

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS CASH

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Case No. 82060
Elizabeth A. Brown
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**APPELLANT'S APPENDIX
Volume I**

JEAN J. SCHWARTZER, ESQ
Nevada Bar No. 11223
Law Office of Jean J. Schwartzer
170 S. Green Valley Parkway
Suite 300
Henderson, Nevada 89012
(702) 979-9941
Attorney for Appellant

STEVEN B. WOLFSON, ESQ.
Nevada Bar No. 1565
Clark County District Attorney
Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2500
Attorney for Respondent

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THE STATE OF NEVADA,
Plaintiff,
vs.
THOMAS CASH,
Defendant.

CASE#: C-18-329699-1
DEPT. VIII

VS.

THOMAS CASH,
Defendant.

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
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SANDRA K. DIGIACOMO, ESQ.
JACQUELINE M. BLUTH, ESQ.
Chief Deputy District Attorneys

KENNETH W. LONG, ESQ.

AA001

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None

1 Las Vegas, Nevada, Monday, June 18, 2018

2
3 [Jury Trial began at 9:40 a.m.]

4 [Outside the presence of the prospective jury panel]

5 THE COURT: All right. We're on the record C329699, State of
6 Nevada versus Thomas Cash. Present are the attorneys for the State
7 and Mr. Long.

8 Is this case resolved?

9 MR. LONG: It is not, Your Honor. I relayed the information that
10 we spoke about before court and the latest offer from the State, which is a
11 voluntary manslaughter with use, no habitual.

12 MS. DIGIACOMO: And no rec.

13 MR. LONG: And no recommendation.

14 However, Mr. Cash strongly asserts his innocence as to the
15 murder charge and wishes to proceed to trial.

16 THE COURT: All right. And is there anything else the State
17 wants to put on the record?

18 MS. DIGIACOMO: No. I just think you need to canvass the
19 Defendant about it just so it's clear in case he is convicted.

20 THE COURT: You've made that -- you've talked to --

21 MR. LONG: Do you have his headphones?

22 THE MARSHAL: I can't find them. I'm looking right now. I
23 don't know where they are.

24 MR. LONG: Okay. Thomas, can you hear the judge okay?

25 THE DEFENDANT: [Shakes head.]

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MR. LONG: Okay.

[Brief pause in proceeding]

THE COURT: Okay. You heard the negotiations; perhaps your attorney can recite the negotiations again.

THE DEFENDANT: I heard them and understood them clearly.

THE COURT: Pardon?

THE DEFENDANT: I heard and understood them clearly.

THE COURT: And you don't want to accept a negotiation?

THE DEFENDANT: No.

THE COURT: You don't want to authorize your attorney to enter into any negotiation?

THE DEFENDANT: He can -- here's what I'm adamant about. I'm not accepting no use.

THE COURT: No what?

MR. LONG: No use.

THE COURT: Oh, okay. All right.

So you don't accept the negotiation; is that right?

THE DEFENDANT: Yes.

THE COURT: You understand what the negotiation is and you don't want to accept it?

THE DEFENDANT: No, I don't want to accept that.

THE COURT: All right. You understand by -- that you're taking the chance of being found guilty of murder second degree or voluntary manslaughter and then facing habitual criminal?

THE DEFENDANT: Yes.

1 THE COURT: And you're okay with that?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. Go get the jury.

4 THE MARSHAL: Yes, sir.

5 [Brief pause in proceeding]

6 THE COURT: All right. Mr. Cash, under the constitution of the
7 United States and under the constitution of the State of Nevada, you
8 cannot be compelled to testify in this case.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: You may at your own request give up this right
12 and take the witness stand and testify. If you do, you will be subject to
13 cross-examination by the deputy district attorneys. And anything you may
14 say, be it on direct or cross-examination, will be the subject of fair
15 comment when the deputy district attorneys speak to the jury in their final
16 argument.

17 Do you understand that?

18 THE DEFENDANT: Yes.

19 THE COURT: If you choose not to testify, the Court will not
20 permit the deputy district attorneys to make any comments to the jury
21 because you have not testified.

22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: If you elect not to testify, and if your attorney
25 specifically requests, the Court will give a jury instruction encompassing

1 the following, quote, the law does compel a Defendant in a criminal case
2 to take the stand and testify. And no presumption may be raised and no
3 inference of any kind may be drawn from the failure of a defendant to
4 testify.

5 Do you understand that?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you have any questions about your rights?

8 THE DEFENDANT: No.

9 THE COURT: You're further advised that if you have a felony
10 conviction and more than ten years has not elapsed from the date you
11 have been convicted or discharged from prison or parole or probation,
12 whichever is the latter, and the defense has not sought to preclude that
13 from coming before the jury, you elect to take the stand and testify, the
14 deputy district attorneys in the presence of the jury will be permitted to ask
15 the following: One, have you been convicted of a felony; two, what was
16 the felony; and, three when did it happen? However, no other details may
17 be gone into.

18 Now, I want you to talk to your attorney between -- you don't
19 have to make a decision today. But at some point, maybe -- how long do
20 you think it will take to try this?

21 MS. DIGIACOMO: I would think we might -- it definitely the
22 whole week, might go into the beginning of next week.

23 THE COURT: All right. It may be Thursday or Friday you'll
24 have to make that decision; all right?

25 THE DEFENDANT: Okay.

1 THE COURT: So you talk to your attorney about that.

2 [Brief pause in proceeding]

3 [In the presence of the prospective jury panel]

4 THE MARSHAL: All rise for the jury.

5 Jury is all present, Your Honor.

6 THE COURT: Do roll call of the jury, please.

7 [The Court Clerk calls roll call of prospective jury panel]

8 THE COURT: All right. Thank you.

9 All are present?

10 THE COURT CLERK: Yes.

11 THE COURT: All right. Would you all please stand and raise
12 your right hand to be sworn in.

13 [The Court Clerk swore the prospective jury panel]

14 THE COURT: The record will reflect the presence of the State's
15 attorneys, the Defendant, his attorney, all officers of the court.

16 Ladies and gentlemen, you are in Department 8 of the Eighth
17 Judicial District Court, State of Nevada. My name is Doug Smith and I'm
18 the presiding judge who's been assigned to handle this trial.

19 You've been summons today to serve as jurors in a criminal
20 case. It's a murder case.

21 I'll introduce my staff. Sitting right next to me is Carol Donahoo,
22 who is the court clerk and she takes down all the evidence and makes
23 sure everything happens copacetic in the courtroom.

24 Gina Villani is the court recorder. She is -- she takes down
25 everything that's said. So uh-huh's and uh-uh's can't be used. Yes or no,

1 please.

2 And then the marshal today is Ray Enriquez, and then Tom
3 Lemke will be here tomorrow. Ray is just helping out while Tom's on
4 vacation.

5 You'll see a young man come in, his name is Nick Pitaro.

6 Does anyone know myself or any of the people that I've
7 introduced? Okay. Seeing no hands.

8 The only way you communicate with the Court is through the
9 marshal. So if you have something you need to say, you say it to him.

10 When you come in, if you're selected as a juror, just when
11 you're out in the hall, you don't know if people are witnesses out in the
12 hall, so don't talk to anyone that doesn't have a blue badge on. You won't
13 have a blue badge until you're picked as a juror. But if they have a blue
14 badge on, then you know they're not a witness in a case, they may be a
15 juror, but they're not a witness. And we just ask that you not speak to
16 anybody except for those who have a badge on.

17 If you see one of us in the hallway, please don't talk to us. If
18 you get on the elevator, just reach around and push the button, don't even
19 ask to push the floor. It's not that they're being rude or anti-social, they're
20 following my orders not to talk to the jury or potential jurors because to do
21 so could taint a verdict.

22 There's a couple of questions that I need to ask before we get
23 started. This is called voir dire and it's to speak the truth is what that
24 means. There's no right or wrong answer. We're just trying to find a jury
25 that will be fair and impartial both to the Defendant and to the State.

1 As the Defendant sits here, he's presumed innocent until the
2 contrary is proven by the State. The State has the obligation to prove
3 each element of the crime against him beyond a reasonable doubt to
4 convict him. He could sit there and read a magazine or do nothing. He
5 doesn't have to ask a question. Does anybody have a problem with that?

6 That's our -- that's the way our system is built. Anybody have a
7 problem with that? No, no hands.

8 All right. And some of the questions are going to sound like we
9 are being insensitive or delving into your lives. We don't mean to be that
10 way but we do have to ask some pretty important questions.

11 For instance, if any of you are a convicted felon and have not
12 had your civil rights restored to you, you cannot sit as a juror. Is there
13 anybody who meets that criteria?

14 If anyone here -- and seeing no hands.

15 If anyone here is not a citizen of the United States they cannot
16 sit as a juror. Does anybody -- seeing no hands.

17 The questions will be asked bearing on your ability to sit as a
18 fair and impartial juror. The Court, the lawyers, and all persons involved
19 in this case are deeply interested in having this matter tried by the jury
20 composed of open-minded people who are completely neutral and who
21 have no bias or prejudice towards or against either side. In order to
22 accomplish this, it is necessary for me, and eventually, for the State and
23 the defense to ask some questions. We're not trying to pry in your lives
24 but we have to ask some questions.

25 I'll have the State introduce themselves and tell a little bit about

1 the case and read a list of their potential witnesses. That doesn't mean all
2 of them are going to be called but these could be. So listen carefully.

3 MS. DIGIACOMO: Thank you, Your Honor.

4 My name is Sandra DiGiacomo and this is Jacqueline Bluth,
5 we're both chief deputy district attorneys with the DA's office. And we've
6 been assigned to prosecute the case of the State of Nevada versus
7 Thomas Cash.

8 And the State has charged Mr. Cash, in an Amended
9 Information, with murder with use of a deadly weapon and battery with
10 intent to kill.

11 The charges stem from an incident which occurred on
12 December 11th, 2007, in the northeast area of --

13 MR. LONG: 2017.

14 MS. DIGIACOMO: -- of Las Vegas. It originated at
15 3999 Pistachio Nut and the body was eventually found in front of
16 3984 Pistachio Nut in the street. The victim in this case is named Ezekiel
17 Devine and he was killed with one stab wound through his heart.

18 As the judge said, this list that I'm going to read is kind of all
19 encompassing. It does not mean that the State's going to call every one
20 of these witnesses, but we have to know if you know any of these
21 witnesses. So listen. And all of the officers that I'm going to read out,
22 everyone is from the Las Vegas Metropolitan Police Department.

23 Officer Jordan Anderson, Carolina Araiza-Flores, Isidra
24 Araiza-Flores, Sergeant Michael Bland, Officer Charles Brotherson,
25 Officer Annis Buric, Cheryl Cash, Officer Leon Chavez, Officer Cameron --

1 or excuse me, the Clark County Medical -- ah, I cannot talk today -- Clark
2 County Coroner's Office Investigator Cameron Cheal.

3 A crime scene analyst Laura Brook Cornell. Custodian of
4 Records for the Clark County Detention Center, Custodian of Records for
5 the Las Vegas Metropolitan Police Department records, Custodian of
6 Records for the Las Vegas Metropolitan Police Department
7 Communications Division.

8 Kyriell Davis, Officer Antonio De La Torre, Azariah Devine,
9 Sherida Devine, Sergeant Joseph Edens, Officer Cole Erskine, a crime
10 scene analyst Adam Felabom, Officer Andrew Frechette, paramedic with
11 MedicWest K. or Kristin Fuentebella, Kelly Gautheir with the Metropolitan
12 Crime Lab, Officer Matthew Gillis, Officer Roger Gillum, Keith Gross an
13 investigator with the Clark County District Attorney's Office. Crime scene
14 analyst Samantha Halm-Bennick, Sergeant John Harney,
15 Officer Bryan Hatfield, Officer Steven Hayner, Officer Charles Hearrell --
16 off -- or excuse me, Detective John Hoffman, Officer Destiny Hover,
17 Officer Terran Huhn, Officer E. Hutchason, Officer Jermaine Jackson,
18 Officer Jonathan Kalas, Officer Gabriel Lea, Tamisha Kinchron,
19 Officer Paul Lourenco, Captain G. Lowe, Officer Carly Lund,
20 Detective Jason McCarthy, Lieutenant Daniel McGarth,
21 Officer Ryan Michaels, Officer Maxwell Moore, Officer Scott Murray,
22 Officer Sagene Nelson, Officer R. Peterson, Officer Joshua Potter,
23 Officer Anthony Propp, Crime scene analyst Jennifer Reiner,
24 Lieutenant Grant Rogers, Dr. Leonardo Roquero with the Clark County
25 Medical Examiner, Dr. Charles Savino -- excuse me,

1 Officer Charles Savino, Sergeant Adam Seely, crime scene analyst
2 Jeffery Smink, Officer Charles Smith, Officer Joseph Smith,
3 Officer Michael Springer, Detective Darius Starkes, Glezzelle Tapay from
4 the Metropolitan Police Department Crime Lab, Officer Robert Tarr,
5 Officer Matthew Terry, Angel Kristy Turner, Brittney, Turner,
6 Officer Joseph Van Dyke, Officer Octavio Verduzco, Joseph Watts with
7 the Clark County District Attorney's Office, Sergeant Raymond Weaver,
8 Antoinette White, Detective Todd Williams, paramedic G. Witter with Clark
9 County Fire Department Rescue, Tyrone Woodward, Tigi Yosef, and
10 Officer Javier Zambrano.

11 THE COURT: Okay. Do you -- does anyone here recognize
12 any of those names? Okay.

13 Okay. Raise your hands again. Way back first, start in the
14 back there.

15 PROSPECTIVE JUROR NUMBER 010: Badge number is --

16 THE COURT: The last three numbers of your badge.

17 PROSPECTIVE JUROR NUMBER 010: 010. And I'm just
18 curious on the last name of those listed for Cash how the spelling is?

19 MS. DIGIACOMO: The last name is C-a-s-h.

20 PROSPECTIVE JUROR NUMBER 010: Yeah, that happens to
21 be my last name as well. So I'm just curious if I know any of them through
22 family relation. I don't recognize right off the bat but.

23 MS. DIGIACOMO: The Cash that I read are related to the
24 Defendant.

25 PROSPECTIVE JUROR NUMBER 010: I see.

1 THE COURT: Okay.
2 All right. Tell me your last three numbers of your badge and
3 your name.

4 PROSPECTIVE JUROR NUMBER 034: 391. Oh, 034.

5 THE COURT: And who do you know?

6 PROSPECTIVE JUROR NUMBER 034: I possibly know the
7 Officer Tarr.

8 THE COURT: When you say, possibly, what do you mean?

9 PROSPECTIVE JUROR NUMBER 034: Oh, if his mother was
10 a teacher, then I know him.

11 THE COURT: Is there anything about your -- do you go to
12 lunch with him or see him often?

13 PROSPECTIVE JUROR NUMBER 034: No.

14 THE COURT: Okay. So you wouldn't be able -- you wouldn't
15 call him, I mean, if you're selected as a juror, you can't call and ask for
16 help.

17 PROSPECTIVE JUROR NUMBER 034: I wouldn't know him --
18 I wouldn't know him to see him. I just wanted to let you know that I
19 possibly knew his mother.

20 THE COURT: Okay. Thank you. And I appreciate that.
21 Who else?

22 PROSPECTIVE JUROR NUMBER 049: 067.

23 I know several of the officers.

24 THE COURT: What's your name?

25 PROSPECTIVE JUROR NUMBER 049: Toni Corbin.

1 THE COURT: And how do you know several officers?

2 PROSPECTIVE JUROR NUMBER 049: I work in the medical
3 field and we have the contract for doing physical exams for the
4 Metropolitan Police Department and many of the names are very familiar
5 of officers that have come through the office to have their physical exams
6 done on an annual basis.

7 THE COURT: Because you see these officers, would that put
8 you in a position you would have to justify what you do here in court?

9 PROSPECTIVE JUROR NUMBER 049: I don't honestly know.

10 MR. LONG: Ma'am, could you hold the microphone out a little.

11 PROSPECTIVE JUROR NUMBER 049: I don't honestly know
12 how to answer that question.

13 THE COURT: I'll let the attorneys ask you some questions.
14 Thanks.

15 THE COURT CLERK: Can we have your name for the record.

16 PROSPECTIVE JUROR NUMBER 049: Toni Corbin.

17 MS. DIGIACOMO: I show her badge number is 049.

18 PROSPECTIVE JUROR NUMBER 049: Excuse me, 049.

19 THE COURT: That's her badge but not her ID number.

20 MS. DIGIACOMO: Right. Are we doing badge numbers or
21 juror numbers?

22 THE COURT CLERK: Badge.

23 MS. DIGIACOMO: Badge numbers, okay.

24 THE COURT: Should be badge.

25 MS. DIGIACOMO: Thank you.

1 THE COURT: All right. Next to you.

2 PROSPECTIVE JUROR NUMBER 050: My name's Irma
3 Alatorre, badge 050.

4 Some of the officer's names sound a little familiar. My daughter
5 works for Metro. She's not an officer.

6 THE COURT: What does your daughter do?

7 PROSPECTIVE JUROR NUMBER 050: She's a senior LEST in
8 records, I guess.

9 THE COURT: All right. So because your daughter works for
10 them -- how long has she worked for Metro?

11 PROSPECTIVE JUROR NUMBER 050: She has worked full
12 time since 2006. She worked there when she was going to college as
13 part time.

14 THE COURT: Do you believe that that would make you bias
15 towards the State or the Defendant?

16 PROSPECTIVE JUROR NUMBER 050: No.

17 THE COURT: Is there anything about that that would enter --

18 PROSPECTIVE JUROR NUMBER 050: No, I just -- some of
19 the names they sound a little familiar. I can't even say that I would
20 recognize them.

21 THE COURT: You can't call them and ask for help. And you
22 could only tell if you're selected as a juror, you could only tell your
23 daughter you're on a criminal jury.

24 PROSPECTIVE JUROR NUMBER 050: No, I --

25 THE COURT: Okay. All right.

1 PROSPECTIVE JUROR NUMBER 050: Well, she knows I'm in
2 jury duty but.

3 THE COURT: All right. Anyone else know those names in the
4 audience? Seeing no hands.

5 Is there anyone here that -- there's going to be some police
6 officers that testify? Is there anyone here that would believe a police
7 officer just because he's wearing a badge and a uniform and not listen to
8 his testimony?

9 PROSPECTIVE JUROR NUMBER 016: What was the
10 question?

11 THE COURT: Do you believe that you would -- would you
12 believe a police officer just because he's a police officer and not listen to
13 his story?

14 PROSPECTIVE JUROR NUMBER 016: I would put his word
15 first.

16 THE COURT: Do you think they always tell the truth?

17 PROSPECTIVE JUROR NUMBER 016: Not always but I
18 believe that --

19 THE COURT: And tell me your name and your badge number.

20 PROSPECTIVE JUROR NUMBER 016: It's Hagai Rothman,
21 badge number --

22 THE COURT: Last three numbers of the badge.

23 PROSPECTIVE JUROR NUMBER 016: Badge number 016,
24 ending in 016.

25 But through my experience I trust the law and I give them credit

1 for what they're saying. I take their word for what it is.

2 THE COURT: I'll let the attorneys ask you some questions.

3 Thanks.

4 Okay. Down here.

5 PROSPECTIVE JUROR NUMBER 024: Badge number 0024.

6 I believe that the police officer always tell the truth because I'm
7 a retired police officer.

8 THE COURT: From where?

9 PROSPECTIVE JUROR NUMBER 024: From Guam.

10 THE COURT: You believe police officers always tell the truth?

11 PROSPECTIVE JUROR NUMBER 024: Mostly, and, yes.

12 THE COURT: Mostly now.

13 So if a police officer said this room had red lighting in it, would
14 he be telling the truth or telling a lie?

15 PROSPECTIVE JUROR NUMBER 024: I would say it's a lie.

16 THE COURT: And it's -- would you believe the policeman if he
17 said that?

18 PROSPECTIVE JUROR NUMBER 024: No, I won't.

19 THE COURT: All right. I appreciate your position.

20 Up here's another one.

21 PROSPECTIVE JUROR NUMBER 041: James Kilber, badge
22 number 041.

23 I just wanted to divulge to the Courts that I'm personal friends
24 with the undersheriff and the sheriff. And I have a relationship with them
25 and I'm currently applying for a director position at Metro.

1 THE COURT: Would you believe that that would bias you
2 towards the Defendant or the State? I mean would you feel obligated to
3 rule one way or the other?

4 PROSPECTIVE JUROR NUMBER 041: I would try to be as fair
5 as possible; however, I'm very pro Metro.

6 THE COURT: Okay. I'll let the State -- or the attorneys ask you
7 some questions.

8 Anyone else in the audience? Name and last three numbers of
9 your badge.

10 PROSPECTIVE JUROR NUMBER 064: My name is Jeff Lee.
11 My badge number is 064.

12 I do work with a lot of police officers and people in the Clark
13 County Fire Department as private clients of mine. I'm a certified financial
14 planner.

15 I do think some of those names you mentioned earlier I may
16 know them, either through a seminar or through like inner workings of
17 client referrals.

18 THE COURT: Would you believe a police officer just because
19 he said it or would you listen to him?

20 PROSPECTIVE JUROR NUMBER 064: I have a tendency to
21 be pro Metro just because I meet with them regularly and I try to
22 understand their worlds.

23 THE COURT: All right. I'll let the attorneys ask you some
24 further questions.

25 Anybody on this side? Okay.

1 Has anybody --

2 THE MARSHAL: There's one raised right here, sir.

3 THE COURT: Oh, I'm sorry.

4 PROSPECTIVE JUROR NUMBER 029: 431.

5 THE COURT: Okay. And your name?

6 PROSPECTIVE JUROR NUMBER 029: Isabel Eleman.

7 I know some police officers.

8 THE COURT: Who is?

9 PROSPECTIVE JUROR NUMBER 029: I know police officers.

10 I know some.

11 THE COURT: Where?

12 PROSPECTIVE JUROR NUMBER 029: Metro.

13 THE COURT: Metro?

14 PROSPECTIVE JUROR NUMBER 029: Yes.

15 THE COURT: You can't call them; you understand that?

16 PROSPECTIVE JUROR NUMBER 029: Yeah, right.

17 THE COURT: Is there anything about that relationship that

18 would prejudice you one way or the other in this case?

19 PROSPECTIVE JUROR NUMBER 029: I mean, they're my

20 friends so I would believe them.

21 THE COURT: Okay. But they're not -- okay.

22 PROSPECTIVE JUROR NUMBER 029: But they're -- right.

23 THE COURT: Some of them are testifying?

24 PROSPECTIVE JUROR NUMBER 029: No, not the -- the

25 names that were read, I don't recognize any of them.

1 THE COURT: All right.

2 PROSPECTIVE JUROR NUMBER 029: But just so that the
3 Court is aware.

4 THE COURT: All right. I'll let the attorneys ask questions.
5 Anyone else? Okay.

6 Here's a more -- has anybody been the victim of a crime? Any
7 crime?

8 PROSPECTIVE JUROR NUMBER 010: Kevin Cash, 010,
9 badge number.

10 I was a victim of assault with a deadly weapon in 1997.

11 THE COURT: Where?

12 PROSPECTIVE JUROR NUMBER 010: Excuse me, 1998.
13 Phoenix, Arizona.

14 THE COURT: Were the police called?

15 PROSPECTIVE JUROR NUMBER 010: Correct.

16 THE COURT: Did they respond -- were you generally happy
17 with how they handled it?

18 PROSPECTIVE JUROR NUMBER 010: Yes.

19 THE COURT: Is there anything about that that would prejudice
20 you in this case?

21 PROSPECTIVE JUROR NUMBER 010: I don't believe so.

22 THE COURT: And I don't want to influence you way or the
23 other in this because voir dire is to speak the truth. I believe in our system
24 of government and that is that a person that's accused of a crime has a
25 jury that will be open minded and fair, both to him and to the State of

1 Nevada. And a lot of people try to shirk the duty and get out of jury duty
2 because it's unpleasant, it gets into your time, and you've got to take time
3 away from your families and jobs and understand that I understand that.
4 And it's not pleasant. But I just want you to know that this a good system,
5 our government is, but it won't work unless we get good citizens to sit as
6 jurors. Okay.

7 PROSPECTIVE JUROR NUMBER 024: While as a police
8 officer I was assaulted while guarding prisoner in Guam, yes. And here in
9 Las Vegas my car was stolen.

10 THE COURT: Were the police called --

11 PROSPECTIVE JUROR NUMBER 024: My car.

12 THE COURT: -- on your stolen car?

13 PROSPECTIVE JUROR NUMBER 024: Yes.

14 THE COURT: Did they respond?

15 PROSPECTIVE JUROR NUMBER 024: Yes, the police officer
16 responded. It was my daughter who was driving my car at that time and
17 the police officer responded to her call.

18 THE COURT: Were you happy the way they handled it?

19 PROSPECTIVE JUROR NUMBER 024: Well, it got -- it didn't
20 get discovered right away but it was -- I am happy.

21 THE COURT: All right. Thank you.

22 PROSPECTIVE JUROR NUMBER 031: Badge number 031,
23 Jasmine Dixon.

24 Extortion in Las Vegas, 2016.

25 THE COURT: The police were called?

1 PROSPECTIVE JUROR NUMBER 031: Yes.
2 THE COURT: Did they handle it appropriately in your opinion?
3 PROSPECTIVE JUROR NUMBER 031: No.
4 THE COURT: Okay. So are you -- would you not believe
5 police officers just because they're wearing a uniform?
6 PROSPECTIVE JUROR NUMBER 031: No, I wouldn't.
7 THE COURT: You would listen to them and weigh their
8 evidence?
9 PROSPECTIVE JUROR NUMBER 031: Yes.
10 THE COURT: You'll be fair and impartial to both parties in this
11 case?
12 PROSPECTIVE JUROR NUMBER 031: Yes.
13 THE COURT: Thanks.
14 Oh, and did we get her name and badge number?
15 THE COURT RECORDER: Yes.
16 THE COURT: Okay, sorry.
17 Number one in the back too.
18 PROSPECTIVE JUROR NUMBER 003: Badge number 003,
19 Ryan Liebig.
20 My car was stolen last December.
21 THE COURT: Where?
22 PROSPECTIVE JUROR NUMBER 003: It was in Henderson,
23 Nevada.
24 THE COURT: Did you call the police?
25 PROSPECTIVE JUROR NUMBER 003: Yes, I did.

1 THE COURT: Did they respond?
2 PROSPECTIVE JUROR NUMBER 003: Yes, sir.
3 THE COURT: Generally satisfied how they handled it?
4 PROSPECTIVE JUROR NUMBER 003: They handled it very
5 well, yes.
6 THE COURT: Would that prejudice you in this case at all?
7 PROSPECTIVE JUROR NUMBER 003: Absolutely not.
8 THE COURT: Thank you.
9 Who else? Here.
10 PROSPECTIVE JUROR NUMBER 038: Number 038, Nancy
11 Hardy.
12 I was held up at gunpoint in Salt Lake City in 1973, and I was
13 burglarized here in Las Vegas in 1992.
14 THE COURT: In the '73 case, were the police called?
15 PROSPECTIVE JUROR NUMBER 038: Yes.
16 THE COURT: And did they respond?
17 PROSPECTIVE JUROR NUMBER 038: Yes.
18 THE COURT: Were you generally happy how it was handled?
19 PROSPECTIVE JUROR NUMBER 038: Yes.
20 THE COURT: Did you have to testify in court?
21 PROSPECTIVE JUROR NUMBER 038: No.
22 THE COURT: What about here?
23 PROSPECTIVE JUROR NUMBER 038: The police were called
24 and they filed a report, but -- I was happy with the result.
25 THE COURT: You wouldn't be prejudice against the State or

1 the Defendant for that?

2 PROSPECTIVE JUROR NUMBER 038: I don't believe so.

3 THE COURT: Anybody else here on the -- okay. Right here.

4 PROSPECTIVE JUROR NUMBER 049: 049, Toni Corbin.

5 In 1984 my husband and I were assaulted at -- with -- at
6 gunpoint in Paris, France. And, no, I was not happy with the outcome of
7 that situation. The police did very little and it -- because we were tourists,
8 it did not really meet our expectation as for as the resolution to that.

9 THE COURT: Were you --

10 PROSPECTIVE JUROR NUMBER 049: And then here about
11 ten years ago in Las Vegas we were victims of road rage and we were
12 satisfied with the outcome from that situation.

13 THE COURT: Either of those experiences would prejudice you
14 against the State or the Defendant?

15 PROSPECTIVE JUROR NUMBER 049: I'd like to say, no, but.

16 THE COURT: I'll let the attorneys ask you some questions.

17 Thank you.

18 Anyone else? Audience?

19 PROSPECTIVE JUROR NUMBER 069: Badge 069, Patricia
20 Hanson.

21 I was assaulted by a patient while I was working ER in 1994.

22 THE COURT: Where?

23 PROSPECTIVE JUROR NUMBER 069: In San Jose,
24 California.

25 THE COURT: Did the police respond?

1 PROSPECTIVE JUROR NUMBER 069: The police responded.
2 But he said because he didn't see it happen, I was the one that was going
3 to have to press charges. I think the law of California has since changed
4 as far as that goes.

5 THE COURT: Generally satisfied with how they handled it?

6 PROSPECTIVE JUROR NUMBER 069: Disappointed but at
7 same time they said the DA had better cases -- or worse cases, I guess,
8 to handle.

9 And then I was --

10 THE COURT: Would that experience prejudice you against the
11 State or the Defendant?

12 PROSPECTIVE JUROR NUMBER 069: No, it wouldn't.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NUMBER 069: And I was a victim of
15 fraud just ten days ago. I was told that I had to pay \$2,000 for not
16 showing up for jury duty.

17 THE COURT: Let me just say this --

18 PROSPECTIVE JUROR NUMBER 069: And I paid it.

19 THE COURT: Grand -- oh. Grandma Brown, in my family, was
20 called, she called me. We don't make telephone calls.

21 PROSPECTIVE JUROR NUMBER 069: I didn't know that and
22 he had me running around like crazy --

23 THE COURT: Oh.

24 PROSPECTIVE JUROR NUMBER 069: -- to different places
25 getting money faxed. And then at the end -- it wasn't until towards the end

1 I realized it was all fraud.

2 I had changed my date from April until June and in June they
3 said, when can you come? And I said the first week of June. And then
4 instead the summons said June 18th. Well, June 8th this Sergeant Harris
5 called me and said, you missed your jury duty on June 7th, and so you
6 have to pay. And like an idiot I did.

7 THE COURT: I'm so sorry.

8 PROSPECTIVE JUROR NUMBER 069: So I did call the police.
9 Unfortunately it's not their jurisdiction, they have no idea where this
10 person really is, even though he had a 702 phone number, anybody can
11 get that. And they gave me FTC I guess is trying to take records of it.

12 THE COURT: That's who we called as well.

13 PROSPECTIVE JUROR NUMBER 069: And so I did contact
14 FTC.

15 THE COURT: All right. Thank you.

16 PROSPECTIVE JUROR NUMBER 069: U'm-h'm.

17 PROSPECTIVE JUROR NUMBER 073: And my name is Tosh
18 Pierson.

19 THE COURT: They asked Grandma Brown for just \$300, you
20 must be more important.

21 Go ahead.

22 PROSPECTIVE JUROR NUMBER 073: Hi, my name is Tosh
23 Pierson, and my badge number is 073.

24 I had -- someone had stolen my vehicle and all my things in it
25 and it was by a gang member so.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NUMBER 073: And that was about 20

3 years ago now.

4 THE COURT: The police were called?

5 PROSPECTIVE JUROR NUMBER 073: Yes.

6 THE COURT: Generally --

7 PROSPECTIVE JUROR NUMBER 073: And they actually

8 found the person in a chase, a high speed chase, and the person hit a

9 pole.

10 THE COURT: Here in town?

11 PROSPECTIVE JUROR NUMBER 073: Yes.

12 THE COURT: Generally satisfied how the police handled it?

13 PROSPECTIVE JUROR NUMBER 073: Not really, no.

14 THE COURT: Except chasing them down?

15 PROSPECTIVE JUROR NUMBER 073: Well, yeah, I'm glad

16 they did, that was a good thing. But, yeah, they ended up, you know, he

17 went to jail, I went to court, and then nothing was ever done about it

18 actually.

19 THE COURT: That was probably through the District Attorney's

20 Office?

21 PROSPECTIVE JUROR NUMBER 073: Yes.

22 THE COURT: Are you prejudiced against the State or the

23 Defendant because of that?

24 PROSPECTIVE JUROR NUMBER 073: No.

25 THE COURT: All right. You'll be fair?

1 PROSPECTIVE JUROR NUMBER 073: Yes.

2 THE COURT: All right.

3 Okay. Here's even harder question, has anybody been
4 accused of a crime in here?

5 UNIDENTIFIED JUROR: Define crime.

6 THE COURT: What was that?

7 UNIDENTIFIED JUROR: Define crime.

8 MS. BLUTH: Define a crime.

9 THE COURT: DUI, petit larceny, domestic violence, anything
10 the police were called on, assault, battery.

11 PROSPECTIVE JUROR NUMBER 010: Kevin Cash, badge
12 number 010.

13 I was accused and convicted of DUI in 2010. And --

14 THE COURT: Where?

15 PROSPECTIVE JUROR NUMBER 010: Phoenix, Arizona.

16 And, as well, for misdemeanor marijuana possession in Eloy,
17 Arizona, in two thousand and -- actually, 2000.

18 THE COURT: Is there anything about that experience that
19 would prejudice you against the State or the Defendant?

20 PROSPECTIVE JUROR NUMBER 010: No, just making you
21 aware.

22 THE COURT: You'll be fair and impartial; okay.

23 PROSPECTIVE JUROR NUMBER 016: This was a long time
24 ago, I had a misdemeanor, it was -- ended at two hundred fifty -- it was
25 over domestic dispute or -- yeah. This was like 12 years ago.

1 THE COURT: Where at?

2 PROSPECTIVE JUROR NUMBER 016: Up in Boulder City.

3 THE COURT: Generally satisfied how it was handled?

4 PROSPECTIVE JUROR NUMBER 016: I'm not sure. I think
5 my case wasn't heard that well. But, yeah, I mean \$250 fine it ended up
6 all right.

7 THE COURT: Thank you.

8 PROSPECTIVE JUROR NUMBER 041: 041, James Kilber
9 again.

10 Accused of kidnapping a child in a park by a group or gang of
11 thugs at Cannon Middle School about two years ago, the police were
12 called, put me in handcuffs, threw me up against the fence. And, of
13 course, I did not kidnap. I was there with my child at football practice.
14 Very terrible experience.

15 THE COURT: Talk to Lombardo about that -- don't answer that.
16 You don't have to answer that.

17 Yeah, that would make you -- would you be prejudiced against
18 the State or the Defendant for that?

19 PROSPECTIVE JUROR NUMBER 041: Depending on the
20 case. I don't know. I just --

21 THE COURT: Hold that against the State or the Defendant?

22 PROSPECTIVE JUROR NUMBER 041: I don't believe so.

23 THE COURT: All right. I'll let them ask some questions. Thank
24 you.

25 In the audience, anybody accused of a crime?

1 PROSPECTIVE JUROR NUMBER 055: Badge number 055,
2 Carol Sweetman.

3 I believe it was 2008, I was arrested. He accused me of being
4 on drugs, and I would not admit to it. So he arrested me for DUI. And, of
5 course, it wasn't true, the case, but I had to go to jail and I had to pay all
6 these fines and it was -- I'm still a little bit upset about that.

7 THE COURT: Is there anything about that that would prejudice
8 you against the State or the Defendant?

9 PROSPECTIVE JUROR NUMBER 055: I don't believe. The
10 case really --

11 THE COURT: I'll let them ask some questions. Thank you.
12 All right. Take the mic to number one.

13 MS. BLUTH: Judge, before we get started, may we approach
14 briefly, please.

15 THE COURT: Oh, I forgot to have you guys -- what?

16 MS. BLUTH: Not us.

17 THE COURT: Oh, I forgot to have Mr. Long. I --

18 MR. LONG: I thought you were --

19 THE COURT: -- sometimes I forget things.

20 MR. LONG: -- waiting for my turn.

21 THE COURT: I'll have Mr. Long introduce himself and his client
22 and any witnesses you intend to call.

23 MR. LONG: Okay.

24 My name is Kenneth Long. I'm an attorney here in Las Vegas.
25 I work with a firm called the Gazda & Tadayon. My partners are named

1 Lewis Gazda, my other partner is named Afshin Tadayon. My client's
2 name is Thomas Cash, this is him seated at the defense table. He's from
3 the Los Angeles area.

4 THE COURT: Is there anyone that knows those names?
5 Seeing no hands.

6 Thank you, Mr. Long.

7 MS. DIGIACOMO: Well, witnesses.

8 MR. LONG: Oh, my witnesses are Antoinette White, that's
9 Mr. Cash's wife; Brittney Turner, Angel Turner, Tamisha Kinchron, Sandra
10 or Sandy Cash.

11 THE COURT: Anybody know those names? Seeing no hands.
12 Thank you, Mr. Long.

13 All right. Tell me your name again.

14 PROSPECTIVE JUROR NUMBER 003: Ryan Liebig.

15 THE COURT: Okay. You've got to hold the mic up like this.

16 PROSPECTIVE JUROR NUMBER 003: Ryan Liebig, 003,
17 badge number.

18 THE COURT: Do you work?

19 PROSPECTIVE JUROR NUMBER 003: Yeah, I work.

20 THE COURT: What do you do?

21 PROSPECTIVE JUROR NUMBER 003: I work at Target as a
22 sales floor associate.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR NUMBER 003: No.

25 THE COURT: Children?

1 PROSPECTIVE JUROR NUMBER 003: No.

2 THE COURT: Ever sat as a juror before?

3 PROSPECTIVE JUROR NUMBER 003: First time.

4 THE COURT: Can you think of any reason you would not be
5 fair and impartial to both parties in this case?

6 PROSPECTIVE JUROR NUMBER 003: No, no reason.

7 THE COURT: Do you want me to go through for cause or do
8 you guys want to ask questions now?

9 State, go ahead, when you hesitate, you get it.

10 MS. BLUTH: Good morning.

11 PROSPECTIVE JUROR NUMBER 003: Good morning.

12 MS. BLUTH: Okay. So I want to ask you a few questions as
13 follow-up to some of the things you had already discussed with His Honor;
14 okay. So you talked about your vehicle being stolen, can you provide me
15 with a little bit more facts, like did you come out of your house or your
16 apartment and see that was stolen?

17 PROSPECTIVE JUROR NUMBER 003: So I -- yeah, it was
18 parked in my driveway. So I actually was going to school one morning in
19 December and I saw my car was gone. So we called the police. I had to
20 take my parent's vehicle. And in that same weekend, it was a Friday I
21 believe, it was either Thursday or Friday, the Sunday they found the car.
22 And it was found off of Twain and Montego and it was -- it was pretty
23 quick. It was just all in one weekend. Everything was still intact. The only
24 thing that was missing was the radio.

25 MS. BLUTH: Okay. And so the car was found but the

1 individual, or individuals, who stole your car, were they found?

2 PROSPECTIVE JUROR NUMBER 003: Not to my knowledge.
3 They didn't say anything about that.

4 MS. BLUTH: Okay. But when judge was asking you questions
5 you stated that you felt like that was handled appropriately by police?

6 PROSPECTIVE JUROR NUMBER 003: It was. I -- from what I
7 understand, they weren't supposed -- police can't say anything about
8 them finding or not finding the person who did it, but this was coming from
9 someone who was a police officer that I knew. But they didn't -- they
10 didn't -- all they -- if they found the car with no tags on it, so it was -- it was
11 an empty car. It was a parked car. So there was no one in it when they
12 found it. So that's all they provided me with.

13 MS. BLUTH: But you -- I mean, you never had to go to court,
14 so you don't know the outcome, like if they did catch somebody, you don't
15 know the outcome or what happened to that individual?

16 PROSPECTIVE JUROR NUMBER 003: That's correct, yeah.

17 MS. BLUTH: Okay. And if I'm understanding from your
18 previous answers, is there's nothing about that situation that you feel
19 would affect you in one way or the other, if you were selected as a juror
20 here?

21 PROSPECTIVE JUROR NUMBER 003: That's correct.

22 MS. BLUTH: Okay. Now, one thing that I want to ask kind of
23 as an avenue off that question is that was how you answered the
24 question, have you ever been the victim of a crime. Have you ever had
25 anyone close to you, whether it be a family member or a friend, that was a

1 victim of a crime?

2 PROSPECTIVE JUROR NUMBER 003: Yes, actually.

3 MS. BLUTH: Okay. Could you tell us a little bit about that?

4 PROSPECTIVE JUROR NUMBER 003: Yeah. So one of my
5 varsity cross country team members back in high school they were robbed
6 at, I think either at knife or at gun point, at Sunridge Park in Henderson,
7 Nevada.

8 MS. BLUTH: Okay.

9 PROSPECTIVE JUROR NUMBER 003: And from what I
10 understand, he didn't have a lot of money on him so he had to pull the
11 change out of his car. And they -- he gave pretty much all what he had in
12 his car to the person that mugged them and then they called the police
13 after.

14 MS. BLUTH: Okay. And do you know anything about the
15 follow-up on that, like was anyone ever caught?

16 PROSPECTIVE JUROR NUMBER 003: No, no one was ever
17 caught.

18 MS. BLUTH: Okay. Anything about that situation that would
19 affect you one way or the other if you were selected as a juror?

20 PROSPECTIVE JUROR NUMBER 003: No, it wouldn't affect
21 me.

22 MS. BLUTH: Okay. Anybody else that you knew that you're
23 close to, family member, close friend, that was the victim of a crime?

24 PROSPECTIVE JUROR NUMBER 003: It was kind of the
25 whole family. It was -- there was an incident back in 2005, technically it

1 would be my father that was the victim, our ATVs were stolen in front of
2 our house. Same situation as my car. We found one morning our trailer
3 was gone. They found one person, they were actually riding one of our
4 ATVs unlicensed on the street, and they caught the kid. And we actually
5 had that ATV returned. But as for -- there was five total. The other four
6 were never returned. They were never found by the police after that.
7 And, yeah, they were -- the trailer was gone, everything was gone except
8 that one ATV the police found.

9 MS. BLUTH: Was it a juvenile who stole it? Because you said,
10 they found the kid, so I didn't know, was it a literally a kid?

11 PROSPECTIVE JUROR NUMBER 003: You know what, this
12 was back when I was in second grade.

13 MS. BLUTH: Oh, okay.

14 PROSPECTIVE JUROR NUMBER 003: They said -- my dad
15 was -- he's older, so anyone that's younger than 50 is a kid to him but.
16 He's -- he said, I think what they said he was in high school. He was -- he
17 was older. So he was probably -- I think they said he was still in his teens.
18 So he was a young guy.

19 MS. BLUTH: Okay. And I'm guessing since you were in
20 second grade, that you don't have any real strong feelings about that, like
21 it wouldn't affect you if you were selected as a juror here?

22 PROSPECTIVE JUROR NUMBER 003: Well, I did cry.

23 MS. BLUTH: You did cry.

24 PROSPECTIVE JUROR NUMBER 003: I'll admit that.

25 But it wouldn't affect me, no, yeah.

1 MS. BLUTH: All right. So have you -- so same question but on
2 the opposite, have you ever had a close friend or family member be
3 accused of a crime?

4 PROSPECTIVE JUROR NUMBER 003: No, not at all.

5 MS. BLUTH: Have you had any negative contacts with law
6 enforcement? And so when I say, a negative contact, I mean you have
7 some type of interaction with somebody in law enforcement and then you
8 leave that interaction feeling like you weren't treated the way that you
9 should have been treated, you weren't treated with the proper amount of
10 dignity or respect that you think that you should have.

11 Does that question make sense?

12 PROSPECTIVE JUROR NUMBER 003: Yeah, it does. And, in
13 fact, every run-in I've had with the police, I've always had a positive
14 experience, you know. I've always -- I always try to follow the law, and,
15 you know, because of that I never get -- there's never a bad experience
16 with the police.

17 MS. BLUTH: Okay. I want to talk to you now about our criminal
18 justice system. Do you think that overall it works, do you think it has
19 flaws, where are you at in regards to that type of spectrum?

20 PROSPECTIVE JUROR NUMBER 003: I think it works. And I
21 feel like it improves by generation too. I feel that, you know, with -- the
22 more the country -- our country has developed, the more laws have been
23 created, the more perspectives. It just everything about it I feel like
24 every -- by every year -- excuse me, every generation I feel like our justice
25 system gets a little bit better.

1 MS. BLUTH: Okay. Do you watch any of -- there's all sorts of
2 like law shows now or like criminal shows; right? So there's like the CSI
3 type, and there's the documentary type, like the First 48. Do you watch
4 any of those types of things?

5 PROSPECTIVE JUROR NUMBER 003: I do, in fact. I watch
6 quite a few. I watch --

7 MS. BLUTH: Give me an idea of the ones that you watch, if you
8 can, please.

9 PROSPECTIVE JUROR NUMBER 003: Well, it's mostly Cops
10 and Live PD. I do watch Live PD a little bit more and with Live PD it
11 actually -- it gives you more of a first-hand point of view perspective of
12 what the cops -- what the police officers do.

13 MS. BLUTH: Okay.

14 PROSPECTIVE JUROR NUMBER 003: Just because they
15 carry cameras on them. And it's in more recent time so I can see what's
16 actually going on, you know, as I'm sitting there. It's live. So it's recent
17 things.

18 MS. BLUTH: Do you watch any of the other, like the more -- the
19 fake ones, you know, like CSI, NCIS?

20 PROSPECTIVE JUROR NUMBER 003: No, not really, yeah.

21 MS. BLUTH: What about watching Live PD, like what draws
22 your attention to that?

23 PROSPECTIVE JUROR NUMBER 003: I think it's just the
24 entertainment factor. Like I said, it's not so much pre-recorded like say
25 Cops. It's more of, you know, of what's happening, you know, that same

1 month as I'm watching the program.

2 MS. BLUTH: Okay.

3 All right. So now I want to move into some specific questions
4 about the law, following the law. So at the end of the trial, before you and
5 your fellow jurors go back to deliberate, so let's say you're selected; okay,
6 and you and your fellow jurors will go back there and you're going to look
7 at the evidence that's presented, you're going to go back and discuss
8 what you saw. Before you go back there, the judge is going to read the
9 law. So Ms. DiGiacomo stood up and she told you the charges with which
10 Mr. Cash is charged and the judge will read to you the law that applies to
11 those. And you guys at some point will take an oath that, you know,
12 you're going to be jurors, you're going to abide by the rules, you're going
13 to follow the law.

14 So now I want to ask you kind of a hypothetical outside of this
15 case. Let's talk -- let's use marijuana as an example; okay. So people
16 have usually somewhat strong views either on one side or the other about
17 whether or not it should be legal. But let's say for, in our hypothetical, that
18 marijuana is illegal and you're selected as a juror to find out -- or to decide
19 if somebody was carrying marijuana illegally. But you have these
20 thoughts in your mind that, no, like marijuana should be legal. But the
21 judge gives you the law and you have to follow the law and the law says
22 that marijuana is illegal.

23 How do you -- like would you follow the law if that was the oath
24 that you took?

25 PROSPECTIVE JUROR NUMBER 003: I would. Just because

1 of the fact that it's illegal and it's against the law, yeah.

2 MS. BLUTH: Okay. Are you -- do you have family friends or
3 family members that are involved in the judicial system, like any judges,
4 attorneys, anything like that?

5 PROSPECTIVE JUROR NUMBER 003: No, maybe friends but
6 not family.

7 MS. BLUTH: Okay. And forgive me if Judge asked this,
8 because I don't remember, were you friends with any law enforcement
9 agents?

10 PROSPECTIVE JUROR NUMBER 003: I am, yeah. In fact,
11 two.

12 MS. BLUTH: Okay. So the first part of my question was judges
13 or lawyers and you said yes to that too?

14 PROSPECTIVE JUROR NUMBER 003: Pardon me? Could
15 you repeat that?

16 MS. BLUTH: Yeah, that's okay.

17 So when I asked the question originally I asked if you have any
18 family members or friends that work in the judicial system, like are judges
19 or attorneys, and did you say yes to that question?

20 PROSPECTIVE JUROR NUMBER 003: I said, no, actually.

21 MS. BLUTH: You said no?

22 PROSPECTIVE JUROR NUMBER 003: Yeah.

23 MS. BLUTH: Okay. And now police officers, with Metro,
24 Henderson, North Town?

25 PROSPECTIVE JUROR NUMBER 003: It's actually -- both of

1 them are Metro.

2 MS. BLUTH: Okay. And what division do they work in, if you
3 know?

4 PROSPECTIVE JUROR NUMBER 003: As far as division
5 goes, I know what they do. One is -- he works as a motorcycle cop. He's
6 been with Metro for quite a long time now. And I know another one he's --
7 he was -- he was injured, in fact, he was shot, and now he's doing -- he's
8 doing like administrative work. I'm not sure what it is but.

9 MS. BLUTH: Was he in an officer-involved shooting?

10 PROSPECTIVE JUROR NUMBER 003: In fact, yeah. He
11 was -- from what I understand, he was shot in the back by a suspect and it
12 was, I guess it was like -- there was a fire fight from when I was -- from
13 what I was told by him.

14 MS. BLUTH: Okay.

15 PROSPECTIVE JUROR NUMBER 003: Yeah.

16 MS. BLUTH: But is there anything about those relationships
17 and friendships, I guess is a better word, that would keep you from being
18 fair to both sides?

19 PROSPECTIVE JUROR NUMBER 003: No, there wouldn't.

20 MS. BLUTH: Okay. Now, have you ever heard, this is kind of a
21 weird question, but have you ever been in a fist fight?

22 PROSPECTIVE JUROR NUMBER 003: I have, yeah.

23 MS. BLUTH: Okay. Lots of them, a minor amount?

24 PROSPECTIVE JUROR NUMBER 003: Mostly with my
25 buddies and friends, mostly buddies just playing around, brother, you

1 know, we used to get in a lot over childish things back when we were little.
2 But for the most part it was, you know, I've never had no knock someone
3 out.

4 MS. BLUTH: Okay. Have you ever heard the term, like, you
5 don't bring a gun to a fist fight. Have you ever heard that term?

6 PROSPECTIVE JUROR NUMBER 003: Yeah, I've heard that,
7 yeah.

8 MS. BLUTH: What does it -- like what does it mean to you?

9 PROSPECTIVE JUROR NUMBER 003: Well, if, you know, if
10 you're fighting someone say with fists, you don't, you know, and you I
11 guess agree to not bring guns and if you bring a gun, you know, that's --
12 that's kind of what it means to me. You know, bringing more deadly things
13 to something that, you know, is not so deadly.

14 MS. BLUTH: What do you think about that statement? Do you
15 agree with it? Do you disagree it?

16 PROSPECTIVE JUROR NUMBER 003: Yeah, I agree with
17 don't -- yeah, I agree with that. Because if it's, like I said, if it's -- if they're
18 talking about fist fights, I don't think one should bring a weapon to that if
19 they agreed to having a fist fight.

20 MS. BLUTH: Okay. So the term you're using, I want to ask you
21 about is, if you agree to a fist fight? So, I mean, would you agree with me
22 that most people aren't like -- I mean, maybe, they're like, hey, let's go
23 outside and have a fist fight. But sometimes they just happen organically;
24 right, like two people are arguing and then a fist fight just erupts, normally
25 it's not like a contact to enter into; right?

1 PROSPECTIVE JUROR NUMBER 003: Yeah.

2 MS. BLUTH: So does that change your analysis, if like there's
3 not a formal agreement?

4 PROSPECTIVE JUROR NUMBER 003: You know what, it's
5 funny you said formal agreement, because with things like that there's --
6 there's unwritten formal agreements I think -- I think more with guys.

7 MS. BLUTH: Like a code?

8 PROSPECTIVE JUROR NUMBER 003: Like a code, yeah.

9 MS. BLUTH: A bro code?

10 PROSPECTIVE JUROR NUMBER 003: Yeah, because, like,
11 it's like bro, it's, like, it's, like, I'm going to knock you out. It's, like, it's like,
12 don't bring a gun to that. It's, like, come on.

13 MS. BLUTH: So you -- if -- you're far from second grade, but
14 around you, you look like you're maybe one of the younger individuals.

15 PROSPECTIVE JUROR NUMBER 003: That is correct, yeah.

16 MS. BLUTH: Would you feel comfortable voicing your opinion
17 in front of others even if you're like the youngest one in the room?

18 PROSPECTIVE JUROR NUMBER 003: Yeah, I wouldn't mind.

19 MS. BLUTH: Okay. So now my last little area I want to talk to
20 you about is, His Honor talked about it and Ms. DiGiacomo also talked
21 about it, but this is a murder case. Murder cases are a little bit different
22 than other cases because in murder cases juries also get to decide the
23 punishment. So in all other cases it's up to the judge but in murder cases
24 the jury gets to decide.

25 So we kind of -- in trying to facilitate an easier way for people to

1 understand we call the trial phase, the trial phase, and then the penalty,
2 where you decide the penalty, the penalty phase; okay.

3 So in first degree -- the only way the jury does the sentencing is
4 if you find the Defendant guilty of first degree murder; okay. So for the
5 purpose of these questions, we're going to have to put the cart before the
6 horse and we're just going to have to say as a jury you found the
7 Defendant guilty of first degree murder.

8 At that point in time there's three options for the jury. Those
9 three options are a fixed term of years, which means 20 to 50 years, a
10 minimum of 20 years in prison, a maximum of 50 years, that's the first
11 option.

12 The second option is life in prison with the first opportunity at
13 parole after 20 years has been served. So 20 twenty to life.

14 And then the last choice, or the last form of punishment, is life
15 without the possibility of prole.

16 So those are the three options.

17 So if you were on the jury and you find the Defendant guilty of
18 first degree murder, we then move into the penalty phase and those are
19 the three options, and you'll hear evidence, you know, why the State
20 thinks this, why the defense thinks this.

21 Can you fairly consider all three of those options?

22 PROSPECTIVE JUROR NUMBER 003: I could, yes.

23 MS. BLUTH: The other thing I want to ask you is so when
24 you're in the trial phase you can only be thinking about the trial phase.
25 And the trial phase is, is the Defendant guilty of the crime in which the

1 State has charged him. You can't be thinking, well, if we do find him guilty
2 then we're going to have to think about the penalty phase and then we're
3 going to have to think about the years. No, no, no, you cannot do that.
4 And I know, you know, it's hard as humans, our minds like to go in
5 different places.

6 But you -- when you are in the trial phase, you can only think
7 about one question, is the Defendant guilty or innocent? Can you do that
8 or do you feel like your mind would be thinking, well, it's going into that
9 second phase?

10 PROSPECTIVE JUROR NUMBER 003: I could do that, yes.

11 MS. BLUTH: Okay. Court's indulgence, Your Honor.

12 And when you were talking about your car getting stolen back in
13 December, you said that you were on your way to school; right?

14 PROSPECTIVE JUROR NUMBER 003: I was actually -- I was
15 all packed up and I walked out to go to school and it was missing out of
16 my driveway.

17 MS. BLUTH: Oh, and then you couldn't get to school because
18 your car, yeah.

19 PROSPECTIVE JUROR NUMBER 003: Yeah.

20 MS. BLUTH: Where do you go to school or where do you
21 study?

22 PROSPECTIVE JUROR NUMBER 003: I actually studied
23 business at College of Southern Nevada. I'm in the business program.
24 It's -- I'm actually past my first year right now. I'm on my second year.

25 MS. BLUTH: And what are you going to do with that?

1 PROSPECTIVE JUROR NUMBER 003: I'm going to transfer to
2 UNLV and do business management.

3 MS. BLUTH: Okay.

4 PROSPECTIVE JUROR NUMBER 003: Yeah.

5 MS. BLUTH: Thank you so much.

6 I pass for cause, Your Honor.

7 THE COURT: Mr. Long.

8 MR. LONG: Your Honor, could counsel and I approach?

9 THE COURT: Sure.

10 [Bench conference begins]

11 THE COURT: Stand right in the middle.

12 MR. LONG: I want -- I don't want number one for cause. So I
13 don't know what to spend time on him.

14 THE COURT: Oh, you're going to challenge him for cause?

15 MR. LONG: Yeah.

16 THE COURT: On what basis?

17 MR. LONG: He called -- he called his friend who was a cop to
18 ask about things. He knows various law enforcement officers. He says
19 he has friends. He's been a victim of a crime.

20 MS. BLUTH: I mean, those are --

21 MR. LONG: He says he's never had to knock anyone out.

22 MS. BLUTH: Jacqueline Bluth on behalf of the State.

23 I mean, those are all reasons that he could, you know, bring up
24 with him. But, I mean, it's definitely not enough for a cause kick at all. He
25 said he could be fair to both sides.

1 THE COURT: He said he could be fair.

2 Why don't you examine him a little bit.

3 MR. LONG: Okay. All right.

4 THE COURT: Okay.

5 [Bench conference ends]

6 MR. LONG: Hi, my Liebig, am I saying that right?

7 PROSPECTIVE JUROR NUMBER 003: It's Liebig actually.

8 MR. LONG: Liebig?

9 PROSPECTIVE JUROR NUMBER 003: Yes, sir.

10 MR. LONG: Okay. Mr. Liebig, I'm not going to repeat the
11 questions that the State has answered you -- has asked you.

12 In going to the questions that she asked about bringing a knife
13 to a gunfight or bringing a gun to a fist fight, do you feel that there is ever
14 a situation where a person can take a life in defense of himself or in
15 defense of others?

16 PROSPECTIVE JUROR NUMBER 003: I do believe so, yes.

17 MR. LONG: Okay. And do you believe that that should be
18 reserved for a fight that is not fair?

19 PROSPECTIVE JUROR NUMBER 003: Could you maybe
20 phrase that a little differently?

21 MR. LONG: Hypothetically, if -- we're not talking about this
22 case, but if you had to fight Mike Tyson, actually you're a little young to
23 remember him, Floyd Mayweather.

24 PROSPECTIVE JUROR NUMBER 003: I actually remember
25 both, it's okay, yeah.

1 MR. LONG: He was obviously, you know, he's a trained fighter,
2 he's stronger, he's bigger, he's faster, do you think that you could rise to
3 the level of taking his life to protect your own or protect other people?

4 PROSPECTIVE JUROR NUMBER 003: I believe if necessary,
5 yes.

6 MR. LONG: Okay. And do you think you could find someone
7 not guilty who had taken life in defending another?

8 MS. BLUTH: I apologize, Judge, I'm going to have to object to
9 the form of the question.

10 THE COURT: That's -- sustain the objection.

11 MR. LONG: Okay. Do you know anyone who has been
12 accused of or convicted of domestic battery?

13 PROSPECTIVE JUROR NUMBER 003: No, I don't.

14 MR. LONG: Okay. Now, you're single?

15 PROSPECTIVE JUROR NUMBER 003: Yeah.

16 MR. LONG: Okay. And the shows you watched, I just -- my
17 notes, I'm sorry, they weren't clear. You do not watch the fictitious shows
18 like CSI or NCIS or anything like that?

19 PROSPECTIVE JUROR NUMBER 003: Well, there's -- there is
20 one other show, if you guys know it, it's really old, it's Dragnet, with --
21 yeah, I don't know how I got into that. But it's -- it's pretty old. But that's
22 probably the only fictitious one.

23 MR. LONG: Okay. And do you still live at home with your
24 parents or?

25 PROSPECTIVE JUROR NUMBER 003: I do, yes.

1 MR. LONG: Okay. And you're 21 years old?
2 PROSPECTIVE JUROR NUMBER 003: Actually 20.
3 MR. LONG: Okay. Are you in a relationship with anyone --
4 PROSPECTIVE JUROR NUMBER 003: No.
5 MR. LONG: -- girlfriend, anything like that?
6 PROSPECTIVE JUROR NUMBER 003: No.
7 MR. LONG: Okay. That's all I have.
8 MS. BLUTH: Pass for cause, sir?
9 THE COURT: No, he's going to challenge.
10 All right. Pass that mic over.
11 PROSPECTIVE JUROR NUMBER 006: Kasandra Velasco,
12 badge number 006.
13 THE COURT: Do you work?
14 PROSPECTIVE JUROR NUMBER 006: Yes.
15 THE COURT: What do you do?
16 PROSPECTIVE JUROR NUMBER 006: Sales associate at
17 HomeGoods.
18 THE COURT: Married?
19 PROSPECTIVE JUROR NUMBER 006: No.
20 THE COURT: Children?
21 PROSPECTIVE JUROR NUMBER 006: No.
22 THE COURT: Ever sat as a juror before?
23 PROSPECTIVE JUROR NUMBER 006: No.
24 THE COURT: Can you think of any reason you would not be
25 fair and impartial to both parties in this case?

1 PROSPECTIVE JUROR NUMBER 006: No, no reason.

2 THE COURT: State.

3 MS. BLUTH: Good morning, Ms. Velasco.

4 All right. So you didn't raise your hand to any of the questions
5 when judge was asking questions; right, about whether you had been the
6 victim or. Do you remember all those questions?

7 PROSPECTIVE JUROR NUMBER 006: Yes.

8 MS. BLUTH: What about family members or friends, anybody
9 closely associated with you?

10 PROSPECTIVE JUROR NUMBER 006: No.

11 MS. BLUTH: No?

12 What about family members or friends closely associated with
13 you ever been accused of a crime?

14 PROSPECTIVE JUROR NUMBER 006: My uncle is actually in
15 jail, yes.

16 MS. BLUTH: Okay.

17 PROSPECTIVE JUROR NUMBER 006: Yes.

18 MS. BLUTH: In Las Vegas?

19 PROSPECTIVE JUROR NUMBER 006: In L.A.

20 MS. BLUTH: All right. And what's he in jail for?

21 PROSPECTIVE JUROR NUMBER 006: Gang association and
22 then drug possession.

23 MS. BLUTH: Okay. Are you -- would you say you have a close
24 relationship with him?

25 PROSPECTIVE JUROR NUMBER 006: No.

1 MS. BLUTH: Did you move to Las Vegas from L.A.?
2 PROSPECTIVE JUROR NUMBER 006: We moved here four
3 years ago from Spain.
4 MS. BLUTH: Oh, from Spain.
5 PROSPECTIVE JUROR NUMBER 006: Yes.
6 MS. BLUTH: Okay. And so was your uncle already in the
7 United States or did he come over with you guys?
8 PROSPECTIVE JUROR NUMBER 006: He was already in the
9 United States.
10 MS. BLUTH: Okay. So in regards to your uncle being to jail, is
11 that -- like do you know him? Were you --
12 PROSPECTIVE JUROR NUMBER 006: When I was younger
13 because it's been about ten years since he's been in jail.
14 MS. BLUTH: Oh, okay.
15 PROSPECTIVE JUROR NUMBER 006: Yes.
16 MS. BLUTH: Were you raised in Spain?
17 PROSPECTIVE JUROR NUMBER 006: I'm a military child, so
18 kind of raised everywhere, like around.
19 MS. BLUTH: Okay. Are both of your parents in the military or
20 one?
21 PROSPECTIVE JUROR NUMBER 006: My dad was.
22 MS. BLUTH: And what was his position in the military?
23 PROSPECTIVE JUROR NUMBER 006: He just retired as a
24 master sergeant, but he was like a -- he just -- he fixed planes. I should
25 know.

1 MS. BLUTH: Okay. And so where all have you lived?

2 PROSPECTIVE JUROR NUMBER 006: Delaware, Hawaii,
3 Illinois, and in Spain, and then here.

4 MS. BLUTH: And how long did you live in Spain for?

5 PROSPECTIVE JUROR NUMBER 006: Three and a half
6 years.

7 MS. BLUTH: Okay. Now, besides your uncle, anybody else
8 from your family?

9 PROSPECTIVE JUROR NUMBER 006: No, that's it.

10 MS. BLUTH: Do you -- I know you said you don't know a whole
11 lot about that situation --

12 PROSPECTIVE JUROR NUMBER 006: No.

13 MS. BLUTH: -- but do you feel like your uncle was treated fairly
14 or you don't know enough about it to have an opinion?

15 PROSPECTIVE JUROR NUMBER 006: I don't really know
16 enough about it.

17 MS. BLUTH: All right. The question I had asked previously
18 about, you know, having negative contacts with law enforcement, do you
19 remember that question or do you want me to repeat it?

20 PROSPECTIVE JUROR NUMBER 006: Can you repeat it?

21 MS. BLUTH: Sure.

22 I had asked if you had ever had any negative contacts with law
23 enforcement, and what I meant was, you know, you left an encounter that
24 you had had with a police officer or somebody in law enforcement, were
25 you felt like you were weren't treated fairly or that you weren't treated with

1 the dignity and respect that you deserved. Have you ever had any
2 interaction with that?

3 PROSPECTIVE JUROR NUMBER 006: No.

4 MS. BLUTH: All right. What do you -- I mean, you've been in
5 Las Vegas now, I think you said, for four years?

6 PROSPECTIVE JUROR NUMBER 006: Yes.

7 MS. BLUTH: Have you had any contact with law enforcement
8 like a speeding ticket or?

9 PROSPECTIVE JUROR NUMBER 006: No, I haven't.

10 MS. BLUTH: Okay. What do you think about -- I mean, you've
11 lived in a lot of places, what do you think about local law enforcement in
12 compared to other places that you've lived?

13 PROSPECTIVE JUROR NUMBER 006: I think they're all --
14 they're good. I -- they -- really no association but I mean they're doing
15 their job that's it.

16 MS. BLUTH: What about the criminal justice system that we
17 have here in the United States, do you think it works, do you think there
18 are issues, flaws, what do you think about that?

19 PROSPECTIVE JUROR NUMBER 006: I think it works. As
20 anything, there's probably always flaws but. But it does what it's
21 supposed to.

22 MS. BLUTH: When you -- could you think of any flaws like if
23 you had -- do you have any that come to your mind or you're just saying,
24 yeah, I'm sure there's some out there?

25 PROSPECTIVE JUROR NUMBER 006: No, just what I'm

1 saying, there's probably some out there.

2 MS. BLUTH: All right. So you heard some of the questions that
3 I was asking about like shows, like CSI, NCIS, do you watch any of those
4 types of shows?

5 PROSPECTIVE JUROR NUMBER 006: I don't actively seek
6 them but sometimes, you know, family member has it on and I sit there.
7 But I don't go out --

8 MS. BLUTH: Searching for them?

9 PROSPECTIVE JUROR NUMBER 006: -- like searching them,
10 yeah.

11 MS. BLUTH: All right. Have you ever seen any of the ones that
12 are more fictitious like CSI or some that are kind of science based but it's
13 not reality?

14 PROSPECTIVE JUROR NUMBER 006: Yes.

15 MS. BLUTH: All right. Do you think that the types of
16 capabilities they have on those shows, do you think that real world, like
17 crime scene analysts and police officers, have those type of capabilities?

18 PROSPECTIVE JUROR NUMBER 006: No.

19 MS. BLUTH: All right. So do you think it's more Hollywood?

20 PROSPECTIVE JUROR NUMBER 006: U'm-h'm, yes.

21 MS. BLUTH: All right. Do you think that every criminal case,
22 you know, that comes to a trial has to have forensic evidence, has to have
23 fingerprints, has to have DNA, things like that?

24 PROSPECTIVE JUROR NUMBER 006: Feel like it would help.
25 But, no, it's not possible every time.

1 MS. BLUTH: What do you think that, you know, now obviously
2 we do have DNA; right, we do have fingerprints. But what do you think
3 about like back in let's say the 1930s or somewhere in time when they
4 didn't have DNA and they didn't have fingerprints; right. So let's say a
5 woman is sleeping, a man comes through her window, assaults her, you
6 know, he's wearing gloves, mask, he assaults her, and then he leaves out
7 the way he came. Or maybe he's not wearing a mask so she can ID him.

8 Before we had things like fingerprints and DNA, what types of
9 things -- what types of tools do you think jurors used to assess those
10 situations to sit as jurors?

11 PROSPECTIVE JUROR NUMBER 006: Well, they probably
12 had a witness like they took their word more seriously or more into
13 account.

14 MS. BLUTH: Okay. Do you think that -- do you think you're a
15 good judge of charge?

16 PROSPECTIVE JUROR NUMBER 006: I think so.

17 MS. BLUTH: What tools do you use to figure out if someone
18 has good intentions or motives, things like that?

19 PROSPECTIVE JUROR NUMBER 006: I don't know. You just
20 kind of really -- kind of hope that they are. I don't.

21 MS. BLUTH: Do you ever look at, like, maybe body language
22 or mannerisms?

23 PROSPECTIVE JUROR NUMBER 006: Yeah, that helps.

24 MS. BLUTH: Have you ever been in a fight?

25 PROSPECTIVE JUROR NUMBER 006: No.

1 MS. BLUTH: Okay. But you heard the questions that I was
2 asking about that -- had you ever heard that phrase before, like, you can't
3 bring a gun to a fist fight or --

4 PROSPECTIVE JUROR NUMBER 006: Yes, I have.

5 MS. BLUTH: Okay. What are your thoughts on that?

6 PROSPECTIVE JUROR NUMBER 006: I think you shouldn't
7 bring it. But if the situation escalates, sometimes -- sometimes you have
8 to do what's necessary. But it shouldn't ever have escalated from the fist
9 fight or.

10 MS. BLUTH: So it should have maybe been stopped before it
11 got there?

12 PROSPECTIVE JUROR NUMBER 006: Yes.

13 MS. BLUTH: Did you hear the question I was talking about --
14 I'm just using marijuana as an example because that's one that usually
15 people have strong views on. But if you were given the law to follow, and
16 it's a law maybe you don't agree with it, how do you handle that situation?

17 PROSPECTIVE JUROR NUMBER 006: Well, they broke the
18 law then they -- then they broke the law. It doesn't -- my opinion about it
19 doesn't matter if it broke the law.

20 MS. BLUTH: Okay. How do you feel about voicing your
21 opinions in front of other people?

22 PROSPECTIVE JUROR NUMBER 006: Not the biggest fan of
23 it.

24 MS. BLUTH: But if you were selected as a juror -- first of all,
25 there's a lot of people in this room, but if you were selected as a juror it

1 would just be you guys in those first two rows. So it's not everybody
2 sitting here staring at one person; right.

3 Do you think that would make it a little bit easier if it was a
4 smaller group if you had an opinion to give?

5 PROSPECTIVE JUROR NUMBER 006: Yes.

6 MS. BLUTH: So your main job as jurors is, you know, the State
7 has to prove to you beyond a reasonable doubt that the Defendant
8 committed the crimes with which we have charged him. And so how do
9 you feel about this concept of judging another person? You know, I think
10 since all of us were probably littler we're taught you don't judge -- we're
11 not supposed to judge other people. But that's kind of a different concept
12 then what you're being asked to do here, you're asking to judge
13 someone's actions, whether or not they were criminal in nature.

14 Do you see the difference in those two concepts?

15 PROSPECTIVE JUROR NUMBER 006: Yes.

16 MS. BLUTH: Do you feel comfortable sitting as a juror and
17 determining whether or not the Defendant committed these crimes?

18 PROSPECTIVE JUROR NUMBER 006: Yes.

19 MS. BLUTH: A second ago I was talking about, you know, the
20 trial phase where you find -- where you determine whether or not the
21 Defendant is guilty of the crimes. And if you find him guilty of first degree
22 murder, you then hear some more from one or both sides and then you
23 determine which sentence is the appropriate sentence.

24 And did you hear me talk about the three different options?

25 PROSPECTIVE JUROR NUMBER 006: Can you repeat them?

1 MS. BLUTH: Sure, yeah.

2 So option one is a term of years, 20 to 50 years. So the first
3 opportunity at parole is 20 years and that's -- that's the first opportunity.
4 So it's a fixed term of years, a minimum of 20 years, a maximum of 50.

5 The second option is life with the possibility of parole at 20
6 years. So it's 20 to life.

7 And then the last option is life without the possibility of parole.
8 Those are the three options.

9 Can you -- if you were selected as a juror and if you found the
10 Defendant guilty of first degree murder, moving into the penalty phase,
11 could you consider all three of those options?

12 PROSPECTIVE JUROR NUMBER 006: Yes.

13 MS. BLUTH: And would you be able to while you're in the trial
14 phrase only think about the question of whether or not the Defendant
15 committed these crimes? You cannot be thinking about, I have to
16 consider penalty and I have to do that too. You really -- during the guilt
17 phase or the trial phase, you really can only be thinking about that.

18 Would you be able to do that or would your mind wander?

19 PROSPECTIVE JUROR NUMBER 006: No, I can do that.

20 MS. BLUTH: Do you want to be a juror?

21 PROSPECTIVE JUROR NUMBER 006: [No audible response.]

22 MS. BLUTH: You can be honest.

23 PROSPECTIVE JUROR NUMBER 006: It be kind of cool.

24 MS. BLUTH: Okay. Thank you so much, Ms. Velasco.

25 We'll pass for cause.

1 MR. LONG: Thank you, Ms. Velasco.
2 Did your father, did he retire out of Nellis?
3 PROSPECTIVE JUROR NUMBER 006: Yes.
4 MR. LONG: Okay. He's retired, he's not active duty?
5 PROSPECTIVE JUROR NUMBER 006: Yes.
6 MR. LONG: Was he with a squad?
7 PROSPECTIVE JUROR NUMBER 006: Yes, the --
8 MR. LONG: What squad?
9 PROSPECTIVE JUROR NUMBER 006: The rescue.
10 MR. LONG: Okay. All right. What is HomeGoods, where you
11 work, what kind of store is that?
12 PROSPECTIVE JUROR NUMBER 006: Sells like interior stuff.
13 MR. LONG: Okay. Pillows, curtains, stuff like that?
14 PROSPECTIVE JUROR NUMBER 006: Yes.
15 MR. LONG: Okay. Now, this uncle of yours that's in California,
16 how long of a prison sentence is he serving?
17 PROSPECTIVE JUROR NUMBER 006: I do not know.
18 MR. LONG: Okay. Does he write letters home to your family?
19 PROSPECTIVE JUROR NUMBER 006: No, but he talks on the
20 phone to my dad.
21 MR. LONG: Okay. Do you and your dad ever talk about him?
22 PROSPECTIVE JUROR NUMBER 006: No, not really.
23 MR. LONG: Do you know what he did to get himself in prison?
24 PROSPECTIVE JUROR NUMBER 006: I just know it was gang
25 association and the drugs. But beyond that, they don't really talk about it.

1 MR. LONG: Okay. And that's your nearest relative that's had
2 any problems with the criminal justice system?

3 PROSPECTIVE JUROR NUMBER 006: Yes.

4 MR. LONG: Okay. Now, it says that you've done some college,
5 so you're very young, what are your plans?

6 PROSPECTIVE JUROR NUMBER 006: Well, finish my degree
7 and then probably transfer to UNLV. But beyond that, don't really know.

8 MR. LONG: What's your degree in, what's your course of
9 study?

10 PROSPECTIVE JUROR NUMBER 006: Right now I'm just
11 doing the basics.

12 MR. LONG: Okay. And you're living at home?

13 PROSPECTIVE JUROR NUMBER 006: Yes.

14 MR. LONG: Okay. With your dad?

15 PROSPECTIVE JUROR NUMBER 006: Yes.

16 MR. LONG: Okay. Did you and your dad have any
17 conversations about you being here today?

18 PROSPECTIVE JUROR NUMBER 006: No, not really.

19 MR. LONG: Okay. Now, going into some of the questions that
20 the State touched upon, what do you consider to be a fair fight?

21 PROSPECTIVE JUROR NUMBER 006: If -- fair fight really just
22 you guys both kind of have like the same weapons or if you guys -- not
23 only an inexperience -- an inexperienced or someone who just kind of was
24 thrown into it.

25 MR. LONG: Okay. And you said that fights shouldn't escalate

1 in the first place?

2 PROSPECTIVE JUROR NUMBER 006: Yes.

3 MR. LONG: Do you believe that fights can ever escalate
4 against someone's will?

5 PROSPECTIVE JUROR NUMBER 006: Yes.

6 MR. LONG: Okay. Same questions that I asked your neighbor,
7 do you believe that you can ever be justified, that a person can ever be
8 justified, in taking a life in defense of themselves?

9 PROSPECTIVE JUROR NUMBER 006: Yes.

10 MR. LONG: In defense of others?

11 PROSPECTIVE JUROR NUMBER 006: Yes.

12 MR. LONG: And with the shows that you watch, sometimes
13 when a family member has the TV on, are you comfortable with the
14 standard of proof that the State has to give?

15 PROSPECTIVE JUROR NUMBER 006: Yes.

16 MR. LONG: And you know what that is?

17 PROSPECTIVE JUROR NUMBER 006: Well, just like the
18 evidence that they --

19 MR. LONG: I'll pass for cause.

20 THE COURT: Thank you.

21 Tell me your name.

22 PROSPECTIVE JUROR NUMBER 007: Lauro Fajardo.

23 THE COURT: Do you work?

24 PROSPECTIVE JUROR NUMBER 007: Yeah, I work in
25 Orleans.

1 Do you want the badge number?
2 THE COURT: Yeah.
3 PROSPECTIVE JUROR NUMBER 007: 894.
4 THE COURT: What do you do at the Orleans?
5 PROSPECTIVE JUROR NUMBER 007: Cooks, cafe.
6 THE COURT: Married?
7 PROSPECTIVE JUROR NUMBER 007: Yeah, married. One
8 daughter.
9 THE COURT: What does your wife do?
10 PROSPECTIVE JUROR NUMBER 007: She's housekeeping
11 too, in the Orleans.
12 THE COURT: How old is your daughter?
13 PROSPECTIVE JUROR NUMBER 007: She's 13 right now.
14 THE COURT: Have you ever sat as a juror before?
15 PROSPECTIVE JUROR NUMBER 007: No, this is my first
16 time.
17 THE COURT: Can you think of any reason you would not be
18 fair and impartial to both sides in this case?
19 PROSPECTIVE JUROR NUMBER 007: No, I guess.
20 THE COURT: You'll listen to the evidence and make a decision
21 from what you see or hear in this courtroom?
22 PROSPECTIVE JUROR NUMBER 007: U'm-h'm.
23 THE COURT: Yes?
24 PROSPECTIVE JUROR NUMBER 007: Yes.
25 THE COURT: State.

1 MS. BLUTH: Good morning.
2 Now, are you feeling okay, you told me you have allergies?
3 PROSPECTIVE JUROR NUMBER 007: Yeah. And I get -- I
4 just got off 7 o'clock in the morning. I never sleep yet.
5 MS. BLUTH: Okay.
6 PROSPECTIVE JUROR NUMBER 007: Yeah.
7 MS. BLUTH: All right.
8 PROSPECTIVE JUROR NUMBER 007: That's how I feel. So,
9 you know, allergies too much.
10 MS. BLUTH: That's okay.
11 PROSPECTIVE JUROR NUMBER 007: Yeah.
12 MS. BLUTH: Where are you from?
13 PROSPECTIVE JUROR NUMBER 007: Actually I'm from here.
14 I live here long time, about 15 years.
15 MS. BLUTH: Okay. But where before that?
16 PROSPECTIVE JUROR NUMBER 007: Philippine.
17 MS. BLUTH: Earlier when judge was asking questions about
18 whether or not you'd ever been a victim of a crime, you didn't raise your
19 hand; right?
20 PROSPECTIVE JUROR NUMBER 007: No.
21 MS. BLUTH: So you've never been a victim?
22 PROSPECTIVE JUROR NUMBER 007: No.
23 MS. BLUTH: Any close family members or friends?
24 PROSPECTIVE JUROR NUMBER 007: No.
25 MS. BLUTH: Either here or in the Philippines?

1 PROSPECTIVE JUROR NUMBER 007: No.

2 MS. BLUTH: What about accused of a crime, close family
3 member?

4 PROSPECTIVE JUROR NUMBER 007: None.

5 MS. BLUTH: None, all right.

6 And your English is very good, has there been any point in time
7 during the proceedings where you haven't understood anything?

8 PROSPECTIVE JUROR NUMBER 007: Well, some time I
9 understand but not really quite.

10 MS. BLUTH: Okay. Well, tell me what you mean?

11 PROSPECTIVE JUROR NUMBER 007: Like, what you saying
12 right now. I feel, you know, I feel like sleepy because I just got off work at
13 7:00.

14 MS. BLUTH: Right.

15 PROSPECTIVE JUROR NUMBER 007: And I never sleeping.
16 And my allergy, you know.

17 MS. BLUTH: Yeah.

18 PROSPECTIVE JUROR NUMBER 007: Yeah.

19 MS. BLUTH: You not being able to understand though is that
20 because of the language barrier or is it just because you're tired?

21 PROSPECTIVE JUROR NUMBER 007: Yeah, some language
22 I can't understand, some I do. Because I don't really understand some
23 English too much, you know.

24 MS. BLUTH: All right.

25 PROSPECTIVE JUROR NUMBER 007: Yeah.

1 MS. BLUTH: So if we're using a 100 percent scale, how much
2 would you say you're able to understand out of a 100 percent?

3 PROSPECTIVE JUROR NUMBER 007: Fifty.

4 MS. BLUTH: Fifty?

5 PROSPECTIVE JUROR NUMBER 007: Yeah.

6 MS. BLUTH: Okay. All right.

7 Judge, I'm going to move for cause on that.

8 THE COURT: Any objection to replacing him? Do you want to
9 ask him some questions?

10 MR. LONG: Yeah, I guess just briefly.

11 So, sir, is your native language Tagalong or Spanish?

12 PROSPECTIVE JUROR NUMBER 007: There's three dialects
13 actually. There's Ilocano, Visayan, and Tagalog, I'm in Visayan.

14 MR. LONG: Okay. And I'm assuming, since you got off work at
15 7:00, you work at nights?

16 PROSPECTIVE JUROR NUMBER 007: Yeah, graveyard shift,
17 11:00 to 7:00.

18 MR. LONG: Is it your plan if you're selected as a juror to work
19 at night and then come here during the day?

20 PROSPECTIVE JUROR NUMBER 007: No, I didn't know it
21 was in the morning. I thought it was 6 o'clock that's what they announced,
22 the answering machine was saying.

23 MR. LONG: Okay. These allergies that you're experiencing, is
24 this something new or?

25 PROSPECTIVE JUROR NUMBER 007: Yeah, I just got. It's

1 one week already.

2 MR. LONG: Okay. Are you taking any --

3 PROSPECTIVE JUROR NUMBER 007: Coughing, runny nose,
4 everything.

5 MR. LONG: -- antihistamines? Taking any medicine for them?

6 PROSPECTIVE JUROR NUMBER 007: Yeah, I'm taking
7 medicine, Nyquil.

8 MR. LONG: It makes you sleepy?

9 PROSPECTIVE JUROR NUMBER 007: It helps a little bit.
10 Yes, sleep like a baby.

11 MR. LONG: Okay. I don't have anything further, Your Honor.

12 THE COURT: Objection to replacing him?

13 MR. LONG: I only have one objection, yeah.

14 THE COURT: Pardon?

15 MR. LONG: Yeah, I have one objection for cause.

16 THE COURT: All right. Pass that mic over. Pass that mic to
17 that young lady.

18 Tell me your name.

19 PROSPECTIVE JUROR NUMBER 009: Hi, my name is
20 Kristina Blunt.

21 THE COURT: Do you work?

22 PROSPECTIVE JUROR NUMBER 009: I do.

23 THE COURT: What do you do?

24 PROSPECTIVE JUROR NUMBER 009: I'm a yoga teacher.

25 THE COURT: Married?

1 PROSPECTIVE JUROR NUMBER 009: Yes, I am.
2 THE COURT: Spouse work?
3 PROSPECTIVE JUROR NUMBER 009: What did you say?
4 THE COURT: Does your spouse work?
5 PROSPECTIVE JUROR NUMBER 009: He did. He's been
6 unemployed for about a month.
7 THE COURT: What did he do?
8 PROSPECTIVE JUROR NUMBER 009: We were both
9 performers with the show called The Lion King. He's still with The Lion
10 King. He kind of floats in and out of the traveling show.
11 THE COURT: Children?
12 PROSPECTIVE JUROR NUMBER 009: Yes.
13 THE COURT: Ages?
14 PROSPECTIVE JUROR NUMBER 009: Four.
15 THE COURT: Have you ever sat as a juror before?
16 PROSPECTIVE JUROR NUMBER 009: I have not.
17 THE COURT: Can you think of any reason you would not be
18 fair and impartial to both parties in this case?
19 PROSPECTIVE JUROR NUMBER 009: No, no reason.
20 THE COURT: State.
21 MS. BLUTH: Good morning, Ms. Blunt.
22 PROSPECTIVE JUROR NUMBER 009: Good morning.
23 MS. BLUTH: You have four children or your child is four?
24 PROSPECTIVE JUROR NUMBER 009: I have one child and
25 he is four.

1 MS. BLUTH: Okay. Got it. Thank you.

2 All right. So I'm sure you've been listening to the questions I've
3 been asking. So have there been any that have stood out where you
4 thought I've got a strong opinion on that one or I disagree with what that
5 person said?

6 PROSPECTIVE JUROR NUMBER 009: Even though I don't
7 necessarily watch a lot of those, you guys called them fictitious shows, I --
8 there was a time in my life where I did love CSI.

9 MS. BLUTH: Okay.

10 PROSPECTIVE JUROR NUMBER 009: And I love shows like
11 Dexter, where it kind of calls into play what's good and what's bad. I like
12 things that sort of question that sort of moral line.

13 So that's kind of something that just stood out to me in terms of
14 when you guys have been asking about those shows.

15 MS. BLUTH: So I've only seen Dexter a few times and it was a
16 long time ago. So when you say, it kind of straddles the line or makes you
17 think about what's good and what's bad, tell me more about that because
18 I'm not sure I'm getting it?

19 PROSPECTIVE JUROR NUMBER 009: I've just always been
20 interested in shows because I feel like we always have such a strong
21 definition of what's good and what's bad. And I personally believe that
22 there's a lot of gray area in that. And so with Dexter, he was a serial
23 killer --

24 MS. BLUTH: Oh, right, yeah.

25 PROSPECTIVE JUROR NUMBER 009: -- that killed other

1 serial killers. What I like the sort of dilemma of is like, well, he's a serial
2 killer, that's wrong. But he's killing other serial killers. So does that make
3 it right because he's trying, in his own weird way --

4 MS. BLUTH: Gotchu.

5 PROSPECTIVE JUROR NUMBER 009: -- you know, create or
6 foster justice. So I always kind of like shows that like question what's right
7 and what's wrong.

8 MS. BLUTH: Okay. I got you.

9 PROSPECTIVE JUROR NUMBER 009: Yeah.

10 MS. BLUTH: So in regards to the CSI ones though. I think, you
11 know, before shows like CSI and NCIS or whatever those other ones are,
12 we didn't have to ask so many questions about these things, but then it
13 created this thing called the CSI affect where everybody thinks that, you
14 know, you can find one hair in a haystack of hay. And so it created this
15 idea that we -- people, police officers, crime scene analysts, have more
16 resources then they do.

17 So I guess the question really is, is do you think shows like CSI,
18 do you think they're realistic or do you recognize that there's an aspect of,
19 you know, Hollywood to them?

20 PROSPECTIVE JUROR NUMBER 009: No, I recognize that
21 there's an aspect of Hollywood to them.

22 MS. BLUTH: Okay. All right.

23 And then I obviously recognize that judge had asked the
24 question about whether or not you'd been the victim and you didn't raise
25 your hand. But what about close family members or friends?

1 PROSPECTIVE JUROR NUMBER 009: Being the victim of a
2 crime?

3 MS. BLUTH: Yes.

4 PROSPECTIVE JUROR NUMBER 009: No, no.

5 MS. BLUTH: Okay. And then what about charged or accused?

6 PROSPECTIVE JUROR NUMBER 009: No.

7 MS. BLUTH: Okay. Did you -- I know you said that you and
8 your husband had been working in the Lion King production, have you --
9 are you born and raised Las Vegas?

10 PROSPECTIVE JUROR NUMBER 009: No, I was born in Saint
11 Thomas, Virgin Islands, I grew up in Houston, and then I lived in New
12 York for ten years. And then we've been in Vegas fall of 2011. We came
13 out here where Lion King was with Mandalay Bay.

14 MS. BLUTH: Oh, okay, gotchu.

15 You said you were born in --

16 PROSPECTIVE JUROR NUMBER 009: In Saint Thomas,
17 Virgin Islands.

18 MS. BLUTH: And were you there for a long time or were you
19 just born there and then --

20 PROSPECTIVE JUROR NUMBER 009: I moved from there
21 when I was four.

22 MS. BLUTH: Okay. So most of your life though United States?

23 PROSPECTIVE JUROR NUMBER 009: Yes.

24 MS. BLUTH: All right. In regards to living in Las Vegas, have
25 you had any contacts with local law enforcement?

1 PROSPECTIVE JUROR NUMBER 009: Actually, it's kind of
2 interesting, in the yoga world we have two law enforcements that are yoga
3 teachers. One is Sasha Larkin, and the other one is -- we actually call
4 him the yogi cop and they teach at 103 Yoga. So I go take their classes
5 every now and again.

6 MS. BLUTH: Okay. All right. So but not, I guess, no contact
7 with law enforcement in their work capacity?

8 PROSPECTIVE JUROR NUMBER 009: No --

9 MS. BLUTH: Just in their yoga -- I mean in their -- unrelated to
10 them being a yoga teacher?

11 PROSPECTIVE JUROR NUMBER 009: Yes.

12 MS. BLUTH: But in their cop capacity.

13 PROSPECTIVE JUROR NUMBER 009: Yeah, no, uh-uh.

14 MS. BLUTH: All right. Do you have any opinions in regards to
15 how the Las Vegas system works, law enforcement-wise in regards to any
16 of the other places that you've worked? Like do you see differences or
17 just not really had contact with --

18 PROSPECTIVE JUROR NUMBER 009: I'm going to honestly
19 say I haven't had a lot of contact. And I did once get pulled over for
20 speeding, which I actually ended up not getting a ticket for. So it worked
21 out great in my favor in terms of contact with law enforcement.

22 MS. BLUTH: Yeah.

23 PROSPECTIVE JUROR NUMBER 009: Yeah. But all contact
24 with law enforcement that I have has always been very sweet and very
25 kind.

1 MS. BLUTH: Okay. And what about your view on the criminal
2 justice system in general, just in the United States?

3 PROSPECTIVE JUROR NUMBER 009: I'm not going to lie --

4 MS. BLUTH: Yeah.

5 PROSPECTIVE JUROR NUMBER 009: -- being that my
6 background is African American, and also my father was a lawyer and
7 sometimes hearing how he was very disheartened by the judicial system
8 in terms of maybe someone being not treated fairly because of color. I do
9 feel like that can influence some kind of decisions.

10 MS. BLUTH: Okay. So let's break that down, your father was
11 an attorney?

12 PROSPECTIVE JUROR NUMBER 009: My father was an
13 attorney.

14 MS. BLUTH: What type of attorney?

15 PROSPECTIVE JUROR NUMBER 009: Well, actually
16 sometimes he would defend and then like his later years he was a DA so.

17 MS. BLUTH: Oh, so he did both?

18 PROSPECTIVE JUROR NUMBER 009: Yeah.

19 MS. BLUTH: Did he ever --

20 PROSPECTIVE JUROR NUMBER 009: He's now retired.

21 MS. BLUTH: What did you say?

22 PROSPECTIVE JUROR NUMBER 009: He's now retired.

23 MS. BLUTH: Okay. So it went from defense attorney, to a
24 prosecutor, and then did he retire as a prosecutor or?

25 PROSPECTIVE JUROR NUMBER 009: He did.

1 MS. BLUTH: Do you know what made him want to switch the
2 sides of the field?

3 PROSPECTIVE JUROR NUMBER 009: I'm not quite sure. My
4 father actually still lives in Saint Thomas, Virgin Islands. My parents are
5 divorced. So I'm not quite sure.

6 MS. BLUTH: Okay. And so you would say you believe that in
7 certain situations a flaw in the system could be that decisions are made
8 differently according to someone's skin color?

9 PROSPECTIVE JUROR NUMBER 009: Yes.

10 MS. BLUTH: Do you think that that would affect you or make
11 you think differently if you were a juror?

12 PROSPECTIVE JUROR NUMBER 009: No.

13 MS. BLUTH: Okay. And why not?

14 PROSPECTIVE JUROR NUMBER 009: Because I am a
15 person who does try -- well, number one, I do feel like I want to believe
16 the best -- well, I do. I believe the best in people. And I do feel like I'm
17 really good at like listening and being objective in terms of not letting race
18 be involved. So really trying to listen to the facts, yeah.

19 MS. BLUTH: Okay, yeah.

20 Would you just hold the microphone up just a little bit.

21 PROSPECTIVE JUROR NUMBER 009: Sorry.

22 MS. BLUTH: No, that's okay. It's hard to get used to.

23 So the -- I'm sure you've seen the statues of Lady Justice.
24 Have you seen those statues where like she's holding the scales --

25 PROSPECTIVE JUROR NUMBER 009: U'm-h'm.

1 MS. BLUTH: -- and then they're balanced and then she's blind?

2 PROSPECTIVE JUROR NUMBER 009: Yes.

3 MS. BLUTH: She has a -- her eyes are covered I guess is a
4 better way to say it.

5 PROSPECTIVE JUROR NUMBER 009: Yes.

6 MS. BLUTH: Then her being blind.

7 And I know it seems obvious, but the concept is right just like it
8 should be blind; right, we shouldn't be focused on anyone's color or if
9 they're a man or a woman or whether they're straight or homosexual, like
10 it should just be completely blind.

11 And so color either way, you know, whether like you stated you
12 had concerns about some of the flaws that the criminal justice system that
13 your father showed you.

14 PROSPECTIVE JUROR NUMBER 009: U'm-h'm.

15 MS. BLUTH: Those thoughts can't come into the decision of
16 whether or not the Defendant committed the crime, no matter the color of
17 his skin, your skin, my skin, nobody's because it has no place in this
18 courtroom. Now, I'm not saying your concerns aren't valid.

19 PROSPECTIVE JUROR NUMBER 009: U'm-h'm.

20 MS. BLUTH: Because they are very valid. But what I'm saying
21 is, if you're tasked as a juror, you just have to come in here with the ability
22 to look at the evidence and say, did the State prove to you beyond a
23 reasonable doubt that the Defendant committed these crimes.

24 PROSPECTIVE JUROR NUMBER 009: Yes.

25 MS. BLUTH: Do you feel like that that's something you could

1 do or you feel comfortable doing?

2 PROSPECTIVE JUROR NUMBER 009: Yes, I feel comfortable
3 doing that.

4 MS. BLUTH: Okay. Thank you.

5 What about sitting in a position of judging another person or
6 judging their conduct?

7 PROSPECTIVE JUROR NUMBER 009: That's a little harder
8 for me. I'm not going to lie.

9 MS. BLUTH: Okay. Well, talk to me about it, what do you think
10 about it?

11 PROSPECTIVE JUROR NUMBER 009: Well, again, maybe
12 this is just like the yoga teacher in me and wanting to be -- believe in sort
13 of the fairness of, you know, life and the goodness in people. I don't know
14 if -- you know, in terms of from a broader perspective this is a, you know,
15 is it -- can I really judge someone else's action and is it really up to me to
16 sort of enact some sort of discipline for either that, you know, that
17 wrongdoing. I don't know.

18 MS. BLUTH: And I think, you know, that that is a question that I
19 think a lot of people go through in their head.

20 PROSPECTIVE JUROR NUMBER 009: Yeah.

21 MS. BLUTH: And for -- I mean, whether it be religious reasons,
22 moral reasons, philosophical reasons, some people do not feel
23 comfortable sitting in judgment of another person. Even the way that I
24 explained it; right, in the sense of we're not judging whether or not
25 someone is a good person or a bad person. I think we're all taught not to

1 do that. But some people still kind of can't get over that hump. And that's
2 okay.

3 The issue is we have to know now whether or not you can do
4 that because we can't get in like a week down the road you'd be like,
5 yeah, I thought I could do it but this judging thing not in my bag.

6 So does it rise to you a level of uncomfortableness where you're
7 like it would be weighing on me?

8 PROSPECTIVE JUROR NUMBER 009: Yes, it would weigh on
9 me.

10 MS. BLUTH: Okay. Would that weighing on you -- well,
11 actually let me break it up, I have talked to you about there will be a trial
12 phase and then a penalty phase. And so it would be weighing on you I'm
13 assuming during the trial phase?

14 PROSPECTIVE JUROR NUMBER 009: Yes.

15 MS. BLUTH: But I hear you kind of talking about the penalty as
16 well. You said, I don't know if I want to judge somebody's actions. And I
17 don't want to put words in your mouth but you said something else, like, I
18 really don't want to -- I don't know if it's for me to decide someone's
19 punishment?

20 PROSPECTIVE JUROR NUMBER 009: It's definitely out of my
21 comfort zone, yes.

22 MS. BLUTH: Yeah. So it would weigh on you in both of those
23 phases of the trial?

24 PROSPECTIVE JUROR NUMBER 009: Well, not so much the
25 first phase. I feel like I could listen without necessarily judgment. But

1 then when it comes time to exact a penalty I think that's where I would
2 have an issue.

3 MS. BLUTH: Okay. Do you think it would be easier for you to
4 sit on a jury that is a civil jury, so one that deals more with like money?

5 PROSPECTIVE JUROR NUMBER 009: Yes.

6 MS. BLUTH: All right. Would you have those same type of
7 feelings or nervousness in that regard?

8 PROSPECTIVE JUROR NUMBER 009: Probably not just
9 because I feel like in terms of the penalty the stakes probably wouldn't
10 be -- they would be different; correct? Maybe not as --

11 MS. BLUTH: Yeah, I mean it's money. So it's --

12 PROSPECTIVE JUROR NUMBER 009: Yeah, yeah, it's
13 money. So it's not as high, like, I mean, I'm not quite sure but you know
14 putting someone away for five years for something dealing with money
15 versus like life because they took a life. That, I mean, again, that's, yeah,
16 I feel like that would be hard for me.

17 MS. BLUTH: Okay. So you think that it's not that you don't
18 want to be a juror -- you can't be a juror. It's that these -- this idea of in
19 criminal having to sentence someone or decide on a penalty that you don't
20 feel like you're appropriate for?

21 PROSPECTIVE JUROR NUMBER 009: Yes.

22 MS. BLUTH: Okay. Your Honor, we move for cause.

23 I thank you for your honesty.

24 PROSPECTIVE JUROR NUMBER 009: Thank you.

25 THE COURT: We're going to take our afternoon recess right

1 now.

2 During the recess you're not to talk about anything you see or
3 hear in this courtroom.

4 We'll see you back here 12:45. Remember where you're
5 seated, you've got to sit in the same place.

6 [Outside the presence of the prospective jury panel]

7 THE COURT: All right. Jury is gone; door is closed.

8 First of all, we have a challenge number one, you wanted to
9 challenge for cause.

10 MR. LONG: And, Your Honor, when he was talking about
11 something that happened a couple of years ago he called his friend that
12 was a cop or something like that. And I just don't want him doing that. I
13 don't want him getting the law from anyone but Your Honor. I don't want
14 him running this scenario by anybody in the law enforcement community.
15 And I know that he said all the right things that he said that he can be fair,
16 he answered my voir dire questions very well, as far as, you know, there
17 are instances where it's justified. But just off the cuff, he just said when he
18 had a problem he picked up his phone called the cops. In a case like this
19 where it's a close call I don't want him on the phone talking to the police.

20 THE COURT: All right.

21 State.

22 MS. BLUTH: Well, I think -- I don't think he ever verbalized that
23 that was something that he would do. And also you give the
24 admonishment every time that, you know, they're not to talk about this
25 with anybody else. So I think at this point there's not enough for a cause.

1 THE COURT: Not enough for cause.

2 Now, number three.

3 MS. BLUTH: That was my -- the State's move for cause on
4 Mr. Fajardo. He is from the Philippines. He's been here for 15 years. I
5 do think he was trying to answer all my questions. He never -- I'm the one
6 who brought it up and asked him, are you understanding everything that
7 I'm saying. He said he understands about 50 percent. I'm not
8 comfortable with that record as him sitting as a juror. So I move for
9 cause.

10 MR. LONG: I have no objection to that.

11 THE COURT: All right.

12 MR. LONG: I have a problem with him. First of all, he's going
13 to sleep through the trial. Secondly, he can only understand 50 percent of
14 what's going on.

15 THE COURT: Stipulated releasing him?

16 MR. LONG: Yes.

17 THE COURT: All right.

18 Now number four.

19 MS. BLUTH: Ms. Blunt, Your Honor, she did discuss the fact
20 that -- and I want to be clear on this, my move for cause on this is the
21 question -- or the answers to the question on whether or not she felt
22 comfortable sitting in judgment of another person. And she said, in her
23 words she said, I've got to be honest, I've got an issue there. She talked
24 about not being comfortable at first sitting in judgment with another person
25 regards to guilt or innocence. But then she went on to say where my real

1 issue is is in deciding the penalty and that that would weigh too heavily
2 upon her. And that she believed a civil case where she's not deciding the
3 life of someone would be a more appropriate for her. And so because I
4 don't think that she was able to verbalize that she's okay sitting in
5 judgment of another person's, their actions, and especially is absolutely
6 not comfortable deciding a penalty that the State would move for cause.

7 THE COURT: Mr. Long.

8 MR. LONG: Your Honor, she's answered the questions that
9 she said that she could -- that she could sit in judgment of another person.
10 She's not comfortable with it, but that doesn't mean that she's not able to
11 do it. I mean, her occupation is she's a yoga teacher. She said, you
12 know, that she likes to look at the goodness of man. Obviously in her
13 profession as a performer and a yoga teacher she's not used to
14 confrontation. But she's answered the questions that she can sit fairly.
15 It's going to weigh heavily on her mind. And I am actually more
16 comfortable with that then someone that says, yeah, that'll be cool.

17 THE COURT: All right. You haven't asked her any questions
18 yet. So we'll let -- I'm going to let you ask her questions. If I'm going to
19 kick her, I'll call you guys to the bench.

20 MR. LONG: Okay.

21 MS. BLUTH: Got it.

22 THE COURT: And maybe you guys can talk about waiving the
23 penalty phase, if there is going to be one.

24 MS. DIGIACOMO: And, Your Honor, we already did discuss
25 that --

1 THE COURT: Oh.

2 MS. DIGIACOMO: -- it's my understanding, the defense won't.

3 MR. LONG: And, Your Honor, and we may very well waive it. I

4 just -- I can't at this early juncture.

5 THE COURT: Well --

6 MS. DIGIACOMO: Well, we need to waive it now.

7 THE COURT: -- we need to waive it now.

8 MR. LONG: I can't waive it now.

9 THE COURT: -- because you're qualifying the jury.

10 MR. LONG: Yeah, I can't waive it now, Your Honor.

11 THE COURT: It's going to take longer.

12 MR. LONG: It'll be malpractice.

13 THE COURT: All right. That's fine.

14 See you guys at 12:45.

15 MS. BLUTH: Sounds good.

16 MR. LONG: Okay.

17 MS. DIGIACOMO: Thank you.

18 [Recess taken at 11:49 a.m.]

19 [Jury trial resumed at 12:47 p.m.]

20 [Outside the presence of the prospective jury panel]

21 THE COURT: Just about the date thing, we'll fix that when

22 we -- they read it.

23 MR. LONG: I'm not overly worried about it because like you

24 said we're going to have a lot of witnesses saying 2017. I just didn't want

25 any potential jurors thinking that --

1 THE COURT: Right.

2 MR. LONG: -- he won a new trial from something that
3 happened 11 years ago.

4 MS. DIGIACOMO: Well, he wouldn't -- no, that's fine.

5 [Brief pause in proceedings]

6 [In the presence of the prospective jury panel]

7 THE MARSHAL: All rise for the jury.

8 THE COURT: All right. You may be seated.

9 Mr. Long, it's your examination.

10 MR. LONG: I believe it's Ms. Velasco; am I saying that right?

11 PROSPECTIVE JUROR NUMBER 009: No, I'm Kristina Blunt.

12 MR. LONG: Oh, that's right, sorry.

13 Ms. Blunt, in your yoga and career as an entertainer, do you
14 know Charlene Knoffel or Charlene Clay?

15 PROSPECTIVE JUROR NUMBER 009: No.

16 MR. LONG: She goes by both names.

17 PROSPECTIVE JUROR NUMBER 009: No, I do not.

18 MR. LONG: Okay. What yoga studio do you work out of?

19 PROSPECTIVE JUROR NUMBER 009: True Fusion.

20 MR. LONG: Okay.

21 PROSPECTIVE JUROR NUMBER 009: And they have a few
22 different locations.

23 MR. LONG: Okay. Now, your father retired as a prosecutor,
24 was he a United States attorney or was he a local Saint Thomas attorney?

25 PROSPECTIVE JUROR NUMBER 009: Local Saint Thomas

1 attorney.

2 MR. LONG: Okay. And you have a bachelor's degree in what
3 subject?

4 PROSPECTIVE JUROR NUMBER 009: I majored in dance.

5 MR. LONG: Okay. And I know that you spoke with the
6 prosecutor about this issue, but if you were selected as a juror and asked
7 to participate in negotiations and deliberations as to the fate of Mr. Cash,
8 do you feel you could stand up for your beliefs, do you feel you could, I
9 guess, handle the confrontation of a jury room?

10 THE COURT: Let me --

11 PROSPECTIVE JUROR NUMBER 009: Yes.

12 THE COURT: -- before you answer that, let me just say, the
13 fate sounds like the punishment, and except for first degree murder, the
14 Court is responsible for all punishments.

15 MR. LONG: I mean guilt or innocence.

16 PROSPECTIVE JUROR NUMBER 009: Yes.

17 MR. LONG: Even hypothetically if it was 11 to 1 and you were
18 the one?

19 PROSPECTIVE JUROR NUMBER 009: Yes.

20 MR. LONG: Okay. Do you feel there are ever instances where
21 someone is justified in taking the life of another?

22 PROSPECTIVE JUROR NUMBER 009: Yes.

23 MR. LONG: And under what circumstances do you believe
24 that's appropriate?

25 PROSPECTIVE JUROR NUMBER 009: Well, as a mother I

1 think if anyone -- if a situation called for it, where I felt like the life my son
2 was threatened, I would probably do my best to defend, even if that meant
3 taking a life.

4 MR. LONG: Okay. And do you know anyone who's been, I
5 guess, affected by domestic battery, someone who's been a victim or
6 someone who's been accused of domestic violence?

7 PROSPECTIVE JUROR NUMBER 009: Yes.

8 MR. LONG: Okay. Explain who?

9 PROSPECTIVE JUROR NUMBER 009: Just in terms of like
10 my grandparents. My grandfather wasn't -- there was a few occasions
11 where there was abuse.

12 MR. LONG: Okay. And did anything happen to your
13 grandfather as a result of that?

14 PROSPECTIVE JUROR NUMBER 009: No.

15 MR. LONG: Did anyone get your grandmother help?

16 PROSPECTIVE JUROR NUMBER 009: No.

17 MR. LONG: And are they still around?

18 PROSPECTIVE JUROR NUMBER 009: Both of my
19 grandparents are deceased.

20 MR. LONG: Okay. I don't have anything further for Ms. Blunt.

21 THE COURT: All right. Tell me your name again.

22 PROSPECTIVE JUROR NUMBER 010: Kevin Cash.

23 THE COURT: Do you work?

24 PROSPECTIVE JUROR NUMBER 010: I do.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR NUMBER 010: A sales trainer for a
2 communications company.

3 THE COURT: Married?

4 PROSPECTIVE JUROR NUMBER 010: No.

5 THE COURT: Children?

6 PROSPECTIVE JUROR NUMBER 010: No.

7 THE COURT: Ever sat as a juror before?

8 PROSPECTIVE JUROR NUMBER 010: No.

9 THE COURT: Can you think of any reason you would not be
10 fair and impartial, both to the State and to the Defendant?

11 PROSPECTIVE JUROR NUMBER 010: No, I could not.

12 THE COURT: State.

13 MS. DIGIACOMO: Thank you.

14 Good afternoon, Mr. Cash. Now, you had said that you were
15 the victim in Arizona, was it assault with a deadly weapon?

16 PROSPECTIVE JUROR NUMBER 010: That's correct.

17 MS. DIGIACOMO: Okay. What happened?

18 PROSPECTIVE JUROR NUMBER 010: It was a fight that
19 several people were involved in, I being one of those people, and that was
20 in -- it was in 1997, I believe, or '98. And ended up -- had contact with
21 another group of individuals who didn't like us, we didn't like them type of
22 thing, and they came to a party with some people we didn't know, who
23 one of them had a gun and ended up shooting at myself and some
24 friends. And then also police were involved and there was gunfire
25 exchanged between him and the police.

1 MS. DIGIACOMO: Okay. So, I'm sorry, let me backup.
2 PROSPECTIVE JUROR NUMBER 010: Yeah.
3 MS. DIGIACOMO: So you and your friends are at a party and
4 these other people show up?
5 PROSPECTIVE JUROR NUMBER 010: Correct.
6 MS. DIGIACOMO: And a fight starts?
7 PROSPECTIVE JUROR NUMBER 010: Correct.
8 MS. DIGIACOMO: And then this one person escalates it and
9 shoots a gun?
10 PROSPECTIVE JUROR NUMBER 010: That's correct.
11 MS. DIGIACOMO: But the police were called?
12 PROSPECTIVE JUROR NUMBER 010: Yes.
13 MS. DIGIACOMO: And you said that that person even shot it
14 out with the police?
15 PROSPECTIVE JUROR NUMBER 010: Correct.
16 MS. DIGIACOMO: Okay. Was anyone arrested?
17 PROSPECTIVE JUROR NUMBER 010: Yes.
18 MS. DIGIACOMO: And who was that?
19 PROSPECTIVE JUROR NUMBER 010: The gentleman who
20 was doing the shooting.
21 MS. DIGIACOMO: Okay. Anyone else involved in the fight
22 arrested?
23 PROSPECTIVE JUROR NUMBER 010: No.
24 MS. DIGIACOMO: And you said you were one of the people
25 that he shot at?

1 PROSPECTIVE JUROR NUMBER 010: That's correct.

2 MS. DIGIACOMO: And so did you ever have to go to court or
3 testify?

4 PROSPECTIVE JUROR NUMBER 010: I did.

5 MS. DIGIACOMO: And how did you feel the system handled
6 the case?

7 PROSPECTIVE JUROR NUMBER 010: The first verdict was a
8 hung jury, which I wasn't too pleased about, and then the second was a
9 conviction. So there was two trials that I was part of.

10 MS. DIGIACOMO: Okay. So you felt that overall that the way
11 the system handled the case and the DA --

12 PROSPECTIVE JUROR NUMBER 010: Overall.

13 MS. DIGIACOMO: -- it was fine and you were satisfied?

14 PROSPECTIVE JUROR NUMBER 010: Yeah.

15 MS. DIGIACOMO: Okay. Now, you also said that you've been
16 convicted of DUI and misdemeanor marijuana possession.

17 PROSPECTIVE JUROR NUMBER 010: That's correct.

18 MS. DIGIACOMO: But those are older from Arizona?

19 PROSPECTIVE JUROR NUMBER 010: Correct. Yeah, DUI
20 2010, and the marijuana was 2000, I believe, or 2001.

21 MS. DIGIACOMO: And you were prosecuted by, I assume, a
22 district attorney in --

23 PROSPECTIVE JUROR NUMBER 010: Yes.

24 MS. DIGIACOMO: -- Arizona?

25 PROSPECTIVE JUROR NUMBER 010: They're misdemeanors

1 but, yeah.

2 MS. DIGIACOMO: Okay. Do you have any, I guess, issues
3 with how you were treated in the system being on the other side of the
4 fence so to speak for those cases?

5 PROSPECTIVE JUROR NUMBER 010: Nothing significant.

6 MS. DIGIACOMO: Okay. Do you feel you were treated fairly?

7 PROSPECTIVE JUROR NUMBER 010: Yes.

8 MS. DIGIACOMO: Would any of that experience be held
9 against the State or the defense in deciding this case?

10 PROSPECTIVE JUROR NUMBER 010: No.

11 MS. DIGIACOMO: So you can set it aside and keep an open
12 mind?

13 PROSPECTIVE JUROR NUMBER 010: That's correct.

14 MS. DIGIACOMO: All right. Now, has anyone close to you
15 ever been the victim of a crime, any crime?

16 PROSPECTIVE JUROR NUMBER 010: I'm sure they have. I
17 have a lot of family and friends.

18 MS. DIGIACOMO: But nothing that stands out?

19 PROSPECTIVE JUROR NUMBER 010: Nothing that stands
20 out significantly, no.

21 MS. DIGIACOMO: Okay. What about has anyone else close to
22 ever been convicted of a crime or accused of a crime?

23 PROSPECTIVE JUROR NUMBER 010: Yes.

24 MS. DIGIACOMO: Okay. And who was that?

25 PROSPECTIVE JUROR NUMBER 010: My brother.

1 MS. DIGIACOMO: What was he accused of or arrested of?

2 PROSPECTIVE JUROR NUMBER 010: He was convicted of
3 multiple driving under the influences of alcohol charges.

4 MS. DIGIACOMO: So was his a felony?

5 PROSPECTIVE JUROR NUMBER 010: Yes.

6 MS. DIGIACOMO: When was that, how long ago?

7 PROSPECTIVE JUROR NUMBER 010: I believe around 2007
8 or '08.

9 MS. DIGIACOMO: Did you follow his case?

10 PROSPECTIVE JUROR NUMBER 010: I don't know -- clarify
11 what you mean by "follow"?

12 MS. DIGIACOMO: Well, I mean, did you go to court, did you
13 talk to him about it?

14 PROSPECTIVE JUROR NUMBER 010: I did not. I lived in the
15 State of Hawaii at the time and it was in the State of Arizona that he was
16 being prosecuted.

17 MS. DIGIACOMO: Okay. So do you have an opinion about
18 whether or not he was treated fairly by the system?

19 PROSPECTIVE JUROR NUMBER 010: I don't have an
20 opinion.

21 MS. DIGIACOMO: Okay.

22 PROSPECTIVE JUROR NUMBER 010: I assume he was.

23 MS. DIGIACOMO: So since you kind of have a unique view,
24 viewpoint from the criminal justice system, seeing it when you were
25 accused, seeing it when you were the victim, and now sitting here as a

1 juror, what do you think about our criminal justice system? Do you think it
2 works? Do you think it doesn't work?

3 PROSPECTIVE JUROR NUMBER 010: I think majority of the
4 time that it does work. I think there's areas for opportunity, definitely.

5 MS. DIGIACOMO: And such as what?

6 PROSPECTIVE JUROR NUMBER 010: Well, innocent people
7 are convicted, that's just a fact. It's been proven before so. That's where
8 the area of opportunity is, I guess.

9 MS. DIGIACOMO: And, I mean, it is a fact that that can
10 happen, but do you understand why it's innocent until proven guilty?

11 PROSPECTIVE JUROR NUMBER 010: I do.

12 MS. DIGIACOMO: And why do you understand that or what do
13 you understand that to be?

14 PROSPECTIVE JUROR NUMBER 010: So I understand
15 innocent until proven guilty and you're proven guilty by a jury of your
16 peers, or, you know, someone that's not swayed one way or the other,
17 that's why we're going through this process right now.

18 MS. DIGIACOMO: Right. And would you except that maybe
19 less innocent people are convicted because of the system is like this
20 versus if it was guilty and you had to prove yourself innocent?

21 PROSPECTIVE JUROR NUMBER 010: I wouldn't prove with
22 the former that you mentioned.

23 MS. DIGIACOMO: Okay. So I understand our system is not
24 perfect.

25 PROSPECTIVE JUROR NUMBER 010: Correct.

1 MS. DIGIACOMO: But do you think it works overall?

2 PROSPECTIVE JUROR NUMBER 010: Overall.

3 MS. DIGIACOMO: Okay.

4 PROSPECTIVE JUROR NUMBER 010: But when it doesn't
5 work, there's somebody significantly is impacted by that.

6 MS. DIGIACOMO: When you, like if you were selected to be on
7 this jury and you go back in the room and deliberate, and it's the jurors job
8 to determine the facts and to determine whether or not the crime has been
9 committed and the case has been proved, can you just keep an open
10 mind and look at this case for what it is, or do you think you're going to be
11 in the back of your mind going, well, what if this or what if that and?

12 PROSPECTIVE JUROR NUMBER 010: I don't believe I would
13 waiver. I mean, if I -- I would take the evidence that was given to me and
14 make a decision.

15 MS. DIGIACOMO: Now, do you watch any of the law shows,
16 the CSI's, Law and Order?

17 PROSPECTIVE JUROR NUMBER 010: I understand the
18 question. So infrequently, very infrequently.

19 MS. DIGIACOMO: Okay. So you don't have any expectation
20 that what you're going to see on TV is what's going to happen in this
21 courtroom?

22 PROSPECTIVE JUROR NUMBER 010: I understand that it's
23 totally different than reality.

24 MS. DIGIACOMO: Okay. I guarantee you we're not going to
25 put our case on in an hour.

1 PROSPECTIVE JUROR NUMBER 010: I understand.

2 MS. DIGIACOMO: All right.

3 THE COURT: With commercials.

4 MR. LONG: Yeah, minus commercials.

5 MS. DIGIACOMO: What?

6 THE COURT: With commercials.

7 MS. DIGIACOMO: With commercials, right.

8 PROSPECTIVE JUROR NUMBER 010: Right.

9 MS. DIGIACOMO: All right. Do you, knowing, you know, how
10 there's more forensic evidence out there now, of the ability to have DNA
11 or fingerprints, et cetera, as you sat in this case, if you were a juror, would
12 you expect there has to be forensic evidence in order to prove the case?

13 PROSPECTIVE JUROR NUMBER 010: It's difficult to answer.
14 I would assume, yes.

15 MS. DIGIACOMO: You would assume there has to be some --

16 PROSPECTIVE JUROR NUMBER 010: Correct, some form of.

17 MS. DIGIACOMO: Okay. So if there wasn't, does that mean
18 you wouldn't convict? Or, well, I shouldn't say you wouldn't convict. That
19 if there wasn't, would that be a higher burden for the State to have to
20 prove to get you to find a conviction?

21 PROSPECTIVE JUROR NUMBER 010: Again, that's a difficult
22 question without seeing the evidence, that you're referring to. I don't
23 know.

24 MS. DIGIACOMO: Okay. Well, I guess what I'm asking you is,
25 as you sit there, are you expecting in this case that there's going to be

1 DNA evidence or fingerprint evidence or some sort of forensic evidence?

2 PROSPECTIVE JUROR NUMBER 010: Yes, I'm assuming
3 there will be in a murder case.

4 MS. DIGIACOMO: And if there wasn't in this case, would that
5 affect your ability just look at the evidence presented and make a
6 decision? Or would you say, no, I'm not -- I can't even consider this
7 because they didn't do DNA analysis?

8 PROSPECTIVE JUROR NUMBER 010: I'm not trying to be
9 difficult. It's just really hard not seeing the evidence that's not DNA or
10 forensic related, having not seeing that, to be able to say yes or no to your
11 question.

12 MS. DIGIACOMO: Okay. Well, that since -- and maybe I'm --
13 correct me if I'm wrong, but I'm sensing from you you're keeping an open
14 mind as to what's presented?

15 PROSPECTIVE JUROR NUMBER 010: Absolutely.

16 MS. DIGIACOMO: Okay. So you're not sitting here foreclosing,
17 if I don't see DNA evidence, no way I'm going to consider this case?

18 PROSPECTIVE JUROR NUMBER 010: That's correct.

19 MS. DIGIACOMO: Okay. Now, do you recall the questions
20 Ms. Bluth asked about --

21 PROSPECTIVE JUROR NUMBER 010: I did.

22 MS. DIGIACOMO: -- following the law and she gave the
23 example of legal or -- excuse me, marijuana being illegal and proceeding
24 to trial on such a case. Will you, when the judge instructs at the end of
25 the case, follow the law as instructed, even if it contradicts with what you

1 think the law should be?

2 PROSPECTIVE JUROR NUMBER 010: Absolutely.

3 MS. DIGIACOMO: Do you have any issues regarding sitting on
4 this jury and making the decision?

5 PROSPECTIVE JUROR NUMBER 010: No.

6 MS. DIGIACOMO: As we call it, sitting in judgment?

7 PROSPECTIVE JUROR NUMBER 010: No.

8 MS. DIGIACOMO: Now, how long have you been in Las
9 Vegas?

10 PROSPECTIVE JUROR NUMBER 010: July 4th is going to be
11 four years.

12 MS. DIGIACOMO: Four yours.

13 And what brought you to Las Vegas?

14 PROSPECTIVE JUROR NUMBER 010: Career.

15 MS. DIGIACOMO: Okay.

16 PROSPECTIVE JUROR NUMBER 010: Transferred for a job.

17 MS. DIGIACOMO: Do you feel like you have a stake in this
18 community only being here four years?

19 PROSPECTIVE JUROR NUMBER 010: I'm a homeowner and
20 I've been here for your years. So, yeah, I do believe I have a stake.

21 MS. DIGIACOMO: Is anyone in your family had any military
22 background?

23 PROSPECTIVE JUROR NUMBER 010: Yes.

24 MS. DIGIACOMO: And who was that?

25 PROSPECTIVE JUROR NUMBER 010: My brother is currently

1 a major in the U.S. Army.

2 MS. DIGIACOMO: Is this the same brother that had the DUI or
3 a different one?

4 PROSPECTIVE JUROR NUMBER 010: Different.

5 MS. DIGIACOMO: Okay. And what he does do in the army?

6 PROSPECTIVE JUROR NUMBER 010: He's a MedEvac pilot.

7 MS. DIGIACOMO: Okay. Do you ever talk to him about what
8 he does in the military?

9 PROSPECTIVE JUROR NUMBER 010: Yes.

10 MS. DIGIACOMO: Does he do anything related to like military
11 police or --

12 PROSPECTIVE JUROR NUMBER 010: No.

13 MS. DIGIACOMO: -- their court system? Okay.

14 PROSPECTIVE JUROR NUMBER 010: He's on the medical
15 side of it.

16 MS. DIGIACOMO: Just medical; okay.

17 PROSPECTIVE JUROR NUMBER 010: Correct.

18 MS. DIGIACOMO: Now, I know the question was asked if you
19 know anyone in law enforcement, but what about the judicial system, do
20 you know anyone that works in the court system, be it a clerk, a marshal,
21 a judge, an attorney?

22 PROSPECTIVE JUROR NUMBER 010: I have some friends
23 who are attorneys in Arizona.

24 MS. DIGIACOMO: In Arizona?

25 PROSPECTIVE JUROR NUMBER 010: Correct.

1 MS. DIGIACOMO: And what kind of law do they do?

2 PROSPECTIVE JUROR NUMBER 010: One does -- he's a -- I
3 can't -- I don't want to say the term "the ambulance chaser" but that's not
4 the correct term.

5 MS. DIGIACOMO: Personal injury.

6 PROSPECTIVE JUROR NUMBER 010: Personal injury.

7 Thank you.

8 MS. DIGIACOMO: There you go. There you go.

9 Anyone that does criminal though?

10 PROSPECTIVE JUROR NUMBER 010: No. The other one
11 does it for businesses so.

12 MS. DIGIACOMO: Okay.

13 PROSPECTIVE JUROR NUMBER 010: Business law.

14 MS. DIGIACOMO: All right. Do you talk to them about what
15 they do?

16 PROSPECTIVE JUROR NUMBER 010: Briefly, a little bit,
17 housework kind of stuff.

18 MS. DIGIACOMO: But nothing that would affect your ability to
19 be fair and impartial here?

20 PROSPECTIVE JUROR NUMBER 010: Nothing, no.

21 MS. DIGIACOMO: Okay. In the case -- Ms. Bluth had brought
22 up, have you ever heard the phrase, bringing a gun to a fist fight, and with
23 your -- the case, I guess, that you had back in Arizona, do you have any
24 opinions on that?

25 PROSPECTIVE JUROR NUMBER 010: Yeah, I mean, I -- it's

1 interesting, someone said it before, that it's kind of an unspoken, you
2 know.

3 MS. DIGIACOMO: Bro rule?

4 PROSPECTIVE JUROR NUMBER 010: Bro rule, if you will,
5 yeah.

6 MS. DIGIACOMO: All right. And the situation you were in, you
7 guys were at the house and then somebody started a fight with you guys?

8 PROSPECTIVE JUROR NUMBER 010: That's correct.

9 MS. DIGIACOMO: And then was it just a fist fight at first?

10 PROSPECTIVE JUROR NUMBER 010: It was.

11 MS. DIGIACOMO: And then somebody had the gun?

12 PROSPECTIVE JUROR NUMBER 010: That's right.

13 MS. DIGIACOMO: Okay.

14 All right. And with regard to penalty and the trial phase, so can
15 you, I guess, just sit and make a determination whether or not a crime has
16 been committed first and not consider penalty?

17 PROSPECTIVE JUROR NUMBER 010: Yes.

18 MS. DIGIACOMO: And then if this case got to a penalty with
19 the first degree conviction, can you consider all three penalties, term of
20 years, life with the possibility of parole, and life without the possibly of
21 parole?

22 PROSPECTIVE JUROR NUMBER 010: I can.

23 MS. DIGIACOMO: Okay. I have nothing further.

24 THE COURT: Do you pass for cause?

25 MR. LONG: Did you pass --

1 THE COURT: Do you pass for cause?

2 MS. DIGIACOMO: Oh, I'm sorry. Yes, I pass for cause, Your
3 Honor.

4 THE COURT: Thank you.

5 MR. LONG: Mr. Cash, this fight that you were in back in 1997
6 was it at your house or was it at a club?

7 PROSPECTIVE JUROR NUMBER 010: It was at my friend's
8 residence.

9 MR. LONG: Okay. And what started the fight, if you
10 remember?

11 PROSPECTIVE JUROR NUMBER 010: Ongoing feud between
12 older class and the younger class. We'd been -- it had some other
13 instances before that led to it. And they decided to come to a party they
14 knew we were at and bring some people we weren't -- I never met, the
15 gentleman who shot that night.

16 MR. LONG: And when you said, class, are you talking high
17 school class?

18 PROSPECTIVE JUROR NUMBER 010: Correct.

19 MR. LONG: Okay. And when you testified at trial, was the
20 shooter alleging self-defense?

21 PROSPECTIVE JUROR NUMBER 010: Yes.

22 MR. LONG: Okay. And you testified in both trials?

23 PROSPECTIVE JUROR NUMBER 010: I did.

24 MR. LONG: Okay. And what was the shooter eventually found
25 guilty of, if you remember?

1 PROSPECTIVE JUROR NUMBER 010: I don't recall to be
2 honest with you.

3 MR. LONG: If you don't remember, that's fine.

4 PROSPECTIVE JUROR NUMBER 010: I was just --

5 MR. LONG: Okay.

6 PROSPECTIVE JUROR NUMBER 010: I can't recall if he
7 served seven years.

8 MR. LONG: Okay.

9 PROSPECTIVE JUROR NUMBER 010: He was found guilty.
10 Exactly what, I'm not sure of all the charges.

11 MR. LONG: All right. Now, with your unique experience, do
12 you feel there's ever an instance where a person is justified in taking the
13 life of another?

14 PROSPECTIVE JUROR NUMBER 010: Yes.

15 MR. LONG: And what are those instances?

16 PROSPECTIVE JUROR NUMBER 010: No other options or to
17 defend others that have no other options.

18 MR. LONG: And do you think with your unique experience you
19 can, I guess, adjudge what's happening at that moment versus using
20 hindsight?

21 PROSPECTIVE JUROR NUMBER 010: I do.

22 MR. LONG: Okay. Your brother he just been in trouble with
23 DUI, nothing domestic; right?

24 PROSPECTIVE JUROR NUMBER 010: Correct.

25 MR. LONG: Do you know any women or men who have been

1 involved in domestic battery situations?

2 PROSPECTIVE JUROR NUMBER 010: I don't recall, no.

3 MR. LONG: Okay. Have you followed this case that you were
4 involved in in 1997, like looked online to see if he got out or if he made
5 parole or anything like that?

6 PROSPECTIVE JUROR NUMBER 010: I didn't follow it. I
7 heard he was released, but I have -- nothing I would look on.

8 MR. LONG: No checking the news or anything?

9 PROSPECTIVE JUROR NUMBER 010: No.

10 MR. LONG: Okay. That's all the questions that I have for
11 Mr. Cash.

12 Pass for cause.

13 THE COURT: Pass that mic over.

14 Tell me your name.

15 PROSPECTIVE JUROR NUMBER 012: Jack Chen.

16 THE COURT: Do you work?

17 PROSPECTIVE JUROR NUMBER 012: Yes.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR NUMBER 012: I own a small
20 business.

21 THE COURT: Married?

22 PROSPECTIVE JUROR NUMBER 012: Yes.

23 THE COURT: Spouse work?

24 PROSPECTIVE JUROR NUMBER 012: Yes.

25 THE COURT: What does your spouse do?

1 PROSPECTIVE JUROR NUMBER 012: She's my assistant.

2 THE COURT: What kind of business is it?

3 PROSPECTIVE JUROR NUMBER 012: We doing wholesale to
4 the restaurant, and the Costco and the Sam's Club, and also the Home
5 Depot.

6 THE COURT: Are you -- do you have children?

7 PROSPECTIVE JUROR NUMBER 012: No.

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

9 PROSPECTIVE JUROR NUMBER 012: No.

10 THE COURT: Can you be fair and impartial to both parties in
11 this case?

12 PROSPECTIVE JUROR NUMBER 012: No.

13 THE COURT: Hesitation, why?

14 PROSPECTIVE JUROR NUMBER 012: Because I don't
15 believe justice in USA.

16 THE COURT: You don't believe in justice?

17 PROSPECTIVE JUROR NUMBER 012: I don't believe.

18 MR. LONG: I think we'll stipulate to cause.

19 THE COURT: Stipulate for release?

20 MS. DIGIACOMO: That's fine.

21 THE COURT: All right. You're free to go. Thank you.

22 MS. DIGIACOMO: Your Honor, can we approach?

23 THE COURT: Yes.

24 And we thank and excuse juror number three, you're excused
25 as well.

1 PROSPECTIVE JUROR NUMBER 007: Thank you.
2 THE COURT: Thank you.
3 Fill both of those spots, please.
4 THE COURT CLERK: Gagik, I can't pronounce your last name,
5 juror number 0052.
6 PROSPECTIVE JUROR NUMBER 052: Me?
7 THE COURT: You're already there.
8 0052 is --
9 PROSPECTIVE JUROR NUMBER 052: Gagik Karapetyan.
10 THE COURT CLERK: Oh.
11 THE COURT: Gagik Karapetyan.
12 THE COURT CLERK: He's out of order.
13 Do we have --
14 MS. DIGIACOMO: I show the number --
15 THE COURT: Susan Moyal (phonetic), raise your hand.
16 PROSPECTIVE JUROR NUMBER 054: Moyer.
17 THE COURT: She's the next one.
18 Moyer; okay.
19 PROSPECTIVE JUROR NUMBER 054: Moyer.
20 THE COURT: She's the next one.
21 THE COURT: Is Irma Alatorre? Okay. We're not out of --
22 THE COURT CLERK: This must -- this is out of order.
23 THE COURT: You can be seated.
24 PROSPECTIVE JUROR NUMBER 052: Okay.
25 THE COURT: We're trying to get --

1 THE COURT CLERK: Number -- juror number 46, is that
2 Darlene Hamilton?
3 PROSPECTIVE JUROR NUMBER 046: Yes.
4 THE COURT CLERK: Where are you?
5 PROSPECTIVE JUROR NUMBER 046: I'm here.
6 THE COURT CLERK: Okay.
7 And then you're Toni?
8 PROSPECTIVE JUROR NUMBER 052: No.
9 THE COURT CLERK: And then you're Irma?
10 PROSPECTIVE JUROR NUMBER 050: U'm-h'm.
11 THE COURT CLERK: And then -- okay. So the next juror will
12 be Susan Moyer.
13 That's you, come up here.
14 THE COURT: Sit in seat number three.
15 THE COURT CLERK: And then Carol Sweetman is the next
16 one.
17 THE COURT: All right. Ms. Moyer.
18 PROSPECTIVE JUROR NUMBER 054: Yes.
19 THE COURT: Do you work?
20 PROSPECTIVE JUROR NUMBER 054: I do. I'm a pediatric
21 critical care RN.
22 THE COURT: Where?
23 PROSPECTIVE JUROR NUMBER 054: Sunrise Children's.
24 Here, in Vegas.
25 THE COURT: Yeah.

1 Are you married?
2 PROSPECTIVE JUROR NUMBER 054: I am.
3 THE COURT: Does your spouse work?
4 PROSPECTIVE JUROR NUMBER 054: Not currently.
5 THE COURT: What did your spouse do when --
6 PROSPECTIVE JUROR NUMBER 054: He's an IT guy, mostly
7 does some freelancing.
8 THE COURT: Children?
9 PROSPECTIVE JUROR NUMBER 054: No.
10 THE COURT: Ever sat as a juror before?
11 PROSPECTIVE JUROR NUMBER 054: Yes, I have.
12 THE COURT: Where?
13 PROSPECTIVE JUROR NUMBER 054: Pittsburgh,
14 Pennsylvania.
15 THE COURT: When?
16 PROSPECTIVE JUROR NUMBER 054: It's been 20, 25 years.
17 THE COURT: Civil or criminal?
18 PROSPECTIVE JUROR NUMBER 054: Criminal. I did two
19 cases, both were shooting incidents.
20 THE COURT: Were you the jury foreman --
21 PROSPECTIVE JUROR NUMBER 054: No.
22 THE COURT: -- foreperson on either of those?
23 PROSPECTIVE JUROR NUMBER 054: On neither one of
24 them.
25 THE COURT: And did you deliberate in both of those cases?

1 PROSPECTIVE JUROR NUMBER 054: We did.

2 THE COURT: Without telling us a verdict, were you able to
3 reach a verdict in both cases?

4 PROSPECTIVE JUROR NUMBER 054: We were.

5 THE COURT: Is there anything about that experience that
6 would prejudice you against the Defendant or the State of Nevada?

7 PROSPECTIVE JUROR NUMBER 054: No.

8 THE COURT: You'll be fair and impartial?

9 PROSPECTIVE JUROR NUMBER 054: There's one thing that
10 would affect. Because I'm a pediatric nurse, I feel very strongly about
11 children, and I've taken care of a lot of abused children. So when that's
12 involved, I do have a preconceived idea.

13 THE COURT: I'll let the attorneys ask you some questions.
14 State.

15 MS. DIGIACOMO: Okay. Thank you.

16 All right. So, Ms. Moyer, if this case did not involve anyone
17 under the age, like the victim's not under the age of 18, would you be
18 okay?

19 PROSPECTIVE JUROR NUMBER 054: And there's no history
20 that would come out in the testimony?

21 MS. DIGIACOMO: Yeah, this is not --

22 PROSPECTIVE JUROR NUMBER 054: Yes.

23 MS. DIGIACOMO: -- a child abuse case.

24 PROSPECTIVE JUROR NUMBER 054: Yes, then I would be
25 impartial.

1 MS. DIGIACOMO: Okay. In fact, the other two cases, that you
2 sat on as a juror, you said they were both shootings?

3 PROSPECTIVE JUROR NUMBER 054: Yes.

4 MS. DIGIACOMO: So it didn't involve kids?

5 PROSPECTIVE JUROR NUMBER 054: Correct.

6 MS. DIGIACOMO: How long have you been the critical care
7 nurse at Sunrise?

8 PROSPECTIVE JUROR NUMBER 054: At Sunrise, I've been
9 at Sunrise 12 years but I've been a nurse for 36.

10 MS. DIGIACOMO: 36 years.

11 Have you ever been called for jury duty before in Las Vegas?

12 PROSPECTIVE JUROR NUMBER 054: I have. I think this was
13 the fourth time --

14 MS. DIGIACOMO: Fourth time?

15 PROSPECTIVE JUROR NUMBER 054: -- since I've been here.
16 The previous times I didn't have to appear.

17 MS. DIGIACOMO: Okay. So this is your first time here?

18 PROSPECTIVE JUROR NUMBER 054: This is my first time.

19 MS. DIGIACOMO: And how do you feel about being here
20 today?

21 PROSPECTIVE JUROR NUMBER 054: I'm okay with it.

22 MS. DIGIACOMO: Okay.

23 PROSPECTIVE JUROR NUMBER 054: I think it's a good
24 experience.

25 MS. DIGIACOMO: All right. And so you said -- so you've been

1 at Sunrise for 12 years, how long have you been in Las Vegas?

2 PROSPECTIVE JUROR NUMBER 054: 12 years.

3 MS. DIGIACOMO: Okay. Did you come here for work?

4 PROSPECTIVE JUROR NUMBER 054: We came here

5 because my husband wanted to come here. He wanted to try to be a

6 poker player.

7 MS. DIGIACOMO: Oh, okay.

8 PROSPECTIVE JUROR NUMBER 054: So I got a job right

9 away.

10 MS. DIGIACOMO: Oh, gotchu.

11 PROSPECTIVE JUROR NUMBER 054: It's easy as a nurse.

12 MS. DIGIACOMO: So now he's an IT guy, not a poker player?

13 PROSPECTIVE JUROR NUMBER 054: He was always an IT

14 guy. He just thought he wanted to try that.

15 MS. DIGIACOMO: Okay. So do you feel like you have a stake

16 in the community and care what happens?

17 PROSPECTIVE JUROR NUMBER 054: Very much so.

18 MS. DIGIACOMO: Now, have you or anyone close to you ever

19 been the victim of a crime, any crime?

20 PROSPECTIVE JUROR NUMBER 054: Probably the closest

21 was my parent's house was burglarized in the early 90s.

22 MS. DIGIACOMO: Were you living there when that happened?

23 PROSPECTIVE JUROR NUMBER 054: I was not. I was in

24 Pittsburgh but I wasn't living with them.

25 MS. DIGIACOMO: Okay. Did you, I guess, know much about

1 the case, other than they told you their house was burglarized?

2 PROSPECTIVE JUROR NUMBER 054: Well, kind of followed
3 it because they were getting elderly at the time and they quickly caught
4 the perpetrators.

5 MS. DIGIACOMO: Okay. How do you feel like the system
6 handled it?

7 PROSPECTIVE JUROR NUMBER 054: I thought they handled
8 it appropriately.

9 MS. DIGIACOMO: Okay. Anyone else?

10 PROSPECTIVE JUROR NUMBER 054: No one that I can think
11 of, no.

12 MS. DIGIACOMO: Okay. What about anyone close to you or
13 family ever been accused of a crime?

14 PROSPECTIVE JUROR NUMBER 054: My brother-in-law was
15 accused and convicted of a felony before I even knew my husband. He
16 was convicted of arson, and I know he spent time in prison, but I don't
17 know how long.

18 MS. DIGIACOMO: Okay. And that happened before you even
19 knew him?

20 PROSPECTIVE JUROR NUMBER 054: Yes. And we don't
21 really have much contact.

22 MS. DIGIACOMO: Okay. Do you have an opinion about that
23 case at all or what he went through?

24 PROSPECTIVE JUROR NUMBER 054: No, my opinions more
25 about him. I just -- I don't --

1 MS. DIGIACOMO: Don't like him?

2 PROSPECTIVE JUROR NUMBER 054: Don't like him.

3 MS. DIGIACOMO: Okay.

4 PROSPECTIVE JUROR NUMBER 054: I'll just be honest.

5 MS. DIGIACOMO: Fair enough, fair enough.

6 And, yeah, we're telling the truth here; right?

7 PROSPECTIVE JUROR NUMBER 054: Well, yeah.

8 MS. DIGIACOMO: Okay. And so you don't even have a lot of

9 contact with him?

10 PROSPECTIVE JUROR NUMBER 054: No.

11 MS. DIGIACOMO: Okay. So the case with your parents, you

12 said you followed it, did you follow it through the criminal justice system as

13 well or just the police interaction with them?

14 PROSPECTIVE JUROR NUMBER 054: Just through the police

15 interaction and they were arrested and then they pled. There was no

16 court.

17 MS. DIGIACOMO: Okay.

18 PROSPECTIVE JUROR NUMBER 054: No court hearing or

19 anything.

20 MS. DIGIACOMO: So do you watch any of the law shows CSI,

21 SVU?

22 PROSPECTIVE JUROR NUMBER 054: Not really.

23 MS. DIGIACOMO: Criminal Intent?

24 PROSPECTIVE JUROR NUMBER 054: Probably the last one

25 that I watched regularly was Monk, because I enjoyed him with his

1 idiosyncrasies with his mental -- with his OCD.

2 MS. DIGIACOMO: Gotchu.

3 So nothing that you've seen on TV or in the movies that you're
4 like, oh, this is going to be just like just like what I saw, you know, Tom
5 Cruise do in A Few Good Men?

6 PROSPECTIVE JUROR NUMBER 054: No.

7 MS. DIGIACOMO: Okay.

8 PROSPECTIVE JUROR NUMBER 054: Didn't see that one.

9 MS. DIGIACOMO: Oh, good one.

10 All right. So if you were chosen as a juror and the judge
11 instructs you on the law, any issues following the law, even if you don't
12 agree with it?

13 PROSPECTIVE JUROR NUMBER 054: No.

14 MS. DIGIACOMO: Great.

15 And what about, we've talked about, especially with Mr. Cash,
16 about, you know, bringing a gun to a fist fight. I'm not sure if you're
17 familiar with the unspoken Bro rule.

18 PROSPECTIVE JUROR NUMBER 054: No.

19 MS. DIGIACOMO: Okay. So how do you feel about it or do
20 you have an opinion?

21 PROSPECTIVE JUROR NUMBER 054: I don't really have
22 much of an opinion because I'm not a fighter type of person. I'm more of
23 a peace, you know, quiet, keep to myself. But I understand the concept.
24 It means don't bring more weapon -- not really weapons. But more
25 equipment or force than you need. You know, in my field, you could like,

1 don't give more medicine than you need to fix the problem or don't do
2 more surgery.

3 MS. DIGIACOMO: Okay. Do you have any friends -- I mean,
4 you work in the medical field, do you deal with people who deal in the
5 court system, maybe doctors who testify in like child abuse cases or?

6 PROSPECTIVE JUROR NUMBER 054: Yes, yes.

7 MS. DIGIACOMO: Do you deal with officers or medics?

8 PROSPECTIVE JUROR NUMBER 054: We occasion -- I work
9 in the critical care, so sometimes the medics bring the kids right to us and
10 skip the ER depending how ill they are or how hurt they are. We do have
11 officers who come to the unit to arrest the perpetrator of child abuse, if
12 they discover that while the child is on my unit.

13 MS. DIGIACOMO: Have you ever been subpoenaed to testify
14 on any of the cases?

15 PROSPECTIVE JUROR NUMBER 054: I have, not here.
16 When I worked in Pittsburgh I worked as a clinical nurse specialist for
17 infants and toddlers and worked with child abuse. And I testified I think
18 three or four times in those cases. Basically this is what I see, you
19 know --

20 MS. DIGIACOMO: With the injuries?

21 PROSPECTIVE JUROR NUMBER 054: -- this is the behavior,
22 yeah.

23 MS. DIGIACOMO: Okay. And do you have any opinion about
24 our criminal justice system, being on the, you know, you've been a
25 witness in the system?

1 PROSPECTIVE JUROR NUMBER 054: I don't really -- I think
2 our criminal justice system is, because it's humans, it -- there are -- there's
3 always room for error and it happens just like any other profession. But I
4 think we have a good criminal justice system and there's a lot of checks
5 and balances.

6 MS. DIGIACOMO: Now, do you, I guess, have an opinion it is
7 the State's burden to prove the allegations or the charges beyond a
8 reasonable doubt?

9 PROSPECTIVE JUROR NUMBER 054: U'm-h'm.

10 MS. DIGIACOMO: And the judge even hinted, the defense can
11 just sit over there and read a magazine the whole time, it's all our burden.
12 Do you take any issue with that?

13 PROSPECTIVE JUROR NUMBER 054: No, no, I think that that
14 was laid by our forefathers when they, you know, started setting our
15 government up and it's worked for this many years, aside from a few
16 instances. Like I said, there's always going to be with humans but.

17 MS. DIGIACOMO: All right. Now, with regard to their possibly
18 could be a penalty phase, if first degree murder is found. Do you have
19 any issue, I guess, separating the two, if you were chosen as a juror, just
20 looking at the facts of the case and making a determination or rather
21 whether or not the State's proven the case beyond a reasonable doubt.
22 First, do you have any issue just making that decision?

23 PROSPECTIVE JUROR NUMBER 054: No, no, I think -- I
24 understand that the judge would give us instruction and I think that would
25 give guidelines. And being a rule follower, I think that would help to guide

1 me with my decisions.

2 MS. DIGIACOMO: And if this case got to penalty, would you be
3 able to consider all three options, the term of years, life with the possibility
4 of parole, and life without the possibility of parole?

5 PROSPECTIVE JUROR NUMBER 054: I think so.

6 MS. DIGIACOMO: Now, you say, you think so.

7 PROSPECTIVE JUROR NUMBER 054: I think so. I've never
8 had to do that. But I think, you know, because I believe the criminal
9 justice system works, I think that I can see it, follow through to the end
10 results, which would be the penalty.

11 MS. DIGIACOMO: And just lastly, do you -- anyone in your
12 family in the military?

13 PROSPECTIVE JUROR NUMBER 054: Well, my dad was. He
14 has since passed away. My husband's cousin just retired from the Coast
15 Guard.

16 MS. DIGIACOMO: Okay. And so your dad, did you travel
17 around when you were growing up?

18 PROSPECTIVE JUROR NUMBER 054: No, no, he was out of
19 the Army before I was born.

20 MS. DIGIACOMO: Okay. All right. I'll pass for cause, Your
21 Honor.

22 THE COURT: Thank you.

23 MR. LONG: Good afternoon, Ms. Moyer.

24 PROSPECTIVE JUROR NUMBER 054: Hello.

25 MR. LONG: As a nurse, I'm assuming that you save a lot of

1 lives, that's pretty much your job. Do you work only with children or do
2 you work with adults too?

3 PROSPECTIVE JUROR NUMBER 054: No, I've only ever
4 worked with children in my career.

5 MR. LONG: Okay.

6 PROSPECTIVE JUROR NUMBER 054: Adults are scary.

7 MR. LONG: Now, that kind of goes towards my next question,
8 you said that you're not a fighter?

9 PROSPECTIVE JUROR NUMBER 054: Correct.

10 MR. LONG: You don't like fights, do you understand that fights
11 happen?

12 PROSPECTIVE JUROR NUMBER 054: I do.

13 MR. LONG: You understand that sometimes people need to
14 defend themselves?

15 PROSPECTIVE JUROR NUMBER 054: I do. I just don't see
16 myself in that role, that I put myself in a place where I would become
17 involved in a physical fight.

18 MR. LONG: Would you, do you believe, fairly judge someone
19 who was in that situation?

20 PROSPECTIVE JUROR NUMBER 054: I think so because
21 people have different lifestyles and different personalities, like, you know,
22 calm or like more explosive and things like that. And that's kind of what
23 makes the world the way it is so.

24 MR. LONG: And do you believe, with your unique standing as a
25 nurse, your unique job, that there's ever a situation where someone can

1 take life?

2 PROSPECTIVE JUROR NUMBER 054: Actually I do. I do.

3 MR. LONG: Under what circumstances?

4 PROSPECTIVE JUROR NUMBER 054: Again, it's going to go
5 back to children. I have two nieces and I think if someone threatened
6 their life, I would become a very different person.

7 MR. LONG: You could awaken the fighter within you?

8 PROSPECTIVE JUROR NUMBER 054: I think I could.

9 MR. LONG: Now, here in Las Vegas, have you had much
10 interaction with law enforcement as far as being a nurse? I know that
11 Ms. DiGiacomo touched on that.

12 PROSPECTIVE JUROR NUMBER 054: As far as being a
13 nurse, just coming, as I said, sometimes to arrest the perpetrators of the
14 abuse, which may or may not be the parents but some family that's
15 visiting, or, you know, when they come to the emergency room and, to
16 investigate, sometimes we get -- unfortunately we get kids that were shot,
17 and they need to -- they start their investigation there.

18 MR. LONG: Okay. Now, your brother-in-law, he's out of
19 prison?

20 PROSPECTIVE JUROR NUMBER 054: Yes.

21 MR. LONG: Does he ever talk about prison with you?

22 PROSPECTIVE JUROR NUMBER 054: No.

23 MR. LONG: Does he ever talk about the system?

24 PROSPECTIVE JUROR NUMBER 054: He lives in Nebraska.

25 MR. LONG: Oh, okay.

1 PROSPECTIVE JUROR NUMBER 054: And, as I said, we
2 have very little contact.

3 MR. LONG: Okay. Has your husband ever commented about
4 his brother?

5 PROSPECTIVE JUROR NUMBER 054: No, just that he prefers
6 to not have contact either.

7 MR. LONG: Okay. Now, one thing you said is that there's a lot
8 of checks and balances in the criminal justice system, what are these
9 checks and balances?

10 PROSPECTIVE JUROR NUMBER 054: I think the checks and
11 balances come in with the different roles and how -- following through with
12 protocols. As the judge said today, we should only communicate outside
13 of this courtroom with the marshal, that we shouldn't even ask you to push
14 an elevator button because then that looks -- like it could be -- if I talked to
15 you there, what else am I talking to you about. And just, you know, the
16 fact that it's a pretty regimented, you know, this happens, then this
17 happens, and this happens, and then it ends with the judge giving us
18 instruction before we would go and deliberate.

19 MR. LONG: Okay. That's all the questions that I have for
20 Ms. Moyer.

21 And I would pass for cause.

22 THE COURT: Thanks.

23 Pass that mic down.

24 Tell me your name.

25 PROSPECTIVE JUROR NUMBER 055: Carol Sweetman.

1 THE COURT: Do you work?
2 PROSPECTIVE JUROR NUMBER 055: Yes.
3 THE COURT: What do you do?
4 PROSPECTIVE JUROR NUMBER 055: I'm a self-employed
5 PCA for elderly people, personal care assistant.
6 THE COURT: Personal care assistant?
7 PROSPECTIVE JUROR NUMBER 055: Yeah.
8 THE COURT: All right. Are you married?
9 PROSPECTIVE JUROR NUMBER 055: No.
10 THE COURT: Children?
11 PROSPECTIVE JUROR NUMBER 055: No.
12 THE COURT: Ever sat as a juror before?
13 PROSPECTIVE JUROR NUMBER 055: No.
14 THE COURT: Can you think of any reason you would not be
15 fair to both the State of Nevada and to the Defendant?
16 PROSPECTIVE JUROR NUMBER 055: I believe so.
17 THE COURT: Okay. State.
18 MS. DIGIACOMO: Thank you.
19 How long have you been a personal care assistant?
20 PROSPECTIVE JUROR NUMBER 055: 13 years.
21 MS. DIGIACOMO: And you said just the -- you do the elderly?
22 PROSPECTIVE JUROR NUMBER 055: Yeah, seniors and the
23 elderly.
24 MS. DIGIACOMO: What did you do before then?
25 PROSPECTIVE JUROR NUMBER 055: A hair stylist, flight

1 attendant, marketing consultant.

2 MS. DIGIACOMO: Did we miss anything?

3 PROSPECTIVE JUROR NUMBER 055: Yes, there's more,
4 there's more.

5 MS. DIGIACOMO: Okay. And I get it. So to do this, are you
6 the type that goes into homes every day and takes care of them, or do
7 you have, I guess, somebody that you take, just one patient you take care
8 of all the time or do you do different days, different patients?

9 PROSPECTIVE JUROR NUMBER 055: It's -- I have a set
10 amount of clients. Right now I have three or four. And I do certain days
11 with some of them and other days as needed, if they need something.
12 Because I help them do stuff around their house, I help them do their
13 shopping, errands, whatever they need to have done.

14 MS. DIGIACOMO: Okay. So it's more helping them just, I
15 guess, live on their own versus medical care?

16 PROSPECTIVE JUROR NUMBER 055: Yes.

17 MS. DIGIACOMO: Okay. Now, I can't remember, did you
18 answer earlier that you knew somebody in law enforcement?

19 PROSPECTIVE JUROR NUMBER 055: No, I was --

20 MS. DIGIACOMO: No?

21 PROSPECTIVE JUROR NUMBER 055: -- arrested unlawfully.

22 MS. DIGIACOMO: Oh, I'm sorry. I knew there was something.
23 Okay. Let's talk about that, you said you were arrested
24 unlawfully for what?

25 PROSPECTIVE JUROR NUMBER 055: I was coming out of

1 my client's home area, her gated area, and I just pulled out, and he was
2 standing there, and he pulled me over, said I was speeding, which I
3 wasn't.

4 And then he said, wow, you've been doing drugs, get out of the
5 car. He said my eyes were dilated.

6 Well, I was facing the sun and I'm fair-skinned so they're going
7 to be -- well, dilated is big I believe but they were small.

8 And he went over -- he just harassed me on all kinds of drugs.
9 He was good. He knew all the names of drugs I've never even heard of.
10 But I would not admit to taking -- that I was on drugs. So he gave me one
11 of those things, that walking thing.

12 MS. DIGIACOMO: Oh, the -- like field sobriety test?

13 PROSPECTIVE JUROR NUMBER 055: Yeah. And then -- and
14 then he failed me on that. And he didn't say he failed me. Then he just
15 asked me more questions about drugs. And I said, no, I don't do drugs.
16 He says, fine. And he handcuffed me, he said, I'll arrest you for DUI.

17 And, of course, it was dismissed because --

18 MS. DIGIACOMO: All right. When your blood -- did you do
19 blood or breath?

20 PROSPECTIVE JUROR NUMBER 055: Oh, blood.

21 MS. DIGIACOMO: Blood?

22 PROSPECTIVE JUROR NUMBER 055: And breath.

23 MS. DIGIACOMO: And it came back that there was nothing in
24 your system?

25 PROSPECTIVE JUROR NUMBER 055: Correct.

1 MS. DIGIACOMO: So that's a horrible --

2 PROSPECTIVE JUROR NUMBER 055: Yeah.

3 MS. DIGIACOMO: -- situation. Anything though about that,
4 and, you know, I -- was it here, was it Metro?

5 PROSPECTIVE JUROR NUMBER 055: Yes.

6 MS. DIGIACOMO: Okay. Anything about that, other than if you
7 see that same officer walk in here, is there anything about that that's going
8 to keep you from being open -- keeping an open mind and being fair in
9 this case?

10 PROSPECTIVE JUROR NUMBER 055: I don't believe so.

11 MS. DIGIACOMO: Okay. You can separate your horrible
12 experience versus the investigation and the crime that is alleged here?

13 PROSPECTIVE JUROR NUMBER 055: Yeah, I guess so,
14 yeah.

15 MS. DIGIACOMO: Okay. You say, you guess so. Only -- I
16 mean, I understand it sounds like we're questioning you and badgering
17 you, but it's -- you're the only one that can tell us if you can be fair and
18 impartial in this case.

19 PROSPECTIVE JUROR NUMBER 055: As far as I know, yes.

20 MS. DIGIACOMO: Okay. Is there, as you sit there, is there
21 something that in your mind you're like, well, it, seems like I can be, but in
22 the back of my mind if this happens, I'm not going to like it or anything like
23 that? Do you have any thoughts in the back of your mind about whether,
24 you know, what could keep you from being fair and impartial in this case?

25 PROSPECTIVE JUROR NUMBER 055: I don't believe so.

1 MS. DIGIACOMO: All right. And you can understand that what
2 happened to you is -- has nothing to do what we're here in this court for?

3 PROSPECTIVE JUROR NUMBER 055: Yes.

4 MS. DIGIACOMO: So other than that experience, have you
5 had any other contact with law enforcement?

6 PROSPECTIVE JUROR NUMBER 055: No.

7 MS. DIGIACOMO: Okay. Anybody close to you ever been the
8 victim of a crime?

9 PROSPECTIVE JUROR NUMBER 055: No.

10 MS. DIGIACOMO: Anyone close to you ever been arrested?

11 PROSPECTIVE JUROR NUMBER 055: No.

12 MS. DIGIACOMO: When was it that that had happened?

13 PROSPECTIVE JUROR NUMBER 055: I think it was about
14 2008.

15 MS. DIGIACOMO: 2008.

16 And the charges were dismissed?

17 PROSPECTIVE JUROR NUMBER 055: Yep.

18 MS. DIGIACOMO: But you did have to go to jail and spend
19 time in jail?

20 PROSPECTIVE JUROR NUMBER 055: Oh, yeah.

21 MS. DIGIACOMO: So let me ask you your thoughts on our
22 criminal justice system, what do you think, especially being, you know,
23 what you've been through?

24 PROSPECTIVE JUROR NUMBER 055: Well, I think mostly it's
25 fair. But if somebody can just do that to you without proof, then -- and do

1 what they want to you, I mean that's kind of scary.

2 MS. DIGIACOMO: Aside from -- and that's really kind of at the
3 front end of the system, because you really never had to go through the
4 fair court process because it was -- no charges were filed; right?

5 PROSPECTIVE JUROR NUMBER 055: Well, I had to go to
6 court so they could dismiss me.

7 MS. DIGIACOMO: Dismiss; right?

8 PROSPECTIVE JUROR NUMBER 055: Yeah.

9 MS. DIGIACOMO: But that's what I'm saying, you didn't like
10 start the process --

11 PROSPECTIVE JUROR NUMBER 055: No.

12 MS. DIGIACOMO: -- and have to go to hearings; okay.

13 PROSPECTIVE JUROR NUMBER 055: No.

14 MS. DIGIACOMO: So other than what happened to you, like
15 with how you were arrested, what do you think about the criminal justice
16 system the way it's setup, you know, innocent until proven guilty and a
17 trial by your peers?

18 PROSPECTIVE JUROR NUMBER 055: I would say it's -- they
19 try to be fair.

20 MS. DIGIACOMO: Okay. Do you watch any of the law shows?

21 PROSPECTIVE JUROR NUMBER 055: [Nods head.]

22 MS. DIGIACOMO: You do. What do you watch?

23 PROSPECTIVE JUROR NUMBER 055: I watch NCIS LA and
24 Criminal Minds.

25 MS. DIGIACOMO: Okay. So do you have any expectations

1 what you see on TV is going to happen in this courtroom?

2 PROSPECTIVE JUROR NUMBER 055: No.

3 MS. DIGIACOMO: Okay. And what about, you know, I think it
4 was Mr. Cash I was talking to about forensic evidence, you know,
5 because in this day and age there is the possibility of DNA evidence and
6 fingerprint evidence, do you expect that in every case?

7 PROSPECTIVE JUROR NUMBER 055: No. Because as I said
8 before, you know, there was a time when we didn't have DNA and how did
9 they do it then.

10 MS. DIGIACOMO: Right. So in this case, if you sat as a juror
11 and there was no forensic evidence brought in, do you feel you could still
12 look at the evidence and determine whether or not we proved the case?

13 PROSPECTIVE JUROR NUMBER 055: [No audible response.]

14 MS. DIGIACOMO: You're shrugging your shoulders like you
15 don't know.

16 PROSPECTIVE JUROR NUMBER 055: Well, you're working
17 with other people so everybody has their opinion so.

18 MS. DIGIACOMO: Right.

19 But, I mean, I guess my point is, you're not going to sit here
20 through this whole trial and if no forensic evidence, if we didn't prove to
21 you we've got somebody's DNA off a fly in the air, that you're going to sit
22 there in the deliberation room and say, I can't even consider this because
23 there was no forensic evidence.

24 PROSPECTIVE JUROR NUMBER 055: No, that's.

25 MS. DIGIACOMO: Okay. So you can just keep an open mind

1 and look at the evidence presented?

2 PROSPECTIVE JUROR NUMBER 055: Yes.

3 MS. DIGIACOMO: Okay. And with the instructions that are
4 given to you with the judge, can you keep an open -- excuse me, can you,
5 I guess, follow the instructions on the law, even if you disagree what the
6 law is?

7 PROSPECTIVE JUROR NUMBER 055: I believe so, yes.

8 MS. DIGIACOMO: Do you know anyone who is in the law field,
9 you know, a clerk in a court works, you know, as a judge or attorney,
10 anybody in the law field?

11 PROSPECTIVE JUROR NUMBER 055: No.

12 MS. DIGIACOMO: Have you even been in a courtroom before,
13 other than that one time with your arrest?

14 PROSPECTIVE JUROR NUMBER 055: Yes, I've been called
15 in for jury before.

16 MS. DIGIACOMO: Oh, you have?

17 PROSPECTIVE JUROR NUMBER 055: Yeah.

18 MS. DIGIACOMO: But you've never been selected for a jury?

19 PROSPECTIVE JUROR NUMBER 055: No.

20 MS. DIGIACOMO: Okay. How do you feel about being here?

21 PROSPECTIVE JUROR NUMBER 055: Like --

22 MS. DIGIACOMO: You look like you're so excited to be here.

23 PROSPECTIVE JUROR NUMBER 055: Well, it's not that. I
24 mean, it's, I think, I think to sit in a -- my circumstances, being part of --
25 being here would be very interesting to me.

1 MS. DIGIACOMO: Okay.

2 PROSPECTIVE JUROR NUMBER 055: But.

3 MS. DIGIACOMO: And let me can ask you this, if you were
4 seated at either one of these tables, the State's table or the defense table,
5 would you want a jury with 12 people with your same mind set as you sit
6 there? Because you said, I believe I can be fair, I think I can do this. But
7 if you were seated at either of these tables, would you want somebody
8 with your mind set on the jury, on your jury?

9 PROSPECTIVE JUROR NUMBER 055: Maybe not.

10 MS. DIGIACOMO: Okay. Why not?

11 PROSPECTIVE JUROR NUMBER 055: Because I can't make
12 my mind up.

13 MS. DIGIACOMO: Okay. That's fair. That is fair. That's
14 something we'd like to know because obviously we're looking for 12
15 people to make a decision.

16 So is it that you have a -- is it more you have a hard time
17 making decisions or you just don't like to make decisions?

18 PROSPECTIVE JUROR NUMBER 055: Maybe hard time
19 making decisions.

20 MS. DIGIACOMO: Okay. But do you eventually get there?

21 PROSPECTIVE JUROR NUMBER 055: Yeah, I've had to.

22 MS. DIGIACOMO: All right. So if you were in a room with 12
23 other, or 11 other people, and everyone's discussing it, do you think you
24 can work with that group to come to a decision?

25 PROSPECTIVE JUROR NUMBER 055: Yes.

1 MS. DIGIACOMO: And the question about bringing a gun to a
2 fist fight, do you have any opinions on that?

3 PROSPECTIVE JUROR NUMBER 055: I don't really
4 understand that.

5 MS. DIGIACOMO: Well, okay, if two people are engaging in a
6 fist fight, do you think somebody else should escalate it and bring a gun to
7 the fist fight?

8 PROSPECTIVE JUROR NUMBER 055: Oh, no.

9 MS. DIGIACOMO: Okay. Why not? What do you -- why do
10 you think that?

11 PROSPECTIVE JUROR NUMBER 055: Well, they -- well,
12 because it's a gun.

13 MS. DIGIACOMO: Okay.

14 PROSPECTIVE JUROR NUMBER 055: You shouldn't be
15 careless with a gun.

16 MS. DIGIACOMO: Okay. Does it seem fair to -- like one
17 person have, I guess, greater power than the other?

18 PROSPECTIVE JUROR NUMBER 055: No.

19 MS. DIGIACOMO: Okay. And, lastly, with regard to, you know,
20 we have the trial phase and we're going to have a penalty phase, if we get
21 that far, can you separate the two initially and just decide the facts and
22 whether or not the State's proven its case?

23 PROSPECTIVE JUROR NUMBER 055: I believe so, yes.

24 MS. DIGIACOMO: Okay. And if we did get to a penalty phase,
25 can you keep an open mind and consider all three options, term of years,

1 life with the possibility of parole, and life without the possibility of parole.

2 PROSPECTIVE JUROR NUMBER 055: Yes.

3 MS. DIGIACOMO: Great.

4 Is there anything about having, I know you said you don't like to
5 make decisions, but is there anything more about I guess making a
6 decision in a case like this where you're deciding whether or not
7 somebody's been proven guilty or not? Do have you any issues with that?

8 PROSPECTIVE JUROR NUMBER 055: I don't think so.

9 MS. DIGIACOMO: Okay. Well, you say, I don't think so.

10 PROSPECTIVE JUROR NUMBER 055: Well, I don't know how
11 to explain it. Let's just say that, I don't think so, okay.

12 MS. DIGIACOMO: Okay. I'm going to keep pushing you. And I
13 understand you're on the spot, so if you need to take a minute just to think
14 of exactly what it is you're trying to say, that's fine. I just -- you're the only
15 one that knows how you're thinking and can tell us if you can be fair and
16 impartial and, you know, consider and make a decision?

17 PROSPECTIVE JUROR NUMBER 055: Yeah, yes.

18 MS. DIGIACOMO: You think you can?

19 PROSPECTIVE JUROR NUMBER 055: U'm-h'm.

20 MS. DIGIACOMO: Okay. I'll pass for cause.

21 MR. LONG: Good afternoon, Ms. Sweetman. Do you work any
22 with paralysis?

23 PROSPECTIVE JUROR NUMBER 055: No.

24 MR. LONG: People who are paralyzed, wheelchair basketball,
25 wheelchair rugby, anything like that?

1 PROSPECTIVE JUROR NUMBER 055: Walkers.
2 MR. LONG: Okay. But you don't work with anybody spinal cord
3 injury?
4 PROSPECTIVE JUROR NUMBER 055: No.
5 MR. LONG: Okay. All right. With your work, do you have any
6 commitments that you have to attend to this week?
7 PROSPECTIVE JUROR NUMBER 055: Yes, I do.
8 MR. LONG: Would you be able to sit through a trial?
9 PROSPECTIVE JUROR NUMBER 055: No, my clients need
10 me.
11 MR. LONG: Okay. And just cutting to the chase, do you
12 believe there are situations where a person is justified in taking the life of
13 another?
14 PROSPECTIVE JUROR NUMBER 055: Yeah, yes.
15 MR. LONG: And in what situation?
16 PROSPECTIVE JUROR NUMBER 055: Self-defense.
17 MR. LONG: Okay. And in what we talked about and what you
18 talked about with the State, not bringing a gun to a fist fight, are there
19 situations where you think someone is justified in escalating a fist fight?
20 PROSPECTIVE JUROR NUMBER 055: No.
21 MR. LONG: Okay. And you're case, where you were arrested
22 for a DUI, did you hire a lawyer?
23 PROSPECTIVE JUROR NUMBER 055: No.
24 MR. LONG: Okay. Never needed one?
25 PROSPECTIVE JUROR NUMBER 055: I went to some -- they

1 said it -- the lawyer's office said it wasn't worth it because I wasn't going to
2 win.

3 MR. LONG: So how did the case get dismissed, did you show
4 up yourself?

5 PROSPECTIVE JUROR NUMBER 055: I wanted to sue the
6 officer.

7 MR. LONG: Oh, okay.
8 I'm talking about your criminal case.

9 PROSPECTIVE JUROR NUMBER 055: I don't have a criminal
10 case.

11 MR. LONG: Yeah, but you were arrested for a DUI; right?

12 PROSPECTIVE JUROR NUMBER 055: Yes.

13 MR. LONG: Did you hire a lawyer to defend you from that
14 charge?

15 PROSPECTIVE JUROR NUMBER 055: No, I went to speak to
16 a lawyer and he told me it wasn't -- there was nothing that he could do for
17 me.

18 MR. LONG: Okay. But that was about a civil case; right, you
19 were thinking about suing the cop?

20 PROSPECTIVE JUROR NUMBER 055: Yes.

21 MR. LONG: Okay. Yeah, that's -- that's all the questions that I
22 have for Ms. Sweetman.

23 THE COURT: Pass for cause?

24 MR. LONG: I do, Your Honor, yes.

25 THE COURT: All right.

1 Tell me your name.

2 PROSPECTIVE JUROR NUMBER 013: Doreen Butler.

3 THE COURT: Do you work?

4 PROSPECTIVE JUROR NUMBER 013: I do.

5 THE COURT: What do you do?

6 PROSPECTIVE JUROR NUMBER 013: My husband and I are

7 resort developers in Mexico.

8 THE COURT: Married?

9 PROSPECTIVE JUROR NUMBER 013: Yep.

10 THE COURT: I guess, if that's your husband.

11 PROSPECTIVE JUROR NUMBER 013: I have a husband over

12 there, yeah.

13 THE COURT: You caught that really fast.

14 Children?

15 PROSPECTIVE JUROR NUMBER 013: All grown.

16 THE COURT: Ages?

17 PROSPECTIVE JUROR NUMBER 013: 40 to 30.

18 THE COURT: Any of them in law or law enforcement?

19 PROSPECTIVE JUROR NUMBER 013: No.

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

21 PROSPECTIVE JUROR NUMBER 013: No.

22 THE COURT: Can you be fair to both parties in this case?

23 PROSPECTIVE JUROR NUMBER 013: I think so.

24 THE COURT: State.

25 Oh, you came back.

1 MS. BLUTH: I did.

2 Hi. Okay. So you've been sitting here now for a while, and I
3 know it seems like Groundhog Day, every time someone gets up; right,
4 because it's a lot of the same questions.

5 PROSPECTIVE JUROR NUMBER 013: Same questions,
6 yeah.

7 MS. BLUTH: So which ones of those did you have strong
8 opinions on or where did you disagree with somebody?

9 PROSPECTIVE JUROR NUMBER 013: I haven't really
10 disagreed with any. The bringing the gun to the fight thing, you know, I
11 understand and that, you know, if it escalates, if somebody else has
12 something better they're going to use it.

13 The law enforcement, I've never had any run-ins with the law in
14 my -- or my family that I know of from my kids, if they've been truthful. So
15 I have no problem with our justice system or the law enforcement.

16 I do, you know, like agree with some who have said there are
17 some gray areas, there are, you know, the system isn't 100 percent. I
18 mean, but we know that.

19 I do watch all the shows. I've watched Law and Order since day
20 one so. And I watch Criminal Minds and NCIS. And, yes, I understand
21 that you're not going to put a trial on in an hour, which I wish you could but
22 anyway.

23 MS. BLUTH: Can't even pick a jury in an hour, let alone do the
24 trial.

25 PROSPECTIVE JUROR NUMBER 013: Yeah, I know.

1 I believe, you know, I understand the concept of innocent until
2 proven guilty. Especially since I live in Mexico and that's not the way it is.
3 So it's very different there. So you're automatically guilty before you're
4 innocent, even though they're democratic but it doesn't work.

5 So other than that, and it being a hardship, because I live so far
6 away, and I've had to leave the business, but I think I could be okay.

7 I know no lawyers, I know no policeman, I know nobody here in
8 Vegas, because it's my domicile, but I live full time in Mexico.

9 MS. BLUTH: So do you -- you just came back for your jury
10 service?

11 PROSPECTIVE JUROR NUMBER 013: Well, I got out of jury
12 duty because I was going to a mediation last month and that mediation
13 got cancelled. So they finally told me, just pick a date, and I picked today.
14 But I had mediation all week in Chicago last week. I had to fly back to
15 Palm Springs, drive to Vegas, and car registration. So I picked this
16 Monday because it was the only day I was going to be in town.

17 MS. BLUTH: You picked the wrong Monday.

18 PROSPECTIVE JUROR NUMBER 013: I know. I should have
19 picked a like a Wednesday. Is there a trick to this?

20 MS. BLUTH: Actually, it's the right Monday because you could
21 be on a civil case that lasts six months. I'm not even kidding so.

22 PROSPECTIVE JUROR NUMBER 013: I know I've -- we've
23 been involved in a lot. My companies -- the companies been involved in a
24 lot of legal cases and stuff like that but nothing criminal.

25 MS. BLUTH: Okay. So when you were going over the

1 answers; right, one thing you said is you understand if two people are in a
2 fight, and it escalates, somebody brings a gun. But I didn't really
3 understand your opinion on that topic.

4 PROSPECTIVE JUROR NUMBER 013: Well, you know, I'm a
5 firm -- I guess it depends on the situation.

6 MS. BLUTH: Okay.

7 PROSPECTIVE JUROR NUMBER 013: You know, if nobody
8 knows what the other person has, you don't know there's a gun in the
9 battle.

10 MS. BLUTH: Right.

11 PROSPECTIVE JUROR NUMBER 013: So it starts off fair. But
12 if things are getting threatening to somebody, they're going to go for the
13 next stage, I guess. Do you know what I mean? They're going to go for
14 what they need to do to protect themselves. Granted I don't know who's
15 right or wrong or who started the fight. But it's -- it's -- you're going to
16 protect yourself.

17 MS. BLUTH: Okay. And are you okay with that premise?

18 PROSPECTIVE JUROR NUMBER 013: Well, I think because
19 the next question you're probably going to answer, would I do it? And I
20 would if I my life was in danger, my children's life were in danger, or
21 somebody I very cared about were in danger.

22 I was raised around guns, it's a hunting family. I mean, it's not
23 something that, you know, it's been around for a long time. So I'm not -- it
24 doesn't mean that guns are bad or good.

25 MS. BLUTH: Sure.

1 So when you say, like you put yourself in that situation; right, so
2 you said, I would -- if I felt like my life was being threatened, then you
3 would go to what you need, is basically what you were saying.

4 PROSPECTIVE JUROR NUMBER 013: Exactly what I needed
5 next.

6 MS. BLUTH: Right?

7 PROSPECTIVE JUROR NUMBER 013: Yeah, throw dirt, you
8 know, kick, if I had pepper spray. If I had a gun, it would be there, yeah.

9 MS. BLUTH: If it got to the point where you thought --

10 PROSPECTIVE JUROR NUMBER 013: I felt threatened and I
11 had one, yeah, I might do it.

12 MS. BLUTH: So would you agree with me that there's a
13 difference between feeling threatened and feeling like you're about to
14 die --

15 PROSPECTIVE JUROR NUMBER 013: Right, no, definitely.

16 MS. BLUTH: -- there's this spectrum?

17 PROSPECTIVE JUROR NUMBER 013: Yes.

18 MS. BLUTH: And in that spectrum probably, you know,
19 between, I feel threatened and I feel like I'm about to die, the choices you
20 make within that spectrum could be different?

21 PROSPECTIVE JUROR NUMBER 013: Totally.

22 MS. BLUTH: In regards to the level of threat?

23 PROSPECTIVE JUROR NUMBER 013: It would be the last
24 resort.

25 MS. BLUTH: Now, I remember you saying that you don't know

1 any law enforcement, but I don't remember if you said whether or not
2 you've ever had any negative contacts with law enforcement, just like in
3 life in general?

4 PROSPECTIVE JUROR NUMBER 013: No.

5 MS. BLUTH: And when I say that, I don't mean in Mexico,
6 because we'll just keep it here.

7 PROSPECTIVE JUROR NUMBER 013: All my law
8 enforcement from Vegas I know from Mexico so. All the research and
9 stuff from the cops, you know.

10 MS. BLUTH: Yeah.

11 PROSPECTIVE JUROR NUMBER 013: We host the cops
12 every year so.

13 MS. BLUTH: What about the DA's? I haven't --

14 PROSPECTIVE JUROR NUMBER 013: No, they don't race, I
15 guess.

16 MS. BLUTH: Do you think you're a good judge of character?

17 PROSPECTIVE JUROR NUMBER 013: I am.

18 MS. BLUTH: Why do you think that?

19 PROSPECTIVE JUROR NUMBER 013: Probably the business
20 we've been in for a long time. We're in a resort development, we sell
21 second homes and vacation homes -- or retirement homes and vacation
22 homes to baby boomers and whatever.

23 MS. BLUTH: Okay.

24 PROSPECTIVE JUROR NUMBER 013: So we have over
25 9,000 of those that I've interacted with. And, you know, I think I'm a good

1 judge of character.

2 MS. BLUTH: Have you ever been a participant in a trial in
3 anyway? Like as a participant, as a -- you said earlier you were a
4 witness.

5 PROSPECTIVE JUROR NUMBER 013: No, my husband has,
6 but I haven't.

7 MS. BLUTH: So one thing that happens in a trial, if you are
8 selected, a witness will get called, the State will ask questions, defense
9 may ask questions, and then when that witness is done being questioned
10 by the attorneys, the judge says to the jury, do you have any questions.
11 And you will all have, those of you that are selected, will have a little note
12 pad. And if you have a question for the witness, you get to write it down.
13 And then judge reads the question to himself and then asks the parties to
14 approach.

15 And sometimes your questions cannot be asked because they
16 don't meet certain evidentiary standards or certain rules. Like I can't ask a
17 question to a witness -- any question I want to a witness. It has to meet
18 certain legal rules.

19 If you asked a question, and your -- it didn't get answered,
20 would you keep that in your mind? Like, would you keep thinking, they
21 didn't want me to know the real reason.

22 PROSPECTIVE JUROR NUMBER 013: As long as you
23 explained why the question couldn't be answered.

24 MS. BLUTH: So that's the thing is that we can't. So we don't
25 get to say, sorry, we can't answer that because. It's just the parties go up

1 there and if there's a legal reason why it can't be answered, it just doesn't
2 get answered.

3 PROSPECTIVE JUROR NUMBER 013: For example, has he
4 had any crimes in the past? You know, has he ever done something in
5 the past? And if that didn't get answered, then it would make me -- would
6 it make me think there were crimes in the past? But because I watch so
7 much TV, whether it's right or wrong or fiction, I don't think you could
8 bring -- some things you just can't bring into the current trial and stuff like
9 that. But I don't think it would hold me against -- hold it against us. And I
10 think the thing about a jury is there's 12 of us in there, not just me.

11 MS. BLUTH: Right.

12 PROSPECTIVE JUROR NUMBER 013: So.

13 MS. BLUTH: Yeah.

14 PROSPECTIVE JUROR NUMBER 013: We'd all --

15 MS. BLUTH: I just want to make sure that you, as well as any
16 other jurors that, you know, get picked that there's so many reasons why
17 we have to do the things that we do. And there's just some questions that
18 can't be answered for a various amount of legal rules. And I don't want
19 you thinking like, oh, the State was trying to hide that or the defense was
20 trying to hide that from me.

21 PROSPECTIVE JUROR NUMBER 013: No, I don't think so.

22 And just so you know, too, I know the military question came
23 up. I'm -- my ex is retired military Air Force and I'm ex-DOD, staff judge
24 advocate, secretary, court reporter, and a base commander secretary in
25 the past.

1 MS. BLUTH: Oh, okay. So what type of -- when you did court
2 reporting, like tell me about the type of --

3 PROSPECTIVE JUROR NUMBER 013: Espionage. In
4 Europe.

5 MS. BLUTH: Wow, that's interesting.

6 How many years did you do that for?

7 PROSPECTIVE JUROR NUMBER 013: Nine. Well, the JAG's
8 Office for five and the base -- then I moved up to base commander for
9 four.

10 MS. BLUTH: Okay. So then you probably get it then, you
11 probably understand a lot of the things that go on in the courtroom?

12 PROSPECTIVE JUROR NUMBER 013: I do.

13 MS. BLUTH: Okay. How did you feel about that hypothetical
14 with marijuana, about sometimes you're put in situations where you have
15 to follow laws that you don't necessarily agree with?

16 PROSPECTIVE JUROR NUMBER 013: But it's the law.

17 MS. BLUTH: And you're okay with that premise?

18 PROSPECTIVE JUROR NUMBER 013: Yes.

19 MS. BLUTH: Okay. And you -- when you were running through
20 your answers, no one you know has ever been the victim of a crime?

21 PROSPECTIVE JUROR NUMBER 013: No.

22 MS. BLUTH: And sitting in a position of judgment of another
23 person?

24 PROSPECTIVE JUROR NUMBER 013: Don't like it but I can
25 do it.

1 MS. BLUTH: Do you see a difference in judging a person and
2 judging their actions? Do you see a difference between those two things?

3 PROSPECTIVE JUROR NUMBER 013: It's saying like good
4 people can do bad things and bad people can do good things, that kind --
5 yeah, I can see the difference in those.

6 MS. BLUTH: You talked about watching the shows, you watch
7 Law and Order --

8 PROSPECTIVE JUROR NUMBER 013: That's my escape from
9 reality.

10 MS. BLUTH: -- Criminal Minds, do you think that there is a
11 degree of Hollywood though that was -- that's put in there to entertain all
12 of us?

13 PROSPECTIVE JUROR NUMBER 013: Yeah.

14 MS. BLUTH: Do you think that every trial that comes in this
15 courthouse has things like DNA, fingerprints, playbacks on video?

16 PROSPECTIVE JUROR NUMBER 013: I agree it doesn't but
17 the other evidence would have to be strong enough to make the
18 conviction.

19 MS. BLUTH: Okay. So you -- at the end of the presentation of
20 evidence, you know, the judge will read to you the law, and you heard us
21 use this term a couple of times, and the State has to prove to you beyond,
22 what's referred to as a reasonable doubt, that the Defendant has
23 committed these crimes. And the judge will read to you the definition of
24 what reasonable doubt is.

25 Would you hold the State to a higher burden then beyond a

1 reasonable doubt or can you follow the law and hold us to the burden that
2 is required by law? Does that question make sense?

3 PROSPECTIVE JUROR NUMBER 013: It makes sense. It's
4 kind of a varying degree of the same question. But, because it does say
5 beyond a reasonable doubt, if you have a doubt then the doubt is there.
6 And I think that's where the other -- doubts are doubts and they can
7 change. It doesn't mean that you see it from a different perspective.
8 Especially when we have our own questions after we're deliberating. You
9 maybe have to ask that one question or see something again to make that
10 doubt go away.

11 MS. BLUTH: Right.

12 PROSPECTIVE JUROR NUMBER 013: And then you can --
13 then you can make beyond a reasonable doubt.

14 MS. BLUTH: Yeah.

15 And, like I said, it's hard, sometimes I feel like we put the cart so
16 far before the horse; right, because I use the term reasonable doubt, and
17 you guys don't even have a definition for what reasonable doubt is. So it's
18 hard to say what your opinion would be because it doesn't say, beyond
19 any doubt or beyond a doubt --

20 PROSPECTIVE JUROR NUMBER 013: Yeah.

21 MS. BLUTH: -- it's beyond a reasonable doubt.

22 So would you follow the law?

23 PROSPECTIVE JUROR NUMBER 013: I would follow the law.

24 MS. BLUTH: Okay. And then what -- what are your thoughts
25 about when you are in the trial phase you can only be thinking about

1 whether or not the Defendant committed the crime, you cannot be thinking
2 about, well, if I convict him of first degree murder, then I have to decide
3 the penalty. Do you have a brain that can stay focused in one phase?

4 PROSPECTIVE JUROR NUMBER 013: Yes.

5 MS. BLUTH: Are you comfortable being in a position to
6 consider all three forms of sentence, and would you like me to repeat
7 those three forms?

8 PROSPECTIVE JUROR NUMBER 013: No, I do understand
9 and I can do it.

10 MS. BLUTH: And you can do it?

11 PROSPECTIVE JUROR NUMBER 013: I can consider all
12 three.

13 MS. BLUTH: Okay. Despite it being a hardship for you
14 traveling and, you know, living in a different country then you actually
15 normally live, would you -- do you want to be a juror?

16 PROSPECTIVE JUROR NUMBER 013: If it was any other
17 time. I'll perform my duty because it's my duty. It's going to cause a lot of
18 problems but it is what it is.

19 MS. BLUTH: Is it going to cause problems to the degree where
20 your mind wouldn't be centered here?

21 PROSPECTIVE JUROR NUMBER 013: Well, I'll be doing a lot
22 of stuff on breaks.

23 MS. BLUTH: Yeah.

24 And --

25 PROSPECTIVE JUROR NUMBER 013: I have to work during

1 breaks, there's just -- and my husband cannot be -- unfortunately my
2 husband is a very intelligent man but he's made myself -- I'm -- he's on the
3 phone with me every five minutes when I'm not near him. So, because I
4 do all the work. I do all of the customer communications. I do all of that.
5 So, and he's not computer illiterate. So, yeah, I'll be working, a long time.

6 MS. BLUTH: And totally okay if you work on, you know --

7 PROSPECTIVE JUROR NUMBER 013: Oh, I know. I know
8 that.

9 MS. BLUTH: -- work on breaks and things like that.

10 PROSPECTIVE JUROR NUMBER 013: I've been doing it
11 today, yeah.

12 MS. BLUTH: It's just that when you're in here are you going to
13 be able to focus knowing how --

14 PROSPECTIVE JUROR NUMBER 013: Yeah.

15 MS. BLUTH: -- how much is --

16 PROSPECTIVE JUROR NUMBER 013: Yeah, I'll be able to.

17 MS. BLUTH: -- how much is going on?

18 PROSPECTIVE JUROR NUMBER 013: I can de
19 compartmentalize. I'm good with that.

20 MS. BLUTH: Okay.

21 THE COURT: Turn your phones off, please. You could lose
22 them.

23 MS. BLUTH: Any training in the medical field?

24 PROSPECTIVE JUROR NUMBER 013: Me?

25 MS. BLUTH: Yeah.

1 PROSPECTIVE JUROR NUMBER 013: No.

2 MS. BLUTH: And then in the legal field, other than court
3 reporting?

4 PROSPECTIVE JUROR NUMBER 013: No.

5 MS. BLUTH: Okay. Pass for cause. Your Honor.

6 MR. LONG: Good afternoon, Ms. Butler, do you know a
7 gentleman named Alberto Jorgeri? He also sells properties in Mexico and
8 he's domiciled here.

9 PROSPECTIVE JUROR NUMBER 013: No.

10 MR. LONG: Okay. Now, you stated that you had an
11 ex-husband, do you have any stepchildren?

12 PROSPECTIVE JUROR NUMBER 013: I do.

13 MR. LONG: And what's your relationship like with your
14 stepchildren?

15 PROSPECTIVE JUROR NUMBER 013: Well, my current
16 husband, his children are my stepchildren, and we all get along fine.

17 MR. LONG: Did you adopt any of your current husband's
18 children?

19 PROSPECTIVE JUROR NUMBER 013: No, they were all
20 grown when we got married.

21 MR. LONG: Oh, okay.

22 Do see them over holidays, things like that?

23 PROSPECTIVE JUROR NUMBER 013: U'm-h'm.

24 MR. LONG: Okay. And you say your relationship is good?

25 PROSPECTIVE JUROR NUMBER 013: Yeah.

1 MR. LONG: Okay. And in all of your, I guess former legal life,
2 court reporting and whatnot, did you see a lot of domestic batteries?

3 PROSPECTIVE JUROR NUMBER 013: No.

4 MR. LONG: Okay. You only dealt with espionage cases?

5 PROSPECTIVE JUROR NUMBER 013: Well, things that --
6 against the, you know, the military code.

7 MR. LONG: Okay.

8 PROSPECTIVE JUROR NUMBER 013: It was just things
9 against the military code.

10 MR. LONG: Did you do any reporting in civilian courts?

11 PROSPECTIVE JUROR NUMBER 013: No.

12 MR. LONG: Or was everything in CMJ's?

13 PROSPECTIVE JUROR NUMBER 013: Everything was
14 overseas, yeah.

15 MR. LONG: Okay. All right.

16 And the question that I've asked everyone before you, but I
17 need to know, are there circumstances where you believe a person is
18 justified in taking a life?

19 PROSPECTIVE JUROR NUMBER 013: Yes.

20 MR. LONG: What are those circumstances?

21 PROSPECTIVE JUROR NUMBER 013: If you fear for your
22 own life or if it was a child of mine.

23 MR. LONG: Okay.

24 PROSPECTIVE JUROR NUMBER 013: Or my husband,
25 anybody close to me, I would protect with my own life.

1 MR. LONG: Okay. You're okay with people protecting the lives
2 of others and their own lives?
3 PROSPECTIVE JUROR NUMBER 013: I am.
4 MR. LONG: Okay. That's all I have.
5 I'll pass for cause.
6 THE COURT: Thank you. Tell me your name.
7 PROSPECTIVE JUROR NUMBER 014: Peter-Paul Belmonte.
8 THE COURT: Do you work?
9 PROSPECTIVE JUROR NUMBER 014: Yes.
10 THE COURT: What do you do?
11 PROSPECTIVE JUROR NUMBER 014: Administrative
12 assistant at UMC.
13 THE COURT: Married?
14 PROSPECTIVE JUROR NUMBER 014: No.
15 THE COURT: Children?
16 PROSPECTIVE JUROR NUMBER 014: No.
17 THE COURT: Ever sat as a juror before?
18 PROSPECTIVE JUROR NUMBER 014: Yes.
19 THE COURT: Where?
20 PROSPECTIVE JUROR NUMBER 014: Nevada, here in Las
21 Vegas.
22 THE COURT: When?
23 PROSPECTIVE JUROR NUMBER 014: About ten years ago.
24 THE COURT: Civil or criminal?
25 PROSPECTIVE JUROR NUMBER 014: Criminal.

1 THE COURT: What kind of criminal case?
2 PROSPECTIVE JUROR NUMBER 014: It was a battery of an
3 older gentleman.
4 THE COURT: And you deliberated on that?
5 PROSPECTIVE JUROR NUMBER 014: Yes.
6 THE COURT: Were you the jury foreperson?
7 PROSPECTIVE JUROR NUMBER 014: No.
8 THE COURT: Is there anything about that experience that
9 would prejudice you against the Defendant or the State?
10 PROSPECTIVE JUROR NUMBER 014: No.
11 THE COURT: You'll be fair?
12 PROSPECTIVE JUROR NUMBER 014: Yes.
13 THE COURT: State.
14 MS. DIGIACOMO: So how long have you been here?
15 PROSPECTIVE JUROR NUMBER 014: '96.
16 MS. DIGIACOMO: Oh, so over twenty years?
17 PROSPECTIVE JUROR NUMBER 014: Yes.
18 MS. DIGIACOMO: What brought you to Las Vegas?
19 PROSPECTIVE JUROR NUMBER 014: Originally from
20 California, the earthquake, my parents moved here, so I just followed.
21 MS. DIGIACOMO: Okay. Have any plans to leave?
22 PROSPECTIVE JUROR NUMBER 014: No.
23 MS. DIGIACOMO: Okay. And how long have you been at
24 UMC?
25 PROSPECTIVE JUROR NUMBER 014: Almost five years.

1 MS. DIGIACOMO: So has anyone close to you been the victim
2 of a crime?

3 PROSPECTIVE JUROR NUMBER 014: No.

4 MS. DIGIACOMO: Okay. What about has anyone close to you
5 or a close family member been accused of a crime?

6 PROSPECTIVE JUROR NUMBER 014: No, not that I know of.

7 MS. DIGIACOMO: Do you watch any of the law shows?

8 PROSPECTIVE JUROR NUMBER 014: Yes, I do.

9 MS. DIGIACOMO: Okay. Which ones do you watch?

10 PROSPECTIVE JUROR NUMBER 014: Right now I'm binging
11 on NCIS.

12 MS. DIGIACOMO: And do you have any expectations about
13 what you would see in this -- during this trial --

14 PROSPECTIVE JUROR NUMBER 014: No.

15 MS. DIGIACOMO: -- if you were selected?

16 PROSPECTIVE JUROR NUMBER 014: No.

17 MS. DIGIACOMO: I promise you, it'll probably be a little more
18 boring than binge watching.

19 PROSPECTIVE JUROR NUMBER 014: True.

20 MS. DIGIACOMO: And you're okay with that?

21 PROSPECTIVE JUROR NUMBER 014: Yes.

22 MS. DIGIACOMO: All right. What about forensic evidence, do
23 you have an expectation that there has to be DNA evidence or fingerprint
24 evidence, et cetera, in every case that's presented?

25 PROSPECTIVE JUROR NUMBER 014: No.

1 MS. DIGIACOMO: Can you listen to the law as instructed by
2 the court and follow it?

3 PROSPECTIVE JUROR NUMBER 014: Yes.

4 MS. DIGIACOMO: Even if you disagree with it?

5 PROSPECTIVE JUROR NUMBER 014: Yes.

6 MS. DIGIACOMO: All the questions that we've had about
7 bringing a gun to a fist fight, do you understand what we've been talking
8 about or that premise?

9 PROSPECTIVE JUROR NUMBER 014: Yes.

10 MS. DIGIACOMO: Do you have any opinion about it?

11 PROSPECTIVE JUROR NUMBER 014: No.

12 MS. DIGIACOMO: And why don't you have an opinion about it,
13 I guess, what are you thinking?

14 PROSPECTIVE JUROR NUMBER 014: Well, I guess, for fear
15 of fight, you know, I guess having a gun, bringing a gun into the fight, I
16 guess it really depends on the situation.

17 MS. DIGIACOMO: Okay. That's fair.

18 And what's going on?

19 PROSPECTIVE JUROR NUMBER 014: Yes.

20 MS. DIGIACOMO: Okay. Do you think you're a good judge of
21 character?

22 PROSPECTIVE JUROR NUMBER 014: Yes.

23 MS. DIGIACOMO: And why so?

24 PROSPECTIVE JUROR NUMBER 014: I believe in customer
25 service. I mean, I do reception and I see people, and, you know, I feel

1 very comfortable. And I think I know that character-wise how people are.

2 MS. DIGIACOMO: Okay. And how do you, I guess, judge
3 somebody's character, when you're interacting with them at work and
4 doing your customer service, what are you, I guess, what do you look at,
5 what do you look for?

6 PROSPECTIVE JUROR NUMBER 014: I guess there, you
7 know, when you meet them, how, you know, they greet you and such.

8 MS. DIGIACOMO: Okay. How do you feel about, in this case
9 we've been calling, sitting in judgment?

10 PROSPECTIVE JUROR NUMBER 014: I'm sorry?

11 MS. DIGIACOMO: How do you feel about -- what we've been
12 calling here today, sitting in judgment, having to make a decision about
13 whether or not the State's proven their case or whether or not the
14 Defendant's guilty or not guilty?

15 PROSPECTIVE JUROR NUMBER 014: I feel okay.

16 MS. DIGIACOMO: Okay. You say, okay, so do you have any
17 reservations about it?

18 PROSPECTIVE JUROR NUMBER 014: No, just follow the
19 rules, you know, whatever the judge, you know, provides.

20 MS. DIGIACOMO: Okay. Do you have any issue with, when
21 we're doing the first phase and you're making a decision as to what
22 happened and whether or not the State's proven its case, to not think
23 about the penalties or the consequences that could come about --

24 PROSPECTIVE JUROR NUMBER 014: Yes.

25 MS. DIGIACOMO: -- based upon that decision?

1 PROSPECTIVE JUROR NUMBER 014: Yes.

2 MS. DIGIACOMO: And then if we got to a penalty phase, could

3 you keep an open mind and consider all three options, the term of years --

4 PROSPECTIVE JUROR NUMBER 014: Yes.

5 MS. DIGIACOMO: -- life with, and life without, yes?

6 PROSPECTIVE JUROR NUMBER 014: Yes.

7 MS. DIGIACOMO: So other than the law shows, what do you

8 like to do, do you read books or do you just like to binge watch?

9 PROSPECTIVE JUROR NUMBER 014: I study.

10 MS. DIGIACOMO: Okay. What do you study?

11 PROSPECTIVE JUROR NUMBER 014: Interdisciplinary and

12 business management and IT.

13 MS. DIGIACOMO: Okay. So, I mean, what are you studying

14 that for? Are you trying to get a degree or?

15 PROSPECTIVE JUROR NUMBER 014: It's a bachelor's

16 degree.

17 MS. DIGIACOMO: Okay. So you're going to school and

18 working?

19 PROSPECTIVE JUROR NUMBER 014: Yes.

20 MS. DIGIACOMO: Okay. And you're looking for, you said, an

21 IT degree?

22 PROSPECTIVE JUROR NUMBER 014: Yeah, well, focusing

23 on project management.

24 MS. DIGIACOMO: Where do you go to school?

25 PROSPECTIVE JUROR NUMBER 014: Nevada State College.

1 MS. DIGIACOMO: Okay. Anybody in your family or close to
2 you that has a military background?

3 PROSPECTIVE JUROR NUMBER 014: No.

4 MS. DIGIACOMO: If you were selected as a juror on this case,
5 would you be -- how would you be in the jury room, would you be vocal
6 about your opinions or are you the kind that kind of just sits back and
7 listens to what everyone else says?

8 PROSPECTIVE JUROR NUMBER 014: I think I'll be listening
9 and being vocal in my opinion.

10 MS. DIGIACOMO: Okay. How do you normally make
11 decisions in life?

12 PROSPECTIVE JUROR NUMBER 014: Um --

13 MS. DIGIACOMO: Are you one of those impulsive just decides
14 and does it?

15 PROSPECTIVE JUROR NUMBER 014: No --

16 MS. DIGIACOMO: Or do you sit back and think?

17 PROSPECTIVE JUROR NUMBER 014: -- I research, you
18 know, listen, see what's going on, I mean, if I should buy it or not, you
19 know, I do my research first.

20 MS. DIGIACOMO: Okay. So you're not -- you don't do
21 anything on impulse usually?

22 PROSPECTIVE JUROR NUMBER 014: No.

23 MS. DIGIACOMO: I'll pass for cause.

24 MR. LONG: Good afternoon, Mr. Belmonte, now UMC, do you
25 work in the emergency room?

1 PROSPECTIVE JUROR NUMBER 014: No.

2 MR. LONG: Where is it that you work?

3 PROSPECTIVE JUROR NUMBER 014: Administration.

4 MR. LONG: Oh, okay.

5 So you don't actually deal with patients coming in?

6 PROSPECTIVE JUROR NUMBER 014: No.

7 MR. LONG: Okay. You said you were a good judge of

8 character, can you think of a time that you, I guess, judged somebody

9 recently?

10 PROSPECTIVE JUROR NUMBER 014: Not offhand.

11 MR. LONG: Okay. And I know that the State asked you about

12 how you would be in the jury room, do you think you could be the jury

13 foreman, do you think you could call 12 people to order?

14 PROSPECTIVE JUROR NUMBER 014: I'll do my best.

15 MR. LONG: Okay. And were you born in California?

16 PROSPECTIVE JUROR NUMBER 014: No.

17 MR. LONG: Okay. Where were you born?

18 PROSPECTIVE JUROR NUMBER 014: Philippines.

19 MR. LONG: Okay. You do not even have a hint of an accent,

20 but is English your native language?

21 PROSPECTIVE JUROR NUMBER 014: Yes. Well, I speak

22 both language, Tagalog.

23 MR. LONG: Tagalog?

24 PROSPECTIVE JUROR NUMBER 014: Yes.

25 MR. LONG: Okay. But you're -- you consider yourself a native

1 English speaker?

2 PROSPECTIVE JUROR NUMBER 014: Yes.

3 MR. LONG: Okay. When did you come to the U.S.?

4 PROSPECTIVE JUROR NUMBER 014: 30 years ago.

5 MR. LONG: Okay. And you have a degree?

6 PROSPECTIVE JUROR NUMBER 014: I have an associates.

7 MR. LONG: That's a degree.

8 And what's it in?

9 PROSPECTIVE JUROR NUMBER 014: General studies.

10 MR. LONG: Did you get that here?

11 PROSPECTIVE JUROR NUMBER 014: Yes, at CSN.

12 MR. LONG: Oh, okay.

13 And the question that I've asked everyone else about do you
14 feel there are situations where taking a life is justified?

15 PROSPECTIVE JUROR NUMBER 014: Depending on the
16 situation, I mean, protecting my family, my parents, and my loved ones.

17 MR. LONG: What about yourself?

18 PROSPECTIVE JUROR NUMBER 014: Yes, and myself, of
19 course.

20 MR. LONG: Okay. And do you know anybody who's been
21 involved in a domestic violent type relationship, a woman who's been
22 beaten or a man who's been manipulated or beaten by a spouse or?

23 PROSPECTIVE JUROR NUMBER 014: No.

24 MR. LONG: Okay. Those are all the questions that I have.

25 THE COURT: Pass for cause?

1 MR. LONG: Yes.

2 THE COURT: All right. Pass the mic over.

3 Okay. Tell me your name.

4 PROSPECTIVE JUROR NUMBER 015: Chadwick Victoriano.

5 THE COURT: Do you work?

6 PROSPECTIVE JUROR NUMBER 015: Yes.

7 THE COURT: What do you do?

8 PROSPECTIVE JUROR NUMBER 015: Respiratory therapist.

9 THE COURT: Where?

10 PROSPECTIVE JUROR NUMBER 015: Valley Hospital.

11 THE COURT: Married?

12 PROSPECTIVE JUROR NUMBER 015: No.

13 THE COURT: Children?

14 PROSPECTIVE JUROR NUMBER 015: No.

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

16 PROSPECTIVE JUROR NUMBER 015: No.

17 THE COURT: Can you be fair to both parties in this case?

18 PROSPECTIVE JUROR NUMBER 015: Yes.

19 THE COURT: State.

20 MS. BLUTH: I'm just going to stand right here, sir, because it's

21 closer than me going all the way over there; okay.

22 So any questions that we have been going over where you had

23 a strong opinion regarding them or disagreed with some of the things

24 somebody else said?

25 PROSPECTIVE JUROR NUMBER 015: Well, like, got into a

1 fist fight.

2 MS. BLUTH: Okay. What do you think about that?

3 PROSPECTIVE JUROR NUMBER 015: Well, if it's justified, if
4 you have to protect yourself and your loved ones and anyone else, yeah.

5 MS. BLUTH: Okay. And when I was speaking a little bit earlier
6 I was asking one of the female prospective jurors, like, do you think that
7 there's a spectrum of behavior though that's acceptable? For instance,
8 like is there a difference between I feel threatened, I'm in a fight, or -- and
9 I feel like I'm about to lose my life.

10 Do you think that there's different rationales or different ways to
11 look at that in regards to bringing a gun to a fist fight?

12 PROSPECTIVE JUROR NUMBER 015: Yes.

13 MS. BLUTH: Now, do you think you just get to bring -- do you
14 think it's okay to bring a gun to a fight if you're just in a normal fist fight,
15 like you and a guy get into a fist fight at the park or something, do you
16 think it's appropriate, if you have a gun, to take that gun out and shoot
17 somebody?

18 PROSPECTIVE JUROR NUMBER 015: If it's necessary, I
19 mean. I'm a small guy. When I first came to America, everyone was
20 huge. So single punch could give you brain bleed, you know, so.

21 MS. BLUTH: So size might have something to do with like the
22 level of threat you feel?

23 PROSPECTIVE JUROR NUMBER 015: Right.

24 MS. BLUTH: So, and I don't want to put words in your mouth,
25 but I think what you're saying is, is the more threatened you feel or the

1 more dangerous the situation is, the more likely you might be able -- you
2 might want to use a weapon?

3 PROSPECTIVE JUROR NUMBER 015: Right.

4 MS. BLUTH: Would that be fair?

5 PROSPECTIVE JUROR NUMBER 015: Yes.

6 MS. BLUTH: Okay. Are there situations though where
7 someone should not be entitled to bring a gun out during a fist fight?

8 PROSPECTIVE JUROR NUMBER 015: Well, there are, if you
9 can avoid the fight, just avoid it.

10 MS. BLUTH: Okay. So not get into the fight at all in the first
11 place?

12 PROSPECTIVE JUROR NUMBER 015: Right.

13 MS. BLUTH: Okay. And then once you're in the fight, can you
14 think of situations where it should just stay a fist fight?

15 PROSPECTIVE JUROR NUMBER 015: Ah --

16 MS. BLUTH: Just two guys or two girls duking it out, for lack of
17 a better term?

18 PROSPECTIVE JUROR NUMBER 015: Yeah, I believe so.

19 MS. BLUTH: Okay. Do you -- you said when you first came to
20 America, how long ago was that?

21 PROSPECTIVE JUROR NUMBER 015: It was in '97. So it was
22 more than 20 years ago.

23 MS. BLUTH: Okay. And did you come over like with your
24 family?

25 PROSPECTIVE JUROR NUMBER 015: Yes.

1 MS. BLUTH: And you said that everybody seemed huge to
2 you?

3 PROSPECTIVE JUROR NUMBER 015: Larger than me, yeah.

4 MS. BLUTH: Did you say where did you come from?

5 PROSPECTIVE JUROR NUMBER 015: Philippines.

6 MS. BLUTH: Okay. What do you think about the United States
7 criminal justice system versus the system in the Philippines?

8 PROSPECTIVE JUROR NUMBER 015: I actually don't believe
9 in the jury system. I believe it's an antiquated one.

10 MS. BLUTH: Okay. Talk to me about that?

11 PROSPECTIVE JUROR NUMBER 015: Yeah, it worked
12 maybe in colonial times. But nowadays where everything is connected, I
13 believe it's better left to someone who studied the law, who understands
14 the law, like a judge or a panel of judges.

15 MS. BLUTH: Okay. So you just don't feel like a jury of your
16 peers --

17 PROSPECTIVE JUROR NUMBER 015: No.

18 MS. BLUTH: So if, let's say -- let's say, you were sitting where
19 Mr. Cash was sitting; okay.

20 PROSPECTIVE JUROR NUMBER 015: Right.

21 MS. BLUTH: And so you're charged with a crime. What do you
22 think, would you want a jury of your peers to decide or would you want a
23 judge to decide?

24 PROSPECTIVE JUROR NUMBER 015: I'd want a judge. My
25 great-grandfather -- my grandfather actually was a judge back home and

1 his father before him.

2 MS. BLUTH: Oh, okay.

3 So you don't believe this is the best system, does that mean
4 that you don't feel comfortable being a part of it? How do you feel about
5 that?

6 PROSPECTIVE JUROR NUMBER 015: Yeah, I'm not that
7 comfortable.

8 MS. BLUTH: Okay. Can you tell me why?

9 PROSPECTIVE JUROR NUMBER 015: Well, I've always
10 avoided trying to judge others. I try to be fair but then sometimes
11 emotions get to you.

12 MS. BLUTH: Okay.

13 PROSPECTIVE JUROR NUMBER 015: Or I can be suaded,
14 persuaded.

15 MS. BLUTH: Sure.

16 When you say, you don't feel comfortable sitting in judgment of
17 another person, is that just like a philosophical belief, is it more religious
18 based?

19 PROSPECTIVE JUROR NUMBER 015: No, it's just me.

20 MS. BLUTH: It's just how you feel?

21 PROSPECTIVE JUROR NUMBER 015: Yeah.

22 MS. BLUTH: Okay. Does it make you feel uncomfortable to the
23 point where you feel like you can't do the job?

24 PROSPECTIVE JUROR NUMBER 015: No.

25 MS. BLUTH: That was kind of like a double negative.

1 So are you saying you can do the job or it makes you so
2 uncomfortable that you're, like, yeah, no?

3 PROSPECTIVE JUROR NUMBER 015: Well, if I have to, I'll do
4 it. But if I don't have to, then I --

5 MS. BLUTH: Then you won't do it?

6 PROSPECTIVE JUROR NUMBER 015: -- won't, yeah.

7 MS. BLUTH: Okay.

8 PROSPECTIVE JUROR NUMBER 015: Just like -- that's how
9 I've done things.

10 MS. BLUTH: All right. And so what about we've been talking
11 about in the, you know, in the trial phase you're deciding whether or not
12 the Defendant committed the crime, if you find him guilty of first degree
13 murder, you then move into the penalty phase where you look at the three
14 options.

15 Now, how do you feel, like are you somebody who can do that,
16 can you decide what sentence or punishment is appropriate for another
17 human?

18 PROSPECTIVE JUROR NUMBER 015: I believe I can.

19 MS. BLUTH: You believe you can?

20 PROSPECTIVE JUROR NUMBER 015: Yeah.

21 MS. BLUTH: Okay. So I -- and I hope you don't feel like I'm
22 badgering you, but it's so hard once we start going with this process and
23 then somebody, you know, raises their hand down the road and says, I'm
24 sorry I can't, I thought I could judge somebody, and I can't. And because
25 you are a little bit ambivalent on it, is it going to weigh heavily on you?

1 PROSPECTIVE JUROR NUMBER 015: I'm not really sure, in
2 my opinion, depending on the case.

3 MS. BLUTH: Okay. Well, I mean, you know what -- obviously,
4 you don't know the facts because we can't give the facts at this point, but
5 you know that it's a murder case?

6 PROSPECTIVE JUROR NUMBER 015: Right.

7 MS. BLUTH: Does that make you feel any more or less
8 comfortable with the situation?

9 PROSPECTIVE JUROR NUMBER 015: No.

10 MS. BLUTH: We've talked a lot about those scientific shows,
11 do you watch any of those?

12 PROSPECTIVE JUROR NUMBER 015: A lot of them.

13 MS. BLUTH: Okay. What do you watch?

14 PROSPECTIVE JUROR NUMBER 015: I watch CSI, SVU,
15 Monk, Psyche, just about every one of them.

16 MS. BLUTH: Every one of them.

17 What about those, that genre, is it that interests you so much?

18 PROSPECTIVE JUROR NUMBER 015: It seems exciting to
19 me.

20 MS. BLUTH: Okay.

21 PROSPECTIVE JUROR NUMBER 015: Trying to figure out
22 who the murderer was or what happened.

23 MS. BLUTH: I want to kind of ask you the same type of
24 questions that we've been asking everybody else in regards to like
25 forensic evidence, you know, DNA, fingerprints, in those shows they're all

1 readily available and they're ready in like five minutes, do you recognize
2 that that's not realistic?

3 PROSPECTIVE JUROR NUMBER 015: I do.

4 MS. BLUTH: Okay. And do you think that every trial that
5 comes in, you know, to the courthouse, this courthouse, do you think that
6 every trial has those types of things, has DNA and fingerprints and all,
7 stuff like that?

8 PROSPECTIVE JUROR NUMBER 015: No.

9 MS. BLUTH: What do you think jurors used before we had
10 those tools to assess cases?

11 PROSPECTIVE JUROR NUMBER 015: It could be witnesses.
12 That's all I can think of right now.

13 MS. BLUTH: Okay. You heard me a little while ago talk about,
14 you know, the State has to prove to you that the Defendant committed
15 these crimes beyond a reasonable doubt, that's our -- that's what's called,
16 our burden, it's the State's burden to prove to you that the Defendant
17 committed these crimes.

18 Because you don't feel a 100 percent comfortable sitting in
19 judgment of another person, do you think you would hold us, as the State
20 of Nevada, to a higher burden?

21 PROSPECTIVE JUROR NUMBER 015: U'm-h'm, yes.

22 MS. BLUTH: Okay. Why?

23 PROSPECTIVE JUROR NUMBER 015: Well -- well, actually I
24 didn't really understand it.

25 MS. BLUTH: Oh, no, that's okay, that's okay. Just ask me to

1 re -- if you don't understand it or you don't hear it, just ask me re-ask it.
2 I'm happy to do it.

3 So --

4 PROSPECTIVE JUROR NUMBER 015: Are you -- so higher
5 standard as in I would put my beliefs in you more than?

6 MS. BLUTH: No. So, let's say that the law says I have to prove
7 to you up this degree right here; okay, because you don't feel a 100
8 percent comfortable sitting in judgment of other people, are you going to
9 hold me to a higher burden because you want to feel a 100 percent
10 comfortable, you want to feel better?

11 PROSPECTIVE JUROR NUMBER 015: Yes, then -- then that's
12 a yes.

13 MS. BLUTH: Okay. In regards to all three forms of sentence --
14 the 20 to 50, life with the possibility of patrol, life without the possibility of
15 parole -- can you fairly consider all three of those?

16 PROSPECTIVE JUROR NUMBER 015: I believe I can.

17 MS. BLUTH: And people love to say, like, I think I can and I
18 believe I can, and normally those answers are perfectly acceptable. And
19 so I feel like -- I always feel bad because I feel like you guys think we're
20 needling you. But I believe and I think almost seem like, eh, I'm not quite
21 sure. And we have to be sure that you can consider all three, otherwise
22 it's probably not the case for you.

23 So is there one you feel like you can't consider?

24 PROSPECTIVE JUROR NUMBER 015: Not really.

25 MS. BLUTH: Okay. So you could fairly consider all three?

1 PROSPECTIVE JUROR NUMBER 015: Yeah, yes.

2 MS. BLUTH: Okay. Is there anything that we don't know about

3 you that you think it's important for us to know that we haven't -- that I

4 haven't asked you? I know that seems impossible because you've been

5 answering for a while.

6 PROSPECTIVE JUROR NUMBER 015: Not really.

7 MS. BLUTH: Okay. All right.

8 Judge, at this time I'd ask for cause in regards to the standard.

9 MR. LONG: No objection, Your Honor.

10 THE COURT: All right. You're free to go.

11 Thank you.

12 THE COURT: Danielle Dube.

13 THE COURT: Tell me your name.

14 PROSPECTIVE JUROR NUMBER 057: Danielle Dube.

15 THE COURT: Do you work?

16 PROSPECTIVE JUROR NUMBER 057: Yes.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NUMBER 057: I work at the Venetian

19 Casino.

20 THE COURT: Doing what?

21 PROSPECTIVE JUROR NUMBER 057: I work in the

22 entertainment department.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR NUMBER 057: No, sir.

25 THE COURT: Children?

1 PROSPECTIVE JUROR NUMBER 057: No.

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

3 PROSPECTIVE JUROR NUMBER 057: No, I have not.

4 THE COURT: Can you think of any reason you would not be
5 fair and impartial to both the State and the Defendant?

6 PROSPECTIVE JUROR NUMBER 057: No, sir.

7 THE COURT: State.

8 MS. DIGIACOMO: Thank you.

9 Okay. So you've heard all the questions, anything jumps out
10 that you want to tell us first before I start questioning you?

11 PROSPECTIVE JUROR NUMBER 057: I'm nervous. So, no, I
12 can't -- I can't think, sorry.

13 MS. DIGIACOMO: Okay. All right. We'll start at the top. So
14 have you or anyone close to you ever been the victim of a crime -- or I'm
15 sorry, has anyone close to you ever been the victim of a crime?

16 PROSPECTIVE JUROR NUMBER 057: If it's domestic abuse,
17 then yes.

18 MS. DIGIACOMO: Okay. Who?

19 PROSPECTIVE JUROR NUMBER 057: My mother and my
20 current roommate.

21 MS. DIGIACOMO: Okay. So let's talk about your mom first,
22 what happened with her?

23 PROSPECTIVE JUROR NUMBER 057: It was her parents, my
24 grandparents, my grandfather was abusive to her mother, my
25 grandmother.

1 MS. DIGIACOMO: Okay. And are they still living, your
2 grandparents?

3 PROSPECTIVE JUROR NUMBER 057: No, ma'am.

4 MS. DIGIACOMO: Did they stay together?

5 PROSPECTIVE JUROR NUMBER 057: No, they did not.

6 MS. DIGIACOMO: Okay. So when the violence occurred, your
7 grandmother left?

8 PROSPECTIVE JUROR NUMBER 057: Yes, that's correct.

9 MS. DIGIACOMO: Okay.

10 PROSPECTIVE JUROR NUMBER 057: Well, it dragged on for
11 quite a while and then eventually she was forced to leave, yes.

12 MS. DIGIACOMO: Now, are you hearing all about that from
13 your mother or did you actually witness some of it yourself?

14 PROSPECTIVE JUROR NUMBER 057: I actually heard it from
15 her sisters and her brothers.

16 MS. DIGIACOMO: Okay.

17 PROSPECTIVE JUROR NUMBER 057: My mother actually
18 never spoke of it openly to me. She was embarrassed, I think.

19 MS. DIGIACOMO: Okay. So you learned about it from other
20 parties. And did you learn about it after they passed or did you know
21 about it while it --

22 PROSPECTIVE JUROR NUMBER 057: While they were still
23 living; yes, ma'am.

24 MS. DIGIACOMO: Did you ever talk to either of them about it?

25 PROSPECTIVE JUROR NUMBER 057: No, ma'am.

1 MS. DIGIACOMO: Anything about that that affects your ability
2 to be fair and open minded here?

3 PROSPECTIVE JUROR NUMBER 057: With regards to my
4 current roommate, because I've seen the incredible impact that it's had on
5 his life, how it affected who he became as an adult, in that regard I can't
6 say for sure that it wouldn't. It would depend.

7 MS. DIGIACOMO: Okay. Let's talk about your roommate then,
8 so what -- what's his situation?

9 PROSPECTIVE JUROR NUMBER 057: He was both
10 physically, emotionally, and mentally abused by both of his parents, and
11 then abandoned by both of them.

12 MS. DIGIACOMO: How long ago was that?

13 PROSPECTIVE JUROR NUMBER 057: When he was -- well,
14 the father when he was nine and then the mother would have been in the
15 last ten years.

16 MS. DIGIACOMO: And you -- so he told you about what
17 happened to him or you saw some of it?

18 PROSPECTIVE JUROR NUMBER 057: I saw some of it, I
19 heard it from him, and then from his other family members as well.

20 MS. DIGIACOMO: Okay. And based upon what you heard and
21 saw, it's had an effect on him as an adult?

22 PROSPECTIVE JUROR NUMBER 057: Very much so, yes.

23 MS. DIGIACOMO: Okay. And because of what you've seen in
24 his life, that would affect your ability to sit, I guess, in this case?

25 PROSPECTIVE JUROR NUMBER 057: Well, without knowing

1 the details, obviously, it's hard for me to say. But I feel --

2 MS. DIGIACOMO: Well, tell me what would -- what -- like,
3 what -- if you heard something in this case, like, tell me what would affect
4 you?

5 PROSPECTIVE JUROR NUMBER 057: It's a little bit of a
6 broad question, I think.

7 MS. DIGIACOMO: Well --

8 PROSPECTIVE JUROR NUMBER 057: I know. I know.

9 MS. DIGIACOMO: -- I don't know specifics.

10 PROSPECTIVE JUROR NUMBER 057: I know.

11 Well, you know, he suffers from incredible abandonment issues.
12 He's gone through this life feeling unloved and unwanted, and it's caused
13 him to suffer a lot of really horrible insecurities and fear in a lot of cases.
14 If it was something similar to that, it might.

15 MS. DIGIACOMO: Okay. But if the facts of this case weren't
16 similar to that?

17 PROSPECTIVE JUROR NUMBER 057: Then I would be fine.

18 MS. DIGIACOMO: Okay. How long have you known your
19 roommate?

20 PROSPECTIVE JUROR NUMBER 057: For about 12 years,
21 15.

22 MS. DIGIACOMO: So you even were there before mom had
23 left?

24 PROSPECTIVE JUROR NUMBER 057: Correct.

25 MS. DIGIACOMO: Okay. So that's where you saw some of it

1 yourself?

2 PROSPECTIVE JUROR NUMBER 057: Yeah. She was also a
3 former co-worker of mine as well.

4 MS. DIGIACOMO: Oh, so you knew her as well?

5 PROSPECTIVE JUROR NUMBER 057: Yes, ma'am.

6 MS. DIGIACOMO: Is that -- is it through her that you actually
7 met your roommate?

8 PROSPECTIVE JUROR NUMBER 057: We're co-workers as
9 well. So through my work.

10 MS. DIGIACOMO: Did his situation ever get involved -- did it
11 ever involve the court system at all?

12 PROSPECTIVE JUROR NUMBER 057: No, ma'am.

13 MS. DIGIACOMO: Okay. Anyone else that you know that's
14 been the victim of a crime?

15 PROSPECTIVE JUROR NUMBER 057: I've had some minor
16 incidents with vandalism and such as that but nothing major.

17 MS. DIGIACOMO: Okay. Nothing that would affect your
18 ability --

19 PROSPECTIVE JUROR NUMBER 057: No, ma'am.

20 MS. DIGIACOMO: -- to be fair and impartial?

21 PROSPECTIVE JUROR NUMBER 057: No, ma'am.

22 MS. DIGIACOMO: What about anyone close to you been
23 accused of a crime?

24 PROSPECTIVE JUROR NUMBER 057: No.

25 MS. DIGIACOMO: So let's -- we've kind of asked everyone

1 about the criminal justice system that we have, what do you think about
2 our system of justice? Do you have any strong opinions?

3 PROSPECTIVE JUROR NUMBER 057: No, I think as a system
4 overall, like a lot have said, no, sometimes it's not, you know, they don't
5 always get it right. But overall as a system I think it's a good system.

6 MS. DIGIACOMO: And do you agree with the fact that it's the
7 State's burden to prove this case beyond a reasonable doubt?

8 PROSPECTIVE JUROR NUMBER 057: Yes, ma'am.

9 MS. DIGIACOMO: What about TV shows, what do you watch?

10 PROSPECTIVE JUROR NUMBER 057: I don't watch any of
11 the criminal shows.

12 MS. DIGIACOMO: You don't, not one?

13 PROSPECTIVE JUROR NUMBER 057: I mean, I have in the
14 past.

15 MS. DIGIACOMO: Okay.

16 PROSPECTIVE JUROR NUMBER 057: But I don't currently
17 partake in it, no.

18 MS. DIGIACOMO: Okay. So is it fair to say that as you sit here
19 today you don't have any expectations about how the State is going to
20 present the case or how it's going to go?

21 PROSPECTIVE JUROR NUMBER 057: No, ma'am.

22 MS. DIGIACOMO: Okay. Do you think that in this day and age
23 where it's possible to have forensic evidence in cases, do you think every
24 case has to have that?

25 PROSPECTIVE JUROR NUMBER 057: No.

1 MS. DIGIACOMO: Okay. And why not? Can you think of a
2 case where you wouldn't have such evidence?

3 PROSPECTIVE JUROR NUMBER 057: I think, you know,
4 witnesses, I don't -- I don't know if like handwritten bits or whatever would
5 be considered forensic evidence, I guess it probably would, you know,
6 witnesses and.

7 MS. DIGIACOMO: Things collected at the scene --

8 PROSPECTIVE JUROR NUMBER 057: Yeah, yeah.

9 MS. DIGIACOMO: -- that are not tested?

10 PROSPECTIVE JUROR NUMBER 057: Correct.

11 MS. DIGIACOMO: Okay. If you were chosen to be on this jury,
12 would you be able to follow the law as instructed by the judge, even if you
13 don't agree with it?

14 PROSPECTIVE JUROR NUMBER 057: Yes, ma'am.

15 MS. DIGIACOMO: And how long have you been in Las Vegas?

16 PROSPECTIVE JUROR NUMBER 057: A little over 20 years.

17 MS. DIGIACOMO: Okay. And did you move here from
18 somewhere else?

19 PROSPECTIVE JUROR NUMBER 057: I did.

20 MS. DIGIACOMO: And did you come with family or job or?

21 PROSPECTIVE JUROR NUMBER 057: I came here to initially
22 get married, which I'm not married any longer, but that was what brought
23 me here.

24 MS. DIGIACOMO: Okay. And so you got divorced here as
25 well --

1 PROSPECTIVE JUROR NUMBER 057: Correct.

2 MS. DIGIACOMO: -- is that fair to say? Okay.

3 Being here for 20 years, do you know anyone in the criminal
4 justice system, any friends that work in the criminal justice system?

5 PROSPECTIVE JUROR NUMBER 057: No, ma'am.

6 MS. DIGIACOMO: Okay. Now, you said that you worked in the
7 entertainment department at the Venetian?

8 PROSPECTIVE JUROR NUMBER 057: Correct.

9 MS. DIGIACOMO: What does that mean?

10 PROSPECTIVE JUROR NUMBER 057: We work for the box
11 offices and run the theaters for the shows.

12 MS. DIGIACOMO: Okay. So like sell the tickets and do all the
13 behind the stuff?

14 PROSPECTIVE JUROR NUMBER 057: Correct.

15 MS. DIGIACOMO: Okay. And you've done that for how long?

16 PROSPECTIVE JUROR NUMBER 015: 15 years.

17 MS. DIGIACOMO: Okay. With the, what we've been talking
18 about bringing a gun to a fist fight, do you have any opinions about that or
19 what are your thoughts?

20 PROSPECTIVE JUROR NUMBER 057: I feel like if you can
21 avoid a fight all together, you should. I think we all have choices to make
22 whether to walk away, go to authorities, things of that nature. I guess
23 when I hear that, that makes me feel like you're anticipating things to
24 probably get pretty heavy.

25 MS. DIGIACOMO: Probably right.

1 PROSPECTIVE JUROR NUMBER 057: If you have a history
2 with that person, and you feel like, I'm not going to be able to get over on
3 them too easily, I need to have something more with me, then, you know,
4 perhaps that might make you make a decision like that. But, otherwise, I
5 think if you're bringing a gun with you, you're looking to do something a
6 little more than fight.

7 MS. DIGIACOMO: Okay. Now, how do you feel about your
8 ability to judge somebody's character?

9 PROSPECTIVE JUROR NUMBER 057: With the exception of
10 my last husband, I think I'm pretty good at judging character.

11 MS. DIGIACOMO: Okay. And what makes you think that?

12 PROSPECTIVE JUROR NUMBER 057: Because I try to be
13 objective about things, I try to be more of a listener than a talker, and I
14 can -- I feel like I can read people pretty well, and, you know, characters a
15 pretty big thing, it's an important thing, it's about honor and honesty, and a
16 lot of things that you have to kind of prove to people.

17 MS. DIGIACOMO: Okay. And, lastly, with regard to, you know,
18 we've talked about in this case, if it gets to the point of a first degree
19 murder conviction then we get to penalty, can you, as we do the trial
20 phase, and not consider what could be coming next, can you just
21 concentrate on the facts presented and whether or not the State's met its
22 burden?

23 PROSPECTIVE JUROR NUMBER 057: Yes.

24 MS. DIGIACOMO: And, then, if we get to the penalty phase,
25 can you consider all three options?

1 PROSPECTIVE JUROR NUMBER 057: I can. But I'd have to
2 be honest that I, being an overly empathetic person and heavy, like my
3 consciousness is heavily burdened a lot of times, I would be really scared
4 I wouldn't get it right.

5 MS. DIGIACOMO: Okay.

6 PROSPECTIVE JUROR NUMBER 057: I would be afraid to not
7 make the right decision.

8 MS. DIGIACOMO: Okay. Do you -- and is that only with regard
9 to the penalty phase or with the trial phase?

10 PROSPECTIVE JUROR NUMBER 057: Penalty phase;
11 correct.

12 MS. DIGIACOMO: Just the penalty phase?

13 PROSPECTIVE JUROR NUMBER 057: Yeah.

14 MS. DIGIACOMO: Okay. So --

15 PROSPECTIVE JUROR NUMBER 057: Well, both. To be fair,
16 both.

17 MS. DIGIACOMO: Okay. So do you -- if you were picked as a
18 juror in this case, do you feel like you wouldn't really be able to make a
19 decision or fully deliberate because you would be afraid you might not be
20 making the right decision?

21 PROSPECTIVE JUROR NUMBER 057: I would be open
22 minded and I would take everything in and I would try to do my best, you
23 know, out of obligation to do that. But at the end of the day, I probably
24 would be fearful that I could hurt somebody. That would be really hard for
25 me to live with.

1 MS. DIGIACOMO: And even if it wasn't just you making the
2 decision alone, but it was 12 people making the decision, would you still
3 have that same kind of fear?

4 PROSPECTIVE JUROR NUMBER 057: Probably.

5 MS. DIGIACOMO: Probably? Even though, you know, 11
6 other people would have to agree?

7 PROSPECTIVE JUROR NUMBER 057: It has to be unanimous
8 I suppose so. I would have to probably have my decision swayed by 11
9 other people; right? I guess if the evidence stood out clear enough, then I
10 would not have a problem making the decision I needed to make with 11
11 other people. If I was on the fence or unclear about it, then that might be
12 a different issue for me.

13 MS. DIGIACOMO: Okay. Well, let me ask you this, and the
14 judge instructs at the end, but here we are in the beginning trying to
15 discuss this, but the State has to prove its case beyond a reasonable
16 doubt, not any doubt, it's not -- it's a reasonable doubt. Because of your, I
17 guess, for lack of a better word, your fear or nervousness of making a
18 wrong decision, do you think that you might actually hold us to a higher
19 burden, you know, like, beyond any doubt?

20 PROSPECTIVE JUROR NUMBER 057: No, no.

21 MS. DIGIACOMO: So do you think you could just --

22 PROSPECTIVE JUROR NUMBER 057: I would be able to hold
23 it to a reasonable doubt.

24 MS. DIGIACOMO: Okay. And you think you can make a
25 decision with your fellow jurors?

1 PROSPECTIVE JUROR NUMBER 057: Yes, ma'am.

2 MS. DIGIACOMO: Nothing further.

3 THE COURT: Pass for cause?

4 MS. DIGIACOMO: Yes. I'm so sorry, yes.

5 THE COURT: Go ahead, Mr. Long.

6 MR. LONG: You've heard what I've asked the other

7 prospective jurors about whether or not you believe that there are

8 situations where one could be justified in taking a life?

9 PROSPECTIVE JUROR NUMBER 057: Yes, I do.

10 MR. LONG: What are those situations in your belief?

11 PROSPECTIVE JUROR NUMBER 057: I think if you don't

12 have the choice to walk away, runaway or escape, and your life is

13 threatened, then -- or somebody you loved directly is threatened, then

14 yes.

15 MR. LONG: Now, you stated that probably, to avoid that

16 situation, if you probably not get in any fights; correct?

17 PROSPECTIVE JUROR NUMBER 057: Correct.

18 MR. LONG: Do you believe there's situations that you can't

19 avoid?

20 PROSPECTIVE JUROR NUMBER 057: Where I can't avoid it?

21 MR. LONG: Yeah.

22 PROSPECTIVE JUROR NUMBER 057: I guess there would be

23 some. If someone were to break into your house and you're cornered, or

24 if it's a -- a means of not being able to escape or walk away, then yes.

25 MR. LONG: What about protection of others?

1 PROSPECTIVE JUROR NUMBER 057: Again, it would have to
2 be an immediate threat, something that you can't walk away from or
3 choose to walk away.

4 MR. LONG: Okay. Now, you said you moved here quite a
5 while ago, where did you move from?

6 PROSPECTIVE JUROR NUMBER 057: I moved here from
7 Alabama. Don't tell anybody.

8 MR. LONG: Do you have any plans to move? Any plans to go
9 back?

10 PROSPECTIVE JUROR NUMBER 057: I do. Actually, I have
11 an 82 year old mother who's losing her eyesight that needs me. So I'm
12 currently thinking about what I need to do.

13 MR. LONG: Now, you've been in Las Vegas for a long time, do
14 you feel a part of the community or?

15 PROSPECTIVE JUROR NUMBER 057: I try to, very much so.

16 MR. LONG: I will pass for cause, Your Honor.

17 THE COURT: Thank you.

18 Jury all right? Do you need a break? Okay. We'll take a five
19 minute recess. It might take ten minutes.

20 Don't talk about this case or anything you've heard about in
21 here. See you --

22 THE MARSHAL: All rise for the jury.

23 THE COURT: He's excited to get them out of here.

24 [Outside the presence of the prospective jury panel]

25 THE COURT: Okay. The juries gone, the door is closed, take

1 five minutes. Attorneys use --

2 MS. DIGIACOMO: Actually the doors not closed yet.

3 THE COURT: -- attorneys use the restroom outside.

4 MS. DIGIACOMO: Thank you.

5 [Recess taken at 2:40 p.m.]

6 [Jury trial resumed at 2:54 p.m.]

7 [In the presence of the prospective jury panel]

8 THE MARSHAL: All rise for the jury.

9 Jury all present, Your Honor.

10 THE COURT: All right. Who's got the mic? Who's got the mic?
11 Tell me your name.

12 PROSPECTIVE JUROR NUMBER 016: Hagai Rothman.

13 THE COURT: Do you work?

14 PROSPECTIVE JUROR NUMBER 016: Yes, sir.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR NUMBER 016: I'm a casino manager
17 at Harrah's Las Vegas.

18 THE COURT: Married?

19 PROSPECTIVE JUROR NUMBER 016: Single dad.

20 THE COURT: Children?

21 PROSPECTIVE JUROR NUMBER 016: One boy.

22 THE COURT: In law or law enforcement?

23 PROSPECTIVE JUROR NUMBER 016: No, sir.

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

25 PROSPECTIVE JUROR NUMBER 016: No, sir.

1 THE COURT: Can you think of any reason you would not be
2 fair and impartial both to the State of Nevada and to the Defendant, other
3 than what you've already said?

4 PROSPECTIVE JUROR NUMBER 016: Yeah, the question --
5 I'm actually -- I think I'm more towards the DA for some reason.

6 THE COURT: All right. I'll let the State ask you some
7 questions. Trying to get off.

8 MS. BLUTH: So why do you feel like you're more towards the
9 DA?

10 PROSPECTIVE JUROR NUMBER 016: 'Cause I feel like we
11 wouldn't got to this point if there wasn't sufficient stuff that you guys would
12 have to go already through and I trust that you guys do your job well
13 enough to get to this point. And also it's a little, I guess, maybe a little
14 bad. I just feel like people wouldn't be in the situation, if they wouldn't
15 have caused it sometimes.

16 MS. BLUTH: Okay. Well, I appreciate all the confidence you
17 have in us and I'd like to say you're right but.

18 MR. LONG: Objection, Your Honor.

19 MS. BLUTH: Just -- I'm teasing.

20 THE COURT: He would like to say you're not -- okay, as --

21 MR. LONG: Can you clear it up?

22 THE COURT: --- I'm telling you as he sits here today, the
23 Defendant is innocent, nothing has been proved. I mean, if you took 12 of
24 you back in the jury room to deliberate the case, you would have to vote
25 not guilty because no evidence has been presented.

1 MS. BLUTH: Right.

2 And so when I say, you're right, I mean that, you know, we're
3 good at what --

4 PROSPECTIVE JUROR NUMBER 016: It's your job.

5 MS. BLUTH: -- at our job.

6 But the issues that I want you think of in this way, if you,
7 yourself, were charged with a crime and in your head you did nothing
8 wrong. Do you think --

9 PROSPECTIVE JUROR NUMBER 016: Well, in that situation I
10 would feel that it would be up to me to prove. You know, you guys talk
11 about how you have to have the -- the most baring on -- but I feel like it
12 would also be up to me to prove it.

13 MS. BLUTH: Sure. So --

14 THE COURT: Excuse me.

15 MS. BLUTH: Bless you, Judge.

16 THE COURT: I need it.

17 MS. BLUTH: And I -- amen.

18 So the, you know, the whole premise though of our constitution
19 is that we're innocent until proven guilty.

20 PROSPECTIVE JUROR NUMBER 016: Oh, no, I realize all
21 that. I'm just saying that I might not be a good juror because I judge
22 quick. I'm a little biased too and maybe this wouldn't be a good role for
23 me.

24 MS. BLUTH: Yeah. And, I mean, maybe, I mean, I don't think
25 you necessarily know until you sit and hear the facts, you know what I

1 mean? Like, because you would agree with me, as you sit here today,
2 you don't know anything really, I mean, we're throwing hypotheticals and
3 things like that at you because we're not really allowed to give you the
4 specifics and things like that.

5 PROSPECTIVE JUROR NUMBER 016: Right. But when I
6 listen to your hypotheticals, like, if you had to choose between three, all
7 right. And that's just how I think. And I apologize if I'm offending
8 anybody. But if you said the three choices, I already calculated, okay, this
9 happened in, I think, you said two thousand and --

10 THE COURT: '17.

11 MS. BLUTH: '17.

12 PROSPECTIVE JUROR NUMBER 016: -- seven.

13 MS. BLUTH: '17, 2017. Six months ago.

14 PROSPECTIVE JUROR NUMBER 016: Oh, I thought they said
15 seven. So I'm already --

16 MS. DIGIACOMO: I was wrong. I apologize.

17 MS. BLUTH: No, two thousand --

18 PROSPECTIVE JUROR NUMBER 016: Yeah, and I already
19 calculated --

20 MS. DIGIACOMO: I thought I said '17.

21 PROSPECTIVE JUROR NUMBER 016: -- all right, it's been
22 seven years, if we give him 20 that's only 13, is that enough.

23 MS. DIGIACOMO: No.

24 PROSPECTIVE JUROR NUMBER 016: You know, that's just
25 how my mind thinks, I mean, you know, I jump too much.

1 MS. DIGIACOMO: My bad. No sleep.

2 MS. BLUTH: Yeah, no, it's 2017. So it's been about six
3 months.

4 PROSPECTIVE JUROR NUMBER 016: Yeah, but fair -- I'm
5 just saying that --

6 THE COURT: Okay. The Information will be read to you.

7 PROSPECTIVE JUROR NUMBER 016: -- it would be -- yeah, I
8 don't know if I could stay fair to both sides without having a little bit --
9 yeah, yeah, I would be -- yeah, I see where you're going, yeah.

10 MS. BLUTH: Okay. So let's talk about some of the specific
11 questions though, you talked about police officers and that how you would
12 believe a police officer over other witnesses. If a police officer was on the
13 stand and he or she, let's say it's a he for this situation, and he started to
14 say things that were not making sense to you or where you felt like you
15 caught him in a lie. Would you be so blind to the thought of, no, a police
16 officer would never lie that you would overlook things like that?

17 PROSPECTIVE JUROR NUMBER 016: I wouldn't be so blind,
18 but I would have to hear the whole story before I make him to be, no, he's
19 not -- I would have to get -- I would give him additional benefit of the doubt
20 to hear more to see where he went with that.

21 MS. BLUTH: Okay. But what you're saying is, I mean, you
22 would have to assess him as a witness to determine whether or not you
23 could believe what he was saying?

24 PROSPECTIVE JUROR NUMBER 016: Correct.

25 MS. BLUTH: What about following the law if you don't agree

1 with it?

2 PROSPECTIVE JUROR NUMBER 016: So excellent question,
3 and I heard the one with the marijuana.

4 MS. BLUTH: Yeah.

5 PROSPECTIVE JUROR NUMBER 016: But I put it to you in a
6 different way. Say if -- say if --

7 MS. BLUTH: I don't generally answer the questions but we can
8 give it a shot.

9 PROSPECTIVE JUROR NUMBER 016: Yeah, but the same
10 thing. Say if somebody said something and the judge told us you have to
11 disregard that sentence, it would be very hard for me to disregard that
12 sentence.

13 MS. BLUTH: Yeah, it's heard, you can't unring the bell.

14 PROSPECTIVE JUROR NUMBER 016: Even though the judge
15 says by law you've got to disregard the sentence. So in a way it's the
16 same way.

17 MS. BLUTH: Yeah. That's actually a really good point.
18 'Cause --

19 THE COURT: That's just the way things are in here.

20 MS. BLUTH: But you're right, there are sometimes when, you
21 know, someone blurts something out and we, let's say we object and it's
22 sustained, and then the judge says, you know, ladies and gentlemen of
23 the jury, you have to disregard that statement and you do have to
24 disregard that statement. When you go back there and you deliberate
25 and you talk you can't say, but remember when she actually said that.

1 PROSPECTIVE JUROR NUMBER 016: And that's where I
2 think I will have issues, you know, that's where I don't know if I would be a
3 good juror.

4 MS. BLUTH: And that -- I think also, you know, you have 11
5 jurors back there with you to check you.

6 PROSPECTIVE JUROR NUMBER 016: Right.

7 MS. BLUTH: Are you a strong personality?

8 PROSPECTIVE JUROR NUMBER 016: I'm pretty strong.
9 That's why, yeah, pretty strong personality.

10 MS. BLUTH: Are you from the east coast?

11 PROSPECTIVE JUROR NUMBER 016: Actually, I was born in
12 Israel.

13 MS. BLUTH: Okay. And when did you come to the United
14 States?

15 PROSPECTIVE JUROR NUMBER 016: Oh, I've been off and
16 on my whole life. My dad was born here. But 20 years going on here in
17 Vegas the last period.

18 MS. BLUTH: Okay. And have you always been in the casino
19 business?

20 PROSPECTIVE JUROR NUMBER 016: No. Before that I was
21 actually in the military. I was in construction business and then the casino
22 business.

23 MS. BLUTH: What did you do in the military?

24 PROSPECTIVE JUROR NUMBER 016: Military I was in Israel.
25 It was mandatory three years.

1 MS. BLUTH: Oh, okay.

2 PROSPECTIVE JUROR NUMBER 016: Yeah.

3 MS. BLUTH: And but like what did you do physically?

4 PROSPECTIVE JUROR NUMBER 016: Oh, I started
5 paratrooper, but then I went to a base inside the city just working with
6 contractors, stuff like that.

7 MS. BLUTH: What do you think about our criminal justice
8 system?

9 PROSPECTIVE JUROR NUMBER 016: You know, I'm sorry, I
10 don't mean to offend anybody.

11 MS. BLUTH: No.

12 PROSPECTIVE JUROR NUMBER 016: I think it's a little too
13 lenient. I think it's got -- I don't watch the shows like you guys were talking
14 about, the police shows, but I watch a lot of news. And I don't know if it's
15 a little too politicalized now and a little too you've got to be careful what
16 you say all the time, politically correct. And from my experience with stuff
17 that happened with me here, it seems a little too lenient.

18 MS. BLUTH: And when you say, lenient, do you mean like
19 when judges hand out sentences or do you mean like when whoever
20 decides to charge with crimes? Like what aspect do you feel is too
21 lenient?

22 PROSPECTIVE JUROR NUMBER 016: I think when it comes
23 to sentences. And I could give you an example for that as well.

24 MS. BLUTH: Go ahead, please.

25 PROSPECTIVE JUROR NUMBER 016: Like I said, I was a

1 single dad and my son's mom seems to get into these troubles, that she
2 gets arrested again and again over the same thing. It could be fraud or
3 drugs and stuff like that. And like at the sixth time, I say okay, this time
4 they got to take her away. She still gets free.

5 So just -- it just feels like it's too lenient. There's never like
6 we're you're held responsible for it. Or if you go higher, you see where
7 people with higher positions, I guess, stuff like that, could get away with
8 stuff that normal citizens or average people --

9 MS. BLUTH: Right.

10 PROSPECTIVE JUROR NUMBER 016: -- it doesn't seem right.

11 MS. BLUTH: So you feel like repeat offenders, like at some
12 point the jigs up, it's time for you to go?

13 PROSPECTIVE JUROR NUMBER 016: Yeah.

14 MS. BLUTH: Okay. And I want to go back to, you know, I was
15 teasing you when I said I want to -- that I agree with you in that
16 Ms. DiGiacomo and I are good at our jobs. Where I don't agree with you,
17 respectfully, is that, you know, a person can get to this point and, you
18 know, there has to be a certain amount of evidence for them to even to
19 get to this point.

20 You remember when you were kind of verbalizing that?

21 PROSPECTIVE JUROR NUMBER 016: [No audible response]

22 MS. BLUTH: But can you think of a -- we got to this point in the
23 conversation and then I took it a different way. So I apologize because I
24 want to go back.

25 So you said that, you know, Ms. DiGiacomo and I have been up

1 here and we keep saying that it's our burden, you know, we have to prove
2 to you beyond a reasonable doubt. And I think there's a saying like, you
3 do the choosing, like the choosing to charge, and you do the proving;
4 right? So if you're going to charge somebody with a crime, then it's your
5 responsibility to show that they committed that crime.

6 Do you feel okay with that premise?

7 PROSPECTIVE JUROR NUMBER 016: Yeah, I mean, it's your
8 responsibility. But you guys asked earlier if you have people in the family
9 that are related to law and stuff like that.

10 MS. BLUTH: Yeah.

11 PROSPECTIVE JUROR NUMBER 016: And I have a
12 brother-in-law who's a lawyer in Israel. And where I'm going with this is
13 that you put a case forward and it would -- it would -- you would really, I
14 mean, I think his lawyer would have to convince me, why this is not the
15 way it looks after, what I'm imagining, you guys went through to prove this
16 case and get to this point.

17 MS. BLUTH: So you would require his attorney, you're saying,
18 to do some proving?

19 PROSPECTIVE JUROR NUMBER 016: Right.

20 MS. BLUTH: What if we, Ms. DiGiacomo and I, what if we didn't
21 prove to you that the Defendant committed this crime, would you still find
22 him guilty anyway?

23 PROSPECTIVE JUROR NUMBER 016: That's where I don't
24 think we would have been at this point. I think you guys would have got to
25 an agreement outside of court.

1 MS. BLUTH: Okay. But what if we are at this point and we
2 don't prove to you that the Defendant committed this crime, are you still
3 going to find him guilty?

4 PROSPECTIVE JUROR NUMBER 016: You would really have
5 to drop this case really bad for me to say that, yeah.

6 MS. BLUTH: Okay. Pass for cause.

7 THE COURT: You know what, I'm going to excuse him. I don't
8 want any more --

9 MR. LONG: Yeah, I'd excuse for cause, please.

10 THE COURT: Approach the bench. Approach the bench. He
11 wants off this jury so bad.

12 Approach the bench.

13 [Bench conference begins]

14 THE COURT: Anymore and he's going to taint the whole bunch
15 so that's why I kicked him off.

16 MS. BLUTH: That's fine.

17 MS. DIGIACOMO: Well, that's what we thought too.

18 THE COURT: Yeah. He wants off; he got off.

19 [Bench conference ends]

20 THE COURT: Fill that spot, please.

21 THE COURT: Number 10.

22 Do you want to fill this one up front first, Judge?

23 THE COURT: H'm?

24 THE COURT CLERK: This one right here? Or just fill the
25 one --

1 THE COURT: No, I want that one spot filled.
2 THE COURT CLERK: Okay.
3 THE COURT: And then fill this one.
4 THE COURT CLERK: Celeste Johnson.
5 THE COURT: And fill --
6 THE COURT CLERK: And then John Lubratich.
7 THE COURT: Tell me your name.
8 PROSPECTIVE JUROR NUMBER 058: I couldn't hear you.
9 THE COURT: Tell me your name.
10 PROSPECTIVE JUROR NUMBER 058: Celeste Johnson.
11 THE COURT: Do you work?
12 PROSPECTIVE JUROR NUMBER 058: Yes, I'm a teacher.
13 THE COURT: Where?
14 PROSPECTIVE JUROR NUMBER 058: Elementary school.
15 I'm changing from one to another this year.
16 THE COURT: In the school district or private schools?
17 PROSPECTIVE JUROR NUMBER 058: Oh, Clark County
18 School District.
19 THE COURT: Are you married?
20 PROSPECTIVE JUROR NUMBER 058: Yes.
21 THE COURT: Does your spouse work?
22 PROSPECTIVE JUROR NUMBER 058: He's retired.
23 THE COURT: From what?
24 PROSPECTIVE JUROR NUMBER 058: He was data manager.
25 THE COURT: Children?

1 PROSPECTIVE JUROR NUMBER 058: Two grown daughters.

2 THE COURT: In law or law enforcement?

3 PROSPECTIVE JUROR NUMBER 058: No.

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

5 PROSPECTIVE JUROR NUMBER 058: Yes.

6 THE COURT: Where?

7 PROSPECTIVE JUROR NUMBER 058: Here.

8 THE COURT: When?

9 PROSPECTIVE JUROR NUMBER 058: A couple of years ago.

10 I don't remember when it was.

11 THE COURT: Civil or criminal?

12 PROSPECTIVE JUROR NUMBER 058: I don't remember that
13 either because it --

14 THE COURT: Tell me what kind of case it was?

15 PROSPECTIVE JUROR NUMBER 058: Excuse me?

16 THE COURT: Tell me what kind of case it was.

17 PROSPECTIVE JUROR NUMBER 058: I don't remember.

18 THE COURT: How many were on the jury?

19 PROSPECTIVE JUROR NUMBER 058: I believe 12.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NUMBER 058: It was --

22 THE COURT: So it probably was criminal. You don't
23 remember any of the facts of it?

24 PROSPECTIVE JUROR NUMBER 058: The thing was that it
25 was called a mistrial, because right after it first started we were on a break

1 and one of the witnesses talked to one of the jurors.

2 THE COURT: Yeah, that happens.

3 So was there anything about that experience that would bias
4 you towards the Defendant or the State of Nevada in this case?

5 PROSPECTIVE JUROR NUMBER 058: No.

6 THE COURT: You'll be fair and impartial?

7 PROSPECTIVE JUROR NUMBER 058: I'll try to be.

8 THE COURT: State.

9 MS. DIGIACOMO: Thank you.

10 You said you were an elementary school teacher?

11 PROSPECTIVE JUROR NUMBER 058: Yes.

12 THE COURT: What grade do you teach?

13 PROSPECTIVE JUROR NUMBER 058: This year and last year
14 first grade.

15 MS. DIGIACOMO: First grade.

16 And how long have you been doing that?

17 PROSPECTIVE JUROR NUMBER 058: Say that again.

18 MS. DIGIACOMO: How long have you been an elementary
19 school teacher?

20 PROSPECTIVE JUROR NUMBER 058: More than 20 years.

21 MS. DIGIACOMO: 20 years.

22 And what did you -- have you taught all grades?

23 PROSPECTIVE JUROR NUMBER 058: Almost all the
24 elementary grades.

25 MS. DIGIACOMO: Okay.

1 PROSPECTIVE JUROR NUMBER 058: First through fifth.

2 MS. DIGIACOMO: Now, you said you have two grown kids;
3 right?

4 PROSPECTIVE JUROR NUMBER 058: Yes, two grown
5 daughters.

6 MS. DIGIACOMO: Okay. What do they do?

7 PROSPECTIVE JUROR NUMBER 058: One's a school
8 teacher.

9 MS. DIGIACOMO: Okay.

10 PROSPECTIVE JUROR NUMBER 058: And the other one
11 works -- she's a manager of an Arby's.

12 MS. DIGIACOMO: Okay. Have you been listening to all of the
13 questions?

14 PROSPECTIVE JUROR NUMBER 058: I've been listening.

15 MS. DIGIACOMO: Okay. Do you have any thoughts or, you
16 know, when you heard somebody say something, like, well, I'd say this or
17 I agree with that, any thoughts before we start asking you questions?

18 PROSPECTIVE JUROR NUMBER 058: Well, your question
19 about bringing a gun to a --

20 MS. DIGIACOMO: Fist fight.

21 PROSPECTIVE JUROR NUMBER 058: -- fist fight. My first
22 thought when you asked that was, did they sign something like they do in
23 the WWE, you know, we're only going to do this, we're going to use
24 ladders, and this. I don't think people do that.

25 MS. DIGIACOMO: Probably not.

1 PROSPECTIVE JUROR NUMBER 058: So unless they
2 agreed, hey, we're going to do it this way, I could see how it -- someone
3 could wind up doing that. I'm not saying it's right because they're
4 escalating the fight.

5 MS. DIGIACOMO: Is it fair to say that there's times where
6 maybe a fight should be escalated and times it shouldn't be?

7 PROSPECTIVE JUROR NUMBER 058: I'm a school teacher,
8 never.

9 MS. DIGIACOMO: Never; okay.

10 Let me ask you, since you've been doing this for 20 years, if you
11 have two students or two groups of students saying, you know, one group
12 is saying this is what happened, the other group is saying this is what
13 happened, and you're the one who's got to make the decision as to which
14 side and what really happened or who's in trouble. How do you do that?

15 PROSPECTIVE JUROR NUMBER 058: Talk.

16 MS. DIGIACOMO: So when you say, talk, do you ask
17 questions?

18 PROSPECTIVE JUROR NUMBER 058: U'm-h'm.

19 MS. DIGIACOMO: Yes? I'm sorry, you can't say u'm-h'm
20 because we're recording this.

21 PROSPECTIVE JUROR NUMBER 058: Oh, I'm sorry, yes.

22 MS. DIGIACOMO: Okay. And so if you got these two groups of
23 students, do you -- how would you go about questioning them or trying to
24 get to the root of what really happened?

25 PROSPECTIVE JUROR NUMBER 058: Well, you have to talk

1 to them individually.

2 MS. DIGIACOMO: Okay.

3 PROSPECTIVE JUROR NUMBER 058: Then you have to talk
4 to them as a group and you need to get all the opinions. Sometimes you
5 never find out exactly what happened, but you try to come as close as you
6 can.

7 MS. DIGIACOMO: And, like, say it was, you know, somebody
8 did some damage to a chalkboard, would you also want to look at the
9 chalkboard or whatever they're talking about to be able to put what they're
10 telling you in context or see, you know, if the physical evidence matches
11 what they're telling you?

12 PROSPECTIVE JUROR NUMBER 058: Of course.

13 MS. DIGIACOMO: Okay. How often would you say you have
14 to do that in your job?

15 PROSPECTIVE JUROR NUMBER 058: Every day.

16 MS. DIGIACOMO: All right. So would you say you have a lot of
17 experience at trying to figure out, I guess, factually what occurred?

18 PROSPECTIVE JUROR NUMBER 058: Experience. But who
19 knows how good I am at it, truly.

20 MS. DIGIACOMO: Well, what about, you know, we've been
21 asking people, do you think you're a good judge of character, what do you
22 think, do you think you are?

23 PROSPECTIVE JUROR NUMBER 058: Well, I've had people
24 tell me that, no, I'm not because I like everybody and that's a real
25 problem. Because you can look at me and tell me something and I'm

1 going to believe you because I believe the best in people.

2 MS. DIGIACOMO: Okay. But, you know, going back to that
3 situation about something happened and you've got to figure out what
4 happened or what student did it, can't believe everybody that you're
5 talking to; right?

6 PROSPECTIVE JUROR NUMBER 058: This is true.

7 MS. DIGIACOMO: So there are times you do have to make a
8 decision?

9 PROSPECTIVE JUROR NUMBER 058: Yes.

10 MS. DIGIACOMO: Okay. And if, you know, one person is
11 telling you that the sky is blue and the other person is telling you that the
12 sky is purple, you can't believe them both.

13 PROSPECTIVE JUROR NUMBER 058: There are times it's
14 purple, there are times it's blue. It would depend on the circumstances.

15 MS. DIGIACOMO: Okay. Have you or anyone -- I should say,
16 has anyone close to you been the victim of a crime?

17 PROSPECTIVE JUROR NUMBER 058: When I was a child my
18 father beat my mother.

19 MS. DIGIACOMO: Okay.

20 PROSPECTIVE JUROR NUMBER 058: So I guess that's a
21 crime. He was never sent to jail for it.

22 MS. DIGIACOMO: So, like, police were never called?

23 PROSPECTIVE JUROR NUMBER 058: They were called but
24 they weren't able to -- I don't know if at that time they -- you know how
25 they take away one always now if it's domestic. I don't think at that time

1 they did. They just said --

2 MS. DIGIACOMO: To keep it down?

3 PROSPECTIVE JUROR NUMBER 058: -- took my other to the
4 hospital.

5 MS. DIGIACOMO: Okay.

6 PROSPECTIVE JUROR NUMBER 058: Yeah.

7 MS. DIGIACOMO: Anyone else?

8 PROSPECTIVE JUROR NUMBER 058: No.

9 MS. DIGIACOMO: Was this when you were a young child?

10 PROSPECTIVE JUROR NUMBER 058: I was between five
11 and ten.

12 MS. DIGIACOMO: Okay. How do you, I guess, did you ever
13 form an opinion about, you know, how the police handled it or the situation
14 or was it -- was it something that you just accepted and didn't really
15 judge?

16 PROSPECTIVE JUROR NUMBER 058: I feel like the police
17 were good. I think they do -- they do very important things. But they're
18 human beings too. So everybody does their job to the best of their ability.

19 MS. DIGIACOMO: What about anyone close to you being
20 arrested or convicted of a crime?

21 PROSPECTIVE JUROR NUMBER 058: I don't think so.

22 MS. DIGIACOMO: Okay. What about, you know, the criminal
23 justice system that we have, do you have an opinion about whether or not
24 it's a good system, a bad system?

25 PROSPECTIVE JUROR NUMBER 058: We have to have our

1 laws, they have to be enforced, I think that it works to that extent.

2 MS. BLUTH: Okay. Do you agree with the premise that it's the
3 State's burden to prove criminal charges beyond a reasonable doubt?

4 PROSPECTIVE JUROR NUMBER 058: I do.

5 MS. DIGIACOMO: What kind of shows do you watch, TV
6 shows or?

7 PROSPECTIVE JUROR NUMBER 058: I watch everything.
8 So, yes, I watch that too.

9 MS. DIGIACOMO: You watch all the law shows?

10 PROSPECTIVE JUROR NUMBER 058: Yeah.

11 MS. DIGIACOMO: All right. So do you have any expectations,
12 you know, sitting on a jury what you think the case presented is going to
13 look like?

14 PROSPECTIVE JUROR NUMBER 058: No.

15 MS. DIGIACOMO: Do you think that there has to be some sort
16 of forensic evidence in every single case?

17 PROSPECTIVE JUROR NUMBER 058: No.

18 MS. DIGIACOMO: And why not?

19 PROSPECTIVE JUROR NUMBER 058: Because we go back
20 to where we were talking about what happens at school.

21 MS. DIGIACOMO: Right.

22 PROSPECTIVE JUROR NUMBER 058: There's not always
23 something that you can see.

24 MS. DIGIACOMO: Right. Okay.

25 PROSPECTIVE JUROR NUMBER 058: To help prove it.

1 MS. DIGIACOMO: At the end of the case, if the judge instructs
2 you on the law, are you going to be able to follow the law even if you don't
3 agree with it?

4 PROSPECTIVE JUROR NUMBER 058: I believe so.

5 MS. DIGIACOMO: Do you, I mean, you've been dealing with
6 kids for 20 years, do you have any friends or family that work in the court
7 system?

8 PROSPECTIVE JUROR NUMBER 058: No.

9 MS. DIGIACOMO: Not one?

10 PROSPECTIVE JUROR NUMBER 058: Not one.

11 MS. DIGIACOMO: Have you ever -- well, you've been on a jury
12 before though?

13 PROSPECTIVE JUROR NUMBER 058: Yes.

14 MS. DIGIACOMO: Okay.

15 PROSPECTIVE JUROR NUMBER 058: I didn't talk to that
16 witness. It wasn't me.

17 MS. DIGIACOMO: And so were you disappointed when it
18 ended in a mistrial?

19 PROSPECTIVE JUROR NUMBER 058: No just interested.
20 Because it was just like, bam, it really surprised me.

21 MS. DIGIACOMO: Was it at the beginning of the case or more
22 towards the end?

23 PROSPECTIVE JUROR NUMBER 058: It was at the beginning
24 of the case, we -- that was, like, our first break and it was just like all of a
25 sudden it's over.

1 MS. DIGIACOMO: Oh, wow, okay.

2 So how do you feel about coming for jury duty on, you know,
3 today on this case?

4 PROSPECTIVE JUROR NUMBER 058: Well, I have to admit
5 I'm not happy. I'm on my vacation.

6 MS. DIGIACOMO: I was going to say -- I was going to say but
7 isn't it good you're not missing school?

8 PROSPECTIVE JUROR NUMBER 058: That's true. Because
9 before -- the first time I was called this year it was the last week of school
10 and that's like impossible to come for.

11 MS. DIGIACOMO: Right.

12 PROSPECTIVE JUROR NUMBER 058: So of the two, this is
13 better.

14 MS. DIGIACOMO: Okay. This is a fun vacation; right?

15 With regard to, you know, we've talked about there's penalty
16 phase and then there's the trial phase. So the trial phase is like what you
17 sat on before, where you have to decide does the State prove the case
18 and is the Defendant guilty or not guilty. Can you just make that decision
19 regarding the facts and what happened without considering that there
20 might be penalty coming, without, you know, thinking about what the
21 consequences could be?

22 PROSPECTIVE JUROR NUMBER 058: Yes.

23 MS. DIGIACOMO: Okay. If we get to a penalty phase, can you
24 keep an open mind regarding the three options?

25 PROSPECTIVE JUROR NUMBER 058: Yes.

1 MS. DIGIACOMO: Nothing further.

2 THE COURT: Pass for cause?

3 MS. DIGIACOMO: Yes, Your Honor.

4 THE COURT: Mr. Long.

5 MR. LONG: Ms. Johnson, what schools do you teach at, are
6 you teaching at right now?

7 PROSPECTIVE JUROR NUMBER 058: The school I taught at
8 last year was Harris Elementary, the school I'm going to teach at this year
9 coming up is -- oh, my gosh, I forgot the name of it.

10 MR. LONG: It doesn't matter.

11 Where did you teach before Harris?

12 PROSPECTIVE JUROR NUMBER 058: EW Griffith.

13 MR. LONG: Before that?

14 PROSPECTIVE JUROR NUMBER 058: EW Griffith.

15 MR. LONG: Okay.

16 PROSPECTIVE JUROR NUMBER 058: I taught there for a lot
17 of years.

18 MR. LONG: All right. And you've been in elementary school --

19 PROSPECTIVE JUROR NUMBER 058: Yes.

20 MR. LONG: -- the whole time, your whole career; okay.

21 Now, the State asked you a question what would you do if there
22 were two groups of students, one says, Jim vandalized the chalkboard,
23 the other one said, no, it was Sally, and you said you want to believe
24 everyone. Doesn't there come a time when there's a student in front of
25 you and you don't believe a word that comes out of his or her mouth?

1 PROSPECTIVE JUROR NUMBER 058: That would predispose
2 that I know that student beforehand.

3 MR. LONG: Okay. Do you consider yourself a good judge of
4 character?

5 PROSPECTIVE JUROR NUMBER 058: I have a problem
6 because I honestly like everyone. Someone has to do something drastic
7 to me personally before I'm upset at them.

8 MR. LONG: Okay. Now, going back, when you said your father
9 abused your mother, are they still around, your parents?

10 PROSPECTIVE JUROR NUMBER 058: No.

11 MR. LONG: No; okay.

12 Do you wish that your father would have been punished? Do
13 you wish there would have been government intervention?

14 PROSPECTIVE JUROR NUMBER 058: No.

15 MR. LONG: Do you like the fact that it was basically treated as
16 a family matter?

17 PROSPECTIVE JUROR NUMBER 058: I don't honestly think it
18 was addressed because they divorced when my mother finally could get
19 stuff together to do it and he knew why.

20 MR. LONG: Okay. Now, the question that I've asked anyone
21 else, it might be hard for you and I want you to be honest, is there a time
22 when you think someone is justified in taking the life of another person?
23 Be it a burglary, a fight, a robbery, hijacking, anything like that.

24 PROSPECTIVE JUROR NUMBER 058: If someone's trying to
25 hurt you and they want to, in that manner of hurt you, end your life, or

1 someone who you care about, it's not right.

2 MR. LONG: It's not right.

3 PROSPECTIVE JUROR NUMBER 058: It's not right for them
4 to do that. You have to make them stop.

5 MR. LONG: And what if making them stop ends the life of
6 another person, is there justification there?

7 PROSPECTIVE JUROR NUMBER 058: You have to make
8 them stop.

9 MR. LONG: Besides your parents, do you know any fellow
10 teachers, friends, other people who have been involved in domestic
11 battery, domestic situations?

12 PROSPECTIVE JUROR NUMBER 058: Not that they shared
13 with me personally. It existed but it wasn't shared as a confidence to me.

14 MR. LONG: How did you find out about it?

15 PROSPECTIVE JUROR NUMBER 058: Because people talk.

16 MR. LONG: Okay. I don't have -- I don't have anything else. I'll
17 pass for cause.

18 THE COURT: Thanks.

19 Pass that mic over.

20 Tell me your name.

21 PROSPECTIVE JUROR NUMBER 017: Anthony Nual.

22 THE COURT: Do you work?

23 PROSPECTIVE JUROR NUMBER 017: No, sir, not at this
24 moment.

25 THE COURT: What do you do when you work?

1 PROSPECTIVE JUROR NUMBER 017: I'm a retired United
2 States Navy, military personnel.

3 THE COURT: Did you do saw patrol at all or military police at
4 all?

5 PROSPECTIVE JUROR NUMBER 017: No, sir. I was involved
6 in medical and dental field.

7 THE COURT: Are you married?

8 PROSPECTIVE JUROR NUMBER 017: Yes, I am.

9 THE COURT: Children?

10 PROSPECTIVE JUROR NUMBER 017: Yes, I have two.

11 THE COURT: Ages?

12 PROSPECTIVE JUROR NUMBER 017: 21 and 19.

13 THE COURT: Either of them in law or law enforcement?

14 PROSPECTIVE JUROR NUMBER 017: No, sir, they both go to
15 college.

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

17 PROSPECTIVE JUROR NUMBER 017: No, sir.

18 THE COURT: Can you think of any reason you would not be
19 fair and impartial to both the State and the Defendant?

20 PROSPECTIVE JUROR NUMBER 017: Yes, I have a reason.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NUMBER 017: My sister, she was
23 murdered in front of her two young daughters, very similar crime. She
24 was stabbed multiple times. So I cannot be fair.

25 THE COURT: Does either party --

1 MS. DIGIACOMO: No, Your Honor.
2 THE COURT: -- stipulation?
3 MR. LONG: I'll stipulate.
4 MS. DIGIACOMO: Stipulate.
5 THE COURT: You're excused. Thank you.
6 PROSPECTIVE JUROR NUMBER 017: Thank you, sir.
7 THE COURT CLERK: Julian.
8 THE COURT: Tell me your name.
9 PROSPECTIVE JUROR NUMBER 061: It's Julian
10 Pridmore-Brown.
11 THE COURT: Do you work?
12 PROSPECTIVE JUROR NUMBER 061: Yes.
13 THE COURT: What do you do?
14 PROSPECTIVE JUROR NUMBER 061: I'm an airline pilot.
15 THE COURT: Married?
16 PROSPECTIVE JUROR NUMBER 061: Yes.
17 THE COURT: Spouse work?
18 PROSPECTIVE JUROR NUMBER 061: No.
19 THE COURT: Children?
20 PROSPECTIVE JUROR NUMBER 061: No.
21 THE COURT: Ever sat as a juror before?
22 PROSPECTIVE JUROR NUMBER 061: No.
23 THE COURT: Can you be fair to both parties in this case?
24 PROSPECTIVE JUROR NUMBER 061: Yes.
25 THE COURT: State.

1 MS. BLUTH: Good afternoon, Mr. Pridmore -- or do I say the
2 whole thing?

3 PROSPECTIVE JUROR NUMBER 061: Pridmore-Brown, yes.

4 MS. BLUTH: Okay.

5 PROSPECTIVE JUROR NUMBER 0161: Or either one.

6 MS. BLUTH: Okay.

7 PROSPECTIVE JUROR NUMBER 061: I'm not picky.

8 MS. BLUTH: Okay. How long have you been married?

9 PROSPECTIVE JUROR NUMBER 061: Five years.

10 MS. BLUTH: What did your wife do before she was married to
11 you?

12 PROSPECTIVE JUROR NUMBER 061: She was a school
13 teacher.

14 MS. BLUTH: Do you know what grade she taught?

15 PROSPECTIVE JUROR NUMBER 061: Middle school.

16 MS. BLUTH: And what type of pilot are you?

17 PROSPECTIVE JUROR NUMBER 061: I work for a major
18 airline.

19 MS. BLUTH: And then Las Vegas is where like --

20 PROSPECTIVE JUROR NUMBER 061: Yes, I'm based here.

21 MS. BLUTH: -- where you're based; okay.

22 Any strong opinions about some of the things we've been
23 talking about?

24 PROSPECTIVE JUROR NUMBER 061: No, I mostly agree
25 with what I've heard.

1 MS. BLUTH: All right.

2 PROSPECTIVE JUROR NUMBER 061: You know, some of
3 the things in my industry are, you know, the bringing the gun to a fist fight,
4 it's -- it -- in my training we kind of go the opposite way, it's you better
5 bring a gun to a fight, as far as when we're protecting our industry as a
6 result of 9/11 basically so.

7 MS. BLUTH: Yeah.

8 PROSPECTIVE JUROR NUMBER 061: It was just kind of a,
9 you know, when I heard that, I'm like, well, that's kind of the flip side of it
10 so.

11 MS. BLUTH: Yeah.

12 PROSPECTIVE JUROR NUMBER 061: But I agree with the
13 sentiment and the Bro Code and all that.

14 MS. BLUTH: Yeah. And I definitely see where you're coming
15 from with the 9/11 thing; right, I mean you're responsible with a lot of
16 people's lives in that airplane.

17 PROSPECTIVE JUROR NUMBER 061: Yes.

18 MS. BLUTH: And so, I think, the whole idea is probably so
19 different, it's do whatever you can to save as many people as possible?

20 PROSPECTIVE JUROR NUMBER 061: Right.

21 MS. BLUTH: But when we think about the Bro Code, have you
22 ever been in a fist fight?

23 PROSPECTIVE JUROR NUMBER 061: No.

24 MS. BLUTH: Have you ever --

25 PROSPECTIVE JUROR NUMBER 061: Maybe as a kid. But

1 nothing major, I mean, yeah.

2 MS. BLUTH: Yeah.

3 Have you ever been present, I don't know, like at a bar or a
4 game where a fist fight broke out?

5 PROSPECTIVE JUROR NUMBER 061: Not that I recall. Not
6 that I was --

7 MS. BLUTH: Not that you recall, is that what you said?

8 PROSPECTIVE JUROR NUMBER 061: Yeah. Not that I
9 recall, yeah. Not -- I was certainly not involved or, you know, I may have
10 seen it in the distance or something like that but not.

11 MS. BLUTH: Yeah.

12 What do you think the idea is behind that saying, you don't bring
13 a gun to a fist fight, in your mind?

14 PROSPECTIVE JUROR NUMBER 061: Well, I think it's -- it's
15 about escalating it beyond what it should have ever become. You know, a
16 fist fight is, you know, the presumption I would suppose is that it shouldn't
17 be a life and death thing. And if you escalate it with firearms, then that
18 changes.

19 MS. BLUTH: Okay. Do you, and I think a couple of minutes
20 ago you said, like I agree with the sentiment behind that.

21 PROSPECTIVE JUROR NUMBER 061: Yes.

22 MS. BLUTH: Did you say that?

23 PROSPECTIVE JUROR NUMBER 061: Yes.

24 MS. BLUTH: Okay. Are there situations in your mind where --
25 is there a situation in your mind where you can think, I would -- I would

1 resort to the use of a weapon?

2 PROSPECTIVE JUROR NUMBER 061: Well, I -- definitely in
3 my work, yes.

4 MS. BLUTH: Yeah, so --

5 PROSPECTIVE JUROR NUMBER 061: I'd have to separate
6 that.

7 MS. BLUTH: Yeah, if you wouldn't mind, just for the purpose of
8 what I'm talking about here.

9 PROSPECTIVE JUROR NUMBER 061: So say the question
10 again.

11 MS. BLUTH: Yeah.

12 Can you think of a purpose where, you know, an individual is in
13 a fist fight and they would be -- it would be okay for them to get a gun, to
14 pull out a gun or a weapon? We keep saying gun. We don't have to talk
15 about guns. We can talk about other types of weapons.

16 PROSPECTIVE JUROR NUMBER 061: Yes, I could. I mean,
17 it's -- there's so many different scenarios you could come up with. And,
18 again, I'm heavily influenced with the training that I get through my job that
19 it's hard -- it's a little hard to separate that. But that's a big, big element of
20 that, that it's, you have to be prepared to escalate something.

21 MS. BLUTH: Yeah.

22 But would you agree with me that different situations or different
23 levels of danger call for a much different responses?

24 PROSPECTIVE JUROR NUMBER 061: Absolutely.

25 MS. BLUTH: You know, like you being on a plane and

1 responsible for tons of people is very different than you at a park in a fist
2 fight?

3 PROSPECTIVE JUROR NUMBER 061: Absolutely.

4 MS. BLUTH: Anyone close to you ever been the victim of a
5 crime?

6 PROSPECTIVE JUROR NUMBER 061: Not that I know of.

7 MS. BLUTH: What about accused of a crime?

8 PROSPECTIVE JUROR NUMBER 061: No.

9 MS. BLUTH: Have you -- are you born and raised Las Vegas?

10 PROSPECTIVE JUROR NUMBER 061: No.

11 MS. BLUTH: Where did you -- where have you done most of
12 your time?

13 PROSPECTIVE JUROR NUMBER 061: I grew up in California.
14 I've been living in Oregon before here.

15 MS. BLUTH: Okay. What do you think about local law
16 enforcement?

17 PROSPECTIVE JUROR NUMBER 061: I don't -- I have had no
18 contact really that I can think of here in Las Vegas. So I don't -- I've --
19 through work, I have had some contact with them, and it's always been
20 positive.

21 MS. BLUTH: Taking it like broader, have you ever been in a
22 situation though where you've been in contact with any type of law
23 enforcement and you felt it was like a negative contact; right, you weren't
24 treated the way you felt like you should have been?

25 PROSPECTIVE JUROR NUMBER 061: No.

1 MS. BLUTH: Never been in that situation?

2 PROSPECTIVE JUROR NUMBER 061: No.

3 MS. BLUTH: What do you think about the criminal justice
4 system country-wide, you know, not just Las Vegas but the thoughts --

5 PROSPECTIVE JUROR NUMBER 061: Well, I would echo
6 with what other people have said. I think it's not perfect. I think there's -- I
7 think it's the best system we could have. I don't -- it's -- there's obviously
8 flaws in it. It's prone to -- to prejudice. It's prone to -- to people, you
9 know, that honestly might think they see something and that's not really
10 what happened, but they really believe that that's what it was. And I -- but
11 I do think overall it's the, you know, I can't think of a better system.

12 MS. BLUTH: When you say, it's prone to prejudice, what
13 specifically would you --

14 PROSPECTIVE JUROR NUMBER 061: Well, I think -- I think
15 we all have some prejudice in whether we know it or we're, you know, I
16 mean some people are blatant about it and others are not. And -- but I
17 think there's -- there's plenty of history that points in that direction where,
18 you know, we've -- we, as a society, have made the wrong call and wrong
19 decision and -- but, you know, it doesn't mean that the system is
20 completely flawed either.

21 MS. BLUTH: But when you talk about prejudice, are you saying
22 like a specific section of people like based on color, sexuality,
23 socioeconomic?

24 PROSPECTIVE JUROR NUMBER 061: All of that. Yes,
25 absolutely all of that.

1 MS. BLUTH: Okay.

2 PROSPECTIVE JUROR NUMBER 061: Yes.

3 MS. BLUTH: Is there anything about -- anything you see in this
4 courtroom that brings you concern in regards to whether or not prejudices
5 were followed?

6 PROSPECTIVE JUROR NUMBER 061: I don't have any
7 information to -- I mean, I have -- no, I have no reason to believe that.

8 MS. BLUTH: Okay. Do you watch any of the shows we've
9 been talking about?

10 PROSPECTIVE JUROR NUMBER 061: I really don't. I don't
11 have a TV at home. I watch a little bit on the road, but I rarely watch TV.

12 MS. BLUTH: Talk to me about what you do in, like, in your
13 spare time, when you're not working?

14 PROSPECTIVE JUROR NUMBER 061: I do a lot of
15 recreational flying as well. I do a lot of outdoor activities, that sort of thing.

16 MS. BLUTH: Where do you get your news from?

17 PROSPECTIVE JUROR NUMBER 061: The Internet.

18 MS. BLUTH: Like just various websites?

19 PROSPECTIVE JUROR NUMBER 061: Yeah. Yeah, I would
20 say so, yeah.

21 MS. BLUTH: What about the question we've been talking
22 about, and I've been using the marijuana hypothetical specifically about,
23 you know, following the law even if it's a law that you don't agree with?

24 PROSPECTIVE JUROR NUMBER 061: Yeah, it's -- I agree
25 with trying to adhere to the law. I think it would be, you know, I mean,

1 taking that hypothetical maybe a little further where, I mean, even though
2 it is legal in this state, let's say it was not, but it was in every surrounding
3 state, I think that would -- that would make it more difficult. But I, you
4 know, I would still try to adhere to what the law was here.

5 MS. BLUTH: What do you mean, like, if someone traveled in,
6 let's say, like if someone traveled in from California and they still had it. Is
7 that what you mean or?

8 PROSPECTIVE JUROR NUMBER 061: Well, just the fact that
9 it's, you know, a marijuana conviction now is, you know, there's a lot of
10 states where it's completely legal. And so it doesn't seem -- it doesn't
11 seem fair that you would get some sort of harsh conviction in one
12 jurisdiction and not in another.

13 MS. BLUTH: Right. I see what you're saying.

14 So maybe the marijuana hypothetical isn't the best one for you.
15 But more thinking of like, you know, there's laws and you've got to follow
16 them and --

17 PROSPECTIVE JUROR NUMBER 061: Yes, I agree with that
18 sentiment. And I think that, you know, I, you know, again, from my
19 professional background, I have to adhere to a whole lot of laws and
20 procedures and everything that I don't necessarily agree with.

21 MS. BLUTH: Okay. Sitting in position of another person's
22 actions, like in a position of judgment, what are your thoughts on that?

23 PROSPECTIVE JUROR NUMBER 061: I've never been in the
24 position of this sort of a judgment. But I think I don't have concerns about
25 it.

1 MS. BLUTH: Okay. I had asked another juror, I had explained
2 the process of how you get to ask questions, and, you know, there might
3 be -- there's probably going to be lots of times where certain questions
4 just aren't asked because there are certain legal reasons and standards
5 and evidentiary --

6 PROSPECTIVE JUROR NUMBER 061: You mean
7 unanswered?

8 MS. BLUTH: Yeah.

9 PROSPECTIVE JUROR NUMBER 061: Yes.

10 MS. BLUTH: Did I say, asked, I apologize.

11 PROSPECTIVE JUROR NUMBER 061: Yes.

12 MS. BLUTH: Aren't answered. Is that something -- some
13 people that's very bothersome to them, it feels like, you know, the parties
14 are hiding something. Is that going to weigh on you if you're question isn't
15 asked?

16 PROSPECTIVE JUROR NUMBER 061: No, I think your
17 explanation of it, you know, makes sense. I didn't know that coming into
18 this but.

19 MS. BLUTH: Okay.

20 PROSPECTIVE JUROR NUMBER 061: But it makes sense.

21 MS. BLUTH: Good.

22 THE COURT: And it may be that another witness down the
23 road is going to answer that question, there are a lot of reasons you don't
24 ask the question.

25 MS. BLUTH: Yeah.

1 There are, I mean, there really -- there's so many reasons why
2 questions aren't answered and -- but you -- what I'm getting from you is
3 that you get it?

4 PROSPECTIVE JUROR NUMBER 061: Yes.

5 MS. BLUTH: Okay. You've heard us talk about the two
6 different phases of a trial, the trial phase --

7 PROSPECTIVE JUROR NUMBER 061: Yes.

8 MS. BLUTH: -- and the penalty phase.

9 PROSPECTIVE JUROR NUMBER 061: Right.

10 MS. BLUTH: We only get to the penalty phase if you find the
11 Defendant guilty of first degree murder. But the thing is, is when -- no
12 matter what phase you're in, you can only focus on that phase, you can't
13 be backwards and you can't go forwards, it's just in that phase.

14 Is that something you're capable of doing?

15 PROSPECTIVE JUROR NUMBER 061: I think so, yes.

16 MS. BLUTH: Did you hear and understand the three forms of
17 punishment that we've spoken about?

18 PROSPECTIVE JUROR NUMBER 061: Yes, I did.

19 MS. BLUTH: And can you fairly consider all three?

20 PROSPECTIVE JUROR NUMBER 061: Yes.

21 MS. BLUTH: Is there anything that I haven't asked you that you
22 feel like we should know about you when we're assessing whether or not
23 you're an appropriate juror for this trial?

24 PROSPECTIVE JUROR NUMBER 061: There may be
25 something, but I'm not -- I'm not permitted to say it in open court. But I

1 would be happy to say it in a private setting.

2 MS. BLUTH: Okay. Well, we'll probably -- maybe at break we'll
3 address that --

4 PROSPECTIVE JUROR NUMBER 061: Okay.

5 MS. BLUTH: -- situation. Thank you though for bringing it to
6 my attention.

7 This is a random question, but you actually can tell a lot about
8 somebody by this answer, do you have any bumper stickers on your car?

9 PROSPECTIVE JUROR NUMBER 061: I do not.

10 MS. BLUTH: Okay. I'm not going to learn anything about you.

11 So, Judge, just because he -- we need to address that one
12 issue, I'm not going to pass for cause yet. But we'll come back to you on
13 break.

14 PROSPECTIVE JUROR NUMBER 061: Okay.

15 MS. BLUTH: Thank you so much.

16 MR. LONG: Good afternoon, sir.

17 Do you fly for Alaska by any chance?

18 PROSPECTIVE JUROR NUMBER 061: I do not.

19 MR. LONG: Okay. Now, as a pilot, did you get your hours, did
20 you get your training in the military?

21 PROSPECTIVE JUROR NUMBER 061: I did not, no.

22 MR. LONG: Okay. So how did you become a pilot, just flight
23 school and --

24 PROSPECTIVE JUROR NUMBER 061: I became an instructor
25 and then worked for small airlines and worked my way up, yes.

1 MR. LONG: Okay. Can you tell us who you fly for now?

2 PROSPECTIVE JUROR NUMBER 061: Southwest Airlines.

3 MR. LONG: Okay. And you stated that, you know, our justice
4 system it -- it's the best we can do and you said you mostly agree. What
5 do you disagree with about our justice system?

6 PROSPECTIVE JUROR NUMBER 061: I think I mostly agree
7 with the fact that it works. I don't -- like I said, I have nothing that I can
8 think of that would make it better. So I, you know, I support the structure
9 of it and I believe that that's -- when I say, it mostly works, I say that in
10 terms of the results. And what I alluded to before was, you know, the
11 history of people saying things that didn't actually happen and prejudices
12 and that sort of thing.

13 MR. LONG: Okay. Now, you haven't been in a fight, and that's
14 a good thing, but would you agree that sometimes fist fights can be a life
15 or death situation?

16 PROSPECTIVE JUROR NUMBER 061: Yes.

17 MR. LONG: Okay. And along that same line, do you think a
18 person is ever justified in taking a life?

19 PROSPECTIVE JUROR NUMBER 061: Yes.

20 MR. LONG: And what situation is that person justified?

21 PROSPECTIVE JUROR NUMBER 061: Well, it's -- if they feel
22 that their life is threatened, if they feel that the attacker has the ability and
23 the intent to harm them in a lethal way, I think, you know, and has that
24 opportunity to do it, I think those are all things that would point towards the
25 justification for lethal force.

1 MR. LONG: Okay. Now, do you carry a weapon when you fly?
2 Do you carry a gun?

3 PROSPECTIVE JUROR NUMBER 061: I can't answer that
4 question.

5 THE COURT: It's probably none of your business.

6 MR. LONG: Okay. Did you get any law enforcement training?

7 PROSPECTIVE JUROR NUMBER 061: I can't answer that
8 question publicly.

9 MR. LONG: Okay. Your Honor, I think that I'm going to pass
10 for cause, but we'll see what he says on break.

11 THE COURT: Pass that mic over.

12 Tell me your name.

13 PROSPECTIVE JUROR NUMBER 018: Pablito Rabanal.

14 THE COURT: Do you work?

15 PROSPECTIVE JUROR NUMBER 018: Yes.

16 THE COURT: What do you do?

17 PROSPECTIVE JUROR NUMBER 018: Sanitation worker.

18 THE COURT: Married?

19 PROSPECTIVE JUROR NUMBER 018: Yes, sir.

20 THE COURT: Spouse work?

21 PROSPECTIVE JUROR NUMBER 018: Yes, sir.

22 THE COURT: What does your spouse do?

23 PROSPECTIVE JUROR NUMBER 018: CNA at Sunrise
24 Hospital.

25 THE COURT: Children?

1 PROSPECTIVE JUROR NUMBER 018: Two.
2 THE COURT: Ages?
3 PROSPECTIVE JUROR NUMBER 018: Coming 22 and 19.
4 THE COURT: Either of them in law or law enforcement?
5 PROSPECTIVE JUROR NUMBER 018: My son is a U.S. Navy.
6 THE COURT: He's in law enforcement? What does he do in
7 the navy?
8 PROSPECTIVE JUROR NUMBER 018: Mechanic.
9 THE COURT: Have you ever sat as a juror before?
10 PROSPECTIVE JUROR NUMBER 018: No.
11 THE COURT: You'll be fair to both parties in this case?
12 PROSPECTIVE JUROR NUMBER 018: My say, no, because I
13 can speak English. But it's hard -- some words I cannot understand. It's
14 hard to be understand. So I have a problem to communicate.
15 THE COURT: I feel strongly about this, this is your opportunity
16 to participate in the judicial process, the third arm of the government. It's
17 probably the only time you get to do this so. People shirk their duty, I
18 know, and sometimes I can't fix that. But I'll let the attorneys ask you
19 some questions.
20 State.
21 MS. DIGIACOMO: Thank you.
22 Sir, so how long have you been in Las Vegas?
23 PROSPECTIVE JUROR NUMBER 018: 15.
24 MS. DIGIACOMO: 15 years?
25 PROSPECTIVE JUROR NUMBER 018: Yes, ma'am.

1 MS. DIGIACOMO: And where did you come from?
2 PROSPECTIVE JUROR NUMBER 018: Philippines.
3 MS. DIGIACOMO: So what's your native language?
4 PROSPECTIVE JUROR NUMBER 018: Say it again?
5 MS. DIGIACOMO: What is your native language? What did
6 you learn -- what language did you speak first?
7 PROSPECTIVE JUROR NUMBER 018: Tagalog.
8 MS. DIGIACOMO: And what about your wife, is she from the
9 Philippines too --
10 PROSPECTIVE JUROR NUMBER 018: Yes.
11 MS. DIGIACOMO: -- or is she from here?
12 PROSPECTIVE JUROR NUMBER 018: Yes.
13 MS. DIGIACOMO: What do you speak at home?
14 PROSPECTIVE JUROR NUMBER 018: Tagalog, inside the
15 house because we're just two right now inside the house.
16 MS. DIGIACOMO: I'm sorry, there's just; what, two of you at
17 home?
18 PROSPECTIVE JUROR NUMBER 018: Yeah, me and her.
19 MS. DIGIACOMO: Do your kids know Tagalog?
20 PROSPECTIVE JUROR NUMBER 018: They speak Tagalog.
21 But my daughter is -- she went back to the Philippines to take school over
22 there.
23 MS. DIGIACOMO: Okay. So what is it -- you said that you're
24 having trouble understanding some of what we've been saying?
25 PROSPECTIVE JUROR NUMBER 018: Some words it's hard

1 for me to understand.

2 MS. DIGIACOMO: Like?

3 PROSPECTIVE JUROR NUMBER 018: I have to
4 communicate.

5 MS. DIGIACOMO: Can you give an example of what you didn't
6 understand?

7 PROSPECTIVE JUROR NUMBER 018: Some words, some --
8 some -- try to communicate with me and how many times I am -- I asking
9 you to repeat. I cannot understood.

10 MS. DIGIACOMO: Okay. Well, did you -- when we were
11 talking about bringing a gun to a fist fight, did you understand that?

12 PROSPECTIVE JUROR NUMBER 018: I understand but I
13 cannot answer it. I don't know. It's hard to me, to communicate, that's
14 why.

15 MS. DIGIACOMO: Okay. So is it fair to say you can
16 understand English better than you can speak it?

17 PROSPECTIVE JUROR NUMBER 018: Yeah, some words I
18 understand some words, but some I can't. It's hard for me to understand
19 and hard to say or to speak it.

20 MS. DIGIACOMO: Okay. So has somebody close to you ever
21 been the victim of a crime?

22 PROSPECTIVE JUROR NUMBER 018: No.

23 MS. DIGIACOMO: Has anyone close to you ever been
24 accused of a crime?

25 PROSPECTIVE JUROR NUMBER 018: No.

1 MS. DIGIACOMO: How do you -- what's your opinion of --
2 regarding our criminal justice system?

3 PROSPECTIVE JUROR NUMBER 018: I can't understand it,
4 because I -- I don't understand some laws over here or.

5 MS. DIGIACOMO: You don't understand what?

6 PROSPECTIVE JUROR NUMBER 018: The law, the law, the
7 rules.

8 MS. DIGIACOMO: The rules?

9 PROSPECTIVE JUROR NUMBER 018: Yes.

10 MS. DIGIACOMO: Oh, you don't understand the rules --

11 PROSPECTIVE JUROR NUMBER 050: The laws.

12 MS. DIGIACOMO: Oh, the laws. Thank you, I'm sorry.

13 PROSPECTIVE JUROR NUMBER 018: The laws.

14 MS. DIGIACOMO: It's hard to -- when you're speaking in the
15 mic it's --

16 PROSPECTIVE JUROR NUMBER 018: Oh.

17 MS. DIGIACOMO: So you don't understand some of the laws
18 here?

19 PROSPECTIVE JUROR NUMBER 018: Yes.

20 MS. DIGIACOMO: Like what laws? You mean like the way
21 our -- the way the jury system is?

22 PROSPECTIVE JUROR NUMBER 018: Yes.

23 MS. DIGIACOMO: Okay. Well, in our system, the State has to
24 prove beyond a reasonable doubt that the crimes occurred. It's the
25 State's burden, do you agree with that?

1 PROSPECTIVE JUROR NUMBER 018: That's -- can you say it
2 again?

3 MS. DIGIACOMO: Okay. The reason everybody's in this room
4 is because we need to seat a jury of 12 people -- or 16 people -- to hear
5 this case and the State has to prove beyond a reasonable doubt the
6 charges alleged.

7 Do you agree with that?

8 PROSPECTIVE JUROR NUMBER 018: Yes.

9 MS. DIGIACOMO: Okay. You understand that much?

10 PROSPECTIVE JUROR NUMBER 018: A little.

11 MS. DIGIACOMO: Okay. Do you watch -- what shows do you
12 watch?

13 PROSPECTIVE JUROR NUMBER 018: All Filipino channel
14 inside the house. That's why --- that's the problem of us.

15 MS. DIGIACOMO: You don't watch any English TV?

16 PROSPECTIVE JUROR NUMBER 018: No.

17 MS. DIGIACOMO: Okay. So if the judge was to give you jury
18 instructions, and he'll tell you what they are and read them to you, as well
19 as give a copy to the jury, would you be able to read and understand the
20 instructions he gives to you?

21 PROSPECTIVE JUROR NUMBER 018: I'll try.

22 MS. DIGIACOMO: Okay. How well do you read English?

23 PROSPECTIVE JUROR NUMBER 018: How --

24 MS. DIGIACOMO: -- well do you read English?

25 PROSPECTIVE JUROR NUMBER 018: I can read, yeah.

1 MS. DIGIACOMO: Okay. Do you read books in English?

2 PROSPECTIVE JUROR NUMBER 018: Yes.

3 MS. DIGIACOMO: What kind of books?

4 PROSPECTIVE JUROR NUMBER 018: Any books.

5 MS. DIGIACOMO: Okay. So back to this bringing a gun to a
6 fist fight, what are your thoughts on that?

7 PROSPECTIVE JUROR NUMBER 018: For me it's, no.

8 MS. DIGIACOMO: You don't bring a gun to a fist fight?

9 PROSPECTIVE JUROR NUMBER 018: Yeah.

10 MS. DIGIACOMO: Okay. Why not?

11 PROSPECTIVE JUROR NUMBER 018: If you see a gun, you
12 don't know what's -- what is gun -- gun is a danger. So I say, no.

13 MS. DIGIACOMO: Okay. And if you were selected to be on
14 this jury, would you be able to, I guess, make a decision on the first
15 phase, which is the trial phase, would you be able to sit in judgment and
16 make a decision regarding the facts of the case?

17 PROSPECTIVE JUROR NUMBER 018: I cannot. Can you say
18 it again?

19 MS. DIGIACOMO: Okay. If you were chosen to be on this
20 jury --

21 PROSPECTIVE JUROR NUMBER 018: Yes.

22 MS. DIGIACOMO: -- would you be able, with your fellow jurors,
23 to make a decision regarding whether or not the Defendant is guilty or not
24 guilty?

25 PROSPECTIVE JUROR NUMBER 018: You mean go with

1 them with the decision? Go with them with the decision, follow them?

2 MS. DIGIACOMO: No, not -- well, not follow them.

3 PROSPECTIVE JUROR NUMBER 018: On my own decision?

4 MS. DIGIACOMO: Make your own with all the jurors?

5 PROSPECTIVE JUROR NUMBER 018: Guilty, you said to be
6 the -- somebody's guilty?

7 MS. DIGIACOMO: Or not guilty, if we didn't prove the case?

8 PROSPECTIVE JUROR NUMBER 018: Yes.

9 MS. DIGIACOMO: Okay. And if you were on this jury and a
10 first degree murder conviction was returned, could you, in penalty, keep
11 an open mind and consider all three penalties?

12 PROSPECTIVE JUROR NUMBER 018: What penalties is that?

13 MS. DIGIACOMO: There was the term of years, 20 to 50 years;
14 there's life with the possibility of parole after 20 years; and life without the
15 possibility of parole.

16 PROSPECTIVE JUROR NUMBER 018: Yes.

17 MS. DIGIACOMO: Okay. I will -- I have no further questions.

18 MR. LONG: Your Honor, I'd ask we remove for cause.

19 MS. DIGIACOMO: I stipulate.

20 THE COURT: You what?

21 MS. DIGIACOMO: I will stipulate to that.

22 THE COURT: All right.

23 MR. LONG: We agree.

24 THE COURT: You're excused, sir.

25 THE COURT CLERK: Steve Prentice.

1 THE COURT: All right. Tell me your name.
2 PROSPECTIVE JUROR NUMBER 062: Steve Prentice.
3 THE COURT: Do you work?
4 PROSPECTIVE JUROR NUMBER 062: Yes, I do. I work for
5 the Nevada Department of Corrections and I've worked there for 12 years.
6 THE COURT: Where at?
7 PROSPECTIVE JUROR NUMBER 062: High Desert State
8 Prison, sir.
9 THE COURT: You're a guard?
10 PROSPECTIVE JUROR NUMBER 062: I was a correctional
11 officer for seven and a half years. I'm currently a Correctional Casework
12 Specialist 2.
13 THE COURT: Are you married?
14 PROSPECTIVE JUROR NUMBER 062: Yes, sir.
15 THE COURT: Spouse work?
16 PROSPECTIVE JUROR NUMBER 062: Yes.
17 THE COURT: What does your spouse do?
18 PROSPECTIVE JUROR NUMBER 062: She works for Aria.
19 She works at the dispatch.
20 THE COURT: Children?
21 PROSPECTIVE JUROR NUMBER 062: Yes, two.
22 THE COURT: Ages?
23 PROSPECTIVE JUROR NUMBER 062: Seven and twelve.
24 THE COURT: Now, before you started to work -- are you a Cat
25 I, Cat II?

1 PROSPECTIVE JUROR NUMBER 062: Cat III, sir.
2 THE COURT: Cat III?
3 PROSPECTIVE JUROR NUMBER 062: Yeah.
4 THE COURT: So you've been through a --
5 PROSPECTIVE JUROR NUMBER 062: Yes.
6 THE COURT: -- cadet school?
7 PROSPECTIVE JUROR NUMBER 062: Yes.
8 THE COURT: Can you be fair and impartial to both parties in
9 this case?
10 PROSPECTIVE JUROR NUMBER 062: Can I be fair and
11 partial; yes, sir, I can. However, because I'm sure if anything were to
12 happen, he would be at my facility because I work at the intake facility.
13 THE COURT: I understand.
14 PROSPECTIVE JUROR NUMBER 062: That could
15 jeopardize --
16 THE COURT: I understand.
17 I'll let the State ask you some questions.
18 PROSPECTIVE JUROR NUMBER 062: Okay.
19 MS. BLUTH: I'm sorry, so finish what you were just saying right
20 now.
21 PROSPECTIVE JUROR NUMBER 062: I work at the intake --
22 MS. BLUTH: Right.
23 PROSPECTIVE JUROR NUMBER 062: -- facility; therefore, if
24 he was sentenced, he would be at the facility that I am in, and that could
25 jeopardize -- I don't know if he'd want to retaliation or anything. That, that

1 could be my concern.

2 MS. BLUTH: Oh, you mean, like if he were upset and he knew
3 you worked there?

4 PROSPECTIVE JUROR NUMBER 062: Yes.

5 MS. BLUTH: Okay.

6 PROSPECTIVE JUROR NUMBER 062: I would see him on the
7 yard. I could see him, you know, yeah.

8 MS. BLUTH: Would that affect your decision-making in this
9 case?

10 PROSPECTIVE JUROR NUMBER 062: No, I can be fair and
11 impartial because of the line of work I'm in; however --

12 MS. BLUTH: Right. There may be aftermath is what you're
13 saying?

14 PROSPECTIVE JUROR NUMBER 062: Yes.

15 MS. BLUTH: And, I guess, what I'm trying to figure out is, is
16 because you feel like, hey, there could be potential aftermath, would it
17 make you second think -- second --

18 PROSPECTIVE JUROR NUMBER 062: No, no.

19 MS. BLUTH: Okay. All right.

20 THE COURT: You know what, I'm going to excuse him.

21 MR. LONG: Please.

22 THE COURT: I'm going to excuse him.

23 MS. BLUTH: Okay.

24 THE COURT: I don't think it would be fair to him to sit on it.

25 PROSPECTIVE JUROR NUMBER 062: Thank you, Judge.

1 THE COURT: Thanks.

2 THE COURT CLERK: Jennifer Fay.

3 THE COURT: All right. Tell me your name.

4 PROSPECTIVE JUROR NUMBER 063: Jennifer Fay.

5 THE COURT: Do you work?

6 PROSPECTIVE JUROR NUMBER 063: Yes.

7 THE COURT: What do you do?

8 PROSPECTIVE JUROR NUMBER 063: I'm a City Director of a

9 non-profit called The Cupcake Girls. We provide support to people in the

10 adult industry and aftercare for people who have been sex trafficked.

11 THE COURT: Are you married?

12 PROSPECTIVE JUROR NUMBER 063: Yes.

13 THE COURT: Spouse work?

14 PROSPECTIVE JUROR NUMBER 063: Yes, he's a pastor at a

15 church.

16 THE COURT: Children?

17 PROSPECTIVE JUROR NUMBER 063: None.

18 THE COURT: Now, because you're involved in the church, I'm

19 sure too, do you have a problem with sitting in judgment?

20 PROSPECTIVE JUROR NUMBER 063: I do not.

21 THE COURT: Of the facts, not anything else at this point?

22 PROSPECTIVE JUROR NUMBER 063: What I am in -- what I

23 would be sitting in judgment in is if a person's behavior is abided by the

24 laws that we've all agreed to by living in this country.

25 THE COURT: You could be fair and impartial?

1 PROSPECTIVE JUROR NUMBER 063: Yes.

2 THE COURT: State.

3 MS. BLUTH: How long have you been married?

4 PROSPECTIVE JUROR NUMBER 063: 15 years.

5 THE COURT: And how long have you been working with this
6 non-profit?

7 PROSPECTIVE JUROR NUMBER 063: Since January.

8 MS. BLUTH: Okay. And what did you do before that?

9 PROSPECTIVE JUROR NUMBER 063: I was a pastor at my
10 church.

11 MS. BLUTH: Okay. So in the position you're at right now, do
12 you ever work with any of the people at the District Attorney's Office in the
13 Special Victims Unit?

14 PROSPECTIVE JUROR NUMBER 063: Not that I know of.

15 MS. BLUTH: Okay. But you -- do you -- you would -- I would
16 imagine you would probably work with victims though that like -- so, for
17 instance, we go to court, you know, with individuals who have been
18 sexually trafficked and I would imagine that you -- some of those same
19 women, and sometimes men, go to your non-profit.

20 PROSPECTIVE JUROR NUMBER 063: Yes.

21 MS. BLUTH: But do you -- so do you -- are you ever involved in
22 like the court process, like you come and support them, or things like that?

23 PROSPECTIVE JUROR NUMBER 063: Not me personally. I
24 mean we have a team of advocates who might accompany one of their
25 clients to a hearing or something like that, yeah.

1 MS. BLUTH: Okay.

2 PROSPECTIVE JUROR NUMBER 063: So I guess potentially,
3 but not at this point.

4 MS. BLUTH: So I know that you said that you're sitting director,
5 but can you tell me what like, what the job duties are of you?

6 PROSPECTIVE JUROR NUMBER 063: So I oversee like all of
7 our day-to-day stuff with our organization. So oversee our staff, oversee
8 our volunteer teams, and make sure that we're running according to our
9 mission and purpose.

10 MS. BLUTH: Gotchu. Okay. Perfect.

11 Ever been -- well, actually I want to go back to your husband,
12 has your husband always been a pastor or was he employed in a different
13 capacity?

14 PROSPECTIVE JUROR NUMBER 063: Always been a pastor.

15 MS. BLUTH: All right. You didn't raise your hand when the
16 question was asked whether or not you've ever been the victim of a crime.

17 PROSPECTIVE JUROR NUMBER 063: Correct.

18 MS. BLUTH: But any family members or close friends?

19 PROSPECTIVE JUROR NUMBER 063: A good friend of ours
20 was held at gunpoint at an ATM.

21 MS. BLUTH: Was that here in Las Vegas?

22 PROSPECTIVE JUROR NUMBER 063: U'm-h'm, a couple --

23 MS. BLUTH: How long --

24 PROSPECTIVE JUROR NUMBER 063: -- a couple of years
25 ago.

1 MS. BLUTH: Okay. Did they catch the person that did that?
2 PROSPECTIVE JUROR NUMBER 063: I don't know.
3 MS. BLUTH: Anything about that or about how it was
4 handled --
5 PROSPECTIVE JUROR NUMBER 063: No.
6 MS. BLUTH: -- that would affect you?
7 Okay. What about accused of a crime, any family members or
8 close friends?
9 PROSPECTIVE JUROR NUMBER 063: A good friend of mine
10 her son is incarcerated in Nebraska.
11 MS. BLUTH: For what?
12 PROSPECTIVE JUROR NUMBER 063: I think possession of a
13 weapon while on parole.
14 MS. BLUTH: Anything about that?
15 PROSPECTIVE JUROR NUMBER 063: I don't think so, no.
16 MS. BLUTH: Feelings about local law enforcement or law
17 enforcement in general?
18 PROSPECTIVE JUROR NUMBER 063: I have several friends
19 who work for Metro.
20 THE COURT: You can't call them for help, if you're picked as a
21 juror.
22 Do you understand?
23 PROSPECTIVE JUROR NUMBER 063: I do.
24 THE COURT: Okay.
25 MS. BLUTH: What sections do they work in? What type of

1 crimes do they investigate?

2 PROSPECTIVE JUROR NUMBER 063: So some are like more
3 like street cops.

4 MS. BLUTH: Patrol officers?

5 PROSPECTIVE JUROR NUMBER 063: Yeah, patrol officers.
6 Some work in like administration, some -- I mean, one of my friends, not a
7 super close friend, but works in like, like, investigating homicides.

8 MS. BLUTH: Okay. Who is that?

9 PROSPECTIVE JUROR NUMBER 063: I just blanked on her
10 name. Her kids -- when I was the children's pastor like her kids grew up
11 through the ministry that I oversaw. So I cannot --

12 MS. BLUTH: That's okay.

13 Is it Sunny Bogatay?

14 PROSPECTIVE JUROR NUMBER 063: No, I'm sorry, but
15 she -- her kids are twins and they're probably in high school now.

16 MS. BLUTH: Okay.

17 PROSPECTIVE JUROR NUMBER 063: That doesn't help you,
18 sorry.

19 MS. BLUTH: Terry Miller?

20 PROSPECTIVE JUROR NUMBER 063: No, sorry.

21 MS. BLUTH: That's okay.

22 PROSPECTIVE JUROR NUMBER 063: I can see her face, but
23 I can't think of her name.

24 MS. BLUTH: But you didn't recognize any of the names --

25 PROSPECTIVE JUROR NUMBER 063: Nope, I didn't

1 recognize any of the names read.

2 MS. BLUTH: Okay. All right.

3 Let's see, okay, what about our criminal justice system in the
4 country?

5 PROSPECTIVE JUROR NUMBER 063: It's fine.

6 MS. BLUTH: Any negative contacts with law enforcement that
7 you can think of where you, you know, you left like you were -- you felt like
8 you weren't treated the way you should have been?

9 PROSPECTIVE JUROR NUMBER 063: No.

10 MS. BLUTH: The shows that we've been talking about, CSI,
11 NCIS, anything like that?

12 PROSPECTIVE JUROR NUMBER 063: Yeah, I mean, I have
13 watched them. I don't, I mean, yeah, I've watched them in the past. I
14 don't necessarily currently watch them. I don't have an expectation that
15 this court is going to be like that or that there will be a bunch of forensic
16 evidence.

17 MS. BLUTH: Okay. You've been hearing the same question
18 about the gun battle, the --

19 PROSPECTIVE JUROR NUMBER 063: I have.

20 MS. BLUTH: -- fist fights, what do you think about that?

21 PROSPECTIVE JUROR NUMBER 063: So what I think about
22 that is it sounds like there's an assumption being made that in a fist fight
23 it's always an equal battle and that by bringing a gun someone is
24 offsetting the balances. And I'm a small female, and I have lots of friends
25 who carry and conceal, so to me, a couple of things there, one, I'm a small

1 female. So someone with just their hands could be substantially more
2 powerful than I am. So me having a deadly weapon does not necessarily
3 make the playing field not level. It could actually level the playing field for
4 us. So I would not use that unless there was imminent threat to my life or
5 the life of someone else.

6 MS. BLUTH: Okay.

7 PROSPECTIVE JUROR NUMBER 063: And that's the
8 standard that I would hold other people to.

9 Also, on the carry and conceal front, I do have friends who can
10 carry and conceal, so were they to get into a fist fight, they did bring a gun
11 to a fist fight and they weren't necessarily anticipating being in a fist fight.
12 They just always have their gun on them.

13 MS. BLUTH: Okay. Would you agree with me though that in
14 making that decision to use that weapon, the factors, you know, that we
15 consider on the spectrum though should be like the level of threat that --

16 PROSPECTIVE JUROR NUMBER 063: Yes.

17 MS. BLUTH: -- you feel?

18 PROSPECTIVE JUROR NUMBER 063: Like I said, imminent
19 threat to my life or imminent threat to the life of another.

20 MS. BLUTH: Now, it's hard; right, because I can't tell you what
21 the law is right now because it's just not my job and we don't get to know
22 the law until after the case. But what if the law is something different than
23 what you just said?

24 PROSPECTIVE JUROR NUMBER 063: So I think what you're
25 asking me is can I sit on a jury and have an opinion on like what the law is

1 and not what I think a law should be or what a different law is?

2 MS. BLUTH: Yeah. Because you've said twice now that --

3 PROSPECTIVE JUROR NUMBER 063: Yes.

4 MS. BLUTH, -- you know, the law -- or not the law -- but your
5 feelings were like you shouldn't be using a weapon unless you feel like
6 you're in imminent danger or that someone around you is in imminent
7 danger?

8 PROSPECTIVE JUROR NUMBER 063: U'm-h'm.

9 MS. BLUTH: I'm just asking you, what if the law says
10 something different, can you follow a law --

11 PROSPECTIVE JUROR NUMBER 063: Yes.

12 MS. BLUTH: When you are in a group of people are you the
13 leader, the follower, or somewhere in the middle?

14 PROSPECTIVE JUROR NUMBER 063: Different times;
15 different things. Often the leader; often somewhere in the middle.

16 MS. BLUTH: Have you ever been a witness or a participant in
17 anyway in any trial?

18 PROSPECTIVE JUROR NUMBER 063: I have not.

19 MS. BLUTH: And you said that you haven't been a juror
20 before?

21 PROSPECTIVE JUROR NUMBER 063: I have not.

22 MS. BLUTH: One of the perspective jurors who was talking
23 before you was saying that, you know, she was a juror and one of the
24 witnesses in the trial went up and spoke to the juror and there was a
25 mistrial.

1 PROSPECTIVE JUROR NUMBER 063: U'm-h'm.

2 MS. BLUTH: So as jurors, the one thing that you'll get really
3 tired of hearing, besides these questions, is the admonition when you
4 leave the court. Each time Judge will say, you're not allowed to talk about
5 this with anyone, you can't Tweet, Facebook, you can't look at the news,
6 things like that, and you can't talk to other jurors about this until you get
7 back into the deliberation room. It's very serious. Like not even amongst
8 yourselves you can't, I think this about that witness, I think that.

9 If you were in a situation where you heard two jurors discussing
10 the case, and it wasn't the time to do so, what would you do?

11 PROSPECTIVE JUROR NUMBER 063: Well, I -- my first
12 thought would be to remind them, hey, we're not supposed to.

13 I guess my follow-up question to that is though, am I
14 responsible to come to someone if I see that or hear that?

15 MS. BLUTH: Well, I mean, I think -- so first of all, if any juror
16 sees any type of misconduct, they are always to go to the marshal.

17 PROSPECTIVE JUROR NUMBER 063: Okay.

18 MS. BLUTH: And I guess, yeah, you're right, you wouldn't know
19 that. But the strict rule is, you cannot be discussing it. No juror should be
20 discussing it with you or with anybody else. So if that is found out, it
21 should be reported to the marshal, who then reports it to the Court.

22 Would you feel comfortable doing that?

23 PROSPECTIVE JUROR NUMBER 063: I don't think I feel
24 comfortable, but I guess I'd have to.

25 MS. BLUTH: Yeah, I mean, it's -- it kind of feels like your

1 ratting; right? But, I mean. It's pretty important and there's a lot that
2 needs to be discussed and ruled upon. So rules have to be followed.

3 If you got back to the deliberation room and 11 people saw it
4 one way and you saw it a different way, what would you do about that?

5 PROSPECTIVE JUROR NUMBER 063: Well, I'd pull out my
6 notes and tell them all why I saw it the way that I saw it. And then I guess
7 we'd keep talking until either they moved or I moved.

8 MS. BLUTH: Okay. Okay. Can you, you know, when you're in
9 the trial phase, when you're just deciding the guilt or innocence --

10 PROSPECTIVE JUROR NUMBER 063: Yes.

11 MS. BLUTH: -- can you stay there --

12 PROSPECTIVE JUROR NUMBER 063: Yes.

13 MS. BLUTH: -- in your head?

14 PROSPECTIVE JUROR NUMBER 063: I can
15 compartmentalize what I'm supposed to be thinking on at that point, and
16 then compartmentalize what I'm supposed to be thinking on at a different
17 point. If that's the question that you're asking.

18 MS. BLUTH: It is.

19 PROSPECTIVE JUROR NUMBER 063: Yes.

20 MS. BLUTH: Did you hear all three forms of sentence?

21 PROSPECTIVE JUROR NUMBER 063: Yes.

22 MS. BLUTH: And can you fairly consider all three forms?

23 PROSPECTIVE JUROR NUMBER 063: Yes.

24 MS. BLUTH: Is there anything that I haven't asked you that you
25 think we should know when we're assessing whether or not you're the

1 proper juror for this case?

2 PROSPECTIVE JUROR NUMBER 063: I don't think so.

3 MS. BLUTH: Pass for cause, Your Honor.

4 THE COURT: Thanks.

5 MR. LONG: Ms. Fay, in your past life as a pastor, do you
6 believe that in any circumstance life must be resolved at all cost no matter
7 what?

8 PROSPECTIVE JUROR NUMBER 063: No. I believe I just
9 said that if there's imminent threat to my life or the life of another, I see
10 that as cause to take a life.

11 MR. LONG: Okay. And in your work, do you associate with
12 police chaplains frequently?

13 PROSPECTIVE JUROR NUMBER 063: I have. I don't know
14 that I would say frequently.

15 MR. LONG: Your husband is not a police chaplain?

16 PROSPECTIVE JUROR NUMBER 063: He is not.

17 MR. LONG: No one you're associated with?

18 PROSPECTIVE JUROR NUMBER 063: I do have a friend who
19 is a police chaplain, but I think he actually moved over and is doing
20 military chaplain now.

21 MR. LONG: Okay. And through your work in your church do
22 you deal with victims of domestic battery?

23 PROSPECTIVE JUROR NUMBER 063: Sometimes.

24 MR. LONG: Have you ever counseled perpetrators of domestic
25 battery?

1 PROSPECTIVE JUROR NUMBER 063: I can't remember off
2 the top of my head if I have.

3 MR. LONG: And do you believe that -- you've said that your
4 criminal justice system is fine, do you believe that Defendants can be
5 innocent?

6 PROSPECTIVE JUROR NUMBER 063: Yes.

7 MR. LONG: And the police chaplains that you spoke of before,
8 none of them are associated with North Las Vegas Police Department?

9 PROSPECTIVE JUROR NUMBER 063: Not to my knowledge.

10 MR. LONG: Okay. I don't have anything else.

11 I'll pass for cause.

12 THE COURT: Thanks.

13 Tell me your name.

14 PROSPECTIVE JUROR NUMBER 021: Jose Rodriguez.

15 THE COURT: Do you work?

16 PROSPECTIVE JUROR NUMBER 021: Yes.

17 THE COURT: Speak into the mic.

18 PROSPECTIVE JUROR NUMBER 021: Yes.

19 THE COURT: It's directional.

20 What do you do?

21 PROSPECTIVE JUROR NUMBER 021: I run a small flooring
22 company.

23 THE COURT: Are you married?

24 PROSPECTIVE JUROR NUMBER 021: Divorced but back with
25 my ex-wife.

1 THE COURT: Does your ex-wife work?
2 PROSPECTIVE JUROR NUMBER 021: No.
3 THE COURT: Children?
4 PROSPECTIVE JUROR NUMBER 021: Three.
5 THE COURT: Ages?
6 PROSPECTIVE JUROR NUMBER 021: 11, 10, and two --
7 three.
8 THE COURT: Have you ever sat as a juror before?
9 PROSPECTIVE JUROR NUMBER 021: No.
10 THE COURT: Can you think of any reason you would not be
11 fair and impartial to the Defendant and to the State?
12 PROSPECTIVE JUROR NUMBER 021: No.
13 THE COURT: State.
14 MS. DIGIACOMO: Thank you.
15 And I missed it, you said you were divorced but what did you
16 say she did or?
17 PROSPECTIVE JUROR NUMBER 021: I'm back with my
18 ex-wife. So we're back together.
19 MS. DIGIACOMO: Oh, you're back. Oh, okay. Well, congrats.
20 So does she just stay at home with the kids?
21 PROSPECTIVE JUROR NUMBER 021: Correct.
22 MS. DIGIACOMO: Okay. All right. So have any family
23 members or anyone close to you ever been the victim of a crime?
24 PROSPECTIVE JUROR NUMBER 021: No.
25 MS. DIGIACOMO: What about anyone close to you or any

1 family member been accused of a crime?

2 PROSPECTIVE JUROR NUMBER 021: No. I had an incident
3 about a month ago where my brother got stopped for apparently DUI.
4 And then he did get -- he did get -- they took him in. But he wasn't DUI.
5 He was just -- his allergies were really acting up. So his medicine was,
6 you know, making him look like he was drunk and. But, yeah, he did
7 spend one day in jail and. But that's about it.

8 MS. DIGIACOMO: Do you have any opinion regarding how he
9 was treated or the system treated him fairly or unfairly?

10 PROSPECTIVE JUROR NUMBER 021: Well, I think he was -- I
11 actually had to go pick up the car that he was on. It was one of my cars.
12 And I don't know, I think the -- the cop that was there he was really nice to
13 me, but then, I guess, he wasn't that nice to my brother because my
14 brother was trying to explain to him that what was going on. He just, you
15 know, he just took him in regardless.

16 MS. DIGIACOMO: Was there a crash or was it just the car was
17 on the side of the road?

18 PROSPECTIVE JUROR NUMBER 021: No, no, it wasn't on the
19 side of the road. He got stopped because they thought he was
20 intoxicated.

21 MS. DIGIACOMO: Okay. And it turns out he wasn't?

22 PROSPECTIVE JUROR NUMBER 021: No, the blood came
23 back as, no, negative.

24 MS. DIGIACOMO: All right. And so what happened with that
25 case?

1 PROSPECTIVE JUROR NUMBER 021: It got dismissed.

2 MS. DIGIACOMO: Okay. So anything about that that would
3 affect your ability to be fair and impartial in this case?

4 PROSPECTIVE JUROR NUMBER 021: I don't think so, no.

5 MS. DIGIACOMO: Okay. Is there anything that could affect
6 your ability to be fair and impartial in this case?

7 PROSPECTIVE JUROR NUMBER 021: Um --

8 MS. DIGIACOMO: You're kind of hesitating like you want to tell
9 us.

10 PROSPECTIVE JUROR NUMBER 021: Well, for me it's time. I
11 actually, I -- like I said, I run a small company. I am in charge of about ten
12 people. I am the one that -- I get anywhere from 100 calls to 150 calls a
13 day. So for me being here is kind of hard.

14 I do want to participate because that is my duty, but, you know,
15 I'm -- my mind could phase off at points you know, thinking about what I
16 should be doing right now.

17 MS. DIGIACOMO: Okay. But if you were -- and I get that. And
18 everyone in this room has their own lives that have to be put on hold to sit
19 on a jury.

20 If you were chosen to be on this jury though, do you think you
21 could, you know, give this full attention while you're in this room -- and I
22 understand you could be making calls outside on a break -- but you can
23 you give full attention to that, you know, both sides get a fair trial?

24 PROSPECTIVE JUROR NUMBER 021: Yes.

25 MS. DIGIACOMO: All right. So what do you think about our

1 criminal justice system?

2 PROSPECTIVE JUROR NUMBER 021: I think it works. I think,
3 you know, like anything, it will have flaws. You know, there will be
4 something that slips through the cracks, like any -- the other system that
5 we have in the world. But, you know, it works for the most of it.

6 MS. DIGIACOMO: How long have you been in Las Vegas?

7 PROSPECTIVE JUROR NUMBER 021: I've been here 27
8 years.

9 MS. DIGIACOMO: Do you watch any of the law shows we've
10 been talking about?

11 PROSPECTIVE JUROR NUMBER 021: Occasionally. We
12 don't have cable. So occasionally we just like at night sometimes watch
13 Law and Order but that's about it. Not very often.

14 MS. DIGIACOMO: And so is it fair to say you don't have any
15 expectations of what this trial should look like based upon what you see
16 on TV?

17 PROSPECTIVE JUROR NUMBER 021: Correct, I don't.

18 MS. DIGIACOMO: Okay. Do you think that the State in every
19 case needs to have some sort of forensic evidence in order to obtain a
20 conviction?

21 PROSPECTIVE JUROR NUMBER 021: Maybe not forensic
22 evidence but enough evidence to convict, yeah.

23 MS. DIGIACOMO: Right. To prove it beyond a reasonable
24 doubt?

25 PROSPECTIVE JUROR NUMBER 021: Correct.

1 MS. DIGIACOMO: So at the end of the case, when the judge
2 instructs you on the law, can you follow what he tells you versus if you
3 disagree with it?

4 PROSPECTIVE JUROR NUMBER 021: Correct.

5 MS. DIGIACOMO: Did I already ask you about bringing a gun
6 to a fist fight?

7 PROSPECTIVE JUROR NUMBER 021: No.

8 MS. DIGIACOMO: Okay. Well, I'm going to ask you. What do
9 you think about it? I know we've talked about it, and everyone's had their
10 own opinions, what's your opinion?

11 PROSPECTIVE JUROR NUMBER 021: Well, if you have a gun
12 I'm pretty sure that, you know, that's the last thing you want to use.
13 Unless it's really, really has to. But it has to be a very strong
14 circumstance, you know, to different people it means different things, what
15 that circumstance is going to be.

16 MS. DIGIACOMO: What about, do you think you're a good
17 judge of character?

18 PROSPECTIVE JUROR NUMBER 021: Not an excellent but I
19 don't think nobody's great at it. But I -- fair, I think.

20 MS. DIGIACOMO: And with regard to the different phases of
21 this trial, the first phase, the trial phase, making a determination whether
22 or not the State's proven its case, do you think you can separate that from
23 thinking about any penalty that could come?

24 PROSPECTIVE JUROR NUMBER 021: Correct.

25 MS. DIGIACOMO: And then in the penalty phase, if we got

1 there, can you keep an open mind and consider all three penalties?

2 PROSPECTIVE JUROR NUMBER 021: Yes.

3 MS. DIGIACOMO: I have nothing further.

4 THE COURT: Pass for cause?

5 MS. DIGIACOMO: Pass for cause.

6 MR. LONG: Mr. Rodriguez, in your flooring company, do you
7 actually go out and install, tool up and set tile, or are you more of an
8 administrator?

9 PROSPECTIVE JUROR NUMBER 021: I do everything else
10 besides installing, yeah.

11 MR. LONG: Okay. Do you think if you were chosen as a juror
12 you could tell some of your employees, look, now is not the time to call
13 me, so you can concentrate on the issues at hand?

14 PROSPECTIVE JUROR NUMBER 021: Well, unfortunately it's
15 not only employees, it's customers, new customers that I have to -- our
16 business is based on getting the new customer every single time. It's not
17 repeated customers.

18 So my mind would be like -- like right now, this -- we're in
19 construction, so we go week by week. If this takes a couple of weeks, it
20 will really affect my business.

21 MR. LONG: Now, are you a contractor, are you a licensed
22 contractor?

23 PROSPECTIVE JUROR NUMBER 021: Yes, sir.

24 MR. LONG: Okay. And because of your contracting business,
25 have you ever been sued, dragged into any lawsuits?

1 PROSPECTIVE JUROR NUMBER 021: I had a dispute with
2 the contractor's board at one point and I went through it, yes.

3 MR. LONG: Did you prevail?

4 PROSPECTIVE JUROR NUMBER 021: I think so, yes.
5 Because the -- I didn't get -- I got penalized not for what it was. It was for
6 something else, you know, acting outside my license.

7 MR. LONG: Okay. Now, the issue at hand, I'm going to be
8 brief, do you think that there is a time when a person is justified in taking
9 the life of someone else?

10 PROSPECTIVE JUROR NUMBER 021: The circumstances
11 have to be very, very extreme, but yes.

12 MR. LONG: Such as?

13 PROSPECTIVE JUROR NUMBER 021: Well, I believe that,
14 you know, if there is a fist fight, I mean, you will get beat up or whatever,
15 you know. But if somebody is threatening not my life, per se, you know, I
16 think I can handle myself. But my kid's life or something like that, then
17 maybe yes.

18 MR. LONG: Okay. Now, you appear to be a decent sized
19 fellow, have you been in many fights?

20 PROSPECTIVE JUROR NUMBER 021: No.

21 MR. LONG: Okay. And do you know anyone who's been
22 beaten up?

23 PROSPECTIVE JUROR NUMBER 021: One of my
24 ex-employees just call me the other day, he got beat up.

25 MR. LONG: Do you know the circumstances?

1 PROSPECTIVE JUROR NUMBER 021: Well, he was drunk
2 and being dumb, I guess.

3 MR. LONG: Those two tend to kind of go together.

4 PROSPECTIVE JUROR NUMBER 021: U'm-h'm.

5 MR. LONG: So do you know anyone who has been a victim of
6 domestic battery?

7 PROSPECTIVE JUROR NUMBER 021: No.

8 MR. LONG: Do you know any men who have been in trouble
9 for committing domestic battery?

10 PROSPECTIVE JUROR NUMBER 021: Going back to my
11 brother, I think he had a problem with domestic violence but it never went
12 to court. It never -- nothing happened.

13 MR. LONG: Okay. I'll pass for cause, Your Honor.

14 THE COURT: Thanks.

15 Tell me your name.

16 PROSPECTIVE JUROR NUMBER 022: Christine Hadary.

17 THE COURT: Do you work?

18 PROSPECTIVE JUROR NUMBER 022: Yes.

19 THE COURT: What do you do?

20 PROSPECTIVE JUROR NUMBER 022: I'm a design
21 consultant for a tile company.

22 THE COURT: Married?

23 PROSPECTIVE JUROR NUMBER 022: No.

24 THE COURT: Children?

25 PROSPECTIVE JUROR NUMBER 022: Yes.