anything about the nature of this  
16 case or anything you've heard here today that would make it difficult for  
17 you to sit as a fair and impartial juror in this case?

18 PROSPECTIVE JUROR 054: This is the first I've heard of it.

19 THE COURT: Okay. Can you base your verdict solely on the  
20 evidence presented during this trial, and wait to form an opinion until  
21 you've heard all of that evidence?

22 PROSPECTIVE JUROR 054: Yes.

23 THE COURT: Can you be fair to both sides?

24 PROSPECTIVE JUROR 054: Yes.

25 THE COURT: Okay, thank you sir. If you can pass the

1 microphone down. Miss, is it Baity?

2 PROSPECTIVE JUROR 058: Yes, Baity.

3 THE COURT: Okay. Thank you very much. Ms. Beatty, how  
4 long have you lived in Clark County?

5 PROSPECTIVE JUROR 058: For 35 years.

6 THE COURT: And how far did you go in school?

7 PROSPECTIVE JUROR 058: 11th grade.

8 THE COURT: And are you currently employed?

9 PROSPECTIVE JUROR 058: Yes, I am.

10 THE COURT: What type of work do you do?

11 PROSPECTIVE JUROR 058: I'm a custodian worker for the  
12 University of Nevada.

13 THE COURT: Okay, the University of Nevada-Las Vegas?

14 PROSPECTIVE JUROR 058: Uh-huh.

15 THE COURT: Yes?

16 PROSPECTIVE JUROR 058: Yes.

17 THE COURT: Okay. Are you married or in a significant  
18 relationship?

19 PROSPECTIVE JUROR 058: I'm married, but I'm going  
20 through a divorce.

21 THE COURT: Okay. What type of work did your almost  
22 former spouse do?

23 PROSPECTIVE JUROR 058: He's self-employed.

24 THE COURT: Okay. What type of work?

25 PROSPECTIVE JUROR 058: What does he do? Cell phones.

1 THE COURT: Okay. Do you have any children?  
2 PROSPECTIVE JUROR 058: Yes, I do. I have three.  
3 THE COURT: How old are they?  
4 PROSPECTIVE JUROR 058: Range from 35 to 28.  
5 THE COURT: And do they work?  
6 PROSPECTIVE JUROR 058: Yes, they do.  
7 THE COURT: What type of work do they do?  
8 PROSPECTIVE JUROR 058: The oldest, the 35 year-old, she's  
9 self-employed.  
10 THE COURT: Doing what?  
11 PROSPECTIVE JUROR 058: Selling clothes, jewelry, little  
12 stuff like that.  
13 THE COURT: Okay.  
14 PROSPECTIVE JUROR 058: The 28 year-old, she works for  
15 Hooters, and she works for somewhere else, one other place also.  
16 THE COURT: Okay. You don't know where the other place  
17 is?  
18 PROSPECTIVE JUROR 058: I don't know the other place  
19 where she work at.  
20 THE COURT: Okay.  
21 PROSPECTIVE JUROR 058: The 34 year-old, she stays in LA  
22 and she's a barber.  
23 THE COURT: Okay. Have you ever been the victim of a  
24 crime?  
25 PROSPECTIVE JUROR 058: No, I haven't.

1 THE COURT: Have you ever been accused of a crime?

2 PROSPECTIVE JUROR 058: No, I haven't.

3 THE COURT: Do you have any friends, family members or  
4 close associates who've been the victim of a crime?

5 PROSPECTIVE JUROR 058: Yes, I have.

6 THE COURT: Who is that?

7 PROSPECTIVE JUROR 058: I have friend girls, domestic  
8 violence.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 058: I have a sister that was domestic  
11 violence, in domestic violence. That's about it.

12 THE COURT: Okay, and did you go through those situations  
13 with them?

14 PROSPECTIVE JUROR 058: No.

15 THE COURT: Okay. Is there anything about those situations  
16 that would cause you to believe you couldn't be fair and impartial in this  
17 case?

18 PROSPECTIVE JUROR 058: No.

19 THE COURT: Okay. Any friends, family members or close  
20 associates who have been accused of a crime?

21 PROSPECTIVE JUROR 058: Several.

22 THE COURT: Okay. What type of crimes?

23 PROSPECTIVE JUROR 058: Okay. I have a child's father was  
24 accused of robbing a bank, one murder. Nephew, what did he do? I  
25 have one nephew that was for like child, messing with children?

1 THE COURT: Child? Okay.

2 PROSPECTIVE JUROR 058: And one for -- what did he go  
3 for? Just making bad decisions I want to say he did. Basically he shot  
4 somebody.

5 THE COURT: Okay. Is there anything about any of those  
6 situations that would cause you to believe you couldn't be fair and  
7 impartial in this case?

8 PROSPECTIVE JUROR 058: No.

9 THE COURT: Have you ever sat as a juror before?

10 PROSPECTIVE JUROR 058: No, I haven't.

11 THE COURT: Do you own a firearm?

12 PROSPECTIVE JUROR 058: No, I don't.

13 THE COURT: Do you believe people should be allowed to  
14 own firearms?

15 PROSPECTIVE JUROR 058: Yes I do.

16 THE COURT: Have you or anyone closely associated with  
17 you ever been in a romantic relationship that was volatile and abusive?

18 PROSPECTIVE JUROR 058: I know several people that have  
19 been in relationships.

20 THE COURT: Okay. Is there anything about those situations  
21 that you think would cause you not to be fair and impartial in this case?

22 PROSPECTIVE JUROR 058: No.

23 THE COURT: Have you ever had a bad experience with law  
24 enforcement?

25 PROSPECTIVE JUROR 058: No.

1 THE COURT: If graphic photos are introduced during this  
2 trial, will you be able to assess them for their evidentiary value?

3 PROSPECTIVE JUROR 058: Yes I will.

4 THE COURT: If someone has taken a controlled substance,  
5 do you believe they can still be the victim of a crime?

6 PROSPECTIVE JUROR 058: Yes I do.

7 THE COURT: Do you understand that Court is not necessarily  
8 like what you see on TV, so you're not guaranteed to see everything you  
9 see on CSI, the First 48 or any of those shows?

10 PROSPECTIVE JUROR 058: Yes.

11 THE COURT: Some witnesses in this case will be testifying  
12 via video. Can you assess their testimony like any other witness who  
13 testifies in person?

14 PROSPECTIVE JUROR 058: Yes I could.

15 THE COURT: The presumption of innocence is the core  
16 principle that one is innocent until proven guilty. Is that a principle that  
17 you agree with?

18 PROSPECTIVE JUROR 058: Yes I do.

19 THE COURT: It is the responsibility of the State to prove this  
20 case to you beyond a reasonable doubt, because they're the person  
21 accusing someone of a crime. Do you agree with that principle?

22 PROSPECTIVE JUROR 058: Yes.

23 THE COURT: Do you agree with the principle the Defendant  
24 does not have a responsibility to prove his innocence?

25 PROSPECTIVE JUROR 058: Yes.

1 THE COURT: The Defendant has a right not to testify. If he  
2 chooses not to testify, will you hold that against him?

3 PROSPECTIVE JUROR 058: No.

4 THE COURT: Have you or anyone closely associated with  
5 you ever been in a close relationship with someone who was a drug  
6 user?

7 PROSPECTIVE JUROR 058: I know of people, yes.

8 THE COURT: Okay. Is there anything about those situations  
9 that you know of that would cause you to believe you couldn't be fair  
10 and impartial in this case?

11 PROSPECTIVE JUROR 058: No.

12 THE COURT: Do you think you may be too emotional to sit  
13 as a juror in this type of case?

14 PROSPECTIVE JUROR 058: No.

15 THE COURT: Not all killings are considered the same under  
16 the law. At the conclusion of this case, I will instruct you as to the  
17 elements of the possible crimes you can consider in your deliberation.  
18 Would you be willing to consider all of those crimes?

19 PROSPECTIVE JUROR 058: Yes.

20 THE COURT: Is there anything about the nature of this case  
21 or anything you've heard here today that would make it difficult for you  
22 to sit as a fair and impartial juror in this case?

23 PROSPECTIVE JUROR 058: No.

24 THE COURT: Can you base your verdict solely on the  
25 evidence presented during this trial, and wait to form an opinion until

1 you've heard all of that evidence?

2 PROSPECTIVE JUROR 058: Yes.

3 THE COURT: Can you be fair to both sides?

4 PROSPECTIVE JUROR 058: Yes.

5 THE COURT: Okay. Thank you very much. State?

6 MR. ALBRIGHT: Thank you, Your Honor. Just very briefly.

7 You have a microphone still? Oh, sorry. Ms. Beatty.

8 PROSPECTIVE JUROR 058: Yes.

9 MR. ALBRIGHT: Number 058. Just very quickly ma'am, the  
10 people you had listed that were accused of committing crimes, were  
11 those family members or friends?

12 PROSPECTIVE JUROR 058: They was actually family  
13 members and actually my kid's father.

14 MR. ALBRIGHT: Okay. Were any of those prosecuted by the  
15 Clark County District Attorney or were they --

16 PROSPECTIVE JUROR 058: All of them was Clark County.

17 MR. ALBRIGHT: Okay. Are any of those cases currently  
18 pending?

19 PROSPECTIVE JUROR 058: No.

20 MR. ALBRIGHT: Okay. You know I work for the Clark County  
21 District Attorney's Office, right?

22 PROSPECTIVE JUROR 058: Uh-huh.

23 MR. ALBRIGHT: Okay. Are you going to hold that against  
24 me?

25 PROSPECTIVE JUROR 058: No.



1 MR. ALBRIGHT: Okay, okay. So does Ms. Weckerly by the  
2 way. Okay. You'll be able to separate the fact that you have loved ones  
3 that were prosecuted by people in our office, and not hold that against  
4 us?

5 PROSPECTIVE JUROR 058: No, I won't hold it against you.

6 MR. ALBRIGHT: Okay, I appreciate that, as does -- as does  
7 the Defendant I'm sure. You also mentioned that you were aware or had  
8 friends or family that were drug users?

9 PROSPECTIVE JUROR 058: Uh-huh.

10 MR. ALBRIGHT: Okay. Who specifically or how close are  
11 they?

12 PROSPECTIVE JUROR 058: I have a brother and a sister  
13 that's drug addicts. I have friends that experiment with drugs. That's  
14 about it.

15 MR. ALBRIGHT: Okay, and your brother and sister, have you  
16 been kind of around as they've been going through that struggle?

17 PROSPECTIVE JUROR 058: I don't have nothing to do with  
18 them.

19 MR. ALBRIGHT: You don't have anything to do with them,  
20 okay. Does it have to do with their drug addiction?

21 PROSPECTIVE JUROR 058: Yeah.

22 MR. ALBRIGHT: That's why you split with them?

23 PROSPECTIVE JUROR 058: Uh-huh.

24 MR. ALBRIGHT: Okay. Nothing further, Your Honor. Thank  
25 you.

1 THE COURT: Defense.

2 MR. BASHOR: Good afternoon. We pass for cause Judge.

3 THE COURT: Okay. Can you guys' approach?

4 [Sidebar at 1:50 p.m., ending at 1:50 p.m., not transcribed]

5 THE COURT: Okay. Ladies and gentlemen, we've reached  
6 the portion where the attorneys are going to be using their challenges to  
7 determine who's going to be our jurors and who is going to be excused.  
8 This process is going to take us a few minutes to do. However, I do need  
9 you guys to remain in your seats, because a lot of times they remember  
10 things about you by looking at your face, and not necessarily by knowing  
11 your name. So it's kind of weird that you guys' kind of just have to sit  
12 here while we're doing all this.

13 But it is just very important to the process that they have you  
14 guys here. So if you guys could just remain in your seat. If you want to  
15 quietly talk to your neighbor, you could do that. But if you could just  
16 remain in your seats, so that they can see your face as they're going  
17 through this process.

18 [Pause]

19 [Sidebar at 2:05 p.m., ending at 2:11 p.m., not transcribed]

20 THE COURT: Okay. Ladies and gentlemen, for those of you  
21 in the back who did not get up here to sit in these chairs, I want to thank  
22 you so much for your time and attention today. I know it feels like you  
23 didn't do much today, but we never know how many people we're going  
24 to need for jury service, so your attendance was critical. We appreciate  
25 you guys being here.

1           This will count as your jury service, because you did make it  
2 to this portion of jury service. So you guys will all be excused. You guys  
3 are all free to go. You are free to go -- you're free to go. You should not  
4 receive a juror summons in the near future, but it should be  
5 approximately 18 months, but I can't make any promises. Okay? So you  
6 guys are all free to go. Thank you very much.

7           So for those of you who are in the jury box, the following  
8 jurors will be excused. When I say you are excused, that means you are  
9 free to go. Badge number 205, Mr. Smith. You are free to go. Badge  
10 number 246 Mr. Arellano, you are free to go. Badge number 250 Ms.  
11 Farmer, you are free to go. Badge number 264 Mr. Bacarella, you are  
12 excused from jury service.

13           Badge number 093 Mr. Madidi, you are excused. 220, Mr.  
14 Tritsch, you are excused. 097, Ms. Grul, you are excused. 100, Dela-  
15 Cruz, you are excused. 103, Stiff, you are excused. 112, Ogas, you are  
16 excused. 116, Estrella, you are excused. 054, Space, you are excused.  
17 140, Burnett, you are excused. 150, Gonzalez, you are excused. 156,  
18 Kapel, you are excused. 166, Sajkich, are you excused. 183, Casper, you  
19 are excused, and 194, Jacobsen, you are excused.

20           UNIDENTIFIED PROSPECTIVE JUROR: Thank you.

21           THE COURT: I apologize, I didn't mean to point. Just had to  
22 make sure I excuse the appropriate people, so we do have the members  
23 of our jury.

24           Okay. Ladies and gentlemen, for you that are remaining, you  
25 will be the members of our jury, and I do apologize. It was so funny.

1 Somebody talked about the court being overworked and not having  
2 enough things, not having enough people, because I have to go do a  
3 calendar really quick while we take our next recess.

4 So for this reason, we are going to take a recess. You are  
5 our remaining jurors. So we're going to take a recess, and you guys are  
6 to come back after the recess.

7 During this recess, you must not discuss or communicate  
8 with anyone, including fellow jurors in any way regarding the case or its  
9 merits, either by voice, phone, email, text, Internet or other means of  
10 communication or social media. You must not read, watch or listen to  
11 any news or media accounts or commentary about this case, do any  
12 research such as consulting dictionaries, using the Internet or using  
13 reference materials.

14 You must not make any investigation, test the theory of the  
15 case, recreate any aspect of the case or in any other way investigate or  
16 learn about the case on your own, and you must not form or express any  
17 opinion regarding this case until it is submitted to you. Ladies and  
18 gentlemen, it is 2:20. We'll be in recess until 2:40.

19 THE MARSHAL: All rise for the jury.

20 [Prospective jurors out at 2:20 p.m.]

21 [Recess taken from 2:14 p.m. to 2:57 p.m.]

22 [Outside the presence of the prospective jurors]

23 THE COURT: All right. We're back on the record in C-313919,  
24 State of Nevada v. Vernon Newson. May the record reflect Mr. Newson  
25 is present with his counsel, both Deputy District Attorneys on behalf of

1 the State. We are outside the presence of our jurors. Mr. Shaygan.

2 MR. SHAYGAN-FATEMI: Good afternoon, Your Honor.

3 THE COURT: Good afternoon.

4 MR. SHAYGAN-FATEMI: We wanted to just talk about Mr.  
5 Albright last night sent us a photo of Anshanette McNeil, who's the  
6 victim in this case, and it was actually two photos if I'm not mistaken  
7 side by side, and essentially she's dressed up. She looks really nice.  
8 She's wearing a hat. She's smiling, looks very sweet and kind and it's  
9 the Defense's position that the photo is irrelevant.

10 There's no probative value with that photo or photos, and if  
11 there is any probative value, it's outweighed --

12 THE COURT: Oh, I'm sorry. I'm gesturing to my Marshal, go  
13 ahead.

14 MR. SHAYGAN-FATEMI: Oh no, I'm sorry Your Honor. And  
15 if there actually -- if the Court finds that there is any probative value to  
16 the photographs, we believe that it's outweighed by prejudice to Mr.  
17 Newson, and it confuses the jury. And frankly, if we're going to call a  
18 spade or spade, it's there to sort of garner sympathy for the victim  
19 because she's smiling and it looks really nice, and it has no bearing on  
20 this case. It's completely irrelevant. So it's our position that the State  
21 should not be allowed to use either of those photographs.

22 THE COURT: And are you arguing that the sympathy that  
23 you believe it would get for the victim is the prejudice that Mr. Newson  
24 will suffer?

25 MR. SHAYGAN-FATEMI: Correct.

1 THE COURT: Okay.

2 MR. SHAYGAN-FATEMI: Thank you, Your Honor.

3 THE COURT: State?

4 MS. WECKERLY: So Your Honor, the State isn't seeking to  
5 admit 20 pictures or seeking to admit one picture of her that was taken  
6 about two weeks before this incident occurred. There's -- there are  
7 allegations, or it will come up that there was a controlled substance in  
8 her toxicology at autopsy. So there is some relevance to how she  
9 appears in that picture, which is pretty normal and, you know, not  
10 looking strung out on drugs or anything like that.

11 In terms of the prejudice, I don't understand quite what the  
12 prejudice would be. They've already made a concession that he's the  
13 one responsible for the death. Whether or not, how she looked two  
14 weeks before doesn't really have any bearing on his mental state at the  
15 time of the crime, which I'm assuming we're going to be discussing  
16 throughout this trial.

17 THE COURT: This is a photo that you intend to introduce in  
18 your opening?

19 MS. WECKERLY: We were going to use it in an opening. We  
20 do have a witness, you know, we have a good faith belief, you know, that  
21 a witness will be able to identify her in that photo.

22 THE COURT: And identify the date that photo was taken?

23 MS. WECKERLY: I don't know if she'll be able to get too  
24 close to -- I mean she'll say within, you know, the last couple of months  
25 of her life. I don't think she'll be able to get the exact date.

1 THE COURT: Okay. All right Mr. Shaygan, anything you  
2 want to add?

3 MR. SHAYGAN-FATEMI: I'll submit it, Your Honor.

4 THE COURT: All right. Well, I mean I understand that you  
5 don't believe that the photo has any relevance. I believe the photo does  
6 have relevance to show how she appeared before any of this happened,  
7 and I don't believe that the prejudicial nature of this outweighs any  
8 probative value that it has. So I'm going to allow the State to show the  
9 photo.

10 MR. BASHOR: And Judge, we would just ask that it be  
11 marked now, just so that when we -- the Appellate record --

12 THE COURT: Okay, all right. So this will be marked -- I don't  
13 know what order this is in.

14 MR. BASHOR: No.

15 MS. WECKERLY: It can be -- it can be any number.

16 THE CLERK: 137.

17 [State's Exhibit 137 marked for identification]

18 THE COURT: 137, okay.

19 MR. BASHOR: Great, perfect. That's all I ask.

20 THE COURT: Okay. So 137 will be admitted over the  
21 Defense's objection.

22 [State's Exhibit 137 admitted into evidence]

23 MR. BASHOR: Correct.

24 THE COURT: Okay.

25 MR. SHAYGAN-FATEMI: Thank you, Your Honor.

1 THE COURT: Did you guys have another issue?

2 MR. BASHOR: Yes Judge.

3 THE COURT: Okay.

4 MR. BASHOR: All right. So in the first trial, Your Honor, the  
5 State elicited a statement made by Mr. Newson very soon after the  
6 shooting, and I'm going to quote it exactly from Zaharia Marshall's  
7 testimony. It's on page 146 of the second day's trial transcript, and it  
8 was "Just know mother fuckers took me to the point where I can't take it  
9 no more."

10 The State, in preparation within the last week or so, indicated  
11 that they were on the fence about admitting it, and then that they've  
12 decided that they are not going to choose to admit that statement.

13 THE COURT: Okay.

14 MR. BASHOR: We believe it could be an excited utterance  
15 under NRS 51.095. Zaharia Marshall will testify to the fact that Vernon  
16 was very amped. He was dropping bullets; he was moving quickly. He  
17 was grabbing things that were still tied down. It's undisputed that his  
18 demeanor and body language matched excitement, and it is our wish,  
19 and I know that openings are not evidence. It's our wish to reference our  
20 statement in the Defense's opening statement, and so we're asking for  
21 an admissibility ruling on that statement.

22 Now there's other legal consequences of us choosing to use  
23 that statement, as the State -- yeah, last night or this morning emailed  
24 the Court a case *Gibbs v. State*, in which they had asked then that Mr.  
25 Newson's prior convictions be then admitted pursuant to 51.069. We're



1 prepared to -- while we disagree that this should be admitted, we can  
2 argue that point later. But we do understand the consequences that if  
3 we were to lose that argument.

4 But we're just asking for purposes of opening statement, if  
5 we are permitted under that hearsay exception to use, to reference that  
6 statement.

7 THE COURT: State?

8 MS. WECKERLY: So Mr. Bashor is correct. The State is not  
9 going to elicit that or had not planned to elicit that statement from the  
10 witness during this trial. I'm sure the Court's aware that the facts are  
11 that he traveled -- after the actual shooting incident, he drives to a house,  
12 and I think it probably takes ten minutes-ish to travel to where he  
13 encountered Zaharia Marshall.

14 I think the evidence is that he is upset, and he seems, you  
15 know, kind of stressed out and angry. I don't know if the statement in  
16 my mind qualifies as an excited utterance. Obviously, when we  
17 introduced it wasn't as that, it wasn't that. It was party admission. But in  
18 any event, I don't think it's an excited utterance.

19 However, in the event that the Court decides to admit the  
20 statement, I did want to make Defense counsel aware that the State  
21 would then be seeking to introduce his prior convictions according to  
22 NRS 51.069, and I provided the Court and Defense counsel with a case  
23 that sort of has that same discussion with this dynamic.

24 THE COURT: And I did get the Gibbs case and I -- I mean,  
25 and that is I'll allow the statement in as an excited utterance, but if you

1 do go into the statement, then you have the Gibbs issue, and so I want  
2 you guys to understand if you go into -- go into the statement, I'm not  
3 pre-ruling on the Gibbs issue, but that's absolutely something the State  
4 will be allowed to get into, and I'm going to reserve ruling on that.

5 But I'm not ruling out the admission of the prior convictions  
6 based on your admission of the statement.

7 MR. BASHOR: Absolutely Judge, and we -- I'm sure the State  
8 appreciates this record for down the road. We did discuss that possible  
9 consequences under NRS 51.069(1) with Mr. Newson, that his priors then  
10 may become fair game under the circumstances.

11 THE COURT: And I was just going to ask him a couple of  
12 questions about that, just to make sure the record's clear. Mr. Newson,  
13 you heard everything that's been said since we got back from the break?

14 MR. NEWSON: Yes, Your Honor.

15 THE COURT: Okay, and you have discussed with your  
16 lawyers that if they want to get their statement in, of a statement that is  
17 being attributed to you shortly after this incident, they may be opening  
18 the door to the possibility of your prior convictions coming in to impeach  
19 you under the Gibbs decision?

20 THE DEFENDANT: Yes ma'am.

21 THE COURT: And based upon your understanding, and I  
22 know your lawyers are fabulous lawyers and I know they talked to you  
23 about that, based upon your understanding are you in agreement with  
24 this trial strategy that possibly in opening statement they're going to say  
25 that you've said this statement that Mr. Bashor had referenced. But if

1 they do that, later on during this trial I may rule that your priors can  
2 come in for impeachment purposes, even if you don't testify?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: And you are in agreement with that?

5 THE DEFENDANT: Yes, I am.

6 THE COURT: Okay, thank you sir. All right. So based on  
7 that, I'm going to reserve ruling on the Gibbs issue, but I will allow the  
8 statement in as an excited utterance, and you can make any strategic  
9 decisions that you guys choose based on that.

10 MR. BASHOR: Thank you very much.

11 THE COURT: All right. Any other issues?

12 MS. WECKERLY: Not on behalf of the State.

13 THE COURT: All right. We're going to bring the jury back in.  
14 I'm going to strenuously apologize to them. This is completely my fault,  
15 and then I'm going to read them the preliminary instructions, and then  
16 you guys will be ready to open.

17 MR. ALBRIGHT: Your Honor, just so we don't fumble around  
18 with this during my opening, do we need this during jury instructions, or  
19 can we make the ELMO on right now?

20 THE COURT: You can cut it on right now.

21 MR. ALBRIGHT: Okay.

22 THE COURT: Yeah.

23 MR. ALBRIGHT: Do I need to push the button?

24 THE COURT: I assume, yes.

25 THE CLERK: You guys are using a computer?

1 THE COURT: Yeah. You're using Elmo?

2 MR. ALBRIGHT: Yeah.

3 THE COURT: Yeah, there it is.

4 MR. ALBRIGHT: I'll just be -- okay.

5 THE COURT: There it is.

6 MR. ALBRIGHT: I appreciate it.

7 [Pause]

8 THE COURT: And you guys have a witness who's available  
9 right after opening, right? State?

10 MR. BASHOR: They have one.

11 MR. ALBRIGHT: We are prepared, Your Honor.

12 THE COURT: Okay.

13 [Pause]

14 [Jury in at 3:08 p.m.]

15 THE MARSHAL: All rise for the jury. I'm sorry you guys. I  
16 should have told you this outside. So you're actually switching seats.  
17 That was my mistake.

18 THE MARSHAL: All present, Your Honor.

19 THE COURT: Okay. You may all be seated. We are back on  
20 the record in C-313919, State of Nevada v. Vernon Newson, Jr. May the  
21 record reflect Mr. Newson is present with his attorneys, Deputy District  
22 Attorneys on behalf of the State. Ladies and gentlemen of the jury, I  
23 sincerely apologize. Everything always takes longer than you anticipate  
24 it's going to take. So I do apologize. I did not intend to have you guys  
25 staying outside.

1                   However, the calendar took a lot longer than I thought. We  
2 haven't even had a break yet. So I do apologize because we came right  
3 back to get back on the record. I am going to go through the names  
4 really quick, just to make sure that everybody's in the seat they're  
5 supposed to. Ms. Larsen, are you in Seat No. 1?

6                   JUROR NO. 1: Yes.

7                   THE COURT: Ms. Loftis?

8                   JUROR NO. 2: Yes.

9                   THE COURT: Ms. Crowell?

10                  JUROR NO. 3: Yes.

11                  THE COURT: Mr. Staffieri?

12                  JUROR NO. 4: Yes.

13                  THE COURT: Ms. Sakurai?

14                  JUROR NO. 5: Yes.

15                  THE COURT: Mr. Thompson?

16                  JUROR NO. 6: Here.

17                  THE COURT: Mr. Taub?

18                  JUROR NO. 7: Yes.

19                  THE COURT: Mr. Macstravic?

20                  JUROR NO. 8: Yes.

21                  THE COURT: Ms. Fullido?

22                  JUROR NO. 9: Yes.

23                  THE COURT: Ms. Fowler?

24                  JUROR NO. 10: Here.

25                  THE COURT: Mr. Lambert?

1 JUROR NO. 11: Yes.

2 THE COURT: Ms. Gravitt?

3 JUROR NO. 12: Yes.

4 THE COURT: Ms. Beatty?

5 JUROR NO. 13: Here.

6 THE COURT: And Mr. Morales?

7 JUROR NO. 14: Yes.

8 THE COURT: Okay, perfect. Then all the jury's present.

9 Okay, ladies and gentlemen, before we begin this trial, for those of you  
10 who are remaining as jurors, I want to let you know what to expect.

11 First, we would like you to be as comfortable as possible while you're  
12 here. So if you have any trouble seeing or hearing at any time during  
13 this trial, please raise your hand as an indication and let us know.

14 If you need to use the restroom, if you feel ill or if you have  
15 any problem, please also raise your hand as an indication. I also  
16 encourage you to stand up and stretch between witnesses when the  
17 attorneys are up here discussing something at the bench with me. You  
18 may also feel free to bring in water or any other clear liquid as long as it  
19 doesn't cause a disruption in the proceedings.

20 During this trial, we will generally meet between 8:30 or nine  
21 o'clock and end around five o'clock. Occasionally, we may break shortly  
22 after 5:00 if there's a witness testifying at that time, or a witness who  
23 needs to be called out of order. We will not stay past 6:00. Also during  
24 the day we will generally break for lunch between 11:45 and one o'clock,  
25 depending on what time we started. If we do start in the afternoon, there

1 will not be a lunch break as we would start after the lunch break. We'll  
2 break for about an hour and 15 minutes in the middle of the afternoon.

3 This is a criminal case commenced by the State of Nevada,  
4 which I may sometimes refer to as "the State against Vernon Newson,  
5 Jr., Defendant. This case is based on the Fourth Amended Information.  
6 The Clerk will now read the Fourth Amended Information to the ladies  
7 and gentlemen of the jury and state the plea of the Defendant.

8 THE CLERK: District Court, Clark County, Nevada, State of  
9 Nevada, Plaintiff v. Vernon Newson, Defendant, Case No. C-313919,  
10 Department 10, Fourth Amended Information. State of Nevada, County  
11 of Clark, Steven B. Wolfson, District Attorney within and for the County  
12 of Clark, State of Nevada, in the name and by the authority of the State  
13 of Nevada, informs the Court:

14 That Vernon Newson, the Defendant above-named, having  
15 committed the crime of murder with use of a deadly weapon, on or  
16 about the 13th day of December, 2015, within the County of Clark, State  
17 of Nevada, contrary to the clear force and effects of statutes in such  
18 cases made and provided and against the peace and dignity of the State  
19 of Nevada, did willfully, unlawfully, feloniously and with malice of  
20 forethought kill Anshanette McNeil, a human being, with use of a deadly  
21 weapon, to wit a firearm by the Defendant shooting at and into the body  
22 of the said Anshanette McNeil, the said killing having been willful,  
23 deliberate and premeditated, the Defendant being criminally liable under  
24 one or more of the following principles of criminal liability to wit:

25 (1) By directly committing this crime and/or (2) by aiding and

1 abetting in the commission of this crime with an intent that this crime be  
2 committed by counseling, encouraging, hiring, commanding, inducing  
3 and/or otherwise procuring others to commit the crime. Steven B.  
4 Wolfson, Clark County District Attorney, to which the Defendant has pled  
5 not guilty.

6 THE COURT: Ladies and gentlemen, please understand that  
7 the Fourth Amended Information is simply a charge, and that it is not in  
8 any sense evidence of the allegations it contains. The Defendant has  
9 pled not guilty to the Fourth Amended Information. The State therefore  
10 has the burden of proving each of the essential elements of the Fourth  
11 Amended Information beyond a reasonable doubt.

12 As the Defendant sits there now, he is not guilty. The  
13 purpose of this trial is to determine whether the State will meet that  
14 burden. It is your primary responsibility as jurors to find and determine  
15 the facts. Under our system of criminal procedure, you are the sole  
16 judge of the facts. You are here to determine the facts from the  
17 testimony you hear and other evidence, including exhibits introduced in  
18 Court.

19 It is up to you to determine the emphasis which you feel may  
20 be properly drawn from the evidence. You must base your verdict solely  
21 on the evidence presented in the courtroom and the instructions on the  
22 law that I give to you. To protect the integrity of the jury process, it is  
23 very important that you do not do any independent research about this  
24 case until the jury has reached the final verdict. You may not visit any  
25 location involved in this case. You must not do any research or look up



1 words, names, maps or anything else that you may have had anything to  
2 do with this case.

3 This includes reading newspapers, watching television or  
4 using a computer, cellphone, the Internet and any other means to get  
5 information related to the case or the people or places involved in the  
6 case. This applies whether you're in the courthouse, at home or  
7 anywhere else.

8 Additionally, until you are discharged from your service as a  
9 juror, you must not provide or receive any information while your jury  
10 service to anyone, including friends, co-workers and family members.  
11 You may tell people that you've been picked for a jury and how long the  
12 case will take, but you must not give any information about the case  
13 itself or the people involved in the case.

14 You must also warn people not to try to say anything to you  
15 or write to you about your jury service. This includes face to face, phone  
16 or computer communications. In this day and age of electronic  
17 communication, I want to stress to you that you must not use any  
18 electronic devices or computers to research or talk about the case,  
19 including Googling, tweeting, texting, blogging, email, posting  
20 information a website or any other means at all.

21 All of us are depending on you to follow these rules, so that  
22 there will be a fair and lawful resolution to this case. You may not  
23 declare to any of your fellow jurors any facts relating to this of your own  
24 knowledge. If you discover during this trial or after the jury has retired  
25 that you or any other juror has personal knowledge of any witness or

1 fact in controversy in this case, you must disclose that information to me  
2 outside the presence of other jurors.

3           The evidence in this case will consist of the sworn testimony  
4 of witnesses, all exhibits received in evidence regardless of which side  
5 introduces the evidence. If the attorneys on both sides stipulate to the  
6 existence of a fact, you must unless otherwise instructed accept that  
7 stipulation as evidence and regard that fact as proven. I may take  
8 judicial notice of certain facts or events. If I take judicial notice of a fact  
9 or event, you must accept that fact as true.

10           In every case, there are two types of evidence, direct and  
11 circumstantial. Direct evidence is testimony by a witness about what the  
12 person saw or heard or did. Circumstantial evidence is testimony or  
13 exhibits which are proof of a particular fact, from which if that fact is  
14 proven, you can infer the existence of a second fact. For example, if you  
15 are outside and you feel raindrops fall on you, that's direct evidence that  
16 it is raining because you feel the raindrops falling on you.

17           But if you go to sleep at night and the ground is dry, but  
18 when you wake up in the morning the ground is all wet and there's  
19 puddles outside, that is circumstantial evidence that it rained while you  
20 were asleep. Although you didn't see it rain and you know that the  
21 ground was dry when you went to sleep and now it's wet, then that is  
22 circumstantial evidence that it rained last night.

23           You may consider both direct and circumstantial evidence in  
24 deciding this case. The law permits you to give equal weight to both  
25 types of evidence, but it's up to you to decide how much weight to give a

1 particular piece of evidence.

2           The parties may sometimes make objections to some of the  
3 testimony or other evidence. It is the duty of the lawyer to object to  
4 evidence which he or she believes may not properly be offered, and you  
5 should not be prejudiced in any way against a lawyer who makes  
6 objections on behalf of the party he or she represents.

7           At times I may sustain objections or direct that you disregard  
8 certain testimony or exhibits. You must not consider any evidence to  
9 which an objection has been sustained, or which I've instructed you to  
10 disregard. You also must not consider anything which you have seen or  
11 heard when court is not in session, even if what you see or hear is said is  
12 done by one of the parties or by one of the witnesses.

13           In considering the weight and value of the testimony of any  
14 witness, you may take into consideration the appearance, the attitude  
15 and behavior of the witness, the interest of the witness in the outcome of  
16 the case, if any, the relation of the witness to the Defendant or the State,  
17 the inclination of the witness to speak truthfully or not, and the  
18 probability or improbability of the witness' statements and all of the facts  
19 and circumstances in evidence.

20           Thus, you may give the testimony of any witness just such  
21 weight and value as you believe the testimony of that witness is entitled  
22 to receive. After these instructions, you'll be given the opening  
23 statements by the State, maybe an opening statement by the Defense.  
24 State's evidence, possibly Defense evidence, jury instructions and  
25 closing arguments. Opening statements and closing arguments are

1 intended to help you in understanding the evidence and applying the  
2 law. But please understand that what the attorneys tell you is not  
3 evidence.

4           At the conclusion of the evidence, I will instruct you on the  
5 law. You must not be concerned with the wisdom of any rule of law  
6 stated in these instructions, or the instructions that I will read to you after  
7 the evidence is in. Regardless of any opinion you may have as to what  
8 the law ought to be, it would be a violation of your oath to base the  
9 verdict upon any other view of the law not given to you by this Court.

10           Until a case is submitted to you, you must not discuss it with  
11 anyone, not even your fellow jurors. After it is submitted to you, you  
12 must discuss it only in the jury room with your fellow jurors. After it is  
13 submitted to you, you must discuss it only in the jury room with your  
14 fellow jurors. It is important that you keep an open mind and not decide  
15 any issue in the case until the entire case has been submitted to you  
16 under instructions from me.

17           Again, if you discuss during the course of trial that you have  
18 personal knowledge of the facts of the case, or that you know one of the  
19 witnesses, please give a note to the Marshal, who will then present it to  
20 me.

21           During this trial, it may be necessary for me to confer with  
22 the lawyers at the bench, about questions of law and procedure that I  
23 need to make decisions on. Sometimes you may be excused from the  
24 courtroom for this reason. I will try to limit these interruptions as much  
25 as possible, please understand if we take a break it is necessary, and we

1 absolutely appreciate your patience.

2           You've also been given a badge to wear during your jury  
3 service. Please wear this badge at all times while you're in the  
4 courthouse or on a break. This badge lets everyone know that you are a  
5 juror in this case. This is important because during the course of this  
6 trial the attorneys from both sides and any court personnel other than  
7 the Marshal are not permitted to talk to members of the jury.

8           By this I mean not only can they not talk to you and ask you  
9 any questions, you can't even ask them what time it is. This badge will  
10 help them to identify you as a juror. So if somebody will not talk to you,  
11 please understand that they are not being rude. To ensure the absolute  
12 impartiality of the jury, the people involved in this case are bound by  
13 ethics and law to avoid contact with the jurors until the case is decided.

14           You've also been given paper and pens for your use. You  
15 are free to take notes during the trial if you wish, but please keep your  
16 notes to yourself until you and your fellow jurors go to the jury room to  
17 decide this case. Do not let notetaking distract you. You also should rely  
18 on your own memory of what was said and not be overly influenced by  
19 the notes of other jurors.

20           If jurors have conflicting notes, you should not rely on the  
21 notes, because the court recorder's record contains the complete and  
22 authentic record of the trial. I will probably also type notes during this  
23 trial. Please do not take that into consideration. If I begin to type during  
24 a witness' testimony, you are not to consider that testimony any more  
25 important than any other testimony. In fact, you're not to consider

1 anything I say or do during this trial to suggest that I'm inclined to favor  
2 the claims or position of any party. I'm required to remain neutral.

3           It would be wrong for you to conclude that anything I say or  
4 do means I am for one side or another in trial. Discussing and deciding  
5 the facts is your job alone. Jurors are allowed to ask questions. The  
6 procedures require that you write your juror number and question on a  
7 full sheet of paper and give it to the Marshal while the witness is still in  
8 the courtroom. Questions must be factual in nature and designed to  
9 clarify information already presented.

10           If it's a proper question under the court rules, I'll ask it. If the  
11 evidence rules prevent me from asking the question, then I won't ask it.  
12 If I don't ask the question, I will keep the question and explain after trial  
13 the purpose or the rule that precluded me from asking the question.  
14 Please reserve your questions until the attorneys have finished asking  
15 questions of the witness, as the attorneys will likely ask your questions.  
16 Jurors must not place undue weight on the responses to their questions  
17 or draw any conclusion because a question was not asked.

18           Finally, in fairness to the parties in this case, you should keep  
19 an open mind throughout this trial, reaching your conclusion only during  
20 your final deliberations after all the evidence is in and you've heard the  
21 attorneys' closing arguments and my instructions to you on the law.  
22 Now that I've given you my preliminary instructions, the Clerk will now  
23 administer the oath to the members of the jury. Ladies and gentlemen,  
24 will you please rise and raise your right hand so the Clerk can administer  
25 the oath to the jurors.

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[The Jury was sworn]

THE COURT: Okay, thank you. You may all be seated. We are now prepared for opening statements. State, are you prepared to give your opening statement?

MR. ALBRIGHT: We are, Your Honor.

THE COURT: Okay, whenever you're ready.

PLAINTIFF'S OPENING STATEMENT

MR. ALBRIGHT: This is Anshanette McNeil. Friends and her family called her Anne. This is actually one of the final photos that Anshanette uploaded to her Facebook page in December 2015, because less than two weeks later, Anshanette was brutally and violently murdered by that man that's sitting over there, Vernon Newson, the father of her eight month old son.

When the Defendant has done with her, Anshanette looked like this, riddled with bullet holes. The Defendant murdered Anshanette by shooting into her at least no less than eight times. He did so at a close proximity than I am standing to you right now. He murdered her in front of her two young boys, in fact that she sat right next to them. The evidence will show that he did so willfully, deliberately and with premeditation.

On December 15th, on December 13th, 2015, the Defendant was driving his dark blue Kia SUV around the area of Lamb and the I-15 in Northwest Las Vegas, not too far from here. He was in the driver's seat. Directly behind him in the back seat was Anshanette. Right next to her was baby Major in his baby seat, eight months old, and right next to

1 him on the far right in the back seat was Brandon, her two year old son,  
2 also in his car seat.

3 At some point as the Defendant neared the on ramp of Lamb  
4 Boulevard, he turned around in his seat and discharged over and over  
5 repeatedly in quick succession into the back seat and into Anshanette  
6 [indiscernible]. Pinned between the door and her little baby with  
7 nowhere to go, Anshanette in vain tried to dodge this barrage of bullets  
8 and was hit over and over and over again. In the face, in the neck, in the  
9 chest, her arm and her hands.

10 Somehow, somehow Anshanette is able to get out of the  
11 door, out of the car. But Vernon's not done with her. He continues to  
12 fire out of the door, hitting her at least twice more in the back. Then  
13 instead of calling 911 or possibly realizing what he did, putting her back  
14 in the car to bring her to the hospital and drop her off, he leaves her  
15 there on the side of the road to die.

16 The Defendant then goes to their babysitter's house, Zaria  
17 (sic) Marshall. You'll hear from Zaria. She actually was planning on  
18 babysitting that night, so when he arrived they're waiting for him. She'll  
19 tell you that he arrived, and he was in a hurry, took both of the boys out  
20 of their car seats, handed them over. Got some other stuff out of the car  
21 including a baby seat, a diaper bag and while he was doing that, Zaria  
22 saw something fall on the ground.

23 They have a quick conversation before he leaves, and during  
24 that conversation he's loading bullets into a clip, a magazine of a gun,  
25 which gives Zaria some concern. He then leaves and Zaria realizes that



1 what he had dropped outside of the car were bullets, which she collects  
2 and later will give to police, and you will learn that those are actually the  
3 same casings and nine millimeters which match those found at the scene  
4 of the murder.

5 Her attention then turns to the little boys, especially Major,  
6 who's eight months old. She notices that he is covered in blood. The  
7 baby, his clothes, his monkey and his baby seat. She tries to call  
8 Anshanette in vain, no answer. So then she calls the police, and they  
9 respond. Very quickly it's determined who they're looking for, the  
10 Defendant. The car isn't found for about two weeks, the SUV. It's found  
11 abandoned in a parking lot miles away. You'll learn from crime scene  
12 analysts that blood discovered in the inside, there's bullet holes in the  
13 seat where Anshanette was sitting, and there's casings, empty bullets  
14 that match those found at Zaria's house, as well as at the murder scene.

15 Ten days after the murder, the Defendant is apprehended in  
16 California, having fled the state. You'll learn that when he's caught and  
17 arrested, he has bullets in his jacket pocket. You'll learn that those  
18 bullets also match the casings found at the murder scene, in the car and  
19 at Zaria's house. He is also wearing a watch when he's arrested. The  
20 police find that there is blood on that watch. DNA experts will come, and  
21 you will learn that that blood belongs to Anshanette.

22 At the conclusion of this trial and after you have heard the  
23 evidence, you've heard from police officers, medical experts, witnesses,  
24 crime scene analysts, you will be instructed on the law by the judge,  
25 specifically on what it means to do something willful, deliberately and

1 with premeditation. And after you have heard that and learn what those  
2 things mean, there will be but one conclusion, and you will know beyond  
3 a reasonable doubt that that man, the Defendant, murdered Anshanette  
4 McNeil and he did so in the first degree. Thank you.

5 THE COURT: Defense, do you desire to give an opening  
6 statement at this time?

7 MR. SHAYGAN-FATEMI: Yes, Your Honor, thank you.

8 THE COURT: Okay. Whenever you're ready.

9 MR. SHAYGAN-FATEMI: Your Honor, I apologize  
10 [indiscernible].

11 THE COURT: That's fine, Mr. Shaygan. Go ahead.

12 DEFENDANT'S OPENING STATEMENT

13 MR. SHAYGAN-FATEMI: Good afternoon, folks. Vernon shot  
14 and killed Anshanette McNeil. So why are we here? Well, we're here  
15 because we adamantly disagree with the prosecution that this was a first  
16 degree cold-blooded killing. Vernon, not knowing Anshanette was high  
17 on multiple drugs, as you're going to learn in the course of this case, was  
18 frightened by her erratic behavior in that vehicle, and Vernon shot  
19 Anshanette when he thought she was reaching for a gun that he knew  
20 her to possess.

21 Vernon sits before you responsible for the death of  
22 Anshanette McNeil, but as we discussed in jury selection, there's a  
23 spectrum of responsibility when it comes to a homicide. He got hot and  
24 frightened in that car on that freeway on ramp folks. His reactive  
25 behavior with regards to this killing does not make him a cold-blooded

1 killer like the State wants you to believe. You will learn that this incident  
2 happened so fast under bizarre circumstances, and Vernon did not calm  
3 himself down. So remember I said that. He did not calm himself down  
4 and act responsibly in this case.

5 This case is tragic. Ms. McNeil was a mother and was  
6 ultimately shot to death in front of her kids and left on the freeway on  
7 ramp. And forgive me Your Honor, for my language. You're going to be  
8 pissed at Vernon. But your lack of compassion and sympathy for Vernon  
9 cannot influence your decision when it comes to following the law.

10 That's why you were picked as a jury, because you could be  
11 fair in this case. This man is not a cold-blooded killer that the State  
12 wants you to believe. He got hot, he got frightened in that car, his  
13 passions were inflamed, and he reacted. Mr. Bashor and I are confident  
14 that as the evidence unfolds in this case, you will see that. Judge Jones  
15 in the course of this trial is going to instruct you the law you're going to  
16 use to consider at the end of this case.

17 Folks, trials are weird. You don't get the law until the very  
18 end of the case, of cases. That's why the facts are so critically important,  
19 because you're going to apply the facts that you hear over the next few  
20 days to the laws you're going to get at the very end. So what are the  
21 facts? Folks, through the course of this trial, there's going to be evidence  
22 presented about Anshanette McNeil that are not favorable to her. Mr.  
23 Bashor and I take no pleasure standing before you speaking ill of the  
24 dead.

25 But if it's somehow relevant to what these two prosecutors

1 have to prove with regards to a first degree killing, then it's our  
2 obligation to bring up those uncomfortable facts about Ms. McNeil, no  
3 matter how uncomfortable that might be for Ryan and I. Folks, you're  
4 going to learn in the course of this trial that Ms. McNeil had an  
5 alarmingly high amount of methamphetamine in her system, almost 80  
6 times the reporting limit. Almost 80 times was the amount of meth that  
7 was found in her system.

8           It wasn't just meth. There were also opioids as well. You  
9 will learn that methamphetamine causes hallucinations, aggressive  
10 behavior and irrational reactions. Folks, this is not a case of a planned,  
11 first degree killing, but rather a man reacting in the worse possible way,  
12 and he got into an argument with his girlfriend on the freeway, the  
13 girlfriend who was incredibly high methamphetamine and other drugs,  
14 that not -- It's not something that is a defense parlor trick that we're  
15 telling you, Mr. Bashor and I are telling you.

16           You're going to hear it from the witnesses. You're going to  
17 hear it from the State's witnesses how high she was. Mr. Albright  
18 mentioned the babysitter in this case. She's important. Vernon's  
19 reaction in this case in that car was made in passion, and that's  
20 important once you get the jury instructions at the end of this case.

21           And you will learn from the babysitter quite some time after  
22 this killing happened, where Vernon went to drop off the kids, that  
23 Vernon's passions were still inflamed when he was speaking with the  
24 babysitter. He was frantic, he was erratic. He was in a hurry. So if his  
25 passions, you're going to learn, if his passions were inflamed when he

1 was with the babysitter, then you know the passions were inflamed in  
2 that car.

3           Your Honor, forgive me again for my language. With the  
4 babysitter, Zaharia. Vernon in this frantic, irritated state made a  
5 statement that says it all, and he said, "these mother fuckers are pushing  
6 me too far." That was from Vernon. You're going to hear that from the  
7 babysitter. Again, not something that I'm telling you. What I'm telling  
8 you is in evidence. But what I'm telling you is this is what's going to  
9 come out in this trial, and you need to consider it when you get those  
10 instructions at the end.

11           There was no plotting or planning required for a first degree  
12 murder like the State wants you to believe. You don't plan to kill  
13 someone on a freeway on ramp in front of their kids. That's something  
14 that just unfortunately tragically happened in this case. It's your  
15 decision, not the State's decision. It's your decision what Vernon should  
16 be responsible for at the end of this trial.

17           We can tell you this: Mr. Bashor and I are confident that the  
18 evidence is going to show that Vernon is not the first degree killer in this  
19 case. All Mr. Bashor and I are asking you to do at the conclusion of this  
20 trial is to follow the law. For real, thank you very much. Thank you, Your  
21 Honor.

22           THE COURT: Thank you. State, are you prepared to call your  
23 first witness?

24           MS. WECKERLY: Yes, Your Honor. The State calls Janei  
25 Hall.

1 THE COURT: Okay.

2 [Pause]

3 THE MARSHAL: Remain standing and raise your right hand  
4 please.

5 JANEI BAILEY, STATE'S WITNESS, SWORN

6 THE CLERK: Please be seated, stating your full name,  
7 spelling your first and last name for the record.

8 THE WITNESS: It's Janei Marie Bailey. It was Hall, but it's  
9 changed now.

10 THE COURT: Okay, and ma'am, can you spell that for us?

11 THE WITNESS: J-A-N-E-I, Marie, M-A-R-I-E, Bailey, B-A-I-L-E-  
12 Y.

13 THE COURT: Ma'am, if you're more comfortable, you can  
14 your mask off while you're testifying if that makes you more  
15 comfortable. Okay. Ms. Weckerly, whenever you're ready.

16 DIRECT EXAMINATION

17 BY MS. WECKERLY:

18 Q Thank you. Ms. Bailey, back in 2015 your last name was  
19 Hall?

20 A Uh-huh, yes ma'am.

21 Q Okay. Back during 2015, were you living in Las Vegas?

22 A Yes.

23 Q And at that time, were you married to a man by the name of  
24 Bruce Hall?

25 A Yes.

1 Q I'd like to direct your attention to December of 2015,  
2 specifically on the 13th. Do you remember where you were sort of in the  
3 evening hours of that day?

4 A Yes. So it was around 10:00 to 10:30. We were on our way  
5 to get food, and we were near the intersection, well the ramp for Lamb  
6 and the highway there.

7 Q And by "the highway," are you talking about Interstate 15?

8 A Yes.

9 Q And obviously that's in Clark County?

10 A Yes.

11 Q You said that you were with your husband at that time?

12 A Yes.

13 Q And you're driving, so I assume you're in a car?

14 A Yes.

15 Q Do you recall if you were driving or if your then-husband  
16 was?

17 A My husband was driving.

18 Q Okay, and were you on Lamb or were you on the freeway as  
19 you were kind of approached that intersection area?

20 A We were on Lamb.

21 Q You were on Lamb?

22 A Uh-huh.

23 Q And do you remember which direction you were traveling?

24 A We were -- so the highway, the ramp for the highway was to  
25 our left, and we were traveling. I can't remember.

1 Q That's okay. So tell me what happens as you're, as you're  
2 driving along?

3 A Okay. We were actually sitting at a light, and we heard  
4 gunfire.

5 Q And do you immediately recognize the sound you heard as  
6 gunfire?

7 A Yeah. Both my husband and I looked at each other and we  
8 were like "is that gunshots"? And we heard it to our left, which would be  
9 on the ramp to the highway.

10 Q When you heard the gunfire, do you have any estimate of  
11 how many shots you might have heard?

12 A It was six to seven shots, and it was rapid.

13 Q Okay. So six to seven shots, not a lot of pause in between  
14 the shots?

15 A Right.

16 Q I assume that sound makes you look in that direction?

17 A Yes.

18 Q And were you able to see anything?

19 A No, it was dark.

20 Q Okay. What happened next? What did you guys do?

21 A I told my husband that we needed to turn around and go see  
22 if anyone needed help, and at that moment there was a white car that  
23 was driving to get onto the highway. You could tell from their headlights  
24 that someone was laying in the street.

25 Q You could see a figure?



1           A     Yes.

2           Q     Okay, and what do you do? Do you get out of your car or --

3           A     So we turned around and we pulled up, and we could see the  
4 victim, and she gasped for air and that's when we got out of the car to  
5 try to help her.

6           Q     Now when you see the victim, you said that she was gasping  
7 for air? Was that something you heard or how are you able to assess  
8 that?

9           A     As we were driving along she -- sorry, it's kind of hard for me  
10 to remember that, but she took a big breath.

11          Q     Okay.

12          A     I mean I could try to motion how it looked if you want me to.

13          Q     Sure.

14          A     Okay. She was -- so she was just laying on the ground, and  
15 she did this (intake of breath) and that was it, and she was unresponsive  
16 when we got out.

17          Q     Now I assume from what you just demonstrated, that she is  
18 laying on her back?

19          A     Yes.

20          Q     Okay, and then there's sort of big breath and then, if I'm  
21 understanding you, she doesn't move after that?

22          A     Correct.

23          Q     You -- when you're observing this, were you in your car or  
24 were you out of your car at this point?

25          A     We were in the car.

1 Q Okay. At some point do you get out of the car?

2 A Yes.

3 Q What, tell me how that happens?

4 A So we got out of the car after we drove up and parked. There  
5 was another guy with his car. I'm assuming he was in the white car. I  
6 think he had kids, so he didn't want to pull up too close. He was up and  
7 he was on the phone with the police, and there was another off duty cop  
8 that pulled ahead of us from where it actually happened, and he was --  
9 he walked down, and they were trying to see if they could get her to  
10 respond.

11 Q When you say, "they were trying to see if they could get her  
12 to respond," does that mean they were kind of doing first aid on her or  
13 talking to her? What would that mean?

14 A My husband and I didn't touch here, but the off duty officer I  
15 believe tried to -- yeah, he tried to --

16 Q Give her aid?

17 A Yeah, give aid to her.

18 Q Okay. When you were seeing this did you -- or I assume  
19 because you called her a her, at some point you were able to make an  
20 assessment of the gender of this person?

21 A Yes.

22 Q Did you make any other observations about her that you  
23 recall?

24 A Yes. So, her shoes were off. She just had on her socks, and I  
25 believe her shoes were there, because I think it was like some Uggs, and

1 she had on a coat. It was really cold that night. She had on a coat, and  
2 she had like a ponytail. She had -- I can't ever forget this. She had nails,  
3 she had her nails done because her hands, I believe it was her right  
4 hand, was kind of clenched like this, like she was making a phone call on  
5 her cellphone.

6 Q Was there a phone in her hand?

7 A There wasn't, but there was one that wasn't too far away  
8 from her body, and the reason why I figured that is because the phone  
9 actually had like a graze from the bullet.

10 Q Okay. So somewhere in the area of this person you actually  
11 see a cellphone on the street as well?

12 A Yes.

13 Q And you said a graze, so I assume what you're saying is  
14 it's -- the phone appeared to be damaged as well?

15 A Correct.

16 Q Do you have any sense of how far away the phone was?

17 A I would say it was no more than about three feet away.

18 Q Okay, so fairly, fairly close to her but not like right directly  
19 next to her?

20 A Right.

21 Q And you remember her wearing a coat, and then I think you  
22 also said it was cold outside as well. You noticed that?

23 A Yes.

24 Q As you saw the other people rendering aid, did you see her  
25 become responsive at all?

1           A     No.

2           Q     Okay.

3           A     I do remember that she had -- you could see a bullet in the  
4 side of her neck, so they were being really careful, you know, to not  
5 move her.

6           Q     Okay.

7           A     I do remember that. But no, she never -- she wasn't  
8 responsive the whole time.

9           Q     Okay, and so you were able to observe some sort of injury,  
10 firearms injury on her neck?

11          A     Yes.

12          Q     Did you see anything else on the street besides what you  
13 mentioned about the phone? Like did you see any bullets or anything  
14 like that?

15          A     I believe there was a couple of casings that they noticed was  
16 around.

17          Q     Okay, and how long do you think you were there kind of  
18 observing this?

19          A     We were there until about three or four o'clock in the  
20 morning. Once the police came we had to, you know, give our -- a  
21 statement.

22          Q     Okay. Do you recall while you were there ever seeing an  
23 ambulance arrive or paramedics arrive?

24          A     Yes.

25          Q     And how did that figure in? What is pretty quick or --

1           A     It was pretty quick. So they immediately got the stretcher  
2 out, and they were trying to resuscitate her, even you know when they  
3 lifted her up and put her onto the stretcher, and I remember vivid details  
4 like her hands slumping over. That's why I say I don't think she was  
5 responsive the whole time.

6           MS. WECKERLY: Your Honor, may I approach the witness?

7           THE COURT: Yes. Has Defense seen this?

8           MS. WECKERLY: Yes.

9           THE COURT: Okay.

10          MS. WECKERLY: Now I'm showing you what's marked, been  
11 marked as State's Proposed 1.

12 BY MS. WECKERLY:

13          Q     Can you kind of orient yourself with this aerial, that this is  
14 land --

15                         [State's Exhibit 1 marked for identification]

16          THE WITNESS: Okay, yeah.

17 BY MS. WECKERLY:

18          Q     And that's --

19          A     Yes.

20          Q     Okay. Does that kind of represent the area that we've just  
21 been discussing?

22          A     Yes.

23          MS. WECKERLY: State moves to admit 1.

24          THE COURT: Any objection for 1?

25          MR. SHAYGAN-FATEMI: No, Your Honor.

1 THE COURT: Okay. State's 1 will be admitted.

2 [State's Exhibit 1 admitted into evidence]

3 BY MS. WECKERLY:

4 Q Are you able to see on your screen there?

5 A Yes.

6 Q Okay. So let me see if I can zoom in a little. So looking at  
7 what's been admitted as State's 1, are you able to kind of show the jury  
8 where you were driving that night?

9 A Yes. So we were --

10 Q I think you can just draw with your finger probably.

11 A Okay. So we were a little bit --

12 THE COURT: There's should be a mouse over there. Okay.  
13 Can I use it? Yes.

14 MS. WECKERLY: Oh, there --

15 THE COURT: Sorry, we updated upstairs about that.

16 MS. WECKERLY: Oh, thank you. That is updated.

17 THE WITNESS: Okay. So we were coming from -- we were  
18 under, we were coming from the underpass. There's a light there.

19 BY MS. WECKERLY:

20 Q Uh-huh.

21 A And so that's when we turned around and we came up this  
22 way, and she was -- her body was laying in that area.

23 Q Okay, and so you're -- you were going to just keep going on  
24 ramp, but when you see this, that's when you kind of go over to the  
25 side?

1           A     Yes.

2           Q     Okay. And I think you also said that once the police arrived,  
3 you kind of waited and you gave a statement, and you were there for  
4 quite a bit of time?

5           A     Yes.

6                   MS. WECKERLY: Thank you very much. I will pass the  
7 witness.

8                   MR. BASHOR: Thank you, Judge.

9                                   CROSS-EXAMINATION

10          BY MR. BASHOR:

11               Q     Good afternoon.

12               A     Hi.

13               Q     Hi. So fair to say that this was pretty shocking?

14               A     Yes.

15               Q     A little bit about that night. You had indicated about 10:30,  
16 10:35; correct?

17               A     10:00 to 10:30.

18               Q     Okay. I'm not -- yeah. And this is December?

19               A     Yes.

20               Q     So the sun had far set by then?

21               A     Yes.

22               Q     Fair to say the lighting in that area isn't the best?

23               A     Yes.

24               Q     Kind of dark?

25               A     Yes.

1 Q And it was also not the greatest -- it was pretty tough night to  
2 be out late, right? It was cold?

3 A It was cold.

4 Q And windy?

5 A Yes.

6 Q Okay. Now you're at the red light and you're sitting in the  
7 front passenger seat of your -- of your vehicle?

8 A Yes.

9 Q And you hear extremely rapid what you assume are  
10 gunshots, right?

11 A Yes.

12 Q And they are in very quick succession?

13 A Yes.

14 Q There's not pause between them?

15 A No.

16 Q Were you able to see any of the flashes?

17 A I did not see the flashes.

18 Q And immediately after the shots end, you hear the car speed  
19 off?

20 A Yes.

21 Q Again, no real break in time, shots and car speeds off?

22 A Well, it sounded like may be a door closed.

23 Q Okay.

24 A And then --

25 Q Then speed off?



1 A Yes.

2 Q So very quickly?

3 A Yes.

4 Q Now the phone. You indicated that it had some damage to  
5 it?

6 A Yes.

7 Q And so was -- were you able to get a good look at the phone?

8 A Yes. I mean as far as I can remember, and this was 2015.

9 Q Right. It's been a while, right. It's fair to say that the damage  
10 was to the edge of the phone; is that correct?

11 A Yes it was.

12 Q And not necessarily to the face of the phone?

13 A Right.

14 Q Or to the back of the phone?

15 A Right.

16 Q It was on the edge of --

17 A It was on the side of the phone.

18 Q Okay.

19 [Pause]

20 MR. BASHOR: Court's indulgence. Thank you, Ms. Bailey.

21 THE COURT: Any redirect?

22 MS. WECKERLY: Sorry. Just two questions.

23 REDIRECT EXAMINATION

24 BY MS. WECKERLY:

25 Q You described the car leaving the area?

1           A     Yes.

2           Q     And I think you said on cross-examination that it was at a  
3 quickly or at a high rate?

4           A     Yes.

5           Q     How were you able to determine that?

6           A     Because you could hear it rev. You could hear, you know,  
7 when you hear a car speed off, you can hear it speed off. But could hear  
8 the door, a door to close.

9           Q     So you hear the -- obviously you hear the door shut and then  
10 you hear the rev?

11          A     Yes.

12               MS. WECKERLY: Okay, thank you.

13               THE COURT: Any recross?

14               MR. BASHOR: No, Your Honor. Thank you Ms. Bailey.

15               THE COURT: Thank you. Just one second, just one second,  
16 sorry. Do the ladies and gentlemen of the jury have any questions for  
17 this witness? Okay sir. If you could write your question on a full sheet of  
18 paper with your name and your juror number, and we've moved on  
19 from badge numbers. We're now using the juror number that's on your  
20 blue badge.

21                               [Pause]

22               THE COURT: Can counsel approach?

23               [Sidebar at 3:52 p.m., ending at 3:52 p.m., not transcribed]

24               THE COURT: Okay. Ma'am, how far were the casings from  
25 the victim?

1 THE WITNESS: I would say maybe four or five feet away.  
2 There was one of them. I can't remember where the other ones were,  
3 but my husband and the off duty officer were the ones that were looking  
4 around the area.

5 THE COURT: Okay. How many casings were on the exterior  
6 of the car?

7 THE WITNESS: The car wasn't there when I was there.

8 THE COURT: How long did it take between the shots and  
9 arrival?

10 THE WITNESS: For me to arrive at the scene?

11 THE COURT: Yes.

12 THE WITNESS: I would say maybe a minute, because we did  
13 a U-turn.

14 THE COURT: Okay. State, do you have any follow-up  
15 questions based on the juror's questions?

16 MS. WECKERLY: No thank you, Your Honor.

17 THE COURT: Mr. Bashor?

18 MR. BASHOR: No thank you, Judge.

19 THE COURT: Okay. Ma'am, you may be excused. Thank  
20 you very much for your testimony here today.

21 THE WITNESS: Thank you.

22 THE COURT: State, you may call your next witness?

23 MS. WECKERLY: August Corrales.

24 [Pause]

25 THE MARSHAL: If you'll remain standing and raise your

1 hand please.

2 AUGUST CORRALES, STATE'S WITNESS, SWORN

3 THE CLERK: Please be seated, stating your full name,  
4 starting with first and last name for the record?

5 THE WITNESS: August Corrales, August, A-U-G-U-S-T,  
6 Corrales, C-O-R-R-A-L-E-S.

7 THE COURT: State, whenever you're ready.

8 DIRECT EXAMINATION

9 BY MS. WECKERLY:

10 Q Thank you. Sir, how are you employed?

11 A I am employed by Anyplace Medical M.D. They are currently  
12 a contract COVID testing company.

13 MR. BASHOR: Judge, can we approach real quick?

14 THE COURT: Yes.

15 [Sidebar at 3:55 p.m., ending at 3:55 p.m., not transcribed]

16 THE COURT: Sir, you can remove your face mask while  
17 you're testifying.

18 THE WITNESS: Thank you.

19 THE COURT: Okay, thank you.

20 BY MS. WECKERLY:

21 Q So you work at a COVID testing service?

22 A Yes. I work for a contract company that does COVID testing.  
23 We've been doing that since March of 2021.

24 Q Okay. No COVID as we know in 2015. How were you  
25 employed then?

1           A     At the time, I was working for Mediquest Ambulance as a  
2 paramedic, and at the time of the previous testimony, I was working  
3 at -- also concurrently working at the University Medical Center as their  
4 EMS liaison.

5           Q     And to work as a paramedic as you were working in 2015,  
6 what kind of training did you have in order for you to work in that  
7 capacity?

8           A     It takes significant training. So generally speaking, you'll go  
9 through about 2,000 hours of classroom instruction, and then you'll also  
10 go through also about 500 hours of clinical instruction, which I  
11 completed at the College of Southern Nevada Paramedic Program.

12          Q     Now I mean we all watch TV and see, have like a vision of  
13 what we think paramedics do. Is it being dispatched out to various  
14 accidents and scenes, and administering sort of immediate or quick  
15 medical care?

16          A     Yes.

17          Q     On December the 13th of 2015, were you asked to respond to  
18 a scene, sort of Lamb and I-15?

19          A     Yes.

20          Q     And you were obviously working as a paramedic then?

21          A     Correct.

22          Q     Okay. What happened once you got to the scene?

23          A     We were dispatched initially to a call that was supposed to  
24 be an auto-pedestrian. Sometimes we get misinformation through the  
25 dispatch area. As we approached the scene, even before we got out of

1 the ambulance, we're actually looking at clues to tell us what type of  
2 injuries, what type of hospital treatment that we're going to be doing.  
3 Found a person laying outside on the ground about 300 feet up from the  
4 ramp, and then they were not -- they didn't appear to be moving. There  
5 were bystanders doing CPR at the time.

6 Q Now you said the call originally came out as sort of like an  
7 auto-pedestrian, like someone hit by a car?

8 A Correct.

9 Q When you get there, are you able to make an assessment  
10 that that's not what occurred here?

11 A Yes. So generally speaking, in an auto pedestrian accident,  
12 you'll have some abrasions on your face. You'll have some deformities  
13 to the extremity, and none of those were present at the time.

14 Q When you encounter the individual who was hurt, what do  
15 you first do as a paramedic?

16 A The first priority is to assess their airway, breathing and  
17 circulation. As we were approaching this patient, their chest wasn't  
18 rising or falling. Had to be concerned for they weren't breathing  
19 adequately. So then the traumatic injury, your first priority is to open up  
20 their airway and assess their airway, as well as expose their body to see  
21 if there's any potential injuries. So exposure means we needed to cut off  
22 their clothing, tops and bottoms, and then assess any injuries this person  
23 might have had.

24 Q Okay, and then the cutting of the clothing is to get to the  
25 point where you can, you know, help them or make an assessment about

1 the extent of their injuries?

2 A Correct. We have to identify what type of potential injuries,  
3 that there were potential deformities of the body. That gives us clues on  
4 what types of things that we need to anticipate in terms of treatment.  
5 Upon inspecting her body, she had -- or what appeared to be gunshot  
6 wounds to the neck on both sides, two shots to the chest, one shot to the  
7 arm.

8 We turned her over, looked to the side and back to see if there's  
9 any exit wounds, because that has a -- that plays a role. We did not see  
10 any exit wounds in the back of her body.

11 Q Okay. How well-lit was the area?

12 A It was poorly lit. Our ambulances come with side lights, and  
13 we're able to look at that. We also carry mini-flashlights with us.

14 Q Okay, and are you making this assessment of the injuries  
15 pretty quickly?

16 A Rapidly. So within -- we arrived on scene at approximately  
17 22:34 I believe or 22:24, and by 22:25, excuse me, we were able to assess  
18 her significantly. My partner initially checked for a pulse. He felt he had  
19 one, and then immediately I said to myself we needed to treat her  
20 rapidly to give her the best chance of survival.

21 Q And what is that? Like I assume you're making this  
22 assessment while she's still on the pavement?

23 A She's still on the pavement. She has her -- my partner has  
24 her hands on her head. We were trying to open up her airway. We were  
25 rapidly doing a physical exam, running my hands all over parts of the

1 body after cutting off clothes and exposing them, to figure out what type  
2 of injuries that we have.

3 Q And what did you do for her in order -- I think you said to  
4 give her the best chance of survival?

5 A So after you make these initial assessments, knowing that  
6 she had the gunshot wounds in both sides of her neck, two in the left  
7 chest, one in the right, my immediate thoughts and then she wasn't  
8 breathing, she was beyond my capability to reverse anything  
9 significantly for her.

10 What she really needed was a surgeon's table, and she needed to  
11 be on that surgeon's table rapidly. So we immediately packaged her up,  
12 got her ready for transport, put her on the backboard. We needed to  
13 suction out the airway because there was bleeding that was coming from  
14 the back of her mouth from the gunshot wound area, and then we noted  
15 -- our plan was to try to intubate her successfully, meaning putting a  
16 plastic tube down her, so we can actually provide respirations and  
17 breathing and get oxygen to her lungs and tissues to help her perfuse.

18 Q And did you do that? Did that get placed in her mouth to  
19 kind of give her more chance of getting the air?

20 A We did. So immediately when you find out that she is  
21 pulseless and you can't confirm that she has pulses, we need to start  
22 CPR. We were doing that. About the same time, we were exposing her  
23 body and then getting ready to transport her and then take her to the  
24 hospital.

25 Q And so at some point she's put on, I guess, a gurney and put



1 into an ambulance?

2 A Yes.

3 Q And once she's in the ambulance, do you stay with the  
4 patient to keep administering aid in order -- in the transport?

5 A Yes, all the time. So we never -- I never left her side. Once  
6 we came onsite with her, I was the primary paramedic that stayed with  
7 her. When we loaded her I was in the ambulance and I attempted to  
8 do -- after we inset that tube to help her breathe, and once I had my first  
9 visualization, I saw there is a pool of blood at the back of her throat that  
10 required significant suctioning, and then we're attempting to put in the  
11 endotracheal tube to help her breathe.

12 I wasn't able to do that successfully. A lot of obstruction in terms  
13 of fluid. Not able to visually successfully visualize the cords. So we  
14 continued to do bag-mouth-mask ventilations. At this time we already  
15 loaded in the back of an ambulance. My partner's back driving to the  
16 hospital. UMC Medical Center is the closest facility, trauma facility with  
17 surgeons available.

18 So we were heading in that direction. During transport, as I was  
19 suctioning the airway, Clark County Fire Department had joined us. They  
20 were in the back of the ambulance already as we're transporting, and  
21 then the Clark County Fire Department is attempting to put vascular  
22 access and IV access, so that we could hopefully give intravenous  
23 medications.

24 When we initially checked her pulses, her vital signs, her  
25 respiratory rate was zero. Her heart rate was zero, and her blood

1 pressure was zero, meaning it would be difficult for us to be able to  
2 establish an IV in route. There was simply nothing that was coming back  
3 and returning.

4 Q So although -- I mean it sounds like you tried a number of  
5 things her -- is it fair to say her condition does not improve despite  
6 being, having a paramedic work on her?

7 A Right. As I said earlier, she needed -- the result of her  
8 injuries were much more than my capability. She actually needed to be  
9 on a surgeon's table. The other thing that I was able to do on the way  
10 into the hospital was I was able to perform a chest decompression.  
11 When we exposed her, her chest was barrel-shaped, meaning rounded.  
12 So it's very possible that a penetrating injury such as a bullet would  
13 pierce the lungs, and then the air from the lungs would escape into that  
14 place, causing a misshaping of the lungs into the shape of a barrel, and  
15 that also needed to be decompressed.

16 If that wasn't decompressed, her heart would have nowhere to  
17 expand and she would result in a very poor cardiac rhythm, ventricular  
18 fibrillation.

19 Q And then obviously at some point she gets to the hospital  
20 and that sort of ends your involvement with her?

21 A Correct. We brought her into the hospital. We went to -- we  
22 were diverted from UMC. They were full. They were not receiving any  
23 EMS patients. We were diverted to Sunrise Trauma Center, which is a  
24 Level 2 trauma center. We were able to get there at approximately 22:50  
25 or 10:55, and then we transferred care to the trauma surgeons and

1 trauma staff there.

2 Q And then you kind of move on to the next call of the night  
3 or --

4 A Right, right.

5 MS. WECKERLY: Okay. Thank you very much sir. I'll pass  
6 the witness.

7 THE COURT: Cross?

8 MR. BASHOR: No thank you. Thank you, sir.

9 THE WITNESS: Thank you.

10 THE COURT: Just one second sir. Do the ladies and  
11 gentlemen of the jury have any questions for this witness? Okay, seeing  
12 no response, sir you are excused. Thank you very much for your  
13 testimony here.

14 THE WITNESS: Thank you.

15 THE COURT: Okay. State, you may call your next witness.

16 MR. ALBRIGHT: Your Honor, the State calls Boris Santana.  
17 He should be awaiting on Blue Jeans.

18 [Pause]

19 THE COURT: Okay. Mr. Santana, can you hear us?

20 MR. SANTANA: Yes, I can.

21 THE COURT: Okay. So sir, can you please raise your right  
22 hand so the Clerk can swear you in?

23 MR. SANTANA: Yes ma'am.

24 BORIS SANTANA, STATE'S WITNESS, SWORN

25 THE CLERK: Please state your full name, spelling your first

1 and last name for the record?

2 THE WITNESS: It's Boris Santana, B-O-R-I-S, S-A-N-T-A-N-A.

3 THE COURT: Okay. State, whenever you're ready.

4 MR. ALBRIGHT: Thank you, Your Honor.

5 MR. BASHOR: Your Honor, can I approach?

6 THE COURT: Okay. Actually we've got to go in the hallway,  
7 because Blue Jeans is [indiscernible].

8 [Sidebar at 4:06 p.m., ending at 4:07 p.m., not transcribed]

9 THE COURT: Okay. Mr. Santana, before the State asked you  
10 some questions, I have some questions for you.

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: Sir, we're going to treat this as if you're  
13 testifying live here in Court. Do you understand that?

14 THE WITNESS: Yes ma'am.

15 THE COURT: So sir, you must be alone when you testify.  
16 Are you alone at the location where you are right now?

17 THE WITNESS: Yes ma'am.

18 THE COURT: Okay, and sir you can't refer to any notes or  
19 anything unless you need your recollection refreshed. So you don't have  
20 any notes in front of you; is that correct?

21 THE WITNESS: I don't, Your Honor.

22 THE COURT: Okay. We're going to need you testify strictly  
23 from your memory. Is that okay?

24 THE WITNESS: Yes ma'am.

25 THE COURT: Okay. Go ahead, State.

DIRECT EXAMINATION

BY MR. ALBRIGHT:

Q Thank you, Your Honor. Mr. Santana, were do you currently live?

A I currently live in Pasadena, California.

Q Is that where you're appearing from currently?

A Yes sir.

Q In December of 2015, were you living in Las Vegas, Nevada?

A I was, yes sir.

Q And at that time, what were you doing for employment?

A I was a police officer with the North Las Vegas Police Department.

Q And in what area command were you employed?

A At the time I was with the Northwest Command.

Q How long did you work with the North Las Vegas Police Department?

A Six years, sir.

Q Were you on duty on December 13th, 2015 at approximately 10:30 p.m.?

A I was.

Q And did you have occasion to be called to the scene of the on ramp at Lamb and I-15 in Clark County, Las Vegas, Nevada?

A I was, yes sir.

Q Or rather North Las Vegas?

A Yes.

1 Q What was the nature of the call?

2 A I responded to a report that a person had been shot.

3 Q And when you arrived at the scene, is the victim of the  
4 shooting still present?

5 A No. She had been transported to a hospital already.

6 Q What do you do when you first arrive at the scene?

7 A Knowing the first thing is to make the scene safe, make sure  
8 there are no other people who are injured, isolate any possible  
9 witnesses, lock it down or limit it the -- anybody who comes in and out,  
10 and also locate and preserve evidence.

11 Q When you say, "lock it down," what does that mean?

12 A Normally I myself or another officer would set up police tape  
13 or some sort of barrier, to make sure that someone who's not either a  
14 paramedic or another police officer, or someone who has official  
15 business there, to prevent them from entering.

16 Q Because this was kind of on a road near a desert, did you use  
17 something instead of police tape?

18 A Police units blocked the freeway on ramp, to make sure  
19 traffic would not come in.

20 Q And how did they do that?

21 A They parked their patrol units or their vehicles at the  
22 roadway on both sides of land, and also on the on ramp, again to block  
23 any vehicle traffic.

24 Q You had mentioned earlier that one of the first things you do  
25 is assess if there's any other people injured?

1           A     Yes sir.

2           Q     Did you determine if anyone else needed any sort of medical  
3 care?

4           A     I did. There was a Nevada Highway Patrol trooper that had  
5 arrived on scene prior to my arrival, and he informed me that there was  
6 only one victim, and she was already -- she had been removed already.

7           Q     What was the weather like that night?

8           A     I remember it was very windy.

9           Q     How if at all did the wind affect what you needed to do there  
10 at the scene?

11          A     The main thing is to preserve evidence. In this case, since it  
12 was a shooting, there were shell casings. Because of their shape, the  
13 wind can easily push them around and move them from their original  
14 location. So in that case, based on my training, I had retrieved some  
15 traffic cones from my vehicle, and I placed them over the casing, to  
16 prevent them from being rolled by the wind away from their original  
17 position.

18          Q     Other than that, did you manipulate or touch any of the  
19 evidence that you found?

20          A     No sir.

21          Q     You just mentioned finding shell casings. Do you recall how  
22 many you found?

23          A     I believe I was six.

24          Q     Where you able to determine without touching the casings  
25 what caliber of a gun they were fired from?

1           A     Yes sir. Without touching them, I went down to the ground,  
2 pretty much laid down and I looked on the rear of the casings. I believe  
3 they were 9 millimeter.

4           Q     I apologize. Did you say 9 millimeter?

5           A     Yes sir.

6           Q     Apart from that, did you see anything else of any evidentiary  
7 value?

8           A     Yes sir. When I did my assessment of the scene, walked  
9 around, there were four vehicles on the right shoulder of the on ramp. In  
10 front -- they were not emergency vehicles. In front of the first vehicle I  
11 saw what appeared to be a pool of blood or some blood on the ground.  
12 We think that within the substance of the blood, there were four  
13 indentations of the pavement. They looked recent to me, and it  
14 appeared they were possible bullet holes or strikes into the ground.  
15 Nearby is also located a cellphone.

16          Q     So within a pool of blood, you see four indentations that you  
17 believe are gunshot impacts; is that correct?

18          A     Yes sir.

19          Q     What made you believe they were from a gunshot?

20          A     Well from my experience sir, I believe the holes, or the  
21 indentations were recent. They did not have any debris inside them, no  
22 dirt anything like that. I also saw what appeared to be a copper or brass-  
23 color metal residue inside the holes, which led me to believe it was  
24 caused by a bullet.

25          Q     You just mentioned a cellphone as well. Where was that



1 located in relation to the pool of blood?

2 A It was not in the pool of blood. I don't remember exactly  
3 where it was. It was a short, maybe a few feet away from the pool of  
4 blood, if I remember correctly. I just remember the phone because of the  
5 state it was in.

6 Q Okay. What state was the phone in?

7 A It had damage to it. To me it appeared it was caused by  
8 maybe like a bullet strike, that it had been shot. It was a circular in  
9 appearance type strike on the side of the phone or maybe in the back of  
10 it.

11 Q So what appeared, and I'm sorry, it's a little garbled. What  
12 appeared to be a gunshot that hit the side of the phone?

13 A Yes sir. Like if I remember correctly, it's been a long time, it  
14 appeared to be like a partial strike on the side of the phone. It was just  
15 the shape of the hole was kind of circular. So to me, it appeared that it  
16 was caused by a bullet.

17 Q Do you recall you mentioned six shell casings. How far apart  
18 were these shell casings from each other and from the blood?

19 A I want to -- I believe they were close to it. I don't remember  
20 the exact distance to it. It's been a while.

21 Q You also mentioned earlier when you arrived, you try to  
22 assess if there's any witnesses. Were you able to do that?

23 A Yes, sir. After speaking to the Nevada, NHP trooper, and also  
24 speaking to some people on there, I found out that the four vehicles that  
25 were parked on the right shoulder were all citizens that had witnessed

1 the incident in one way or another.

2 Q And then in your capacity as a patrol officer, what do you do  
3 next for as far as duties?

4 A I will speak individually. First before I speak to them, I make  
5 sure that they're kept separated so that they don't speak to each other  
6 and contaminate whatever the witnesses saw. I speak to them one by  
7 one, and kind of get a brief overall picture of what they saw or what may  
8 have occurred. That way I can brief the detective when they appear.

9 Q And did detectives arrive that night or early that morning?

10 A Yes sir.

11 Q And you briefed them about everything that you just told  
12 me?

13 A Yes sir, correct. I told them what I found, what I saw, what I  
14 heard. They make sure they understand, and then they take over the  
15 scene and the investigation from there.

16 MR. ALBRIGHT: Nothing further, Your Honor.

17 THE COURT: Cross?

18 MR. BASHOR: No thank you Judge.

19 THE COURT: Do the ladies and gentlemen of the jury have  
20 any questions of this witness? Okay, seeing no response. Mr. Santana,  
21 thank you very much for your testimony. You are excused.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: State, do you have your next witness?

24 MS. WECKERLY: Yes, Your Honor. It's Renee Harder.

25 [Pause]

1 THE MARSHAL: Turn around and remain standing. Raise  
2 your right hand.

3 RENEE HARDER, STATE'S WITNESS, SWORN

4 THE CLERK: Please be seated, stating and spelling your first  
5 and last name for the record?

6 THE WITNESS: Renee Harder, R-E-N-E-E H-A-R-D-E-R.

7 THE COURT: And ma'am, you may remove your mask while  
8 you are testifying.

9 THE WITNESS: Thank you ma'am.

10 DIRECT EXAMINATION

11 BY MS. WECKERLY:

12 Q Where are you employed?

13 A I'm a crime scene investigator for the City of North Las  
14 Vegas.

15 Q And how long have you worked as a crime scene investigator  
16 or analyst?

17 A It will be 17 years next month.

18 Q What type of training have you had that allows you to work  
19 as a crime scene investigator?

20 A I have an associate's degree in Criminal Justice from the  
21 Community College of Southern Nevada. I got hired from the North Las  
22 Vegas Police Department Police Department in 2004, successfully  
23 completed their training program. Went to the Las Vegas Metropolitan  
24 Police Department's Crime Scene Academy, successfully completed that.

25 Since then I've done hundreds of hours of different forensic

1 disciplines training courses, and I am a certified crime scene analyst  
2 through the International Association for Identification.

3 Q And what is it that a crime scene analyst does?

4 A It's my job to respond to crime scenes, to document those  
5 crime scenes using photography, sometimes completing diagrams,  
6 computer-generated diagrams, collecting evidence, processing evidence  
7 for fingerprints, DNA.

8 Q And in this particular case, you had a couple of duties with  
9 regard to working as a crime scene analyst. Would that be fair?

10 A Yes.

11 Q The first one is you responded to the original crime scene on  
12 Lamb and I-15?

13 A Yes.

14 Q You also were involved in a secondary location on St. Barr  
15 [phonetic], where you collected and photographed evidence?

16 A Yes.

17 Q And you also were a crime scene -- you also worked in  
18 processing a vehicle that was later located and associated with this case;  
19 is that fair?

20 A Yes.

21 Q I want to talk about each of those things. I'm going to show  
22 you a whole bunch of photographs, and then we'll go through them. I  
23 don't know if Mr. Bashor wants to come up and see them as we go  
24 through them.

25 MR. BASHOR: Oh, sure.

1 BY MS. WECKERLY:

2 Q If you can just look through -- I'm going to -- there's a whole  
3 different grouping, but if you can look through all those and just let me  
4 know when you're done?

5 A Okay.

6 Q Okay, thanks.

7 [Ms. Harder reviews photographs]

8 BY MS. WECKERLY:

9 Q Thank you.

10 A Uh-huh.

11 [Pause]

12 MS. WECKERLY: So I think it might be easier if we -- if I  
13 identify them by scene, and those will be for the record -- thank you.  
14 This will be one has already been admitted, but the rest in the series will  
15 be 2 through 31. So State moves to admit 2 through 31.

16 [State's Exhibits 2 to 31 marked for identification]

17 THE COURT: Any objection to 2 through 31?

18 MR. BASHOR: No, Your Honor.

19 THE COURT: 2 through 31 will be admitted without  
20 objection.

21 [State's Exhibits 2 to 31 admitted into evidence]

22 BY MS. WECKERLY:

23 Q Okay. Is your screen on? It should be on up there.

24 A Yes.

25 Q Okay. So you were called out I think to the -- you said to the

1 initial scene, and you would have gotten there maybe around midnight  
2 or something like that on the 13th into the 14th?

3 A Correct, yes.

4 Q And the scene we're talking about is I-15 and Lamb?

5 A Yes.

6 Q I'm going to put on the overhead what's been admitted as  
7 State's 2. Does that look familiar to you?

8 A Yes. This is the on ramp coming off of Lamb onto the 15  
9 southbound.

10 Q When you originally got there, were the cones already  
11 present, in place?

12 A Yes.

13 Q And do you have any idea why that was?

14 A It was extremely windy. It actually rained, sleeted on us as  
15 well. It was very, very cold. Officers, the first responding officers placed  
16 those cones to protect any possible evidence that was on scene, since  
17 we weren't immediately responding.

18 Q Now when you got to the scene, how is it that you go about  
19 like processing a scene like this?

20 A The CSI Radke both arrived on scene. We determined that  
21 she was going to take primary, which means she took these  
22 photographs, as well as collected the evidence on scene, and I took the  
23 duty of completing the crime scene diagram.

24 Q And what is the diagram?

25 A A diagram is a bird's eye view with measurements of each

1 piece of evidence, so that if ever it needed to be recreated in that spot, it  
2 could be.

3 Q I'm going to put on the overhead what's been admitted as  
4 State's 28. What is -- what are we looking at there?

5 A This is the on ramp. The red and blue circles denote the  
6 evidence that was collected and documented on the scene.

7 Q Okay, and this is the diagram?

8 A This is the diagram, correct.

9 Q And you did this?

10 A Yes, I did.

11 Q And this is State's 30, sort a closer in view of the area of the  
12 on ramp, is that right?

13 A Yes.

14 Q Okay. When you look at 30, there are numbers and there are  
15 letters. What is the distinction between the two?

16 A The distinction between numbers and letters are numbers  
17 are things that we're going to physically collect and take away with us,  
18 where letters are things that are -- that we cannot take with us, but we  
19 want documented.

20 Q Okay, and then this is State's 31, and what is -- what is this?  
21 Is this the legend that matches to the letters and numbers?

22 A Correct. This is the legend of the diagram. So each letter or  
23 number has a corresponding piece of evidence to it. So this lets you  
24 know what those items are, and where they were located from a fixed  
25 point. So I measured from a light pole that was at the beginning of the

1 on ramp and measured up the on ramp to each particular piece of  
2 evidence.

3 Q Okay. Now I think I'm going to go back to State's 30. I think  
4 what you said is with letters, those are things that you can't like pick up  
5 and collect as evidence?

6 A Correct.

7 Q The numbers are various items that you can pick up and  
8 collect?

9 A Yes.

10 Q Okay. I want to start with the letters first. I'm going to show  
11 you some photographs and ask you to talk about those. This has been  
12 admitted as State's 11, and we see some of your letters there. There's a  
13 little bit of a glare on that one, but it's A, B and C. Do you recall what  
14 those items were?

15 A A, B and C are marking divots or defects in the roadway.

16 MR. BASHOR: I'm sorry, but what number was that? I'm  
17 sorry.

18 MR. SHAYGAN-FATEMI: A, B and C.

19 MR. BASHOR: All right, thank you.

20 MS. WECKERLY: 11.

21 MR. BASHOR: Thank you.

22 BY MS. WECKERLY:

23 Q And those are divots in the roadway I think you just said?

24 A Yes. Divots or defects that we found in the roadway.

25 Q Why was that significant for you?



1           A     Whenever we work a shooting scene, we always look for any  
2 possible defects that those bullets might have caused, and we located  
3 these.

4           Q     Okay, and obviously you can't remove part of the road, so  
5 you document it photographically?

6           A     Correct.

7           Q     This is what's been admitted at State's 12. Does that show  
8 Divot A?

9           A     Yes.

10          Q     And this is State's 13. B obviously?

11          A     Yes.

12          Q     And this is State's 14. Does that show Divot C?

13          A     Yes.

14          Q     Now I think you said in addition, there were other letters or  
15 other markings on the roadway that you wanted to document as well?

16          A     Yes.

17          Q     And what did those consist of?

18          A     We also marked cartridge cases and we also marked pieces  
19 of fabric that were located, a cellphone, pieces of jacketing or pieces of  
20 the bullets, as well as blood on the roadway.

21          Q     Okay, and the blood would be similar to the divots in that  
22 you can't cut out the roadway to collect the blood? Would that be fair?

23          A     Yeah. So the blood itself on the roadway would be marked  
24 with a letter, and then it would be collected with a number if we were to  
25 swab it. That swab would then be the number.

1           Q     Did you mark or measure where the individual blood stains  
2 were?

3           A     We did. We measured I think three separate areas of blood if  
4 I remember correctly.

5           Q     Okay. I'm going to just go back to your legend and --

6           A     Oh four, sorry.

7           Q     Close. But those are similar to the divots. Those would have  
8 been photographed?

9           A     Yes.

10          Q     Okay. Let's look at those. This is State's 15. Now I do see,  
11 you know, a couple of numbers in there, but it does depict stains D, E  
12 and F, which would all be bloodstains; is that fair?

13          A     Yes, and actually in this particular case, E was not only the  
14 bloodstain but also the divot contained therein the bloodstain.

15          Q     Okay. So E is sort of -- E is sort of a combination?

16          A     Yes.

17          Q     And that is depicted in State's 16?

18          A     Item No. 12 is a swab of the blood of stain E.

19          Q     Okay, and this is State's 17. That would be stain F?

20          A     Correct.

21          Q     And State's 18, that's stain G?

22          A     Yes.

23          Q     Now I think you just said that you also, besides the  
24 bloodstains and the divots, there was also ballistic or other items of  
25 evidence that you could actually pick up and collect at the scene?

1           A     Yes.

2           Q     And those items would have been photographed and placed  
3 with their item number and then collected as evidence?

4           A     Correct.

5           Q     Putting on the overhead State's 14. That is showing Item 1.  
6 Do you have recollection of which one Item 1 is?

7           A     Item No. 1 was jacketing.

8           Q     Okay, and I have your legend.

9           A     Thank you.

10          Q     If you need to refer to it. I'm going to get a close up one of 1.  
11 This is State's 20. Is this right here the jacketing that you're talking  
12 about?

13          A     Yes.

14          Q     And that would have been collected. State's 2 is depicted in  
15 what's been admitted as 22. It looks like a piece of fabric. Is that that  
16 one?

17          A     Yes.

18          Q     And was that just on the roadway and collected?

19          A     Yes.

20          Q     Do you have any idea if that was like cut by paramedics or  
21 you just come and collect what's there?

22          A     When we arrived, it was there. But it does appear to have  
23 been cut. It is a clean, a clean cut.

24          Q     Okay. This is State's 23, and it looks like it's depicting sort of  
25 a view of items of evidence 3 and 4?

1 A Yes.

2 Q What is Item 3?

3 A Item 3 is a cell phone.

4 Q And that was on the roadway as well?

5 A Yes.

6 Q And do you recall what Item 4 was?

7 A Item No. 4 is another piece of fabric.

8 Q Yeah, yes.

9 A It's a plaid piece of fabric.

10 Q Yeah, and this is in State's 24. That appears to be Item 4?

11 A Yes.

12 Q Other items that you collected were all of the ballistic  
13 evidence that like cartridge cases?

14 A Yes.

15 Q How many cartridge cases were found at the scene?

16 A Six.

17 Q And there were in addition to the cartridge cases, there was  
18 jacketing?

19 A Yes.

20 Q All of that would have been collected to be looked at by a  
21 firearms analyst?

22 A Yes. The detective makes that, those determinations.

23 Q Okay. What is a cartridge case?

24 A A cartridge case is a piece of the bullet. So when you fire a  
25 gun, the cartridge case ejects from the gun through the side, the ejection

1 port. But the actual projectile is what is fired through the barrel and then  
2 eventually strikes it target.

3 Q I'm putting on the overhead now what's been admitted as  
4 State's 5. Does that depict the cone -- are those cones depicting the  
5 location of where the cartridge cases were collected?

6 A Yes.

7 Q And this is State's 6, which is showing Item 7.

8 A Correct.

9 Q That's a cartridge case?

10 A Yes, ma'am.

11 Q And you collected how many of these like on the roadway?

12 A Six.

13 Q Okay. All of those would have been impounded by yourself  
14 or fellow analyst Radke?

15 A Yes.

16 Q Sure. At some point that night, after you processed that  
17 entire roadway scene and take the measurements for your diagram, did  
18 you go to a different location?

19 A Yes.

20 Q Do you recall where that was or the street?

21 A I went to I believe it's St. Barr.

22 Q And what was there? What is that place?

23 A That was the victim's mother's residence I believe.

24 Q Okay. So it was a residence associated with the  
25 investigation?

1           A     Yes.

2           Q     So a house?

3           A     Yes.

4           Q     And at that location, did you photograph and take note of  
5 other items of evidence and impound those?

6           A     Yes, I did.

7                   MS. WECKERLY: I'm going to put on the overhead what's --  
8 oh, you know what? I didn't move to admit these yet. Sorry, Your  
9 Honor. This is -- the State moves to admit 87 through 107.

10                   [State's Exhibits 87 to 107 marked for identification]

11                   THE COURT: Okay, any objection to 87 through 107?

12                   MS. WECKERLY: This is 108 so --

13                   MR. BASHOR: Right. Yeah, no objection ma'am.

14                   THE COURT: 87 through 107 will be admitted without  
15 objection.

16                   [State's Exhibits 87 to 107 admitted into evidence]

17 BY MS. WECKERLY:

18           Q     Thank you. I'm going to put on the overhead what's been  
19 admitted as 87. That's the residence you went to after leaving the I-15  
20 ramp area?

21           A     Yes.

22           Q     And when you got inside that residence, were you directed to  
23 a particular area of the house?

24           A     Three particular areas of the house.

25           Q     What was the first one?

1 A The first area was the laundry room.

2 Q Okay. This is State's 88. Is that the laundry room area?

3 A Yes.

4 Q And there's looks like a bag on top of the washer?

5 A Correct.

6 Q Why was that significant?

7 A Inside that plastic bag were three live cartridges, three 9  
8 millimeter cartridges. So that's live rounds of ammunition.

9 Q And this is State's 89. Does that depict those cartridges?

10 A Yes.

11 Q And I think you touched on this and that's why you called  
12 these live rounds, which is cartridge cases. These would be, in the  
13 layman's terms, unfired bullets?

14 A Correct.

15 Q Okay, and those were found -- or those were kind of waiting  
16 there for you at the residence?

17 A Yes.

18 Q You didn't place them on the washer?

19 A No ma'am.

20 Q When you get there, that's where they are, and you collect  
21 them?

22 A Yes.

23 Q And this is State's 91. What are we looking at in that  
24 photograph?

25 A This is a photograph of the head stamp of those live rounds

1 that I collected.

2 Q And would that be something that you would normally take a  
3 picture of, all the head stamps to note the maker of the ammunition?

4 A Correct.

5 Q I'm putting on the overhead now State's 92. Do you recall or  
6 can you explain what we're looking at in that photograph?

7 A Yes. When I arrived, this is exactly how I found the items  
8 that I was there to document. There's clothing, a blanket and that is a car  
9 seat liner. They're all on that chair.

10 Q Okay. This is a little bit of a closer view, and it looks like your  
11 evidence marker is in there. This is State's 93. Let me see if I can zoom  
12 in a little. What was of note with these items?

13 A It's a blanket, a pair of baby pants, a baby sock and those  
14 items have apparent blood on them.

15 Q And I'm pointing to -- would that be one of the areas of  
16 apparently blood?

17 A Yes.

18 Q Now I'm putting on State's 94. That's sort of the other side  
19 of that chair?

20 A Yes.

21 Q And is this apparent blood on sort of the pants?

22 A Yes.

23 Q I'm putting on the overhead now State's 95. I think you were  
24 talking before about -- it's been too long for me, but like a baby car seat  
25 liner, is that right?



1           A     Yes.

2           Q     And what's of note in this particular photograph is the  
3     apparent blood staining in sort of the middle of the cushioning?

4           A     Yes.

5           Q     Did you also take a swab of like the handle part of the car  
6     seat?

7           A     Yes.

8           Q     This is State's 97. Is that just sort of depicting the area you  
9     would have swabbed?

10          A     Yeah. There was an apparent blood drop on the handle of  
11     the car seat that I swabbed.

12          Q     Now I'm putting on the overhead State's 99. That looks like  
13     a baby bag to me?

14          A     It is a baby bag, yes.

15          Q     And this is State's 100. Would those be the items in the  
16     bag?

17          A     Those are the items in the bag. The only item that was  
18     collected was the baby bottle that has the number 5 next to it, because it  
19     had an apparent blood stained thumbprint on the bottle.

20          Q     Okay, and was that later processed in order -- in an attempt  
21     to get an identifiable print off that bottle?

22          A     Yes, I did.

23          Q     Were you the person that ultimately did the comparison?

24          A     The prints that were obtained off of the baby bottle were not  
25     comparable quality.

1 Q And how, what affects that? Why would that be?

2 A It just depends on the pressure of deposition of the  
3 fingerprint or palm print. It depends on the composition of the print  
4 itself. You have to have enough usable data in that print in order to be  
5 able to make a comparison, and this palm print did not have that.

6 Q And so unlike CSI, the TV show, you can attempt to get  
7 something, but sometimes you just don't get a comparable quality print?

8 A Correct.

9 Q This is State's 101. It looks like a purse with all types of items  
10 in it. Can you describe how it was that you encountered this item of  
11 evidence?

12 A This purse was on the dining room table, and this is how it  
13 was when I got there. All the contents had been poured out of it.

14 Q And did you ultimately lay out the contents of this purse and  
15 put evidence markers on it so you could keep track of the contents?

16 A Yes, I did.

17 Q This is State's 102. Does that reflect your evidence markers  
18 with regard to what was in the purse?

19 A Yes.

20 Q This is State's 103. Looking at Item 7, does that appear to be  
21 a driver's license?

22 A Yes.

23 Q And can you read the name there?

24 A Anshanette McNeil.

25 Q And this is State's 104, which would have been Item 9, and it

1 says, "City of Pasadena Birth Certificate"?

2 A Yes.

3 Q Are you able to read the name on there?

4 A Vernon Newson, Jr.

5 Q This is Item or State's 105. What is that?

6 A This is a gun registration card for Anshanette McNeil to  
7 register a firearm in her name.

8 Q Now I don't think you have to do that now, but back in -- do  
9 you remember back in 2015, was this like a card you'd get in order to --  
10 once you registered your gun with a law enforcement agency?

11 A Yes.

12 Q So these weren't that uncommon to see back in --

13 A No, they were very common.

14 Q And to get that, you'd have to go to the police department  
15 and register your gun?

16 A Correct.

17 Q You also, in addition to going to that scene eventually had a  
18 car brought to the lab where you processed it?

19 A Yes.

20 Q Did you go to the scene where the car was, or did you just  
21 take control of it in the lab?

22 A Just in our bay.

23 MS. WECKERLY: Okay, and for the record, the State would  
24 move to 32 through 85.

25 [State's Exhibits 32 to 85 marked for identification]

1 THE COURT: Any objection to 32 through 85?

2 MR. BASHOR: No, Your Honor.

3 THE COURT: 32 through 85 will be admitted without  
4 objection.

5 [State's Exhibits 32 to 85 admitted into evidence]

6 BY MS. WECKERLY:

7 Q Putting on the overhead State's 32. Do you recognize that  
8 vehicle?

9 A Yes.

10 Q Is that the one that you were asked to process back at the  
11 lab?

12 A Yes.

13 Q Now on the hood I see like tape there and along here and  
14 then sort of on the back door. What is the purpose of that?

15 A When this vehicle was located, my partner CSI Fisher, they  
16 located this vehicle, called him out. He put seals on all of the doors,  
17 hoods and the cargo area, to ensure that no one could have gone in or  
18 out of that vehicle, disturbing any of the evidence. It was sealed and  
19 secure until I then broke those seals when I opened the doors.

20 Q And when you are the crime scene analyst in charge of  
21 processing the vehicle, what do you do? Like it arrives at the lab at this --  
22 or at this point or in this condition. What do you do first?

23 A The first thing that I do is I always take overall photos of the  
24 vehicle showing those seals intact.

25 Q And then you break the seals?

1           A     And then I open the doors and cargo areas, trunk, and then I  
2 do interior overall photos showing the condition and whatever contents  
3 are in the car.

4           Q     Do you first take photos of whatever's in the car without the  
5 markers and then do you mark it up with those same placards that we've  
6 seen in all of these crime scenes?

7           A     Yes, yes. Photos are taken prior to any intervention, before  
8 we do any kind of swabs. Before we do any evidence collection or any  
9 kind of markings, we always photograph as is, as we found it.

10          Q     I want to put on the overhead State's 37, and I think I have  
11 that oriented right. Are you able to see?

12          A     Yes.

13          Q     What is that item of evidence?

14          A     That's a cartridge case, and it's between the driver's seat and  
15 the driver door.

16          Q     This is State's 38. Is that just a closer view of that item?

17          A     Yes.

18          Q     And this is State's 39. We're now looking at a car door?

19          A     Yes.

20          Q     What is of significance for you in that?

21          A     This is the interior rear driver's door, and there is apparent  
22 blood on the door handle and on the door itself.

23          Q     So that would be on the handle to get out, and then also kind  
24 of on the --

25          A     On the, yeah that.

1 Q I don't know what you call that. But also on sort of the --

2 A On the door.

3 Q --middle of the door?

4 A Yes.

5 Q And you said that was in the driver's side at the back seat?

6 A Correct.

7 Q This is State's 40. Does that appear to be the back seat of the  
8 vehicle that we've been talking about?

9 A Yes.

10 Q And this is State's 41. What are we looking at there?

11 A There was a pair of slip-on shoes in the back seat, as well as  
12 one live cartridge. This is after evidence has been collected though.  
13 There was other stuff in the back seat.

14 Q I have another photo of that.

15 A Okay.

16 Q There is a pair of shoes in the back seat?

17 A Yes.

18 Q Okay. Now I'm going to put on State's 42. What are we  
19 looking at there?

20 A Those are additional cartridge cases. Those are in the back  
21 seat, back driver's side on the floorboard.

22 Q And how many cartridge cases did you collect from the car?

23 A Six.

24 Q And those would have been impounded?

25 A Yes.

1 Q This is State's 34. What are we looking at there?

2 A This is the rear driver seat, and there is apparent blood on  
3 the seat.

4 Q And is that the, like the driver's side the middle or the right  
5 side?

6 A Directly behind the driver.

7 Q And this is State's 45. What are we looking at in that photo?

8 A There was a white like knit cap on the seat, and there's also a  
9 piece of blood fragment. It's very hard to see in that photo.

10 Q Is this the bullet fragment?

11 A Yes, it is.

12 Q And then I'm going to show a close-up of that. This is State's  
13 46. Is that the bullet fragment?

14 A Yes.

15 Q And you would have collected that as well?

16 A Yes.

17 Q In terms of processing the vehicle, did you note whether or  
18 not there was any bullet damage itself, bullet damage to the vehicle  
19 itself?

20 A Yes.

21 Q And what, what were your findings?

22 A There were three bullet defects in the rear driver's seat itself  
23 that went through and through. There was also an exit out of the back  
24 cargo area, the lower left side of the car through the cargo door.

25 Q Okay. Let me see if I can find a picture of that.

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[Pause]

BY MS. WECKERLY:

Q This is State's 69, and can you kind of orient the members of the jury what we're looking at in that photograph?

A Yes. I am actually sitting backwards in the driver's seat. That is the -- this is the driver's head rest, and I am looking over the left shoulder to the back seat.

Q And so those pink rods are trajectory rods?

A Yes.

Q And so you place them to kind of trace the path of-- and the trajectory up or down of the bullet?

A Yes. We place the trajectory rods for dimension purposes, so that we can follow the path of that bullet and see where it went.

Q This is State's 70. Is that just a closer view?

A Yes.

Q Well, the driver's seat is in the way.

A Right.

Q And this is State's 71. Where are we in the car at that point?

A We are now in the cargo area. That is the back of the rear driver's seat.

Q So this is the seat, the passenger seat and like the other side of it would be where you sit?

A Correct.

Q And this is the continuation of those rods?

A Yes.



1           Q     And that for the record was State's 71. This is State's 72.  
2     Where are we now?

3           A     We are now looking from the seats towards the cargo,  
4     through the cargo area to the actual hatch or the trunk area. It's not  
5     really a trunk because it's an SUV but --

6           Q     And this is State's 73. Let me back up a little bit. What are  
7     we looking at there?

8           A     That's the exterior, the vehicle driver's side lower left cargo  
9     door.

10          Q     So some of the -- well at least one of the missiles or bullets  
11     went all the way out of the car?

12          A     Correct.

13          Q     Like through the back seat, through the cargo area and out  
14     the --

15          A     And out.

16          Q     Okay, and this is State's 74. Is that just another depiction of  
17     some of that damage?

18          A     This is actually the second. This was defect B. This defect  
19     went through and through the seat, and then went through the molding  
20     of the cargo area and then out the bottom.

21          Q     Okay. This is State's 75, and I think up here you're depicting  
22     both A and B, the defects that occurred like once -- if you lift up the hatch  
23     to the car. Is that fair?

24          A     I believe As on the outside and Bs on the inside, but I can't  
25     read the --

1 Q Let me put on my mouse and then I'll approach.

2 A Thank you. Oh okay. A is the through and through, and then  
3 B is -- B did not go all the way through the actual door. It went through  
4 the molding and then struck the inside and just made a mark. But it  
5 didn't actually penetrate.

6 Q Okay. All of that would have been photographed by you and  
7 you, I guess, took note with the rods of where each of those trajectories  
8 went?

9 A Yes.

10 Q With regard to the items of evidence that were in the car, was  
11 all of that impounded by you?

12 A Yes.

13 Q Including the casings that we talked about?

14 A Yes.

15 Q And any other items that were in the car, like physical items?

16 A Yes.

17 Q How about swabs for like DNA? Was that collected by you in  
18 processing the car?

19 A Yes.

20 Q Do you recall where it was that you took swabs from?

21 A I took swabs of blood, but then I also took swab for potential  
22 DNA. I swabbed the steering wheel, the rear view mirror, the gear  
23 shifter for potential DNA.

24 Q Okay. I'm going to put on the overhead State's 59. Is that  
25 depicting how you maybe swabbed the door handle?

1           A     Yes.

2           Q     And this is State's 60. Obviously the swab I would assume of  
3 the steering wheel?

4           A     Steering wheel.

5           Q     Okay. What's the purpose of swabbing those areas of the  
6 car?

7           A     When a person touches a surface, you leave epithelial DNA  
8 behind. So you could identify someone that had touched a surface at  
9 some time by swabbing it, and then having it then sent to a lab.

10          Q     Okay, and this is State's 63. Looks like at the rear view  
11 mirror?

12          A     Yes.

13          Q     That would be another area to try to find DNA evidence?

14          A     Yes.

15          Q     And then lastly this is State's 85. Looks like two items of  
16 evidence at the lab?

17          A     Yes.

18          Q     Where did those come from?

19          A     Items No. 4 and 5 were collected from the center console  
20 cupholders in that vehicle.

21          Q     And would that -- those have been collected to potentially get  
22 DNA evidence from them?

23          A     DNA or fingerprints, yes.

24          Q     Okay. In addition to the original scene, the residence and  
25 then processing the car, were you also the analyst that impounded the

1 buccal swab of the Defendant Vernon Newson?

2 A Yes.

3 Q And did you also at some point impound and receive  
4 evidence from Claremont, California?

5 A Yes.

6 MS. WECKERLY: So you did a lot. Thank you. I will pass the  
7 witness, Your Honor.

8 THE COURT: Cross?

9 MR. BASHOR: Your Honor, if I could have 30 seconds to  
10 organize photos?

11 THE COURT: Okay.

12 CROSS-EXAMINATION

13 BY MR. BASHOR:

14 Q Good afternoon, CSI Harder.

15 A Good afternoon.

16 Q I just have a few questions for you, and we'll get you on your  
17 way. So first of all just to kind of let the ladies and gentlemen of the jury  
18 understand the division of duties, as a CSA your primary and very  
19 important responsibility is to collect the evidence, right?

20 A Document and collect, yes.

21 Q Correct, document and collect. The decision to ultimately  
22 test something or do some analysis on something, that's up to the  
23 detective?

24 A Correct.

25 Q Now in -- you made this diagram that we heard about on

1 direct examination, and I'm going to be publishing State's admitted  
2 Exhibit number 30. You would agree that these items on this diagram  
3 look like they're in very close proximity to one another?

4 A They are.

5 Q Okay. But in looking at your legend, we see that from the  
6 south direction, there's about 125 foot span?

7 A Item No. 1 was significantly farther than the rest of the items  
8 of evidence. It was kind of by itself.

9 Q Right.

10 A The rest of the evidence were --

11 Q Within 50-ish?

12 A Within 10 to 15 feet of each other, yes.

13 Q Okay, great. Now the divots depicted in State's Exhibit  
14 number 11, with the placards A, B and C, those are not in blood; correct?

15 A Those are not in blood.

16 Q And so I'm going to move on to the home, okay.

17 A Okay.

18 Q And this is State's Exhibit 105, the registration card for Ms.  
19 McNeil's gun registration card?

20 A Yes.

21 Q I'm unfamiliar with this. Is there more information on the  
22 back?

23 A There is, and my report does states what make, model and  
24 serial number that blue card is for.

25 Q Okay. So if I told you it was a Ruger 9 millimeter semi-

1 automatic handgun registered to Anshanette McNeil, does that sound  
2 right to you?

3 A That's what my report states, and that is correct.

4 Q Do you want to see your report or --

5 A Sure, I would like, yes.

6 MR. BASHOR: Okay. May I approach, Your Honor?

7 THE COURT: Yes.

8 THE WITNESS: Sorry. I had like five reports.

9 BY MR. BASHOR:

10 Q No. You were very busy in this case. If I could just, so I can  
11 help point it out for you. Ahh, thank you, Your Honor.

12 A Thank you sir. Ruger 9 millimeter, semi-auto, Model SR9E,  
13 serial number 33558976.

14 Q Okay.

15 A Thank you. I appreciate that.

16 Q Now I'm going to move on to the car. See, we're flying.

17 A Okay.

18 Q In the car, you noticed Items 8 through 11 and 12. This is  
19 State's Exhibit 52. Now 8 through 11 are four cartridge casings; correct?

20 A Correct.

21 Q And they are stamped "Winchester"?

22 A I believe all of them were Winchester except for one in the  
23 car, and the live round is an S&B.

24 Q Correct. So what does Winchester mean, for the ladies and  
25 gentlemen of the jury?

1           A     It's just the manufacturer.

2           Q     Okay, and you had indicated that there was one live  
3 cartridge, Item No. 12 depicted in this photo, and by "live" meaning that  
4 the bullet hasn't been expended?

5           A     Unfired, correct.

6           Q     Unfired, correct. And then that was stamped S&B. Do you  
7 know what that stands for?

8           A     I don't. I am not familiar with that manufacturer.

9           Q     But it's -- in your understanding, it is the indication of a  
10 manufacturer?

11          A     Yes.

12          Q     Now this is all located in -- it would be the passenger sitting  
13 directly behind the driver; correct?

14          A     Correct.

15          Q     And then Item No. 20 is reflected in State's Exhibit 56 as a  
16 bullet fragment, right?

17          A     Correct.

18          Q     And then also in the rear front, the passenger sitting directly  
19 behind the driver is exhibited in State's Exhibit 67 or Items 34, 35 and  
20 36?

21          A     Yes.

22          Q     Okay, and Item No. 34 is a bullet fragment?

23          A     Yes.

24          Q     Item No. 35 is another cartridge case, and it's stamped "FC 9  
25 millimeter Luger"; is that correct?

1 A I believe so.

2 Q And what is the FC or the Luger?

3 A FC is another manufacturer.

4 Q Another manufacturer, okay.

5 A And then we saw a photograph -- I'm sorry, Court's  
6 indulgence.

7 [Pause]

8 BY MR. BASHOR:

9 Q Referring back to State's Exhibit 67, Item No. 36, it's not  
10 greatly depicted, but it is a bullet fragment; correct?

11 A I believe so. I'd have to double-check my report for that. I  
12 apologize.

13 [Witness reviews document]

14 BY MR. BASHOR:

15 Q And actually the author of that report is Ms. Radke, right?

16 A No sir.

17 Q No? Court's indulgence.

18 [Pause]

19 BY MR. BASHOR:

20 Q Okay, thank you. State's Exhibit 68. If you look real close,  
21 does that appear to be a bullet fragment?

22 A Yes, yes.

23 Q And that's why you put the 10 there?

24 A Correct.

25 Q Okay, and then we saw photos of these trajectory rods, right?



1 For example, as depicted in State's Exhibit 74, right?

2 A Yes.

3 Q And you do that to show the trajectory of the bullet?

4 A Correct.

5 Q Correct, and so it's clear from your trajectory rod that the  
6 bullets were fired from the driver's seats towards the rear of the car?

7 A Yes.

8 Q And down?

9 A Correct.

10 Q So it would be fair to say that the complete constellation of  
11 evidence that you collected, shell casings, bullet fragments, using these  
12 trajectory rods, that there's clear evidence that there were shots fired  
13 inside the car?

14 A Yes.

15 MR. BASHOR: Court's indulgence. We pass. Thank you CSA  
16 Harder.

17 THE WITNESS: Thank you.

18 THE COURT: Any redirect?

19 REDIRECT EXAMINATION

20 BY MS. WECKERLY:

21 Q Just one question. We're talking about this in close  
22 succession. You don't process the car the same night as the original  
23 scene and the going to the residence, right?

24 A No. The car was located in the middle of January-ish.

25 Q Okay, so weeks later?

1           A     Weeks later.

2                   MS. WECKERLY: Thank you. Thank you, Your Honor.

3                   THE COURT: Any follow-up?

4                   MR. BASHOR: No thank you.

5                   THE COURT: Do the ladies and gentlemen of the jury have  
6 any questions for this witness? Okay. Seeing no response, ma'am you  
7 are excused. Thank you very much for your testimony here today.

8                   THE WITNESS: Thank you.

9                   THE COURT: Okay. Ladies and gentlemen, we have reached  
10 the end of the presentation of evidence for today. Can counsel approach  
11 before we go?

12                   [Sidebar at 4:59 p.m., ending at 5:00 p.m., not transcribed]

13                   THE COURT: Okay. Ladies and gentlemen of the jury, during  
14 this recess, you must not discuss or communicate with anyone,  
15 including fellow jurors in any way regarding this case or its merits, either  
16 by voice, phone, email, text, Internet or other means of communication  
17 or social media. You must not read, watch or listen to any news or  
18 media accounts or commentary about this case. You must not do any  
19 research such as consulting dictionaries, using the Internet or using  
20 reference materials.

21                   You must not make any investigation, test the theory of this  
22 case, recreate any aspect of the case or in any other way investigate or  
23 learn about the case on your own, and you must not form or trust any  
24 opinion about this case until it's submitted to you.

25                   Ladies and gentlemen, we have some matters that we need

1 to take care of tomorrow morning, so we will reconvene tomorrow  
2 afternoon at 1:30. So we will not be taking a lunch break. So if you guys  
3 could have lunch before you come, we will convene at 1:30 and we will  
4 have a break in the afternoon.

5 So you guys are adjourned and do not discuss any -- express  
6 any opinion on this case until we are all back together in this room  
7 tomorrow at 1:30.

8 THE MARSHAL: Ladies and gentlemen of the jury, I'll just  
9 give you guys some brief instructions outside of the courtroom. Do you  
10 want to meet me over the other side of the hallway about a couple of  
11 doors, and I will have you on your way. All rise for the jury. You all can  
12 step down

13 Oh, I'm sorry. The [indiscernible] that I handed out earlier,  
14 go ahead leave that on your seats. You're not allowed to take anything  
15 that was in your blue bags with you. The notepad that's going around  
16 for y'all contact info, just bring that outside with you. And once you're  
17 ready, you can go ahead and step on down.

18 [Jury out at 5:00 p.m.]

19 [Outside the presence of the jury]

20 THE COURT: Okay. We are outside the presence of our jury.  
21 Do we have any matters we need to deal with outside the presence?

22 MS. WECKERLY: Not on behalf of the State, Your Honor.

23 MR. BASHOR: Not on behalf of the Defendant, Your Honor.

24 THE COURT: Okay. So you guys have four witnesses you  
25 want to put on tomorrow?

1 MS. WECKERLY: Yes.

2 THE COURT: Okay, then after that, how many witnesses do  
3 you have?

4 MS. WECKERLY: Then we'll have -- I think we're calling the  
5 Defense expert out of order on Friday.

6 THE COURT: Okay.

7 MS. WECKERLY: We're have our last three witnesses Friday  
8 as well.

9 THE COURT: Okay.

10 MS. WECKERLY: And then we just have the one guy that  
11 can't appear until Monday morning.

12 THE COURT: Okay. But then we should all be ready to go?

13 MS. WECKERLY: We should be ready to go.

14 THE COURT: Okay. Can you guys have your preliminary  
15 instructions by tomorrow? So if we end a little early -- I already have the  
16 State's.

17 MR. BASHOR: Yes.

18 MS. WECKERLY: They have them.

19 THE COURT: Yeah, okay. So if we end a little early, maybe  
20 we can talk about those?

21 MR. BASHOR: Sure.

22 THE COURT: Okay, because I've got to start another trial on  
23 Tuesday. So once you call your witness on Monday, we're going to roll  
24 into closings.

25 MR. BASHOR: I understand.

1 THE COURT: So just so we won't have to deal with the jury  
2 instructions. We can do it tomorrow if we're going to have some extra  
3 time. But if you guys -- just if you could email the jury instructions to  
4 my law clerk? But if we don't end the witnesses early, it's fine. We will  
5 get into them. But just in case we have time tomorrow.

6 MR. BASHOR: They would be as final as possible.

7 THE COURT: Yes, as final as you can. I understand things  
8 may change between now and then. But just your preliminary  
9 instructions.

10 MR. BASHOR: Okay. What I meant Judge is on settling them  
11 permanently.

12 THE COURT: Oh yeah. We're not going to settle them  
13 permanently until -- we're not going to even talk about them until at least  
14 Friday.

15 MR. BASHOR: Okay.

16 THE COURT: Maybe like early on Monday, because I know  
17 things may change.

18 MR. BASHOR: No, but I'll absolutely get them to you.

19 THE COURT: Yeah. Just we -- if there's anything that hugely  
20 in dispute, we can start discussing that.

21 /////

22 /////

23 /////

24 /////

25 /////

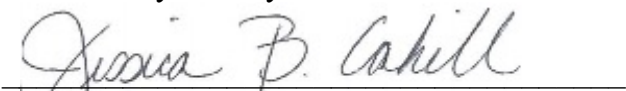
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MR. BASHOR: Excellent. Thank you Judge.

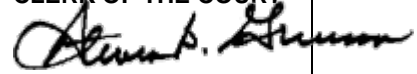
THE COURT: All right, okay. We'll be back tomorrow at 1:30.

[Proceedings adjourned at 5:04 p.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.



Maukele Transcribers, LLC  
Jessica B. Cahill, Transcriber, CER/CET-708



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DISTRICT COURT

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CLARK COUNTY, NEVADA

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STATE OF NEVADA,

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Plaintiff,

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vs.

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VERNON NEWSON, JR.,

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Defendant.

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13

BEFORE THE HONORABLE TIERRA JONES

14

DISTRICT COURT JUDGE

15

THURSDAY, JULY 15, 2021

16

RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 3

17

APPEARANCES:

18

For the Plaintiff:

19

BRANDON ALBRIGHT, ESQ.  
PAMELA WECKERLY, ESQ.

20

For the Defendant:

21

RYAN BASHOR, ESQ.  
KAMBIZ SHAYGAN-FATEMI, ESQ.

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RECORDED BY: VICTORIA BOYD, COURT RECORDER

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1 Las Vegas, Nevada, Thursday, July 15, 2021

2  
3 [Case called at 1:22 p.m.]

4 [Outside the presence of the jury]

5 THE COURT: All right. Let's go on the record in C-313919,  
6 State of Nevada v. Vernon Newson, Jr. May the record reflect  
7 Mr. Newson is here with his attorneys. Deputy district attorneys on  
8 behalf of the State. Okay. We have matters outside the presence?

9 MS. WECKERLY: Just briefly, Your Honor. In the last trial we  
10 had an individual by the name of Winston Reese. He testified, and he  
11 was actually -- the Defense opted not to cross-examine him.

12 On Monday of this week he came to a pretrial and reported  
13 that his sister was dying, and he wanted to know if there was a way he  
14 could not do his appearance. I contacted Defense counsel and they  
15 agreed we could read in his testimony. As the Court can see from the  
16 transcript I provided, there literally is no cross and -- I think that's it.

17 MR. BASHOR: Yeah, Judge, given his extremely limited  
18 amount of interaction and having not touched the vehicle, and his  
19 personal circumstances and the brevity of his testimony, we agreed that  
20 for only this witness we could do that.

21 THE COURT: Okay. And you didn't cross-examine him  
22 when he was here last time?

23 MR. BASHOR: Correct.

24 THE COURT: Okay.

25 MS. WECKERLY: And then I -- just as part of that, I believe

1 there is a -- not through the reader, but there is a stipulation then to  
2 admit photos 138, 139 and 140, which was the car, you know, where he  
3 observed it.

4 THE COURT: Okay. 138 and 140 -- hold on just one moment.

5 MS. WECKERLY: 138, 139 and 140.

6 THE COURT: Okay.

7 MS. WECKERLY: And the CSA is here, so we can start. And I  
8 believe -- I just got a text from Dr. Gavin, so she's on her way here, so we  
9 should be fine.

10 THE COURT: Okay. I'm just going to give Mr. Bashor a  
11 minute to eat his lunch.

12 MR. BASHOR: I'm sorry.

13 THE COURT: Oh, no. You're fine. Mr. Bashor, do you have  
14 any objection to the photos that are Exhibits 138, 139 and 140 --

15 MR. BASHOR: No.

16 THE COURT: -- which were admitted through the --

17 MR. BASHOR: Right.

18 THE COURT: -- Mr. Reese the last time?

19 MR. BASHOR: Exactly. It's just three angles of the vehicle,  
20 Judge. That's fine.

21 THE COURT: Okay. 138 through 140 will be admitted.

22 MS. WECKERLY: Thank you.

23 THE COURT: Without objection.

24 [State's Exhibits 138, 139 and 140 admitted into evidence]

25 THE COURT: Okay. Anything else we need to do outside the

1 presence?

2 MS. WECKERLY: No, Your Honor, or not on behalf of the  
3 State.

4 MR. BASHOR: Can I have one minute, Your Honor?

5 THE COURT: Yeah. Go ahead.

6 MR. BASHOR: Thank you, Judge.

7 THE COURT: One second.

8 [Pause]

9 THE COURT: All right. Okay. Are you guys ready for the  
10 jury?

11 MS. WECKERLY: Yes.

12 THE COURT: All right. Bring them in, Barry.

13 THE COURT: Mr. Albright, do you have your mask?

14 MR. ALBRIGHT: Yes, ma'am.

15 THE COURT: Sorry.

16 MR. ALBRIGHT: That's all right. I was going to --

17 THE COURT: Every now and then I've got to be the mask  
18 police.

19 MR. ALBRIGHT: Yep.

20 THE MARSHAL: All rise for the jury.

21 [Jury in at 1:28 p.m.]

22 THE MARSHAL: All present, Your Honor.

23 THE COURT: Okay. You may all be seated.

24 Good afternoon, ladies and gentlemen. We are back on the  
25 record in C-313919, State of Nevada v. Vernon Newson, Jr. May the

1 record reflect Mr. Newson is present with his attorneys, deputy district  
2 attorneys on behalf of the State.

3 Both parties stipulate to the presence of our jury?

4 MS. WECKERLY: Yes, Your Honor.

5 MR. BASHOR: Yes, Your Honor.

6 THE COURT: Okay. State, are you prepared to call your next  
7 witness?

8 MS. WECKERLY: Yes, Your Honor. The State calls  
9 Dana Marks.

10 [Pause]

11 THE MARSHAL: Ma'am, I'll just ask you to remain standing,  
12 face the Madam Clerk and raise your right hand, please.

13 DANA MARKS, STATE'S WITNESS, SWORN

14 THE CLERK: Please be seated, stating your full name,  
15 spelling your first and last names for the record.

16 THE WITNESS: Dana Marks, D-A-N-A M-A-R-K-S.

17 DIRECT EXAMINATION

18 BY MS. WECKERLY:

19 Q How are you employed?

20 A With the City of North Las Vegas Police Department.

21 Q What do you do for North Las Vegas?

22 A I'm the supervisor of the crime scene unit.

23 Q And as the supervisor of the Crime Scene Unit, what does  
24 that mean that you do day-to-day?

25 A Supervise the other crime scene analysts, go out on calls to

1 assist them. If needed, I could go to my own calls, if needed. Approve  
2 reports, review property records. Again, if I'm needed out in the field, I  
3 can get out there.

4 Q How long have you worked in the -- as the supervisor?

5 A For the last four years.

6 Q And prior to that I assume you were a crime scene analyst as  
7 well?

8 A Yes, ma'am.

9 Q And then you tested or were selected to be the supervisor?

10 A Yes, ma'am.

11 Q As a crime scene analyst, what kind of training do you have  
12 to do?

13 A I have an associate's degree in forensic technology. I also  
14 have been through a CSI academy. Annually, I do training to advance  
15 and keep on top of what's the latest in forensics. I have over a thousand  
16 different cases under my belt that I've done, ranging from burglaries to  
17 homicides.

18 Q Now, there are various duties for crime scene analysts,  
19 depending on where they're responding to; is that fair?

20 A Yes, ma'am.

21 Q Some crime scene analysts in a case would be assigned to  
22 go to the scene itself?

23 A Yes.

24 Q And others may be assigned, or their duties may be to go to  
25 the hospital, and others may go to the autopsy?

1           A     Yes.

2           Q     In this particular case were you the crime scene analyst that  
3 handled the autopsy of the victim?

4           A     Yes, I was.

5           Q     And as the crime scene analyst who attends the autopsy,  
6 what do you do, what is your role when the autopsy is taking place?

7           A     When we get there, we have to assure that the body bag is  
8 still sealed; no one has entered or opened up the body bag. So that's  
9 our number one job, is to make sure it's still sealed. Photograph that,  
10 document that it is still sealed.

11                Once that seal is broke open, we'll open up the body bag and we  
12 pretty much go through a series of documentation. Show the condition  
13 of what's inside that body bag, and as each layer is unfolded, continue to  
14 document with photographs to show what's there.

15                If there's any items of evidence that need to be collected,  
16 photograph it, then we'll collect it. We work alongside with the forensic  
17 technician at the coroner's office.

18           Q     And obviously the purpose of making sure there's no seal  
19 broken on the body bag itself is to have the most pristine conditions on  
20 which -- by which the doctor could do the examination?

21           A     Correct. From scene to when the doctor sees the body.

22           Q     Okay. And then I think you said that you photograph the  
23 body sort of in layers, like how it initial -- how the body initially appears,  
24 and then as clothing is removed and that sort of thing?

25           A     Yes, ma'am.

1           Q     You said you worked in conjunction with technicians that  
2 work at the Medical Examiner's office. Do they take photos  
3 simultaneously or at the same time as maybe yourself would?

4           A     They do.

5           Q     And is that because they maintain their own photographs  
6 separate and apart from the various police departments?

7           A     Yes.

8           Q     And I think you mentioned this as well. If there's evidence  
9 collected at the autopsy, it would be your job to be the one who  
10 impounds it?

11          A     Correct.

12          Q     Okay. On this particular case we've established that you  
13 were the crime scene analyst who was assigned to do the autopsy, and  
14 that would mean that you did the photographs and also took custody of  
15 the evidence at the scene --

16          A     Yes.

17          Q     -- or at the autopsy; is that fair?

18          A     Yes, ma'am.

19                MS. WECKERLY: Your Honor, may I approach the witness?

20                THE COURT: Yes.

21 BY MS. WECKERLY:

22          Q     Ma'am, I'm going to show you two groups of photographs.  
23 This is State's 109 through 136. If you could just look through those and  
24 let me know when you're done.

25                       [Witness reviews photographs]



1 BY MS. WECKERLY:

2 Q Do those appear to be photographs associated with the  
3 autopsy that you attended for this case?

4 A Yes. Some are mine and some are the forensic tech's.

5 Q But are they an accurate portrayal of what the autopsy  
6 looked like and what the individual looked like?

7 A Yes, it is.

8 MS. WECKERLY: State moves to admit 109 through 136.

9 THE COURT: Any objection to 109 through 136?

10 MR. BASHOR: No, Your Honor.

11 THE COURT: 109 through 136 will be admitted.

12 MS. WECKERLY: Thank you. And for the record, they were  
13 shown to Defense counsel prior to us starting.

14 THE COURT: Okay.

15 [State's Exhibits 109 through 136 admitted into evidence]

16 BY MS. WECKERLY:

17 Q Ma'am, I'd next like you to look at 150 to 158. Just let me  
18 know when you're done with those, please.

19 [Witness reviews document]

20 BY MS. WECKERLY:

21 Q Do you recognize those?

22 A I do.

23 Q And are these photographs you took of the victim's hands, as  
24 well as an item of clothing?

25 A Yes.

1 MS. WECKERLY: State moves to admit 150 to 158.

2 THE COURT: Any objection to 150 through 158?

3 MR. BASHOR: No, Your Honor.

4 THE COURT: 150 through 158 will be admitted.

5 [State's Exhibits 150 through 158 admitted into evidence]

6 BY MS. WECKERLY:

7 Q Okay. I think your screen should be on. I'm going to put on  
8 the overhead what's been admitted as 150. Obviously we're looking at  
9 the victim in this case, but you're taking the picture of her hand?

10 A Correct.

11 Q And that would be her right hand?

12 A Yes.

13 Q Okay. And as a matter of course, as a crime scene analyst at  
14 an autopsy, there's an attempt made to document the condition of the  
15 victim's hands in normal conditions?

16 A Correct.

17 Q This is State's 151. That's just another view of her hand, or  
18 sort of her thumb?

19 A Correct. The webbing of the hand.

20 Q Okay. This is 152, and that's the palm of the hand?

21 A Correct.

22 Q Next I'm going to put on the overhead State's 153. And  
23 obviously we've switched hands now. This is the -- this would be the left  
24 hand?

25 A Correct.

1           Q     Looking at that, there appears to be an injury on sort of the --  
2 certainly the middle finger, but other fingers as well?

3           A     Yes.

4           Q     Let me get a closer view of that. When you examined that,  
5 did you find any items of evidentiary note?

6           A     I did.

7           Q     I'm going to put on the overhead State's 156. It's a closer  
8 view of that -- those fingers. And can you tell the members of the jury,  
9 as a crime scene analyst, what do you see when you're looking at that  
10 photo?

11          A     Not only do I see the injuries to the left index finger and the  
12 left middle finger, but obviously in the knuckle region of the index finger,  
13 you see what looks like metal. That stood out. And then when we  
14 examined a little bit closer to the left middle finger, there was also what  
15 looked like a piece of metal there.

16          Q     And those pieces of metal, would they have been collected at  
17 the autopsy?

18          A     Yes, ma'am.

19          Q     And you would have been the person that encountered  
20 them?

21          A     Yes, ma'am.

22          Q     I'm going to put on the overhead now State's 155. It's the  
23 same hand, but this is like the -- I think you said the webbing and the  
24 thumb area?

25          A     Correct.

1 Q And do you see an injury as well on her left thumb?

2 A Yes, there is.

3 Q And this is State's 154. Is that a view of the palm area of her  
4 left hand?

5 A It is.

6 Q It looks like on her wrist there is a medical band or  
7 identification bracelet from a hospital?

8 A Yes.

9 Q Did this individual go to a hospital prior to coming to the  
10 Medical Examiner's office?

11 A She did.

12 Q At the time you attended the autopsy, had she been  
13 identified, do you recall?

14 A I don't recall.

15 Q Okay. As part of the autopsy, I think we discussed that you  
16 photograph and impound any clothing that's associated with her?

17 A Yes.

18 Q This is State's 157. Well, I'll put it this way. Looking at that,  
19 that's obviously a bra, but what is of -- what do you note when you see --  
20 when you see that item?

21 A Photographing the overall condition of the bra, not only to  
22 notate that there is apparent blood on it, but there also is apparent bullet  
23 holes.

24 Q And I'm putting on the overhead now State's 158. It's  
25 probably obvious, but do you see the bullet holes when you look at that

1 part of the bra itself?

2 A Yes.

3 Q And those are the defects in the middle of it?

4 A I believe this is -- yeah. Yeah. If you want me to notate it, I  
5 can --

6 Q I think there's a mouse up there that you might be able to  
7 kind of point for our jury.

8 A It doesn't want to go up. Coming right about there --

9 Q Okay.

10 A -- was a hole that was notated.

11 Q Uh-huh.

12 A There is a hole notated here, and if I can get -- there's a small  
13 hole here, and then just to the right of that. And then I'm not sure from  
14 the photo if that is just blood or if that is another hole.

15 Q Okay. But that's obviously why this photograph is taken, to  
16 note the defects in the item, the garment that are associated with  
17 gunshot wounds?

18 A Yes.

19 Q I'm going to now put on the overhead State's 135. Can you  
20 explain to the members of the jury what that -- what that is, or what's  
21 depicted in that photograph?

22 A The three copper looking pieces are going to be the copper  
23 jacketing of a bullet. The piece to the left is more going to be part of the  
24 lead part of the bullet.

25 Q And those were taken out of the victim at autopsy and then

1 they're handed over to you?

2 A Yes, ma'am.

3 Q And then if there's any further testing done, that's done by a  
4 firearms expert?

5 A Yes.

6 Q This is State's 136. Is that just another piece of ballistics  
7 evidence that was recovered at autopsy?

8 A It is.

9 MS. WECKERLY: Thank you very much. I will pass the  
10 witness, Your Honor.

11 THE COURT: Cross?

12 MR. BASHOR: Yes, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. BASHOR:

15 Q Good afternoon, Supervisor Marks.

16 A Good afternoon.

17 Q How are you?

18 A Good. Thank you.

19 Q Okay. Just a few questions. So it's my understanding that  
20 you impounded three pieces of clothing; is that correct?

21 A Yes.

22 Q One -- and I don't know if jeggings is the word, you might  
23 have meant leggings, mid-rise leggings with belt; do you recall that?

24 A I do.

25 Q And you had noted that that was in all likelihood cut by

1 medical?

2 A Yes.

3 Q And you also impounded a pair of panties or underwear as  
4 well, correct?

5 A Correct.

6 Q And again, you noted that those were cut by medical?

7 A Yes.

8 Q So the damage to those two articles of clothing were using a  
9 sharp object, such as scissors?

10 A Correct.

11 Q And then we've seen in display that you collected a bra; is  
12 that correct?

13 A Yes, sir.

14 Q And we did note that you identified some holes in that bra,  
15 but again, you noted that it was cut by medical?

16 A Correct.

17 Q And again, that would be a sharp scissor-like object?

18 A Yes.

19 MR. BASHOR: The Court's indulgence.

20 [Pause]

21 MR. BASHOR: Thank you. Pass the witness.

22 THE COURT: Any redirect?

23 MS. WECKERLY: No redirect, Your Honor.

24 THE COURT: Okay. Do the ladies and gentlemen of the jury  
25 have any questions for this witness? Seeing no response, ma'am, you

1 are excused. Thank you very much for your testimony here today.

2 MS. MARKS: Thank you, Your Honor.

3 THE COURT: You're welcome.

4 MS. WECKERLY: Your Honor, may I just check to see if our  
5 witness arrived?

6 THE COURT: Yes.

7 [Pause]

8 MS. WECKERLY: She is here, Your Honor. The State calls  
9 Dr. Gavin.

10 THE COURT: Okay.

11 THE MARSHAL: Ma'am, I'd just ask you to remain standing,  
12 face the Madam Clerk and raise your right hand.

13 DR. LISA GAVIN, STATE'S WITNESS, SWORN

14 THE CLERK: Please be seated, stating your full name,  
15 spelling your first and last name for the record

16 THE WITNESS: Good afternoon. I'm Dr. Lisa Gavin, L-I-S-A,  
17 G-A-V-I-N.

18 THE COURT: State, whenever you're ready.

19 MS. WECKERLY: Thank you.

20 DIRECT EXAMINATION

21 BY MS. WECKERLY:

22 Q Dr. Gavin, how are you employed?

23 A I am a forensic pathologist, medical examiner here in  
24 Clark County.

25 Q How long have you worked as a medical examiner?



1           A     A little over 12 years. Almost 13 this September.

2           Q     And that's in Clark County?

3           A     Correct.

4           Q     What is your education and training background that allows  
5 you to work as a medical examiner?

6           A     I went to medical school at the University of Connecticut  
7 School of Medicine. I did a pathology residency at Hartford Hospital in  
8 Connecticut. I did a surgical pathology fellowship at Hartford Hospital in  
9 Connecticut.

10          I did a forensic pathology fellowship at the Office of the Medical  
11 Investigator in New Mexico and then I came here to Clark County. I am --  
12 have a medical license in the State of Nevada, and I'm board certified in  
13 anatomic pathology and in forensic pathology.

14          Q     And are you the only medical examiner at the Clark County  
15 Medical Examiner's office?

16          A     No.

17          Q     How many doctors work there?

18          A     Currently we have, just as of this week, four full-time doctors  
19 and we have several locum tenens that come in and help out with cases.

20          Q     And what does locum tenens mean?

21          A     Locum tenens is a practicing forensic pathologist who may  
22 be practicing in another office or do private consultations who will come  
23 into our office, who is licensed in our state and is board certified, and  
24 then will assist in doing cases of the caseloads that we have.

25          Q     Can you explain to the members of the jury what the general

1 procedure is when conducting an autopsy?

2           A     In general, when a body is identified, we'll receive a call at  
3 the coroner's office. And if needed, our investigators will go out to the  
4 scene.

5           Our investigators are independent of any law enforcement or  
6 public defender or district attorney or hospitals. We are our own  
7 separate agency, so we have our own investigators that will go to the  
8 scene of where the person or body is identified.

9           If the circumstances surrounding that situation is considered  
10 suspicious or suspect in some way, that body will obviously be evidence  
11 and that body will be placed in what we call the sealed body bag.

12          The way we seal a body bag is you zip together the two eyelets  
13 and then we put a seal through -- plastic seal through those eyelets and  
14 clamp it shut and take photographs of it at the scene being intact, and  
15 then when it arrives in our office being intact, to demonstrate that the  
16 body was maintained as evidence.

17          Then once the body comes into our office, if it's under the  
18 suspicious circumstances that I alluded to, we will go through a detailed  
19 processing of that body, and we kind of do it in layers.

20          We'll take pictures of the body as it has been put into the bag.  
21 Then we'll take complete photographs of the body, whether it's clothed  
22 or unclothed. Then we will take pictures of the body if it's in a dirty state,  
23 with blood or something like that on it. Then we'll clean up -- clean that  
24 off and take pictures of the body while it's clean.

25          And then we'll identify in that process any type of injuries that

1 have occurred to that individual, or perhaps even identifying marks and  
2 scars or anything that we see on the body surface.

3 At that point in time we go into what most people consider the  
4 classic autopsy process, where we begin the evisceration process, where  
5 we'll cut into the body and make the Y-incision to look at the internal  
6 organs, look for injuries to the internal organs, look for any kind of  
7 pathology to the internal organs.

8 Likewise, we'll cut around the scalp and saw the skull to remove  
9 the brain and look for any injuries to that or any pathology to that as  
10 well. During that process we may take various specimens. So we'll take  
11 tissue samples, we'll take blood samples or other things for possible  
12 further consultation or investigation, depending on what the nature of  
13 the case is.

14 We also will look -- kind of look at medical records as necessary or  
15 look at other things that will help us to make the determination of the  
16 cause of death and the manner of death, and that varies from case-to-  
17 case in terms of what the breadth of that is.

18 Q And at the Clark County Medical Examiner's office is each  
19 case given sort of a unique identifying number?

20 A Yes. The case number is given, and that case number is  
21 carried throughout most of our photographs and carried throughout all  
22 of our reports. And why I say most of our photographs is, you know,  
23 you'll see some of our photographs are perspective shots in which you'll  
24 have, say, a photo of an entire arm with our placard number in it, but as  
25 you're trying to focus in on closer injuries, the camera will tend to focus

1 on the number rather than on the injury, so we have to remove the  
2 placard, but you'll always have a perspective shot to go with that.

3 Q So in a typical autopsy there is a case number assigned and  
4 there is photographs taken, and they're sort of kept with that case  
5 number?

6 A That's correct.

7 Q And is there typically an autopsy report prepared?

8 A Yes. And, oh, pardon me, but in addition, we also do  
9 radiographs of our decedents as well. So nearly all of our bodies will get  
10 radiographs, not all of them, but particularly suspicious cases we'll get  
11 radiographs.

12 Q And radiographs would be what we would call x-rays?

13 A Yes.

14 Q Okay. And then there would be a toxicology screen as well,  
15 usually?

16 A Yes.

17 Q And all of that is all documented or kept within a file under  
18 that unique case number?

19 A That's correct.

20 Q At the Clark County Medical Examiner's office, I think you  
21 mentioned there are about four or five doctors there. Are ever called  
22 upon to review each other cases and testify about them?

23 A Yes, we'll review each other's cases. We have a peer review  
24 that will review cases and you'll present your case to the other doctors  
25 that are present and discuss the cases, and then generally have just to

1 initial off on that review process, but only one doctor generally signs  
2 those reports.

3 Q And is it -- is it a common occurrence for you to testify about  
4 an autopsy conducted by another doctor?

5 A No, it's actually quite common for it to happen, particularly  
6 for people who have retired, some people have passed away, so you  
7 may end up having to testify on their reports and findings.

8 Q And in this particular case we're here about an autopsy that  
9 you yourself did not conduct; is that fair?

10 A Yes.

11 Q And it was done by Dr. Olsen (phonetic)?

12 A Correct.

13 Q And do you personally know Dr. Olsen?

14 A Yes.

15 Q And did she retire?

16 A She did retire.

17 Q Okay. Does she have a -- or did she have, to your  
18 knowledge, a similar medical background; she's a medical doctor as  
19 well?

20 A Oh, yes.

21 Q And in preparation for your testimony with us this afternoon,  
22 can you tell the members of the jury what it is that you reviewed in order  
23 to testify with us?

24 A I reviewed the autopsy report, the photographs associated  
25 with the report, the toxicology report as well.

1 Q Okay. So when you are testifying with us this afternoon, it  
2 will be based on your review of those various documents and  
3 photographs, and then your opinion based on what you observed?

4 A That's correct.

5 Q Now, in this case, or as part of an autopsy, is there a  
6 recording of the victim's height and weight?

7 A In general there will be a measurement done when the body  
8 first arrives into our office.

9 Q And do you recall what that was for this particular victim?

10 A I think roughly she was about 61 inches and roughly around  
11 150 pounds or so.

12 Q Okay. Sixty-one inches is like five-one?

13 A Five-one.

14 Q Okay. When you reviewed the photographs, can you give us  
15 like a general impression of what you observed on her externally?

16 A Yes. She had multiple gunshot wounds to her body.

17 Q And did -- well, are the wounds, as you reviewed the  
18 wounds, are they separated like in an analysis of the damage done by  
19 each one?

20 A In general. Most of us, when we do our gunshot wounds,  
21 we'll do them kind of top to bottom on the body, not necessarily in the  
22 order or the sequence that they occurred to the body. So we'll kind of  
23 look at the body and do like a top to bottom kind of documentation of  
24 those wounds.

25 Q Okay. And so although we're going to be discussing the

1 wounds in a particular order, that doesn't necessarily mean that's the  
2 order by which they were inflicted?

3 A Oh, that's correct.

4 Q Okay. Is there a way or a means to assess, in most cases, the  
5 order of the infliction of gunshot wounds?

6 A Sometimes you can have an idea of where -- what order they  
7 may have occurred, depending on the organs that are hit and whether or  
8 not that would cause a person to be instantaneously incapacitated or  
9 not, but that's not always true and doesn't always happen.

10 Q Okay. So we have some photographs submitted. I'm going  
11 to use those as we discuss the injuries in this case. First I'm going to put  
12 on the overhead State's 109. Do you recognize, you know, what that is  
13 or what that is depicting?

14 A Yes. This is the portion of the body bag that you see that's  
15 blue in the background of this particular photo. And then within the  
16 photo is --

17 THE WITNESS: Remind me again, Your Honor, about the  
18 pointer.

19 THE COURT: You have to use the mouse.

20 THE WITNESS: Okay.

21 THE COURT: Yeah, because there's another --

22 THE WITNESS: It's on a circle right now.

23 THE COURT: Use the pencil. No. Right there.

24 THE WITNESS: Okay. Thanks. Thank you.

25 MS. WECKERLY: Thank you, Your Honor.

1 THE WITNESS: Thank you. In this area you can see the  
2 eyelets of the body bag that are together, and then this plastic blue seal  
3 that we put those eyelets, demonstrating that it's intact upon arrival.

4 In addition, we attach to it the toe tag and on that toe tag  
5 we'll have various pieces of information, including the case number. It's  
6 a little whited out in this particular photo, but the placard that I was  
7 referring to also had the case number on it that's seen in this particular  
8 photo as well.

9 And then likewise, you'll have additional pieces of  
10 information present on the toe tag. At the time, the individual came in as  
11 a Doe unidentified, and then later was identified.

12 BY MS. WECKERLY:

13 Q Okay. And then this -- this tag also, we discussed it, has her  
14 height and weight?

15 A Correct, it does have that written on it as well.

16 Q And the CCOO -- or CCCO investigator is an individual that  
17 works at the Medical Examiner's office?

18 A That's correct. That's one of our deputy investigators.

19 Q I'm going to put on the overhead next State's -- oh, I think  
20 that has to be cleared before my next photo will show up.

21 THE COURT: And in order -- do you use the trash can?

22 MS. WECKERLY: Yeah.

23 THE WITNESS: There we go. Okay. Thank you, Your Honor.  
24 It should be clear. I pressed the trash can.

25 THE COURT: Yeah, it's good. Oh, but that's not working.



1 MS. WECKERLY: No, no, that's not working.  
2 THE COURT: Can you push the button, Ms. Weckerly?  
3 MS. WECKERLY: This one?  
4 THE COURT: Yeah.  
5 MS. WECKERLY: Okay.  
6 THE COURT: That's how we solve all of our problems.  
7 MS. WECKERLY: Oh, okay.  
8 THE COURT: Can you push the button again?  
9 MS. WECKERLY: Okay. That's how I solve all my computer  
10 problems.  
11 THE COURT: There we go. Yeah, we just keep pushing the  
12 button.  
13 MS. WECKERLY: Okay. I'll keep doing that.  
14 THE COURT: Yeah.  
15 BY MS. WECKERLY:  
16 Q Dr. Gavin, this is, for the record, State's 110. What is the  
17 purpose of this photograph?  
18 A This photograph occurs at the end of our processing that I  
19 referred to earlier, and this is after we've cleaned up the body and then  
20 we do a face shot, which is considered an identification shot. Obviously  
21 with the placard present and then kind of towels wrapped around the  
22 face, and this is considered an identification photo.  
23 Q And this is the number right here that's the case number that  
24 was on the tag, as will -- as will be depicted in various photographs?  
25 A Correct.

1 Q Next I'm going to show you State's 111 that I -- you call it a  
2 radiograph, I call it an x-ray. What do -- what can you see when you look  
3 at that image?

4 A This is a radiograph of the head and neck. Again, the case  
5 number is present within the radiograph up towards the top, just below  
6 where I drew the line just now, and that corresponds, again, to the case  
7 number to which we're referring. And then within this radiograph, just  
8 above the right shoulder, you can see a projectile missile or a bullet in  
9 the right shoulder subcutaneous tissues.

10 Q Thank you. Can you do the trash and I'll -- okay. This is  
11 State's 112. That's just further down to the torso area?

12 A This again is a radiograph of the chest and also  
13 demonstrates the radiopaque missile, bullet, that's present in the right  
14 upper shoulder.

15 Q Can you do the trash again?

16 A I'm sorry.

17 Q Okay. Next this is 113.

18 A This is a radiograph of the right upper extremity  
19 predominantly. And in addition to seeing that radiopaque missile to  
20 which we referred in the right shoulder subcutaneous area, you also  
21 demonstrate additional radiopaque fragments present in the region of  
22 the right arm, as well as a fracture of the right humerus. And you can  
23 see multiple bony fragments in addition, adjacent to that as well.

24 Q Thank you. Okay. So we're going to move into the external  
25 examination. This will be State's 115. That -- well, why don't you

1 describe. What are we looking at in that photograph?

2 A This is the upper portion of the chest and head,  
3 demonstrating some of the gunshot wounds that are present of the  
4 body. In particular, there's a gunshot wound of the right cheek here and  
5 that -- actually, you do like the pathways at this time?

6 Q I'm going to get a closer view of that one, so we'll come back  
7 to that.

8 A Okay. And in addition, there's another re-entrance gunshot  
9 wound down on the chest, upper chest area. And then there are some  
10 exit wounds that are present on the right shoulder, or anterior chest  
11 area. And then there are additional wounds towards the side that we'll  
12 have other photos of.

13 Q Okay. This is State's 117. Is it better this way?

14 A Yes.

15 Q Okay. This is State's 117. I think you were just beginning to  
16 discuss that injury?

17 A Yes.

18 Q Okay. And can you -- I guess when we're looking at 117,  
19 describe for the members of the jury or point out where the entrance is  
20 and the path.

21 A The gunshot wound of the right cheek enters into the right  
22 cheek and then exits out the right side of the neck, and then re-enters  
23 into the right aspect of the chest. And then this is where that missile  
24 comes to rest in the right shoulder area. So it comes across essentially  
25 from her kind of front to back and downward, and slightly from her left

1 to her right.

2 Q Okay. So I want to -- you said a lot there. This particular  
3 injury travels from sort of her face out of the neck and then back into sort  
4 of the chest, collarbone area?

5 A That's correct.

6 Q And then it actually ultimately ends up in her shoulder?

7 A Correct.

8 Q And I think you said there was a downward trajectory to it?

9 A That's correct.

10 Q What does that mean?

11 A That means anatomically on the body that is the path that the  
12 missile or bullet took through the body. So that doesn't refer to where  
13 the muzzle was, where the person holding the gun was. That doesn't  
14 refer to where they are, it just refers to where the bullet is entering into  
15 the body and how it's traversing through the body.

16 Q And is the assumption an upright person?

17 A In general, the assumption is the anatomic position, which is  
18 a person, we'll say, standing, with their feet facing you, their arms down  
19 at their side and their palms facing forward.

20 Q Okay. And so this traveled down and does -- is there a  
21 directionality to it front to back or --

22 A Yes. It goes from the front, with the face area, to the back  
23 where the -- back shoulder area where the missile is recovered. And in  
24 addition, starts from somewhat of the left side of the body and heads  
25 towards the right side of the body of the person.

1 Q Okay. And then I think you said the missile was ultimately  
2 recovered from within the body?

3 A Correct.

4 Q I'm going to put on the overhead -- thank you. This is  
5 State's 116. I have a closer view, but just so we're oriented, can you  
6 point to where in the body that was recovered?

7 A That missile's recovered from the right shoulder region.

8 Q And this is -- this is State's 1-- oops. This is State's 118.  
9 Does that depict the shoulder region that you were talking about?

10 A Yes. There's a tattoo on that region and just beneath that is  
11 where the missile was retrieved.

12 Q Okay. And you can see -- you can actually see it in the image  
13 itself?

14 A Yes. It's -- I'll draw a circle around it.

15 Q And then what happens to that item of evidence?

16 A Once that's collected, we clean it off, take a photograph of it  
17 removed from the body, and then that evidence is given to the crime  
18 scene analyst that's present at the autopsy.

19 Q Okay. Now, one other question I wanted to ask you about  
20 that, this first wound, and I'm going to put on the overhead State's 119.  
21 This appears to be a closer view of her face, but also the entry area of  
22 the wound that you were just describing?

23 A This is the wound I described previously at the beginning of  
24 our entrance wound. So this is the first one that goes into the cheek and  
25 then traverses through the cheek out the neck, but does end up being

1 that missile. So this entrance wound is where the bullet first went into  
2 the body.

3 And what's unique about this particular entrance is you can see  
4 some of these smaller dots around the wound itself. So in the center is  
5 the entrance wound that I have a little semi-circle around, and then  
6 adjacent to that there are several of these smaller dots.

7 It won't let me dot, but I'll draw little lines next to some of them.  
8 But you can see some of them all around that area of the wound. That's  
9 called stippling.

10 Stippling occurs when the gunpowder doesn't have time to burn  
11 off before it hits its target. And so as it hits into the skin target, it will  
12 actually burn or abrade into the skin area and cause this pattern that you  
13 see around where that missile first entered, around that center wound,  
14 and that suggests a closer range from the muzzle to the actual target, the  
15 target being the cheek in this case, in the -- in this instance, and that's  
16 when you have stippling being present.

17 Q And how close does a muzzle have to be in order for  
18 stippling to be deposited?

19 A In order to specifically determine that, you really need to look  
20 at the weapon and the ammunition that's used, but in general, testing  
21 has been done on various hand weapons and rifled weapons. This  
22 would need to be at least less than 24 inches, but not contact up against  
23 the body -- [indiscernible] itself. So you're talking about a shorter,  
24 smaller range of fire, and it's a kind of intermediate range that we call.

25 Q Okay. So 24 or under, 24 inches or under?

1           A     Or under, yes.

2           Q     Okay. And then you see that -- it's that just those little  
3 burned pieces, I guess, onto the skin?

4           A     And that's the gun powder burning into the skin or abrading  
5 into the skin as it hits it.

6           Q     Okay. So going back to -- did you --

7           A     I did.

8           Q     Thanks. So going back to State's 117, all of this is gunshot  
9 wound A, right, or what --

10          A     Yeah, we -- the first one that we call -- we can call it A, yes.

11          Q     Okay.

12          A     And that ends in that missile that's recovered up underneath  
13 that tattoo.

14          Q     Okay. And then I'm going to put on 116. And this is the A  
15 exit area?

16          A     Yes.

17          Q     Okay. Let's move on --

18          A     And it's not an exit area. It's where the missile is recovered.

19          Q     Right. It's in -- it's where we saw the cut open part of the  
20 shoulder?

21          A     Correct.

22          Q     Thank you for correcting me. This is State's -- next is 120,  
23 and we see another injury, but it's to the other side of the face?

24          A     Correct.

25          Q     And can you explain to the members of the jury what you

1 see in that photograph?

2 A In this photograph we have a gunshot wound of the left chin  
3 area that enters into the left chin, goes out the jaw area and then re-  
4 enters on the neck. And then this wound then goes in down through the  
5 chest cavity, through the left lung and then exits out the back.

6 Q Now, this particular injury, let me show you State's 116. Can  
7 we -- let me zoom out. You said that second one to the face exits out her  
8 back?

9 A Correct.

10 Q And do you see the exit?

11 A Yes.

12 Q And can you mark it for the members of the jury?

13 A This is the exit wound that's in the kind of mid aspect of the  
14 back.

15 Q Okay. Now, when it went from sort of her face, I think you  
16 said at a downward trajectory and then exits out the back, did it hit any  
17 or, you know, damage any structures within her body?

18 A I haven't said the trajectory yet. This one goes essentially  
19 kind of downward, and it also goes front to back as well. It actually ends  
20 up going a little bit more from the right to the -- excuse me -- from the  
21 left to the right on the -- in the body anatomically, and then it does go  
22 through the left lung.

23 Q And so an injury like that, if someone sustained that type of  
24 injury to their lung, would that be independently fatal?

25 A It could be, depending on whether or not she gets to rescue



1 services in time.

2 Q Now, looking at the image that we have up there, which is  
3 State's 116, there's obviously -- there's obviously other gunshot injuries,  
4 but the exit is the one that's kind of not as clear or as clean a hole; is that  
5 fair?

6 A It looks more like a tear in the skin. It looks more like a  
7 laceration to the skin, where it's torn rather than having an abrasion  
8 color to it, and that's the qualities of an exit gunshot wound.

9 Q Okay. So let me zoom out. Okay. So this is exit of B?

10 A Yes.

11 Q Okay. I want to show you just another image. This is State's  
12 121. Is that a closer view of this B -- the aggregate wound B that we  
13 were just describing?

14 A This would be the exit and then re-entrance area.

15 Q And then it travels through and out her back?

16 A Correct.

17 Q Okay. Next I'm going to put on the overhead State's 123.  
18 And can you tell us, or the members of the jury, what we're looking at in  
19 that photo?

20 A Now she's laying face down on the table, so from that  
21 perspective of looking at her body. And then on the -- and my apologies,  
22 jury, the mouse doesn't cooperate very quickly, so. On the left lateral  
23 aspect of her chest is an entrance gunshot wound.

24 Q And where does that missile travel throughout her body?

25 A That travels through the left aspect of her chest, goes

1 through her left lung, goes through the aorta. And the aorta is the major  
2 vessel in your body that comes off your heart and then pumps blood into  
3 the rest of your body. So it hits the left lung, hits the aorta, hits the right  
4 lung, and then goes out the right side of the chest.

5 MR. BASHOR: Can I get the exhibit number?

6 MS. WECKERLY: Sure. 123.

7 MR. BASHOR: Thank you.

8 BY MS. WECKERLY:

9 Q So this one, you describe it as -- I mean, hitting the aorta,  
10 hitting the lung. I mean, as a layperson that sounds like a really  
11 devastating injury?

12 A Yes, it would be fatal.

13 Q And it's sort of traveling -- I mean, is it -- I think you might  
14 have said this, but is it traveling like laterally through her, or how would  
15 you describe it?

16 A The trajectory for this goes from left to right, and it actually  
17 goes slightly upward.

18 Q And where does it ultimately come out of her body?

19 A In her chest area.

20 Q So I'm going to put on the overhead State's 115. Are you  
21 able to see the exit of that side one that we just saw?

22 A Yes.

23 Q Where is that?

24 A So it traverses across her body and ends up exiting out here  
25 towards the kind of right upper aspect of her chest. So it starts on that

1 left side, goes through the left lung, through the aorta, through the right  
2 lung, and then exits out up this area -- up in this right upper anterior area  
3 of her chest. So it goes, you know, left to right and slightly upward, and  
4 minimal deviation forward or back.

5 Q So right here is the exit of the one we just discussed?

6 A Correct.

7 Q Okay. And this is -- sorry -- this is the entrance?

8 A That's correct.

9 MR. BASHOR: And, Judge, just so the record is clear, she's  
10 write -- I don't think the letter C has been read into the record here.  
11 She's marking these C.

12 THE COURT: Okay.

13 MS. WECKERLY: Yes, that is correct.

14 THE WITNESS: That's correct, yeah. The first one that we  
15 labeled as A was the right cheek, and then the next one they've labeled  
16 as B was the left cheek or chin, and then this one is the C on the left  
17 aspect of the chest.

18 MS. WECKERLY: Thank you.

19 BY MS. WECKERLY:

20 Q Let's move on. Let me find the next photo. I'm now putting  
21 on the overhead what's been admitted as State's 122. Do you see the  
22 next injury that we're discussing in that photograph?

23 A Yes.

24 Q And can you point it out to the members of our jury?

25 A There's -- my apologies, jurors. The mouse is not

1 cooperating again. We'll get there. There is an entrance gunshot wound  
2 present on the right mid aspect of the back.

3 Q And where does that one travel?

4 A That gunshot wound goes into the back, goes through the  
5 right lung, again strikes the aorta and then goes out the left anterior  
6 aspect of the chest. So this wound goes from back to front and upward,  
7 and somewhat right to left on the anatomical orientation of the body.

8 Q Okay. And I think you indicated this is the -- oh, sorry -- this  
9 is the entrance?

10 A That's correct.

11 Q Okay. And this --

12 A You know, you could label it D if you'd like.

13 Q Okay. And you indicated that it travels past the aorta, or  
14 damaging it, I would assume?

15 A Yes. It goes through the right lung and then goes through  
16 the aorta and then goes out the left anterior aspect of the chest.

17 Q And this is State's 115. Are we able to see the exit of that  
18 one in this photograph?

19 A Yes.

20 Q And where is that?

21 A The exit's on the left upper anterior aspect of the chest.

22 Q And given what you described of the pathway; I assume this  
23 is a fatal injury as well?

24 A Yes. This also strikes the aorta as well as the lung.

25 Q And I'm going to, for the record, write exit D. I'm going back

1 now to State's 122. Does that depict the next gunshot wound that we  
2 can discuss?

3 A Yes.

4 Q And can you point out to the members of the jury where that  
5 one enters?

6 A Yes. This is a gunshot wound of the left lower aspect of the  
7 back.

8 Q And where does that one -- what's the trajectory of that  
9 missile?

10 A This one traverses through the subcutaneous tissue and then  
11 exits out of this area towards the upper mid aspect of the back.

12 Q Okay. And when you say it traverses the subcutaneous  
13 tissue, when I hear that, I'm not hearing you describe like the lungs or  
14 the heart or anything like that. Does this damage any major structures,  
15 this one?

16 A No, this one does not. It just stays underneath the skin area  
17 of the back, and there's the hemorrhage with that.

18 Q And we'll label that entrance E. And it's -- this part is the  
19 exit?

20 A Yes.

21 Q Okay. Were there also gunshot wounds to her arms?

22 A Yes.

23 Q Let me see if I can find that. This is State's 127. What are we  
24 looking at in that photograph?

25 A This is an entrance gunshot wound of the right upper arm.

1 And we had seen a corresponding x-ray of this earlier.

2 Q And that's where we saw the bone fragments in the -- in the  
3 radiograph or x-ray?

4 A Yes. In the radiograph x-ray we saw bone fragments, as well  
5 as the fragmented missile and the fractured right humerus.

6 Q Okay. And so can we label this one entrance for F?

7 A Yes.

8 Q What was the pathway of this projectile?

9 A Anatomically it goes kind of from right to left through the  
10 arm, but you don't know where that arm is within the space, as the  
11 individual is most likely moving around.

12 Q This is State's 128. It probably is more oriented that way. Is  
13 that sort of a closeup of her under arm or armpit area?

14 A Yes. That's a closeup of the armpit area. And some of these  
15 smaller lacerations, tears in the skin, and then the contusion that you  
16 see, could be related to either bony fragments, because remember, that  
17 arm was fractured in that x-ray, may or may not be related to smaller  
18 missile fragments because that missile is also somewhat fragmented  
19 from striking into that humerus.

20 Q And this is State's 129. Does that show the recovery of the  
21 missile from that area?

22 A Yes. This is cutting into that area, and you can see the all  
23 purple stuff, that's blood in that area, around that wound path. And then  
24 within that you can see the shiny object sort of in the center of this  
25 photo, and that's one of the fragments that's recovered from this area of

1 the missile itself.

2 Q Okay. So this one that enters her arm, this is where it -- you  
3 know, it doesn't exit, right?

4 A The missile fragments may or may not exit out of there. That  
5 could be bony fragments because it is a fragmented missile.

6 Q Okay. So this is sort of where F ends up?

7 A That, and the missile that was just shown in the previous  
8 photo with the blood in the arm.

9 Q Okay. I think I have one more to show you here. This is  
10 State's 130. Is that situated okay for you?

11 A Yes.

12 Q And what are we looking at in that photo?

13 A It's kind of a closeup shot of the right forearm. And as I  
14 mentioned before, the placard usually can't be it in very well because it  
15 doesn't focus nicely on it, but this is a closeup of the right arm, and then  
16 there's a through and through gunshot wound of that right forearm.

17 Q And so this would be G, not necessarily in the order, but the  
18 -- I guess the number of injuries we have, this is the last --

19 A That's the next letter we are in -- in labeling right now.

20 Q Okay. And can you tell me, looking at that, which one is the  
21 entrance?

22 A I believe this outer one is the entrance, upper one on this  
23 particular photo, because of the abrasion that's on it. And then this is  
24 more of a tear out of the skin, that's in the lower portion of the photo, for  
25 this particular angle is a little off.

1           Q     Now, as part of your preparation for your testimony did you  
2 also look at photos of the victim's hands?

3           A     Yes.

4           Q     I'm putting on the overhead now State's 131. That appears  
5 to be her left hand?

6           A     Correct.

7           Q     And what type of injury do you see on that hand?

8           A     There's a mix of some injury on here. When this gets  
9 cleaned up a little bit, you can see -- and my apologies, jurors, the mouse  
10 isn't cooperating at the moment. We'll get it cooperating in a second  
11 here. There we go.

12                Towards this center area of the middle finger where I've just drawn  
13 the mark is actually a grazed gunshot wound in that area. There's also  
14 some abrasions that are on the surface of it as well.

15                There are some that are suggestive of stippling, but it's not as clear  
16 because there's some mixed abrasion on there. So it's not clear from my  
17 eye that there's definitive stippling on it, but there is abrasion on it.

18           Q     Okay. And an abrasion is what?

19           A     Abrasion is a scrape on the skin.

20           Q     Okay. And there may or may not be stippling, but you're not  
21 convinced one way or the other?

22           A     That's correct.

23           Q     Okay. Can you clear -- thank you. This is State's 132.

24           A     This is the left hand again. This is the palmar surface of the  
25 left hand. And there's some incised wounds, so like a sharp injury that's



1 occurred to the skin surface that's resulted in a couple of cuts, if you will,  
2 on the palmar surface.

3 And I will try to get the pen to function on the computer so I can  
4 point it out to you. There's one up here near the thumb, and then there's  
5 a little bit on the palm as well.

6 Q Okay. Aside from the injuries that we've just discussed, were  
7 there other abrasions noted on her body?

8 A She had had a few scattered on the chest, and then one I  
9 think was on the face as well.

10 Q Okay. She did get medical -- if she had gotten medical  
11 treatment at the scene and then as she was transported, we wouldn't  
12 know if it was -- the abrasions were the result of, you know, kind of being  
13 worked on on the ground, or who knows; would that be fair?

14 A It could -- some of these injuries that we pointed out --  
15 obviously the gunshot wounds are not related to that event. The smaller  
16 injuries that you have, where you have some of these abrasions or  
17 scrapes that are on the skin, may or may not be related to the surface  
18 upon which she was found.

19 So that could be a possibility, but that could also be related to  
20 some of the graze wounds that I discussed earlier, particularly of the  
21 hand area.

22 Q So aside from the hand, how many gunshot wounds does  
23 she have? That -- because that one's a graze, right?

24 A That one's a graze. She has seven gunshot wounds.

25 Q Okay. In addition to looking through the photographs and

1 reviewing the report, did you also review a toxicology report associated  
2 with this victim?

3 A Yes.

4 Q And what was notable or what did you take note of in the  
5 toxicology report?

6 A She had methamphetamine and I believe hydrocodone  
7 present in her system, as well as the metabolites.

8 Q Now, hydrocodone, what is that?

9 A It's an opiate, like a painkiller.

10 Q Is that sometimes prescribed by a doctor for pain or  
11 something like that?

12 A Yes, it could be.

13 Q The level of hydrocodone, was that like a therapeutic level or  
14 was that a high level; how would you describe it?

15 A It was not considered a lethal level.

16 Q You also mentioned there was methamphetamine and  
17 amphetamine found?

18 A Yes.

19 Q Was that found in -- well, in what substance of her body?

20 A Because she had bled out so much from all of these gunshot  
21 wounds, we had to use liver tissue to test the toxicology. So the testing  
22 is done on the liver tissue, and the methamphetamine and the  
23 hydrocodone and metabolites were identified in the liver tissue.

24 Q Now, normally is that toxicology done on the blood?

25 A Normally it's done on the blood.

1           Q     What is the reason for doing it -- like the preference being the  
2 blood?

3           A     We try to use the peripheral blood, which is in a person that's  
4 deceased, probably the closest that we can get to what it would be if you  
5 went currently as a living person to get your blood drawn and tested. So  
6 we try to work with the peripheral blood on the decedents for the -- as  
7 accurate a measurement as to what it is in life, while they're alive, versus  
8 once they've died.

9           Q     And so the first choice would normally be blood, but she  
10 happened to have bled out?

11          A     That's correct.

12          Q     So then you move to liver tissue, I think you said was what  
13 the analysis was done on?

14          A     Yes. We could -- we typically will go to liver tissue, but you  
15 can use other substances as well.

16          Q     And can you give us some sort of correlation or how would  
17 you explain a measurement in blood versus a measurement in liver  
18 tissue?

19          A     In liver tissue it can represent some drugs that have been  
20 metabolized and it may not be as accurate as to the acute use, the use  
21 that may have happened at the time of death. There may have been  
22 some metabolism that's occurring and it's the liver that generally does a  
23 lot of the metabolizing.

24                 So you can have the numbers look spuriously elevated than they  
25 really are within the peripheral blood. So you have to kind of account for

1 that in your analysis, and many of the textbooks that we utilize look at  
2 those kind of extremes, if you will, that you can see in those different  
3 substances.

4 Q So if you wanted to know what substance someone was  
5 under at the time of their death, the most accurate reading would be  
6 blood, in terms of timing, I guess?

7 A Accurate -- we can get accurate readings because accurate  
8 talks about what the measurement is, what the concentration is within  
9 the -- within the substance itself. Trying to get as close as we can to  
10 what might be present in a living individual or that particular living  
11 individual; we prefer to use the blood as the sample for that.

12 Q But if you don't have blood available, you move on to  
13 another tissue sample, or something like that?

14 A Correct.

15 Q In your review of all of the materials, have you formed an  
16 opinion regarding the cause of death of this individual?

17 A Yes.

18 Q And what is that?

19 A She died of multiple gunshot wounds.

20 Q And do you have an opinion regarding the manner?

21 A Yes.

22 Q And what is that?

23 A Homicide.

24 MS. WECKERLY: Thank you. I will pass the witness.

25 THE COURT: Cross.

1 MR. SHAYGAN-FATEMI: Thank you, Your Honor.

2 [Pause]

3 CROSS-EXAMINATION

4 BY MR. SHAYGAN-FATEMI:

5 Q Hello, Dr. Gavin.

6 A Hello.

7 Q How are you?

8 A I'm well.

9 Q You would agree that the primary responsibility of a coroner  
10 is to determine the cause and manner of death, correct?

11 A Yes.

12 Q And you would agree that an autopsy is an important  
13 component in determining that cause or manner of death?

14 A Yes.

15 Q And an autopsy is a postmortem examination to discover the  
16 cause of death or the extent of disease, correct?

17 A And I think the postmortem examination could be a little  
18 broader, in that there are some instances where you can do your  
19 evaluation based on an external examination and you don't necessarily  
20 need to do an internal examination.

21 And then likewise, sometimes you can base it on information  
22 regarding medical records and you may not even need to view the body,  
23 per se. So there's a broader area in which we can utilize information to  
24 determine cause of death and manner of death.

25 Q As part of an autopsy a coroner will obtain samples of body

1 fluids and tissues for analysis, correct?

2 A Yes.

3 Q And also part of that autopsy is to perform toxicology testing  
4 in search for drugs, alcohol, other poisonous substances?

5 A Yes. In general, we'll do a somewhat targeted analysis,  
6 depending upon the nature of the case, in terms of what we're going to  
7 look for regarding toxicology specimens and our testing.

8 Q And, Dr. Gavin, you had mentioned to Ms. Weckerly that you  
9 did not actually perform the autopsy in this case, correct?

10 A That's correct.

11 Q Okay. But you were asked to review materials in regards to  
12 this autopsy performed on Ms. McNeil?

13 A That's correct.

14 Q And it's safe to say you reviewed the autopsy report?

15 A Yes.

16 Q And you, just to clarify what Ms. Weckerly was saying, you  
17 did find the cause and manner to be a homicide?

18 A The cause of death is the multiple gunshot wounds. The  
19 manner of death is the homicide.

20 Q In the world of forensic pathology, a homicide is defined as a  
21 death at the hands of another, correct?

22 A Yes. In general you call it a death at the hands of another,  
23 but it could also be an omission that's resulted in someone -- an  
24 omission of action that's resulted in their death as well.

25 Q But just to be clear and we don't confuse the men and

1 women of the jury, you are not making a conclusion today on how the  
2 law characterizes a particular homicide?

3 A That's correct.

4 Q So in other words, you don't conclude whether it's a murder,  
5 a manslaughter?

6 A That's correct.

7 Q Ms. Weckerly did talk to you a little bit about the toxicology  
8 report. I want to bring your attention to that. So Ms. McNeil was tested  
9 for methamphetamine?

10 A We did a testing of a -- for a basic toxicology analysis, which  
11 looks at common drugs of abuse, and methamphetamine was detected  
12 along with its metabolite amphetamine.

13 Q Can you explain to the men and women of the jury what a  
14 nanogram/gram is?

15 A Nanograms are a concentration that we're looking at of the  
16 drug compound. And then the grams are the grams, in this case, of liver  
17 tissue, in which that was measured.

18 Q So in other words, in a little bit of a simpler way, it's the  
19 concentration of methamphetamine in the blood of the individual being  
20 tested?

21 A It's -- in this case it's the concentration of methamphetamine  
22 detected in that liver tissue that was taken from that individual.

23 Q And the minimum amount of methamphetamine which will  
24 show on the report is 20 nanograms per gram, correct?

25 A Yes.

1 Q And the toxicology report that you reviewed for Ms. McNeil  
2 had 1600 nanograms per gram of methamphetamine in her system,  
3 correct?

4 A That's correct.

5 Q And that would be almost 80 times the reporting limit,  
6 correct?

7 A That's correct.

8 Q And methamphetamine is a DEA Schedule II stimulant,  
9 correct?

10 A Yes, it's a stimulant.

11 Q And it causes aggressive behavior?

12 A Yes, it can.

13 Q And it can cause hallucinations?

14 A Yes, it can.

15 Q And it can cause irrational reactions?

16 A It can.

17 Q And Dr. Gavin, you testified that in addition to the  
18 methamphetamine Ms. McNeil also had hydrocodone in her system,  
19 correct?

20 A That's correct.

21 Q And hydrocodone is a narcotic used to treat pain, correct?

22 A That's correct.

23 Q And the minimum amount of hydrocodone which will show  
24 on this toxicology report is a hundred nanograms per gram, correct?

25 A Yes, I believe so.



1 Q And Ms. McNeil had 215 nanograms per gram, per the  
2 report?

3 A Yes.

4 Q And Ms. McNeil also had hydromorphone in her system as  
5 well, correct?

6 A That's a metabolite of the hydrocodone.

7 Q Hydromorphone is also known as Dilaudid, correct?

8 A That's correct. It can be given separately. In this case it  
9 serves as a metabolite with the numbers. You have the parent  
10 compound and then you have lesser of the other. And then the  
11 dihydrocodeine as well as another metabolite.

12 Q Can you say with absolute certainty that the hydromorphone  
13 that was found was a metabolite of the hydrocodone?

14 A With the dihydrocodeine it's more likely than not that it's a  
15 metabolite.

16 Q More likely than not, is not absolutely certain though,  
17 correct?

18 A That's correct.

19 Q So in other words, if Dilaudid was ingested at an earlier time  
20 and it's weaned off, that could also be a potential situation, correct?

21 A That's correct.

22 MR. SHAYGAN-FATEMI: Okay. Thank you for your time.  
23 Thank you, Your Honor.

24 THE COURT: Okay. Any redirect?

25 MS. WECKERLY: Just briefly, please.

1 REDIRECT EXAMINATION

2 BY MS. WECKERLY:

3 Q Dr. Gavin, when -- you were asked on cross-examination  
4 about the -- sort of the reporting limits of the toxicology report; do you  
5 recall?

6 A Yes.

7 Q Now, reporting limits would be the smallest amount that  
8 could be detected, right, that -- where it will pick up in the testing; is that  
9 fair?

10 A Each laboratory is going to have what they consider their  
11 laboratory reporting limit, so they need to have a drug detected above  
12 that in order for them to report it as being positive within the system.  
13 And those are determined by the laboratories that do this -- do the  
14 testing, so that number is going to be usually a low number in general.

15 Q Okay. And then, you know, then the levels are the levels,  
16 according to the individual, but what the lab provides you is this is the  
17 first point at which -- at which our testing will say a drug is present?

18 A Yes.

19 Q Okay. And then in terms -- you talked a little bit about  
20 metabolites or how various substances are processed through the body  
21 or metabolized. Can you explain to the members of the jury kind of what  
22 a half-life is?

23 A In general, a half-life is the amount of time that it takes for  
24 about half of the amount of drug ingested to be metabolized by the  
25 body.

1 Q And what is the half-life for methamphetamine?

2 A It's about six -- anywhere from six to 15 hours. It depends on  
3 the individual, how rapidly they metabolize it. So in general, it's about  
4 six to 15 hours.

5 Q And so can you kind of contextualize what that means? So if  
6 we see the presence of methamphetamine, what does that tell us about  
7 how -- when it was ingested, if we have a half-life of six to 15 hours?

8 A It's difficult to extrapolate back at precisely when it was taken  
9 or when it was ingested, so all you can talk about is what you have  
10 detected at the time of death and what's present within the body at that  
11 time because you don't know how quickly that particular person  
12 metabolizes or doesn't that particular drug.

13 So you can't really extrapolate back to they definitely took this  
14 amount at this particular time, but you can infer these ranges, which is  
15 what I mentioned the range.

16 Q And the range is six to 15 hours?

17 A In terms of half of the drug being metabolized.

18 Q Okay.

19 A Yes.

20 Q Now, you were asked on cross-examination about the  
21 presence of hydrocodone and I think you discussed a little bit how one of  
22 -- another substance was a metabolite within that toxicology report?

23 A Metabolites of that are both the hydromorphone and the  
24 dihydrocodeine.

25 Q So if this victim was prescribed hydrocodone and took it,

1 according to a prescription, you would expect to see what substance --  
2 what substances in a toxicology report if she took her medication?

3 A You could see the parent compound, the hydrocodone, and  
4 then you could see its metabolites as well, which we do here.

5 Q Okay. And so you kind of see what is reflected in this  
6 toxicology report?

7 A That's correct.

8 MS. WECKERLY: Thank you.

9 THE COURT: Any follow up based on that, Mr. Shaygan.

10 MR. SHAYGAN-FATEMI: Very briefly, Your Honor.

11 THE COURT: Okay.

12 RE-CROSS-EXAMINATION

13 BY MR. SHAYGAN-FATEMI:

14 Q Dr. Gavin, you're not aware of any prescriptions to is Ms.  
15 McNeil for hydrocodone, are you?

16 A I am not.

17 MR. SHAYGAN-FATEMI: Okay. Thank you very much,  
18 Your Honor.

19 THE COURT: Any follow-up?

20 MS. WECKERLY: No, Your Honor. Thank you.

21 THE COURT: Do the ladies and gentlemen of the jury have  
22 any questions for this witness? Seeing no response, Dr. Gavin, you are  
23 excused. Thank you very much for your testimony.

24 DR. GAVIN: Thank you.

25 THE COURT: State, you may call your next witness.

1 MS. WECKERLY: May we approach just briefly, Your Honor?

2 THE COURT: Yes.

3 [Sidebar at 2:41 p.m., ending at 2:42 p.m., not transcribed]

4 THE COURT: Okay. Ladies and gentlemen, we are going to  
5 take a brief recess. During this recess you must not discuss or  
6 communicate with anyone, including fellow jurors, in any way regarding  
7 the case or its merits, either by voice, phone, e-mail, text, internet or  
8 other means of communication or social media.

9 You must not read, watch or listen to any news or media  
10 accounts or commentary about the case. You must not do any research,  
11 such as consulting dictionaries, using the internet or using reference  
12 materials.

13 You must not make any investigation, test the theory of the  
14 case, recreate any aspect of the case or in any other way investigate or  
15 learn about the case on your own. And you must not form or express  
16 any opinion regarding the case until it's submitted to you.

17 Ladies and gentlemen, it is 2:48. We will be in recess until  
18 3:10.

19 THE MARSHAL: All rise for the jury. Ladies and gentlemen  
20 of the jury [indiscernible].

21 [Jury out at 2:43 p.m.]

22 THE MARSHAL: And ladies and gentlemen of the audience,  
23 [indiscernible], please.

24 [Outside the presence of the jury]

25 THE COURT: Okay. May the record reflect we are outside

1 the presence of our jury. Do we have any matters outside their  
2 presence?

3 MS. WECKERLY: Not on behalf of the State, Your Honor.

4 MR. BASHOR: No, Your Honor.

5 THE COURT: Okay. We'll just be in recess for about 18, 20  
6 minutes, and then --

7 MS. WECKERLY: Thank you. I appreciate it.

8 THE COURT: No problem.

9 MR. BASHOR: Thank you.

10 [Recess taken from 2:44 p.m. to 3:03 p.m.]

11 THE COURT: Are you guys ready to bring in the jurors?

12 THE MARSHAL: All rise for the jury.

13 [Jury in at 3:03 p.m.]

14 THE MARSHAL: All present, Your Honor.

15 THE COURT: Okay. You may all be seated.

16 We are back on the record in C-313919, State of Nevada v.  
17 Vernon Newson, Jr.

18 May the record reflect Mr. Newson is present with his  
19 attorneys. Deputy District Attorney in here on behalf of the State.

20 Do both parties stipulate to the presence of our jurors?

21 MS. WECKERLY: Yes, Your Honor.

22 MR. BASHOR: Yes, Your Honor.

23 THE COURT: State, you may call your next witness.

24 MS. WECKERLY: Thank you, Your Honor. The State calls  
25 Wendy Radke.

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VERNON NEWSON JR., ) No. 83335  
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Appellant, )  
)  
v. )  
)  
THE STATE OF NEVADA, )  
)  
Respondent. )  
)

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I hereby certify that this document was filed electronically with the Nevada Supreme Court 3rd on the day of February, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY /s/ Rachel Howard  
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