

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 82918

Electronically Filed
Sep 13 2021 12:42 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SHELBE RIVERA

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

Appeal from Guilty Verdict
Eighth Judicial District Court, Clark County
The Honorable, District Court Judge Michelle Leavitt
District Court Case No. C-18-333893-1

APPELLANT'S APPENDIX - VOLUME ONE

JESS R. MARCHESE, ESQ.
Nevada Bar No. 8175
601 Las Vegas Blvd. South
Las Vegas, NV 89101
702-385-5377
Marcheselaw@msn.com
Attorney for Appellant Shelbe Rivera

Steven Wolfson, Esq.
Clark County District
Attorney 200 Lewis Ave
Las Vegas, NV 89101

Aaron D. Ford
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

Counsel for Respondent

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DATED this 14th day of September, 2021

/s/
JESS R. MARCHESE, ESQ.
Nevada Bar No. 8175
601 Las Vegas Blvd. South
Las Vegas, NV 89101

702-385-5377

Marcheslaw@msn.com

Attorney for Appellant Shelbe Rivera

REGISTER OF ACTIONS

CASE No. C-18-333893-1

State of Nevada vs Shelbe Rivera

www.pearsoned.com

Case Type: **Felony/Gross Misdemeanor**

Date Filed: 08/06/2018

Location: **Department 12**

Cross-Reference Case Number: **C333893**

Defendant's Scope ID #: 8432832

ITAG Booking Number: 2000000645

ITAG Case ID: 2183058

Lower Court Case # Root: 18F12761

Lower Court Case Number: **18F12761X**

Metro Event Number: **1807013164**

Supreme Court No.: **82918**

PARTY INFORMATION

Defendant	Rivera, Shelbe
	UNK
	LAS VEGAS, NV 89101
	Other Agency Numbers
	8432832 Scope ID Subject Identifier

Male
5' 7", 170 lbs

Lead Attorneys
Jess R. Marchese
Retained
702-385-5377(W)

Plaintiff **State of Nevada**

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

Charges: Rivera, Shelbe

1. COMPETENCY DETERMINATION

Statute

COMPETENCY

Level

Other

Date

08/06/2018

1. GUILTY BUT MENTALLY ILL OF 2ND DEGREE MURDER
WITH USE OF A DEADLY WEAPON

200.030.2

Felony

07/01/2018

EVENTS & ORDERS OF THE COURT

08/24/2018 | [Further Proceedings: Competency](#) (9:00 AM) (Judicial Officer Togliatti, Jennifer)

Minutes

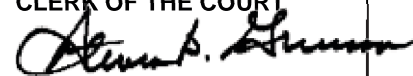
08/24/2018 9:00 AM

- Also present: Kimberly Alexander of the Specialty Courts. Court NOTED Drs. Harder and Colosimo indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he/she is not capable of understanding the charges against him/her and is unable to assist counsel in his/her defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings. CUSTODY (L.C.)

Parties Present

[Return to Register of Actions](#)

A.A. 00001



1 **OCNRS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER J. LALLI
6 Assistant District Attorney
7 Nevada Bar #005398
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 SHELBE RIVERA,
13 #8432832

14 Defendant.

CASE NO: C-18-333893-1

DEPT NO: IX

15 **ORDER OF COMMITMENT**

16 THIS MATTER came before the Court on the 24th day of August, 2018, when doubt
17 arose as to competence of the Defendant, the Defendant being present with counsel, JESS
18 MARCHESI, ESQ., the State being represented by STEVEN B. WOLFSON, District
19 Attorney, through GLEN O'BRIEN, his Deputy, and the Court having considered the reports
20 of Doctors Greg Harder and C. Phillip Colosimo, licensed and practicing psychologists and/or
21 psychiatrists in the State of Nevada, finds the Defendant incompetent, and that he is dangerous
22 to himself and to society and that commitment is required for a determination of his ability to
23 receive treatment to competency and to attain competence, and good cause appearing, it is
24 hereby

25 ORDERED that, pursuant to NRS 178.425(1), the Sheriff and/or a designee(s) of the
26 Division of Public and Behavioral Health of the Department of Health and Human Services,
27 shall convey the Defendant forthwith, together with a copy of the complaint, the commitment
28 and the physicians' certificate, if any, into the custody of the Administrator of the Division of

1 Public and Behavioral Health of the Department of Health and Human Services or his or her
2 designee for detention and treatment at a secure facility operated by that Division; and, it is

3 FURTHER ORDERED that, pursuant to NRS 433A.165, before the defendant may be
4 transported to a public or private mental health facility he must:

5 1. First be examined by a licensed physician or physician assistant or an
6 advanced practitioner of nursing to determine whether the person has a medical problem, other
7 than a psychiatric problem, which requires immediate treatment; and

8 2. If such treatment is required, be admitted to a hospital for the appropriate
9 medical care; and, it is

10 FURTHER ORDERED that the Defendant is required to submit to said medical
11 examination which may include, but is not limited to, chest x-rays and blood work; and, it is

12 FURTHER ORDERED that the cost of the examination must be paid by Clark County,
13 unless the cost is voluntarily paid by the Defendant or on his behalf, by his insurer or by a state
14 or federal program of medical assistance; and, it is

15 FURTHER ORDERED that, pursuant to NRS 178.425(2), the Defendant must be held
16 in such custody until a court orders his release or until he is returned for trial or judgment as
17 provided in NRS 178.450, 178.455 and 178.460; and, it is

18 FURTHER ORDERED that, pursuant to NRS 178.425(4), these proceedings against
19 the Defendant are suspended until the Administrator or his or her designee finds him capable
20 of standing trial as provided in NRS 178.400; and, it is

21 FURTHER ORDERED that, pursuant to NRS 178.435, the expenses of the examination
22 and of the transportation of the Defendant to and from the custody of the Administrator of the
23 Division of Public and Behavioral Health of the Department of Health and Human Services or
24 his or her designee are chargeable to Clark County; and, it is

25 FURTHER ORDERED that the Administrator of the Division of Public and Behavioral
26 Health of the Department of Health and Human Services or his or her designee shall keep the
27 Defendant under observation and evaluated periodically; and, it is

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1 FURTHER ORDERED that the Administrator or his or her designee shall report in
2 writing to this Court and the Clark County District Attorney whether, in his opinion, upon
3 medical consultation, the Defendant is of sufficient mentality to be able to understand the
4 nature of the criminal charge against him and, by reason thereof, is able to aid and assist his
5 counsel in the defense interposed upon the trial or against the pronouncement of the judgment
6 thereafter. The administrator or his or her designee shall submit such a report within 6 months
7 after this order and at 6 month intervals thereafter. If the opinion of the Administrator or his
8 or her designee about the Defendant is that he is not of sufficient mentality to understand the
9 nature of the charge against him and assist his own defense, the Administrator or his or her
10 designee shall also include in the report his opinion whether:

11 1. There is a substantial probability that the Defendant can receive treatment
12 to competency and will attain competency to stand trial or receive pronouncement of judgment
13 in the foreseeable future; and

14 2. The Defendant is at that time a danger to himself or to society.

15 DATED this 24th day of August, 2018.

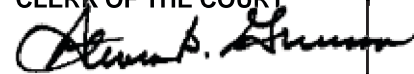
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18 DISTRICT JUDGE

19 STEVEN B. WOLFSON
20 District Attorney
21 Nevada Bar #001565

22 BY

23 
24 CHRISTOPHER J. LALLI
25 Assistant District Attorney
26 Nevada Bar #005398
27
28

mc



FIOR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar # 001565
CHRISTOPHER J. LALLI
Assistant District Attorney
Nevada Bar #005398
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

SHELBE RIVERA,
#8432832

Defendant.

CASE NO: C-18-333893-1

DEPT NO: VII

**FINDINGS OF INCOMPETENCY AND
ORDER RECOMMITTING DEFENDANT**

WHEREAS, On August 24, 2018, pursuant to Order of the above-entitled Court, the above-named Defendant, SHELBE RIVERA, was committed into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee to be examined at a secure facility operated by the Division or his designee, and

WHEREAS, Defendant was examined pursuant to NRS 178.455 and the reports of that examination having been forwarded to the Court for its review thereof; and the Court in a hearing on June 7th, 2019, having considered the reports of Doctors Hale Henson, Debbie Fletcher, and Mary Vieth, licensed and practicing physicians and/or psychiatrists in the State of Nevada, the Court finds pursuant to NRS 178.460(4)(b) that the said Defendant SHELBE RIVERA: 1) is incompetent to stand trial at this time; 2) that there is substantial probability that Defendant will attain competency to stand trial in the foreseeable future; and 3) the Court

further finds that Defendant would constitute a possible danger to the safety of herself and/or society if released from custody at this time, and that the recommitment of Defendant is required for a further determination of her ability to attain competence.

WHEREFORE, the Court does hereby order pursuant to NRS 178.425 that the Defendant, SHELBE RIVERA, be readmitted into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for further evaluation, care and treatment and that said Defendant shall be, and she is hereby recommitted and remanded, together with a copy of this Order to the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee; and, it is

FURTHER ORDERED that the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee, shall, pursuant to the provisions and requirements of NRS 178.450, conduct periodic evaluations of Defendant to determine her future ability to attain competence and then report in writing to this Court, the Clark County District Attorney, and JESS MARCHESE, ESQ. whether, in his opinion, the defendant is of sufficient mentality to be able to assist his counsel in the defense interposed upon the trial; and, it is

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1 FURTHER ORDERED that said Defendant, SHELBE RIVERA, is to be held in the
2 custody of the Administrator of the Division of Public and Behavioral Health of the
3 Department of Health and Human Services or his or her designee, until the Court orders her
4 release or until he is returned for trial as provided in NRS 178.450 to 178.465, inclusive.

5 DATED this 7 day of June, 2019.

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JUDGE

9 STEVEN B. WOLFSON
10 District Attorney
Nevada Bar #001565

11
12 BY

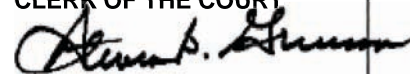
 for
13 CHRISTOPHER J. LALLI
Assistant District Attorney
14 Nevada Bar #005398

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CASE No. C-18-333893-1

www.pearsoned.com

Cross-Reference Case Number: **C333893**
 Defendant's Scope ID #: **8432832**
 ITAG Booking Number: **2000000645**
 ITAG Case ID: **2183058**
 Lower Court Case # Root: **18F12761**
 Lower Court Case Number: **18F12761X**
 Metro Event Number: **1807013164**
 Supreme Court No.: **82918**



1 **FOC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 CHRISTOPHER J. LALLI
6 Assistant District Attorney
7 Nevada Bar #005398
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 SHELBE RIVERA,
13 #8432832

14 Defendant.

CASE NO: C-18-333893-1

DEPT NO: VII

16 **FINDINGS OF COMPETENCY**

17 THIS MATTER having come on for hearing before the above-entitled Court on the 7th
18 day of June, 2019, and it appearing to the Court that, pursuant to NRS 178.425(1), the Sheriff
19 was ordered to convey the Defendant forthwith, together with a copy of the complaint, the
20 commitment and the physicians' certificate, if any, into the custody of the Administrator of
21 the Division of Public and Behavioral Health of the Department of Health and Human Services
22 or his or her designee for detention or treatment at a secure facility operated by that Division
23 or his designee; and, it appearing that, upon medical consultation, the Administrator or his or
24 her designee has reported to the Court in writing his specific findings and opinion that the
25 Defendant is of sufficient mentality to be able to understand the nature of the criminal charge
26 against him and, by reason thereof, is able to assist his counsel in the defense interposed upon
27 the trial or against the pronouncement of the judgment thereafter; now, therefore,


28 //

1 THE COURT FINDS, pursuant to NRS 178.460, that the said Defendant is competent
2 to stand trial in the above-entitled matter; and,

3 IT IS HEREBY ORDERED that you, the Administrator of the Division of Public and
4 Behavioral Health of the Department of Health and Human Services or his or her designee,
5 shall provide forthwith to the Director of Mental Health of the Clark County Detention Center,
6 true and complete copies of the Defendant's psychological evaluations, hospital course of
7 treatment and discharge summary; and,

8 IT IS FURTHER ORDERED that you, the Sheriff of Clark County, Nevada, shall
9 accept and retain custody of said Defendant in the Clark County Detention Center pending
10 completion of proceedings in the above-captioned matter, or until the further Order of this
11 Court.

12 DATED this 10 day of January, 2020.

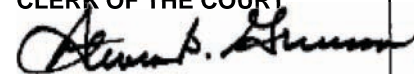
13
14 
15 JUDGE

16 STEVEN B. WOLFSON
17 District Attorney
18 Nevada Bar #001565

19 BY


20 CHRISTOPHER J. LALLI
21 Assistant District Attorney
22 Nevada Bar #005398
23
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mc



ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
GLEN O'BRIEN
Chief Deputy District Attorney
Nevada Bar #007849
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SHELBE RIVERA,
#8432832

Defendant.

CASE NO: C-18-333893-1

DEPT NO: VII

**ORDER OF COMPETENCY
(REMAND)**

DATE OF HEARING: JANUARY 10, 2020
TIME OF HEARING: 10:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 10th day of January, 2020, the Defendant being represented by JESS MARCHESE, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, Clark County District Attorney, through GLEN O'BRIEN, Chief Deputy District Attorney, and Defendant, having been evaluated by H. HALE HENSON, M.D., DEBBIE FLETCHER, PH.D. and MARY R. VIETH, PH.D. and deemed competent to proceed, and upon hearing arguments of counsel, the Court makes the following findings:

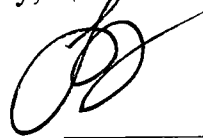
COURT FINDS Defendant is of sufficient mental ability to be able to understand the nature of the criminal charges against him and the nature of the court proceedings, and is able to assist counsel in his defense;

COURT FURTHER FINDS Defendant is Competent to proceed and shall be remanded to his originating department for further proceedings;

JAN 14 2020

1 IT IS HEREBY ORDERED that the above-entitled matter shall be, and it is, hereby
2 remanded to the Las Vegas Justice Court, Department 10, for further proceedings, on the 15th
3 day of January, 2020.

4 DATED this 14 day of January, 2020.

5 

6 DISTRICT JUDGE

7
8 STEVEN B. WOLFSON
9 Clark County District Attorney
Nevada Bar #001565

10 BY



11 GLEN O'BRIEN
12 Chief Deputy District Attorney
13 Nevada Bar #007849
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27 18F12761X/erg/L-5
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CASE No. C-18-333893-1

www.pearsoned.com

Cross-Reference Case Number: **C333893**
 Defendant's Scope ID #: **8432832**
 ITAG Booking Number: **2000000645**
 ITAG Case ID: **2183058**
 Lower Court Case # Root: **18F12761**
 Lower Court Case Number: **18F12761X**
 Metro Event Number: **1807013164**
 Supreme Court No.: **82918**

Defendant	Rivera, Shelbe UNK LAS VEGAS, NV 89101 Other Agency Numbers 8432832 Scope ID Subject Identifier	Male 5' 7", 170 lbs	Lead Attorneys Jess R. Marchese <i>Retained</i> 702-385-5377(W)
Plaintiff	State of Nevada		Steven B Wolfson 702-671-2700(W)

Charges: Rivera, Shelbe	Statute	Level	Date
1. COMPETENCY DETERMINATION	COMPETENCY	Other	08/06/2018
1. GUILTY BUT MENTALLY ILL OF 2ND DEGREE MURDER WITH USE OF A DEADLY WEAPON	200.030.2	Felony	07/01/2018

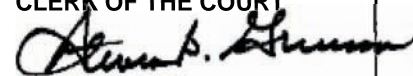
01/10/2020 | [Further Proceedings: Competency-Return From Lakes Crossing](#) (10:00 AM) (Judicial Officer Bell, Linda Marie)

01/10/2020 10:00 AM

- Also present: Glen O'Brien, Deputy District Attorney and Denise Baker of the Specialty Courts. Defendant present. There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against her and is able to assist counsel in her defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings. CASE CLOSED. CUSTODY 01/15/20 8:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT JC DEPT. 10

Parties Present

[Return to Register of Actions](#)



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LINDSEY MOORS
Chief Deputy District Attorney
Nevada Bar #012232
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 5/22/20
1:45 PM
J. MARCHESE, ESQ.

THE STATE OF NEVADA,
Plaintiff,

CASE NO: C-18-333893-1

-vs-

DEPT NO: III

SHELBE RIVERA,
#8432832

Defendant.

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That SHELBE RIVERA, the Defendant(s) above named, having committed the crime of **MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001)**, on or about the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did willfully, unlawfully, feloniously and with malice aforethought, kill JUAN RINCON, a human being,

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1 with use of a deadly weapon, to wit: a knife, by stabbing the said JUAN RINCON in the neck
2 and/or chest with said knife, the said killing having been willful, deliberate and premeditated.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
Nevada Bar #001565

5
6 BY

LINDSEY MOORS
Chief Deputy District Attorney
Nevada Bar #012232

7
8
9 Names of witnesses known to the District Attorney's Office at the time of filing this
10 Information are as follows:

11 NAME

ADDRESS

12 CORNEAL, J.

ME #0139

13 CUSTODIAN OF RECORDS
14 OR DESIGNEE

Clark County Detention Center,
330 S. Casino Center Blvd., Las Vegas, NV

15 CUSTODIAN OF RECORDS
16 OR DESIGNEE

Clark County Detention Center, Communications
330 S. Casino Center Blvd., Las Vegas, NV

17 CUSTODIAN OF RECORDS
18 OR DESIGNEE

LAS VEGAS FIRE DEPARTMENT – Rescue 301
Las Vegas, NV

19 CUSTODIAN OF RECORDS
20 OR DESIGNEE

LVMPD Communications,
Las Vegas, NV

21 CUSTODIAN OF RECORDS
22 OR DESIGNEE

LVMPD Records
Las Vegas, NV

23 CUSTODIAN OF RECORDS
24 OR DESIGNEE

MOLASKY CORP. CENTER BUILDING
100 N. City Parkway, Las Vegas, NV

25 EMBREY, B.

LVMPD #8644

26 JOHNSON, G.

LVMPD #10208

27 LONG, K.

LVMPD #6845

28 LOWREY-KNAPP, ELAINE
OR DESIGNEE

INVESTIGATOR / C.C. DISTRICT ATTORNEY

MARTINE, D.

LVMPD #4751

MARTINEZ, D.

LVMPD #14860

1	MOORE, KIM	C/O SHANNON WEST HOMELESS YC
2		1640 E. Flamingo Rd., Ste. #100, Las Vegas, NV
3	RAVELO, E.	LVMPD #6538
4	WASHBURN, S.	LVMPD #16721

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28 LVMPD EV# 1807013164
(TK10)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

v.

SHELBE RIVERA,
Defendant.)
) Case No.: C-18-333893-1
) Dept. No.: III

**DEFENDANT'S NOTICE OF ENTRY OF PLEA OF NOT GUILTY BY REASON OF
INSANITY AND NOTICE OF DEFENDANT'S INTENTION TO SEEK A VERDICT OF
GUILTY BUT MENTALLY ILL AS TO ANY OFFENSE OF WHICH THE JURY FINDS
HIM GUILTY**

COMES NOW Defendant, SHELBE RIVERA, by and through his attorney of record,
JESS R. MARCHESE, ESQ., and hereby files this notice pursuant to NRS 174.035(5).

NRS 174.035(5) authorizes a plea of not guilty by reason of insanity, either as an alternative or in addition to a previously entered plea of not guilty.

NRS §175.533 provides in pertinent part:

1. During a trial, upon a plea of not guilty by reason of insanity, the trier of fact may find the defendant guilty but mentally ill if the trier of fact finds all of the following:

(a) The defendant is guilty beyond a reasonable doubt of an offense;

(b) The defendant has established by a preponderance of the evidence that due to a disease or defect of the mind, the defendant was mentally ill at the time of the commission of the offense: and

(c) The defendant has not established by a preponderance of the evidence that the defendant is not guilty by reason of insanity pursuant to subsection 5 of NRS 174.035.

1 If the jury in this case returns a verdict of guilty as to any offense in this case, the
2 defendant will request a verdict of guilty but mentally ill, provided that the trier of fact
3 determines that the conditions of NRS 175.533 have been met.

4 Respectfully submitted, May 21, 2020

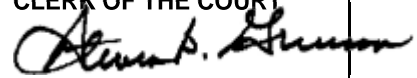
5
6 **MARCHESE LAW OFFICES**

7 By: /s/
8 Jess R. Marchese, Esq. (SBN 8175)
9 Attorney for Defendant

10 **CERTIFICATE OF SERVICE**

11 I hereby certify that a true and correct copy of Defendant's Notice was filed via the 8th
12 Judicial District efilng system to all registered recipients on the 21ST day of May, 2020.
13 .

14
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17 By: /s/
18 Employee of Marchese Law Offices
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

SHELBE RIVERA,

Defendant.

CASE NO. C-18-333893-1

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

MONDAY, MARCH 1, 2021

RECORDER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 1

APPEARANCES:

For the State: LINDSE
Chief
ANN

Y D. MOORS
Deputy District Attorney
M. DUNN
Deputy District Attorney

For the Defendant:

JESS R. MARCHESE, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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JAMELLE SHANNON

Direct Examination by Ms. Dunn

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OFFICER CHRISTINA MARTINEZ

Direct Examination by Ms. Dunn

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1 LAS VEGAS, NEVADA, MONDAY, MARCH 1, 2021, 9:36 A.M.

2 * * * * *

3 [Outside the presence of the prospective jury panel]

4 THE COURT: Okay, State of Nevada versus Shelbe Rivera. The
5 Defendant is present. He is in custody. This is the date and time set for trial. Will
6 the attorneys make their appearances? Will the State make their appearances?

7 MS. MOORS: Hello? Oh, it's working now.

8 THE COURT: Good. That sounds good.

9 MS. MOORS: Sorry, Your Honor. Good morning, Lyndsey Moors and Ann
10 Dunn on behalf of the State.

11 THE COURT: Okay.

12 MR. MARCHESE: And Jess Marchese on behalf of Mr. Rivera. He is
13 present and in custody.

14 THE COURT: Okay. I know before we bring the panel in the parties wanted
15 to put some stipulations on the record.

16 MS. MOORS: Yes, Your Honor. I think we were just wanting to discuss the
17 offer that had previously been relayed. The State had made an offer to the
18 Defendant pre-prelim of a voluntary manslaughter with use, stipulating 8 to 20
19 years. It's my understanding that that offer was rejected.

20 MR. MARCHESE: That is correct, Your Honor. That was relayed to my
21 client on multiple occasions. He has decided to exercise his right to a jury trial. He
22 had countered with -- he wanted a probation with some sort of program.

23 THE COURT: Okay.

24 MR. MARCHESE: And the State was disinclined based upon the nature of
25 the case to offer that, so that's where we're at.

1 THE COURT: Okay, thank you. And Mr. Rivera, is that accurate?

2 THE DEFENDANT: I heard you.

3 THE COURT: Okay, is that accurate? You do not -- you want to reject the
4 State's offer and proceed and go to trial; is that correct?

5 THE DEFENDANT: Yes.

6 THE COURT: Okay, thank you.

7 THE DEFENDANT: Uh-huh.

8 MR. MARCHESE: You don't want the 8 to 20?

9 THE DEFENDANT: No, I don't want the 8 to 20.

10 THE COURT: Okay. All right. Can we bring that panel in? Are you guys all
11 ready?

12 [No audible response]

13 [Colloquy between the Court and the Court Clerk]

14 THE COURT: We're ready.

15 [Colloquy between the Court and the Court Clerk]

16 [Prospective Jury Panel in at 9:39 a.m.]

17 [In the presence of the prospective jury panel]

18 THE COURT: It looks like we have the entire venire here. Does the State
19 stipulate to the presence of the panel?

20 MS. MOORS: Yes, Your Honor, the State stipulates.

21 THE COURT: And the defense?

22 MR. MARCHESE: Defense does so.

23 THE COURT: Okay, thank you. You all can -- yeah. [Indiscernible] Okay.
24 You guys can sit down now, thank you. Okay.

25 Good morning, ladies and gentleman, and welcome to the Eighth

1 Judicial District Court. My name's Michelle Leavitt, I'm the presiding Judge in
2 Department XII. I do want to start out with thanking everyone for your presence
3 here today. We're all working under extraordinary circumstances, and I just want
4 to make sure you understand how grateful we are for your willingness to
5 participate, especially during this COVID pandemic.

6 You have been summonsed here today to serve as jurors in a criminal
7 trial entitled State of Nevada versus Shelbe Rivera. I am going to allow both sides
8 to speak to you. They're going to give you a description of the facts. They're also
9 going to read you their witness list. I ask that you pay close attention to any of the
10 witnesses who will be called in this matter because some point, I will ask you if you
11 are familiar with any of the witnesses who will be called to testify.

12 Before I go on, is there anyone who cannot hear me?

13 Okay, the record will reflect no response.

14 I am going to introduce the staff in Department XII and give you a brief
15 description of what they do. You've already met the Court Marshal. He's in
16 charge of the security. He's also the person that will take charge of the jury after
17 we have a jury impaneled. And so, he'll be the person you have the most contact
18 with.

19 Over here to my left is Sara. Sara is the Court Recorder. She is
20 taking down everything that is said during these proceedings. At some point, she'll
21 be called upon by myself to prepare a written transcript, which means that she will
22 type verbatim everything that is said during these proceedings. Therefore, prior to
23 responding to the Court, I ask that you please state your name, the badge number
24 that's been provided to you by the Jury Commissioner, before responding so we
25 have a clear and accurate record of everyone that is speaking during these

1 proceedings.

2 To my right is Haly, and Haly is the Court Clerk. It's her job to take
3 custody of the evidence. She also keeps the official record of the court.

4 At this time, I am going to allow the State of Nevada to introduce
5 themselves and give you a brief statement of the facts in this matter.

6 MS. MOORS: Good morning. My name is Chief Deputy District Attorney
7 Lyndsey Moors. Myself along with Ann Dunn are representing the State of
8 Nevada. We have several witnesses we intend to call, and I will name them
9 shortly.

10 But the State will be intending to prove that on July 1st of 2018, the
11 Defendant Shelbe Rivera killed the Victim Juan Rincon with malice aforethought
12 through premeditation and deliberation by stabbing repeatedly into his body with a
13 deadly weapon, a knife. The State intends to call the following witnesses: CSA
14 Debbie Andrews, Forensic Scientist Tracy Bish, Detective Buddy Embrey,
15 Forensic Scientist Gayle Johnson, CSA Megan Madonna, Officer Christina
16 Martinez, Detective Eric Ravelo, CSA Jamelle Shannon, CSA Amanda Wright, Dr.
17 Lisa Gavin from the Clark County Coroner's Office, and Dr. Herbert Coard.

18 Thank you.

19 THE COURT: Mr. Marchese.

20 MR. MARCHESE: Good morning, everyone. My name is Jess Marchese. I
21 represent Shelbe Rivera, he's here seated to my right. Assisting at counsel table
22 is Brian Glenn. He'll be helping us with technical support issues throughout the
23 trial.

24 And on our witness list is Dr. Mark Chambers. The State is correct in
25 reference to the nature of the case, to wit Mr. Rivera has pled not guilty by reason

1 of insanity. Thank you.

2 THE COURT: Okay, thank you very much. At this time, the Clerk is now
3 going to call the roll of the panel of prospective jurors. When your name is called,
4 please indicate present or here.

5 THE COURT CLERK: I'm going to call your name. Please just say present
6 very loud because we're not going to pass the microphone to each of you.

7 **[COURT CLERK CALLS ROLL OF PROSPECTIVE JURORS]**

8 THE COURT: Is there anyone whose name was not called by the Clerk of
9 the Court?

10 The record will reflect no response from the panel.

11 If you'll all please -- I know we're all required to wear masks, but we
12 need to wear them properly, so if you just don't mind making sure your masks
13 cover your nose and your mouth. Thank you very much.

14 The Clerk is going to swear in the jurors, so if you'll please raise your
15 right hand so you can be sworn.

16 **[COURT CLERK SWEARS IN PROSPECTIVE JURY PANEL]**

17 THE COURT CLERK: Okay. At this time, I'm going to read the charging
18 document.

19 District Court, Clark County, Nevada, State of Nevada versus Shelbe
20 Rivera, Defendant, case number C333893, Department No. 12 Information. State
21 of Nevada, County of Clark, Steven B. Wolfson, District Attorney within and for the
22 County of Clark, State of Nevada, in the name and by the authority of the State of
23 Nevada informs the Court: that Shelbe Rivera, the Defendant above named,
24 having committed the crime of murder with use of a deadly weapon, on or about
25 the 1st day of July, 2018, within the County of Clark, State of Nevada, contrary to

1 the form, force, and effect of statutes in such cases made and provided, and
2 against the peace and dignity of the State of Nevada, did willfully, unlawfully,
3 feloniously, and with malice aforethought, kill Juan Rincon, a human being, with
4 use of a deadly weapon, to wit: a knife, by stabbing the said Juan Rincon in the
5 neck and/or chest with the said knife, the said killing having been willful, deliberate,
6 and premeditated, signed by Lyndsey Moors, Chief Deputy District Attorney, to
7 which the Defendant has pled not guilty by reason of insanity.

8 THE COURT: Okay, ladies and gentleman. The Clerk did just read the
9 charging document to you, but I just want to make sure you understand that these
10 are only allegations, that everybody charged with a crime is entitled to the
11 presumption of innocence. And Mr. Rivera does still enjoy the presumption of
12 innocence in this matter.

13 We are about to commence what is called voir dire examination. The
14 term voir dire means to tell the truth. During this process, you will be asked
15 questions bearing upon your ability to sit as fair and impartial jurors. To
16 accomplish this result, various questions will be asked of you by myself or counsel
17 for the parties.

18 On occasion, some of these questions will seem somewhat personal.
19 While we do not wish to unnecessarily pry into your personal lives, the questions
20 are necessary so that counsel and the Court can make an intelligent determination
21 as to your capabilities to serve fairly and impartially. I want you to know that
22 myself, the attorneys, and all other persons involved in this case are concerned
23 with having this matter tried by jurors who are completely open-minded, neutral,
24 objective, and unbiased in their thinking. Wide discretion is vested in the Trial
25 Judge as to the method of examination of jurors.

1 As I stated previously, I will personally conduct the voir dire, but I will
2 give the attorneys the opportunity to participate in this questioning. It is important
3 that you know the significance of full, complete, and honest answers to all the
4 questions we're about to ask you. I caution you not to try to hide or withhold
5 anything which might indicate bias or prejudice of any sort by any of you.

6 Should you fail to answer truthfully, if you hide or withhold anything
7 touching upon your qualifications, that fact may tend to contaminate your verdict
8 and subject you to further inquiry even after you're discharged as jurors. Your
9 decision should be based upon all of the evidence presented during this trial and
10 not based upon any preconceived prejudice or bias. I will conduct the general voir
11 dire examination of all of you while you're seated in the audience. After those
12 general questions, the Clerk will call the first 32 names using the order provided to
13 us by the Jury Commissioner to fill the jury box.

14 At some point during the process of selecting a jury, the attorneys for
15 both sides will have the right to ask that a particular person not serve as a juror.
16 These requests are called challenges. There are two types of challenges,
17 challenges for cause and peremptory challenges.

18 A challenge for cause means that a juror's been excused because his
19 or her answers to some of the voir dire questions indicate that he or she would
20 have a difficult time in giving a fair and impartial hearing to this particular case. I
21 will ask the attorneys to pass or waive the prospective jurors for a cause challenge
22 when they are done questioning the prospective juror and/or panel.

23 A peremptory challenge means that a juror can be excused from duty
24 without counsel having to give a reason for the excusal. Please do not be
25 offended should you be excused by either of the challenge procedures. They are

1 simply a part of the procedures designed to protect the rights of the parties under
2 our system of government.

3 Again, if you wish to respond to any of these questions in the
4 affirmative, I ask that you raise your hand. The Court Marshal will make sure that
5 you get the microphone and that you state your name and badge number before
6 responding.

7 Is there anyone who is not a United States citizen?

8 Okay, the record will reflect no response from the panel.

9 Is there anyone who is not a citizen of Clark County, Nevada, a
10 resident of Clark County, Nevada?

11 Okay, the record will reflect no response from the panel.

12 Is there anyone who has such a sympathy, prejudice, or bias relating
13 to age, religion, race, gender, or national origin that you feel would affect your
14 ability to be an open-minded, fair, and impartial juror?

15 Okay, all right, so what we're going to do is the Marshal's just going to
16 take the microphone, and when he gets it to you, if you'll just remember to state
17 your name and badge number before responding.

18 [Colloquy between the Marshal and Prospective Juror]

19 PROSPECTIVE JUROR 0043: My name is Robert Garcia. My badge
20 number is 02-0043. What would you like me to say?

21 THE COURT: I asked the question and you --

22 PROSPECTIVE JUROR 0043: And I answered yes. Do you want me to
23 elaborate on my answer?

24 THE COURT: Well, is your response to that, yes, there's something that
25 would interfere with your ability to be fair and impartial?

1 PROSPECTIVE JUROR 0043: Yes.

2 THE COURT: Okay, can you tell me what that is?

3 PROSPECTIVE JUROR 0043: If I may, Your Honor --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0043: -- looking at the young gentleman, I can see
6 that he's a very young man. And the plea is not guilty by insanity. I didn't hear the
7 defense say temporary insanity. So, I asked myself, if it was insanity, how can he
8 be mentally competent to even --

9 THE COURT: Okay, but --

10 PROSPECTIVE JUROR 0043: -- have a trial?

11 THE COURT: -- let me just stop you there for a minute. Is there something
12 about the plea that has been entered in this matter that would interfere with your
13 ability to be fair and impartial?

14 PROSPECTIVE JUROR 0043: Yes.

15 THE COURT: Okay. And do you feel that just because you've heard he's
16 pled not guilty by reason of insanity, you just can't be fair and impartial?

17 PROSPECTIVE JUROR 0043: That's correct.

18 THE COURT: Okay. Thank you.

19 Okay, is there anyone else who wishes to respond? If you just don't
20 mind raising your hand, so the Marshal can find you.

21 PROSPECTIVE JUROR 0235: My name's Seth Moore. My badge
22 number's 02-0235. I am biased against race.

23 THE COURT: Okay. Can you explain what that means Mr. Moore?

24 PROSPECTIVE JUROR 0235: Well, judging off of what was said and last
25 names, I just feel like I can't give a non-biased -- I don't even know the word I'm

1 looking for.

2 THE COURT: Okay, well let me ask you this. Do you believe based on the
3 race of any of the parties in this matter that based on the race alone you would not
4 be able to be fair and impartial?

5 PROSPECTIVE JUROR 0235: Yes.

6 THE COURT: Okay, so you would not judge this case based on the facts or
7 evidence --

8 PROSPECTIVE JUROR 0235: No.

9 THE COURT: -- but yet the race.

10 PROSPECTIVE JUROR 0235: Yes.

11 THE COURT: Okay, thank you. Anyone else?

12 PROSPECTIVE JUROR 0259: My name is Evan Castillo. My badge
13 number is 02-0259. I also have a bias based off of race. I believe that the judicial
14 system is systematically set up against minorities.

15 THE COURT: Okay, well, I don't -- there's nothing about that opinion that
16 would interfere with your ability to sit here today. Where -- I can't see.

17 THE MARSHAL: Right over here, Your Honor.

18 THE COURT: Oh, okay, do you mind standing up?

19 PROSPECTIVE JUROR 0259: Sure, not a problem.

20 THE COURT: Okay because you're entitled to have your opinions. But
21 based on that opinion, would that interfere with your ability to be fair and impartial
22 to both sides in this matter?

23 PROSPECTIVE JUROR 0259: Based on the two either murder or insanity,
24 yes.

25 THE COURT: What does that mean?

1 PROSPECTIVE JUROR 0259: So, based on the two options given and
2 based on things like his last name, I don't believe that I can be partial on the
3 matter.

4 THE COURT: Based on the last name of Rivera?

5 PROSPECTIVE JUROR 0259: Yes, ma'am.

6 THE COURT: Okay. Why? What's the issue?

7 PROSPECTIVE JUROR 0259: As a Hispanic male who also shares a
8 Hispanic last name --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 0259: -- I think that's a -- it's kind of a conflict
11 there.

12 THE COURT: And what would the conflict be?

13 PROSPECTIVE JUROR 0259: Being the fact that I am also a Hispanic
14 male.

15 THE COURT: Okay, so are you telling me you couldn't be fair and impartial
16 to a Hispanic male?

17 PROSPECTIVE JUROR 0259: If the choices are reason of insanity or just
18 murder, no ma'am.

19 THE COURT: Okay, I'm not sure I -- all right, I'm not sure I understand what
20 you're trying to tell me. I mean, the Clerk has read what the charges are, and
21 she's also told you what the plea is to those charges. Is there something about the
22 plea that's entered in this matter that would interfere with your ability to be fair and
23 impartial?

24 PROSPECTIVE JUROR 0259: I think that there's more than just one or the
25 other. I think that there's -- a multiple gray area. And if the State of Nevada is only

1 going to be coming down as murder, then I have an issue there.

2 THE COURT: Okay. Well, let me explain something to you. The Court is
3 the one that decides what instructions to be given. But the Court has to hear the
4 evidence first. Based on the evidence that is presented during the time of trial,
5 then the Court will determine what instructions to give at the time -- at the end of
6 the trial and before you go to deliberate your verdict.

7 Do you understand that?

8 PROSPECTIVE JUROR 0259: Yes, ma'am.

9 THE COURT: Okay, now I can't tell you what all those instructions will be
10 because I haven't heard all of the evidence yet. Do you understand that?

11 PROSPECTIVE JUROR 0259: Yes, ma'am.

12 THE COURT: But we need jurors that will commit right from the beginning
13 that they will be fair and impartial, regardless of the evidence and the facts, and
14 regardless what the instructions are on the law as given to you by the Court. Do
15 you understand that?

16 PROSPECTIVE JUROR 0259: Yes, ma'am. And --

17 THE COURT: Are you -- just a minute -- are you a person that can follow
18 the law as given to you by the Court?

19 PROSPECTIVE JUROR 0259: I've basically already made up my mind on
20 this.

21 THE COURT: Made up your mind on what?

22 PROSPECTIVE JUROR 0259: Just given the information, I already have
23 my verdict.

24 THE COURT: Okay. Well, that would be interesting because you haven't
25 heard anything.

1 PROSPECTIVE JUROR 0259: Right, and that's what I'm saying. That's
2 why I can't be impartial.

3 THE COURT: Oh.

4 PROSPECTIVE JUROR 0259: Or why I'm not impartial.

5 THE COURT: So, you would reach a verdict without hearing one, single
6 piece of evidence?

7 PROSPECTIVE JUROR 0259: Yes, ma'am.

8 THE COURT: Based on what?

9 PROSPECTIVE JUROR 0259: Just on the information given right here.

10 THE COURT: Okay, well you -- you haven't been given anything. I mean,
11 the charging document was read to you, that's it. You haven't heard any evidence.

12 PROSPECTIVE JUROR 0259: Right. Like I said, I am -- I'm --

13 THE COURT: Okay, do you not want to be here today? I mean, that's okay.

14 PROSPECTIVE JUROR 0259: It's not -- I mean, I don't want to be here --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 0259: -- I'll just be honest with you. But --

17 THE COURT: Well, you're under oath.

18 PROSPECTIVE JUROR 0259: -- also --

19 THE COURT: So, yeah. I hope you're being honest.

20 PROSPECTIVE JUROR 0259: -- but yeah, it's not even that. It's just the
21 fact that, you know, like I said, I believe that the court system and the judicial
22 system is basically stacked against minorities.

23 THE COURT: Okay, but if that's what you thought, wouldn't you want to
24 participate to make sure that the parties got a fair hearing?

25 PROSPECTIVE JUROR 0259: I mean, I can, that's not a problem. But like

1 I said, I've kind of already made up my mind.

2 THE COURT: Okay. Well, again, I just want to remind you, I need jurors
3 that will keep an open mind that will decide this case based on the facts and
4 evidence and the law as given to you by the Court and nothing else. I mean,
5 because you have not heard any evidence. So, that would make me very nervous.
6 Would you wait to hear what the evidence is from both sides before reaching a
7 decision or a conclusion?

8 PROSPECTIVE JUROR 0259: I can do that. Like I said, I was just
9 answering the question.

10 THE COURT: Okay, well, saying I can do it and the -- they're inconsistent.
11 So, let me ask you again, are you a person that can wait and listen to the evidence
12 and the instructions on the law as given to you by myself before reaching any
13 conclusion in this matter?

14 PROSPECTIVE JUROR 0259: I basically have my mind made up, but I'll do
15 my best.

16 THE COURT: Okay, so is that a no? You're not going to base a verdict on
17 the law and the evidence? Because if you've had your mind made up already, you
18 haven't heard any evidence, then you're not going to rely on the evidence and the
19 law.

20 PROSPECTIVE JUROR 0259: That's correct.

21 THE COURT: Okay. Thank you. Anyone else that wishes to respond to the
22 Court?

23 PROSPECTIVE JUROR 0451: My badge number is 02-0451. My name is
24 Glenn Gross. Based on the instructions you gave, and I'm leery of doing this
25 because it feels like I'm going to be asked a lot -- why I'm saying this --

1 THE COURT: Can you just state your badge number again?

2 PROSPECTIVE JUROR 0451: I certainly can. It's 02-0451.

3 THE COURT: Just the last 4 numbers.

4 PROSPECTIVE JUROR 0451: 0451. 0451.

5 THE COURT: Okay, 0451. Okay, go ahead.

6 PROSPECTIVE JUROR 0451: And just reiterating your question again, if I
7 heard it fairly, even though it sounds like you'll challenge that, you had said do
8 people have biases or can you be fair and unbalanced? My answer is no. And the
9 number one reason for that is for certain racial attitudes, and more importantly, the
10 plea that is entered is something that I fundamentally do not believe should exist.
11 And I cannot look at something objectively with that type of plea.

12 THE COURT: Okay, so if you were asked to serve in this matter, you don't
13 believe you could be fair and impartial --

14 PROSPECTIVE JUROR 0451: That is absolutely correct.

15 THE COURT: -- to both sides?

16 PROSPECTIVE JUROR 0451: That is absolutely correct.

17 THE COURT: Okay. Thank you. Is there anyone else that wishes to
18 respond to the Court?

19 Okay, the record will reflect no further response from the panel.

20 Are there any of you on the panel that are acquainted with the Deputy
21 District Attorneys that have been assigned to prosecute this matter?

22 The record will reflect no response from the panel.

23 Are there any of you who are familiar with the defense attorney in this
24 matter?

25 Okay, the record will reflect no response from the panel.

1 Are there -- the District Attorney's Office employs many deputies and
2 other personnel. Is there anyone who has such a close relationship with either the
3 District Attorney, Mr. Steve Wolfson, his deputies, or other members of his staff
4 that you feel might affect your ability to serve as a fair and impartial juror in this
5 particular case?

6 Okay, the record will reflect no response from the panel.

7 Are there any of you on the panel who are acquainted with any of the
8 witnesses who will be called to testify in this matter?

9 Okay, the record will reflect no response from the panel.

10 We do expect this case to be done this week. I expect us to be done
11 by Friday, and we may be done even earlier than that. Is there anyone on the
12 panel that serving for that amount of time would present such an undue hardship
13 or burden such that it would make it impossible for you to be here?

14 PROSPECTIVE JUROR 0005: My name is Valerie Anguay, badge number
15 02-0005. I'm employed under Metro [inaudible] Constable's Office -- oh.

16 THE MARSHAL: Check?

17 THE COURT: Yeah, I can't hear, it's going in and out.

18 PROSPECTIVE JUROR 0005: Again, name, Valerie Anguay, badge
19 number 02-0005. And I'm employed under the Constable's Office, which we fall
20 under Metro. You know, to be honest, it will be a struggle for me if I'm here
21 because we're very short-handed in our office, and I don't really get any help with
22 my work. So, my desk will be piled. We deal with civil services. So --

23 THE COURT: Okay, but your employer knows that you've been
24 summonsed here today, correct?

25 PROSPECTIVE JUROR 0005: Yes, they do know.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 0005: But they did tell me that we're very short-
3 handed. She reminded me.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0005: So, I'm just letting you know.

6 THE COURT: Okay, but your employer understands that if you're asked to
7 serve, you'll be required to be here all week, correct?

8 PROSPECTIVE JUROR 0005: Yes.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 0005: Like I mentioned, the work of -- workload
11 that I will have will be held for me until I get back.

12 THE COURT: Okay, thank you. Thank you very much for being here.
13 Anyone else that wishes to respond to that question?

14 PROSPECTIVE JUROR 0072: Hi. My name's --

15 THE COURT: Hi.

16 PROSPECTIVE JUROR 0072: Hi, can you hear me? Okay.

17 THE COURT: Yes.

18 PROSPECTIVE JUROR 0072: My name is Skylar Williams, badge number
19 last four digits 0072. I'm just in the middle of moving my house. So, I've already
20 got my -- you know, RV or moving truck full. It's -- I parked it, you know, in a
21 parking lot to come here today.

22 THE COURT: Okay you got to have your mask up.

23 PROSPECTIVE JUROR 0072: So, I would just have to postpone my whole
24 family, you know, in between moves. I have to finish installing the floors on my
25 house. I mean, it sounds so insignificant to what you guys are doing, but I just

1 wouldn't have like -- I'd have to probably take like a hotel or something. It would
2 cause, you know, what, \$100 a night, \$50 a night. So, it just sounds like that I -- I
3 would be too much focused potentially on the fact that I'm, this week, moving, you
4 know? So --

5 THE COURT: Okay, you're moving your family into a new residence?

6 PROSPECTIVE JUROR 0072: Yeah, that's correct.

7 THE COURT: And you've moved out of the old one?

8 PROSPECTIVE JUROR 0072: I am moved out, I had to turn in my keys at
9 noon today, so.

10 THE COURT: Okay, and today you were planning on moving into your new
11 place?

12 PROSPECTIVE JUROR 0072: Yeah, yeah. I'm in the middle of that, yes.
13 Yes.

14 THE COURT: Okay, and you have a family?

15 PROSPECTIVE JUROR 0072: Yes, I have one son and a girlfriend.

16 THE COURT: Okay, and where are they?

17 PROSPECTIVE JUROR 0072: They're outside at Starbucks right now.

18 THE COURT: Oh, really? Here?

19 PROSPECTIVE JUROR 0072: Yeah. Yeah, we didn't really know how long
20 this would take. So, we're just kind of rolling with it.

21 THE COURT: Okay, and you brought your moving truck all packed up to
22 this parking lot?

23 PROSPECTIVE JUROR 0072: So, my moving truck is parked in Boulder --

24 THE COURT: You don't --

25 PROSPECTIVE JUROR 0072: -- City right now.

1 THE COURT: -- if you just don't mind, we just have to keep our masks up.

2 PROSPECTIVE JUROR 0072: Sorry, sorry. Yes, it's in Boulder City,
3 parked next to my residence, yes.

4 THE COURT: Okay. All right, thank you, sir. Thank you very much for
5 being here. Anyone else?

6 PROSPECTIVE JUROR 0149: Hi my name is Penny Montague, and the
7 last four digits is 0149. And I'm so sorry that I can't be here on Friday. I have a
8 doctor's appointment. They're going to be putting a heart monitor on me during --

9 THE COURT: What time is your appointment?

10 PROSPECTIVE JUROR 0149: It's at -- I have to be there at 1:45.

11 THE COURT: Okay. And I believe we'll be done by then, but if we're not
12 done by then and we accommodate that appointment, would you be able to be
13 here?

14 PROSPECTIVE JUROR 0149: Sure.

15 THE COURT: Okay, thank you.

16 PROSPECTIVE JUROR 0149: Okay, thank you.

17 THE COURT: Anyone else?

18 PROSPECTIVE JUROR 0196: Hi.

19 THE COURT: Hi.

20 PROSPECTIVE JUROR 0196: My name is Liza Ziman, badge number is
21 02-0196. And I am the caretaker of my elderly parents that rely on me for
22 groceries, doctor visits, and everything I've set up for this week. And I just want to
23 know exactly -- I know you said we're going to be done by Friday. I just want to
24 know exactly how long is each day going to be because that's going to be a huge
25 burden for them, me not being able to take them grocery shopping because they

1 can't go out due to COVID.

2 THE COURT: Oh, yeah, of course. We are going to be in session every
3 day from 9:00 to 5:00. We won't go past 5 o'clock, and I can't start before 9
4 o'clock. So, it's basically 9:00 to 5:00 every day. Now I wish I could tell you
5 exactly when we'll be done, but I can only estimate when we'll be done.

6 PROSPECTIVE JUROR 0196: Oh.

7 THE COURT: I mean, I think we might even be done before Friday. With
8 that knowledge, can you be here?

9 PROSPECTIVE JUROR 0196: Hopefully. I mean, it's going to be tough.
10 My mom is already on my butt that I had to be here this morning.

11 THE COURT: How old are your parents?

12 PROSPECTIVE JUROR 0196: My mom's 66. She just got diagnosed with
13 cancer. And my dad's 81.

14 THE COURT: Oh, I'm sorry. Okay. And you do all their grocery shopping
15 and all that?

16 PROSPECTIVE JUROR 0196: I'm the only child, so they rely on me for
17 groceries, calling to get doctor's appointments, so everything I want to do this
18 week I couldn't because of today.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 0196: So, everything pretty much falls back on me.

21 THE COURT: Okay, do you live with them?

22 PROSPECTIVE JUROR 0196: No, I don't.

23 THE COURT: Okay, but do they have any doctor's appointments this week?

24 PROSPECTIVE JUROR 0196: I had to cancel everything.

25 THE COURT: Oh, okay. Thank you, though. Thank you for being here.

1 PROSPECTIVE JUROR 0235: My name is Seth Moore, 0235, badge
2 number. I'm self-employed, and I'm a single-income family and I also take care of
3 my dad which lives with me. And I have --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0235: -- appointments booked all week long --

6 THE COURT: All right.

7 PROSPECTIVE JUROR 0235: -- for work.

8 THE COURT: Okay. Got it, thank you. Anyone else?

9 PROSPECTIVE JUROR 0242: Hello, my name is Jennifer Castro, badge
10 number 0242. It's hard for me to be here Mondays, Wednesdays, and Fridays. I
11 have ADA therapy for my middle son with autism, and it's three-hour sessions
12 each day that he goes.

13 THE COURT: Okay. Who's doing it today?

14 PROSPECTIVE JUROR 0242: It's at home today from 1:30 to 4:30 and
15 Wednesdays it's from 9:00 to noon and Thursdays it's from 1:30 to 4:30.

16 THE COURT: Okay, so who's doing it today?

17 PROSPECTIVE JUROR 0242: Well, she's supposed to. I told her I would
18 let her know what happened to this today.

19 THE COURT: Oh okay, so it's dependent on --

20 PROSPECTIVE JUROR 0242: Because she comes to in-home on
21 Mondays, and I take him there on Wednesdays and Thursdays -- or -- yeah, it was
22 Monday, Wednesday, Thursday, sorry, not Friday.

23 THE COURT: Okay. Thank you.

24 PROSPECTIVE JUROR 0245: Good morning, my name is Stephanie
25 Johnson. My badge number is 02-0245. I am exclusively breastfeeding my

1 three-month old infant, and to my knowledge, you guys don't have a pump room in
2 the building. So, that --

3 THE COURT: I have had -- somebody told you we don't? Because I've had
4 women that are breastfeeding serve on jury panels before, and I have provided
5 that for you. But here's -- I'm just going to -- I'll tell you right up. I mean, you only
6 do that for such a short time in a child's life, if you want to be excused, I would
7 probably be inclined to let you go. But if you want to stay, I would provide
8 accommodations. We would find some place where you could --

9 PROSPECTIVE JUROR 0245: If you have a -- if you have the room, and I
10 can have adequate break times, that's -- I can stay. It -- this morning, I was told
11 there's not a pump room in the building.

12 THE COURT: Well, I'm sure we don't have a room that's specifically
13 designated, but I would find a place, and we would obviously accommodate that.
14 So, I'm sorry --

15 PROSPECTIVE JUROR 0245: Okay.

16 THE COURT: -- you were told that.

17 PROSPECTIVE JUROR 0245: That's okay. That's not your fault.

18 THE COURT: But when would you need to break?

19 PROSPECTIVE JUROR 0245: I break every two and a half to three hours.

20 THE COURT: Oh, okay. That's not bad.

21 PROSPECTIVE JUROR 0245: She's -- yeah, she's fairly new, so.

22 THE COURT: Okay. And then do you -- I know everything is so
23 sophisticated now. Do you have some place to store the milk?

24 PROSPECTIVE JUROR 0245: I actually have a cooler with me here.

25 THE COURT: I know things have changed, some a lot, since I had kids.

1 So, but I would absolutely accommodate that.

2 PROSPECTIVE JUROR 0245: Okay, thank you.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR 0247: Yeah, my name's Larry Wright. The last
5 four is 0247. I have arthritis in my lower back, and I have a MRI scheduled for
6 Wednesday so that I can get the surgery done before the end of the month that
7 I've been waiting three months for.

8 THE COURT: What kind of surgery are you having? Back surgery?

9 PROSPECTIVE JUROR 0247: Yes.

10 THE COURT: Okay. What kind of back surgery?

11 PROSPECTIVE JUROR 0247: They -- it's arthritis, and it's affecting the
12 nerves. And so, they have to do whatever they do to open up the channel for the
13 nerves to go through without being -- the rubbing against it.

14 THE COURT: Okay. Sorry about that, but thank you for being here.
15 Anyone else?

16 PROSPECTIVE JUROR 0248: Hi, I'm Paula Craft, 0248. Three years ago,
17 I had cancer, and I have to intermittently go to the restroom. If you guys allow that,
18 that's fine.

19 THE COURT: Okay. How often?

20 PROSPECTIVE JUROR 0248: It -- when the urge hits.

21 THE COURT: Oh, okay. Well, I mean, it's up to you. What -- when I do try
22 to break, I try to break every hour, hour and a half. But if someone leaves the
23 room, we all have to stop and take a break. So -- I can't see. Will you raise your
24 hand, so I can see? Okay.

25 All right, but yes, I would accommodate that. If you would just raise

1 your hand and get someone's attention, so that I know that we need to stop the
2 proceedings.

3 PROSPECTIVE JUROR 0248: Okay, thank you.

4 THE COURT: Okay, thanks. Okay, anyone else? Okay, one more.

5 PROSPECTIVE JUROR 0274: My name is Ashley Barr, juror number
6 103406631.

7 THE COURT: Okay, Ms. Barr --

8 PROSPECTIVE JUROR 0274: Oh, badge number, sorry.

9 THE COURT: -- the badge number is the last four. So, it's 0274.

10 PROSPECTIVE JUROR 0274: 0274.

11 THE COURT: Go ahead.

12 PROSPECTIVE JUROR 0274: I am four months pregnant, so I get very sick
13 very randomly and then the bathroom issue for me, as well.

14 THE COURT: Okay. How are you feeling today?

15 PROSPECTIVE JUROR 0274: I'm okay right now.

16 THE COURT: All right, so at any time, again, if you have to -- I mean, just
17 get our attention. I know sometimes you have to get to a bathroom.

18 PROSPECTIVE JUROR 0274: Mm-hmm.

19 THE COURT: I understand that. But if any time you need to leave, just let
20 myself know or the Marshal, so that we can just stop the proceedings.

21 PROSPECTIVE JUROR 0274: Okay.

22 THE COURT: Okay, thank you.

23 PROSPECTIVE JUROR 0451: Again, badge number 0451. My name is
24 Glenn Gross. If I heard the question correctly, and I'm answering again honestly
25 because we're under oath, I am self-employed, not being paid today and

1 potentially being paid \$40 tomorrow will cause me and my wife extreme financial
2 hardship.

3 More importantly, and I don't know if there will be another form to
4 address this, but I addressed this as soon as I walked in this morning. I think given
5 the COVID pandemic, I'm even surprised that these proceedings are occurring in
6 person. I cannot begin to explain how much reservation I have sitting in this room.
7 And I don't think the State has a right to compel me to serve under these
8 conditions. I'd be more than happy to serve once I either got vaccinated or the
9 pandemic broke. So, I have a great deal of discomfort being here for this week.

10 THE COURT: Okay, thank you, Mr. Gross. Thank you very much for being
11 here. Are there -- do I have anybody else that wants to respond to that question?

12 Okay, the record will reflect no further response from the panel.

13 Has anyone on this panel ever been engaged in law enforcement
14 work or have a spouse or close relative who's ever been engaged in law
15 enforcement work?

16 PROSPECTIVE JUROR 0005: My name is Valerie Anguay. My badge
17 number is -- the last four is 0005. Again, I do work for -- under Metro.

18 THE COURT: Okay, you work in the Constable's Office, correct?

19 PROSPECTIVE JUROR 0005: Right.

20 THE COURT: Is there anything about your employment -- first of all, what
21 do you do at the Constable's Office?

22 PROSPECTIVE JUROR 0005: We're servers, so we deal with all court
23 orders service.

24 THE COURT: Okay. Is there anything -- what -- but what do you do
25 specifically?

1 PROSPECTIVE JUROR 0005: I do all the prep and service for all civil.

2 THE COURT: Okay, is there anything about your employment that would
3 interfere with your ability to be fair and impartial in this case?

4 PROSPECTIVE JUROR 0005: Just that the workload will be waiting for me
5 until I get back.

6 THE COURT: Okay, other than that?

7 PROSPECTIVE JUROR 0005: Other than that, no.

8 THE COURT: Okay, thank you. Thank you for being here.

9 PROSPECTIVE JUROR 0047: My name is Kimberly Russell. My badge
10 number is 0047. Currently, I work for the Justice Court in the pretrial services.
11 And we are situated in the jail, and I do interview anybody with a felony that comes
12 in, and I also do background checks and things like that. So, but it's not going to
13 affect whether I'm -- I have no opinion. I'm not biased or anything, I'm pretty fair.

14 THE COURT: Okay, so there's nothing about your job or your employment
15 that would interfere with your ability to be fair and impartial.

16 PROSPECTIVE JUROR 0047: Nothing at all.

17 THE COURT: Okay, and you understand that if you were asked to serve on
18 this matter, you would be required to judge this case based on the facts and
19 evidence presented in the courtroom, correct?

20 PROSPECTIVE JUROR 0047: Absolutely.

21 THE COURT: So, you understand you would not be entitled to do any
22 outside research, look up any cases, and seek any information other than what is
23 presented in the courtroom; you understand that, correct?

24 PROSPECTIVE JUROR 0047: I do.

25 THE COURT: And you would comply with that order?

1 PROSPECTIVE JUROR 0047: Of course.

2 THE COURT: Okay, thank you. Thank you very much for being here.

3 PROSPECTIVE JUROR 0212: My name is Michael Webster, badge
4 number 02-0212. I'm retired 37 years from Department of Juvenile Justice,
5 California. I was a counselor and a teacher. My grandson is formerly employed by
6 North Las Vegas. At least that's -- he resigned, and his girlfriend is employed by
7 North Las Vegas SWAT.

8 THE COURT: Okay, anything about your former employment or their
9 employment that would interfere with your ability to be fair and impartial?

10 PROSPECTIVE JUROR 0212: No.

11 THE COURT: Okay, and again, you would be asked to judge this case
12 solely on what you see and hear in the courtroom, and you understand that?

13 PROSPECTIVE JUROR 0212: Yes.

14 THE COURT: Okay, and you would be instructed that you couldn't discuss
15 the case with anyone, not even your fellow jurors, until you go back to deliberate
16 on your verdict; do you understand that?

17 PROSPECTIVE JUROR 0212: I understand.

18 THE COURT: And you would comply with that order?

19 PROSPECTIVE JUROR 0212: Yes.

20 THE COURT: Thank you.

21 PROSPECTIVE JUROR 0244: My name's Angelina Nigro. My badge
22 number is 0244. My dad used to be a police officer in Massachusetts, but he's
23 retired.

24 THE COURT: Anything about his employment that would affect your ability
25 to be fair and impartial?

1 PROSPECTIVE JUROR 0244: No.

2 THE COURT: Okay, thank you.

3 PROSPECTIVE JUROR 0451: Sorry, I'm not trying to keep repeating, Your
4 Honor. I just want to clarify your question because again, Glenn Gross, badge
5 0451, both my brother and sister-in-law are former prosecutors. My sister-in-law
6 was a prosecutor in the Manhattan District Attorney's Office, and her and my
7 brother-in-law were prosecutors here in Las Vegas with the U.S. Attorney's Office.
8 They both still currently work for the Justice Department. So, I don't know just
9 from disclosure and under oath, I just wanted to state that.

10 THE COURT: Thank you. Anyone else?

11 Okay, the record will reflect no further response from the panel.

12 Is there anyone on the panel who may not be able to follow all the
13 instructions of the Court on the law, even if the instructions differ from your
14 personal conceptions of what the law ought to be? Is there anyone who feels that
15 they cannot follow the law as given to you by the Court?

16 Okay, the record will reflect no response from the panel.

17 As a follow-up to the previous question, in any criminal trial, the
18 members of the jury sitting collectively are the judges of the question of fact in this
19 case. As the Judge in the case, I am the Judge of the questions of law, and it's my
20 responsibility to be sure that I give instructions on the law that apply to this
21 particular case. It would be a violation of a juror's duty if he or she tried to render a
22 judgment based upon what he or she believed the law to be if that differed from my
23 instructions.

24 With that in mind, is there anyone who feels that they cannot be
25 factfinders and follow my instructions on the applicable law in this case?

1 Okay, the record will reflect no response from the panel.

2 Under our system, there are certain principles of law that apply in
3 every criminal trial. They are that the information filed in this case is a mere
4 accusation and is not evidence of guilt. The Defendant is presumed innocent, and
5 the State therefore must prove the Defendant is guilty by proof beyond a
6 reasonable doubt. Does anyone not understand or believe in these basic precepts
7 of American justice?

8 Okay, the record will reflect no response from the panel.

9 Is there anyone on this panel who knows anything about this case,
10 other than what's been stated in the courtroom here today?

11 Okay, the record will reflect no response from the panel.

12 At this time, ladies and gentleman, we're going to take a recess.
13 During this recess, you must not discuss or communicate with anyone including
14 your fellow jurors in any way regarding the case or its merits, either by voice,
15 phone, email, text, internet, or other means of communication or social media.
16 You may not read, watch, or listen to any news or media accounts, or commentary
17 about the case, do any research such as consulting dictionaries, using the internet,
18 or using reference materials, make any investigation, test a theory of the case,
19 recreate any aspect of the case, or in any other way investigate or learn about the
20 case on your own, form or express any opinion regarding the case until it is
21 submitted to you.

22 We're going to be in recess for the next 15 minutes. We won't be able
23 to start again until everyone's in here. The Court Marshal will come get you, so I
24 just ask that you stay close by. We'll be in recess for 15 minutes, thank you.

25 THE MARSHAL: Ladies and gentleman, please remember where you're

1 seated.

2 [Prospective Jury Panel out at 10:31 a.m.]

3 [Outside the presence of the prospective jury panel]

4 THE COURT: All right, before we go on break, the record will reflect the
5 hearing's taking place -- everyone's gone right --

6 THE COURT CLERK: Yeah.

7 THE COURT: -- outside the presence of the jury panel. Of the first 32, I will
8 call as follows. Number one is going to be Valerie Anguay, number two, William
9 Okeefe, number three, Ariel Hart, number four, Cheri Edwards, number five, Harry
10 Wright, number six, Jose Rodriguez. I'm not going to call Robert Garcia in the first
11 32.

12 Number seven, Kimberly Russell, number eight, Johnathan Y-S-A-I-S,
13 number nine, Andrea Low. I am not going to call Mr. Williams in the first 32, so I'm
14 going to excuse him.

15 Number ten, Rowena Gaspar, number 11, Laurie Tapia, number 12,
16 Lynn Laspina-Cooper, number 13, Phillip Greiwe, number 14, Bobby Owens, 15
17 Danial Cauley, 16 Roman Gonzales, 17 Chance Ortero, 18 Cheryl Webster, 19
18 Arthur Ermita, 20 Sherise Nipper, 21 Penny Montague, 22 Dawn Lindsten, 23
19 Aniella Stoiber, 24 Davonn Hodge, 25 Jennifer Rodriguez, 26 John Nixon, 27
20 Vester Reed, 28 Laurie Lomax, 29 Liza Ziman, 30 Bowman, 31 Caleb Thiessen
21 and 32, Warren Hartwork -- Hartwick.

22 Is there any objection by the State?

23 MS. MOORS: [Inaudible] on behalf of the State, Your Honor.

24 THE COURT: Mr. Marchese?

25 MR. MARCHESE: No, Your Honor. And when you say you're not calling

1 them in the first 32, you're just -- you're challenging them for cause and you're
2 kicking them, right?

3 THE COURT: Yeah, I'm going to --

4 MR. MARCHESE: Okay.

5 THE COURT: -- I'll tell you. I can go through who I'm going to excuse for
6 cause because I mean, we might as well get them out of here.

7 MR. MARCHESE: Yeah because I have a feeling that Mr. Gross is probably
8 going to be answering everything.

9 THE COURT: He'll monopolize my time. So --

10 MR. MARCHESE: Exactly.

11 THE COURT: -- yeah. So, Robert Garcia, I'm going to excuse. Skylar
12 Williams is going to be excused. And then on the next page, Seth Moore, 0235,
13 I'm going to excuse. Jennifer Castro, 0242, Larry Bright, 0247, Evan Castillo,
14 0259, and Glenn Gross, 0451, I'm going to -- I'll probably have the Marshal excuse
15 them, so they won't come back in.

16 Is there any objection by the State?

17 MS. MOORS: And I apologize, earlier my microphone was not on. Lyndsey
18 Moors on behalf of the State, no objection to the first 32, as well as the other ones
19 that Your Honor intends to have leave prior to coming back into the courtroom.

20 THE COURT: Okay. Mr. Marchese?

21 MR. MARCHESE: No, Your Honor, I won't waste the Court's time. I'd
22 probably like an opportunity to rehabilitate Mr. Castillo, but I don't think that that is
23 someone who's going to -- I'm going to be able to rehabilitate. So, other than that,
24 I wouldn't object.

25 THE COURT: Okay. Thank you.

1 [Recess began at 10:35 a.m.; proceedings resumed at 10:50 a.m.]

2 [Outside the presence of the prospective jury panel]

3 THE COURT: The hearing is continuing to take place outside the presence
4 of the jury panel. I'm just going to read again because we had to let someone go.

5 Number one will be Valerie Anguay, two, Okeefe, three, Hart. Cheri
6 Edwards has been excused for cause. Number four will be Wright, five,
7 Rodriguez, six, Russell, seven, Johnathan Y-S-A-I-S, number eight, Low, number
8 nine, Gaspar, number ten, Tapia. Number 11, Laspina-Cooper, number 12,
9 Greiwe, 13 Owens, 14 Cauley, 15 Gonzales, 16 Otero, 17 Webster, 18 Ermita, 19
10 Nipper, 20 Montague, 21 Lindsten, 22 Stoiber, 23 Hodge, 24 Rodriguez, 25 Nixon,
11 26 Reed, 27 Lomax, 28 Ziman, 29 Bowman, 30 Thiessen, 31 Hartwick, and
12 number 32 now will be Michael Webster. Any objection by the State?

13 MS. MOORS: No objection on behalf of the State, Your Honor.

14 THE COURT: Thank you, and the defense?

15 MR. MARCHESE: And Your Honor, on Ms. Edwards, I didn't have anything
16 written on her. Was it --

17 THE COURT: Okay, sorry.

18 MR. MARCHESE: -- did she give a note or something?

19 THE COURT: She -- the Marshal came and told me during the break that
20 she was coughing. She contended --

21 MR. MARCHESE: Oh.

22 THE COURT: -- she had asthma, but the coughing was enough for me.

23 MR. MARCHESE: I noticed her coughing, you're right. No objection.

24 THE COURT: Oh, okay. I didn't even notice. Sorry.

25 MR. MARCHESE: Yeah.

1 [Colloquy between the Court and the Court Clerk]

2 [Pause in proceedings]

3 [Prospective Jury Panel in at 10:59 a.m.]

4 [In the presence of the prospective jury panel]

5 THE COURT: Ladies and gentleman, I know some of you are sitting in
6 different seats. I just want to make sure you know that during the break, we did
7 sanitize all of the seats.

8 [Pause in proceedings]

9 THE COURT: Does the State stipulate to the presence of the panel that is
10 now impaneled?

11 MS. MOORS: The State stipulates, Your Honor.

12 THE COURT: The defense?

13 MR. MARCHESI: Defense so does.

14 THE COURT: Okay. Is there anyone who needs a new mask? I know that
15 there was a juror -- okay. She's right here on the first row. And if you need a new
16 mask, just let the Court Marshal know and we will make sure you get one. Yeah,
17 she's right there.

18 Okay, thank you. Ms. Anguay, I'm going to start with you. I just have
19 a few questions for you. Can you tell me how long you've lived in Clark County?

20 It's not on. Okay, all right and if you just -- I'm sorry, if you will -- don't
21 mind stating your name and badge number.

22 PROSPECTIVE JUROR 0005: Oh, okay. Valerie Anguay, 0005.

23 THE COURT: Okay, how long have you lived in Clark County?

24 PROSPECTIVE JUROR 0005: Since 2001.

25 THE COURT: Okay, and you indicated you work for the Constable, correct?

1 PROSPECTIVE JUROR 0005: Correct.

2 THE COURT: How long have you worked for the Constable?

3 PROSPECTIVE JUROR 0005: Seventeen years.

4 THE COURT: Okay. Can you tell me your education background?

5 PROSPECTIVE JUROR 0005: Well, partial college.

6 THE COURT: Okay, and your marital status?

7 PROSPECTIVE JUROR 0005: Married.

8 THE COURT: Do you have any children?

9 PROSPECTIVE JUROR 0005: No.

10 THE COURT: Okay, do you know of any reason why you could not be a fair
11 and impartial juror?

12 PROSPECTIVE JUROR 0005: Well, I just thought it -- you know, like my
13 boss said, we're very short-handed. And my workload --

14 THE COURT: Okay, let me ask you something because your boss cannot
15 discourage you from doing jury duty.

16 PROSPECTIVE JUROR 0005: Okay.

17 THE COURT: But since you keep bringing up your boss, that is -- that's
18 making me a little worried.

19 PROSPECTIVE JUROR 0005: Oh, okay.

20 THE COURT: Okay? Did your boss in any way discourage you from
21 coming here and serving?

22 PROSPECTIVE JUROR 0005: No, it's just the workload.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 0005: Because everything sits until I get back.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 0005: And then it's hard because there's no
2 funding for overtime, so you know? It makes --

3 THE COURT: Well, I just want to make sure your employer knows that you
4 were summonsed here pursuant --

5 PROSPECTIVE JUROR 0005: Yes.

6 THE COURT: -- to a Court Order?

7 PROSPECTIVE JUROR 0005: And I did tell her that, and I kept mentioning
8 it to her.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 0005: Yes.

11 THE COURT: And they know that if you're selected to serve, you will be
12 here this week, correct?

13 PROSPECTIVE JUROR 0005: Exactly. And --

14 THE COURT: Okay. Is there anything about your work or thinking about
15 your work that would interfere with your ability to be fair and impartial to the State
16 or the Defendant? I mean, you're not going to be mad at anybody if you're
17 required to be here, right?

18 PROSPECTIVE JUROR 0005: No, no.

19 THE COURT: Okay. Will you be unfair to either side?

20 PROSPECTIVE JUROR 0005: I think I would be unfair, you know --

21 THE COURT: Unfair to whom?

22 PROSPECTIVE JUROR 0005: -- for the Defendant.

23 THE COURT: Because?

24 PROSPECTIVE JUROR 0005: Well, just the people that I deal with, you
25 know, the public that I have to deal with and the cases that I see.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 0005: It might not be a fair judgment for me.

3 THE COURT: Okay, didn't you indicate you work at the Constable in civil
4 service?

5 PROSPECTIVE JUROR 0005: Yes. Yes.

6 THE COURT: I don't understand what kind of people you see in civil
7 service. You don't go out --

8 PROSPECTIVE JUROR 0005: Well --

9 THE COURT: -- and actually serve, do you?

10 PROSPECTIVE JUROR 0005: No, but I deal with the customers.

11 THE COURT: You do the paperwork?

12 PROSPECTIVE JUROR 0005: I deal with the customers that comes in, a
13 majority is all the defendants.

14 THE COURT: You're -- the majority is what?

15 PROSPECTIVE JUROR 0005: The defendant of the cases.

16 THE COURT: Okay, but there's -- you mean like a defendant in a civil
17 matter?

18 PROSPECTIVE JUROR 0005: Yeah.

19 THE COURT: Okay, but you know this is a criminal matter, correct?

20 PROSPECTIVE JUROR 0005: Right, right.

21 THE COURT: And so, you know it's completely different, correct?

22 PROSPECTIVE JUROR 0005: Right, I do.

23 THE COURT: Okay. And you understand that if you're selected to serve
24 that you would be required to judge this case based solely on the facts and
25 evidence as introduced at the time of trial, correct?

1 PROSPECTIVE JUROR 0005: Yes, I do understand.

2 THE COURT: And according to the instructions as given to you by the
3 Court; do you understand that?

4 PROSPECTIVE JUROR 0005: Yes, I do.

5 THE COURT: Okay. Would you judge this case based solely on this
6 evidence and facts as you hear in the courtroom?

7 PROSPECTIVE JUROR 0005: Well, yes. I mean, I would judge based on,
8 you know, evidence.

9 THE COURT: Okay because it would be very unfair to both sides --

10 PROSPECTIVE JUROR 0005: Mm-hmm.

11 THE COURT: -- if you were to judge this case based on something other
12 than the evidence and the law; do you agree with that?

13 PROSPECTIVE JUROR 0005: Yes, I do.

14 THE COURT: Okay. So, you understand that you cannot judge this case
15 based on any case or person that you've dealt with in the Constable's Office; do
16 you understand that?

17 PROSPECTIVE JUROR 0005: Right, I do understand that.

18 THE COURT: Okay. And you understand both sides are entitled to have
19 jurors that are open-minded from the beginning and will be fair and impartial,
20 correct?

21 PROSPECTIVE JUROR 0005: Mm-hmm, yes, I do.

22 THE COURT: Can you do that?

23 PROSPECTIVE JUROR 0005: Yes.

24 THE COURT: Okay, thank you. Thank you very much for being here.

25 You know what Miss, I have one more question before she moves on,

1 okay? In this matter, determining whatever the verdict is for the jury panel, if
2 there's a verdict that comes back, the jury may be asked to sit through a second
3 phase which is called a penalty phase. And in Nevada, if the jury convicts
4 somebody of first-degree murder, then the jury is also the panel that determines
5 the punishment. And in Nevada, there are three forms of punishment for that
6 conviction. It is life with the possibility of parole after 20 years, life without the
7 possibility of parole, which means exactly that, life without the possibility of
8 parole --

9 PROSPECTIVE JUROR 0005: Sorry.

10 THE COURT: -- or a term of years, 50 years, with parole eligibility beginning
11 after a minimum of 20 years has been served.

12 If you were selected to serve on this panel, and the jury were required
13 to go to a penalty phase, would you have any issue with considering any of those
14 three forms of punishment?

15 PROSPECTIVE JUROR 0005: To be honest, yes.

16 THE COURT: Well, again, you're under oath.

17 PROSPECTIVE JUROR 0005: Yes, I would give the harshest penalty. I
18 would choose --

19 THE COURT: Before you've heard any of the evidence --

20 PROSPECTIVE JUROR 0005: Oh no, no, no, no.

21 THE COURT: -- you've determined that?

22 PROSPECTIVE JUROR 0005: After. After.

23 THE COURT: Okay, but -- again, the jury would hear a penalty phase, you
24 would hear evidence presented on both sides, are there one of those forms of
25 punishment that you would not be able to consider?

1 PROSPECTIVE JUROR 0005: I don't think so.

2 THE COURT: Okay, so would you be able to consider all three forms of
3 punishment if you were selected to serve?

4 PROSPECTIVE JUROR 0005: Yes.

5 THE COURT: Okay. Thank you. Thank you for being here.

6 Next one is William Okeefe, badge number 0009. Mr. Okeefe, how
7 long have you lived in Clark County?

8 PROSPECTIVE JUROR 0009: William Okeefe, badge number 0009. I've
9 lived in Clark County for 25 years.

10 THE COURT: And what do you do for a living?

11 PROSPECTIVE JUROR 0009: Real estate broker.

12 THE COURT: Okay, how long have you done that?

13 PROSPECTIVE JUROR 0009: Twenty-three years.

14 THE COURT: All right, your marital status?

15 PROSPECTIVE JUROR 0009: I'm married.

16 THE COURT: Is your spouse employed?

17 PROSPECTIVE JUROR 0009: Yes.

18 THE COURT: And what does your spouse do?

19 PROSPECTIVE JUROR 0009: She's a dental hygienist.

20 THE COURT: Okay, do you have any children?

21 PROSPECTIVE JUROR 0009: Yes.

22 THE COURT: Are any of -- how many children do you have?

23 PROSPECTIVE JUROR 0009: Three.

24 THE COURT: Are any of them old enough to be employed?

25 PROSPECTIVE JUROR 0009: Yes.

1 THE COURT: Okay, can you just go through each one and tell us what they
2 do?

3 PROSPECTIVE JUROR 0009: My oldest is 20, she's a college student.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0009: My middle one is 17, she's in high school.
6 And my son is 15, he's a freshman in high school. They all -- they're in San Diego.

7 THE COURT: Okay. Do you know of any reason why you could not be a
8 fair and impartial juror in this case?

9 PROSPECTIVE JUROR 0009: No.

10 THE COURT: Okay. And you heard me tell what the three forms of
11 punishment are in the State of Nevada if we do go on to a penalty phase; do you
12 want me to repeat them?

13 PROSPECTIVE JUROR 0009: No, I remember.

14 THE COURT: Okay, so life without, life with the possibility of parole after 20
15 years or a term of years, 50 years, with parole eligibility beginning after a minimum
16 of 20 years has been served. Would you have any issue with considering all three
17 forms of punishment?

18 PROSPECTIVE JUROR 0009: No.

19 THE COURT: Okay, thank you, sir. And again, thank you very much for
20 being here.

21 The next one is Ariel Hart, and it's badge number 0010. And
22 Ms. Hart, how long have you lived in Clark County?

23 PROSPECTIVE JUROR 0010: Two and a half years.

24 THE COURT: Where'd you move from?

25 PROSPECTIVE JUROR 0010: Cedar City, Utah.

1 THE COURT: Okay. And your employment?
2 PROSPECTIVE JUROR 0010: I stay at home with my babies.
3 THE COURT: Okay, your education background?
4 PROSPECTIVE JUROR 0010: A bachelor degree.
5 THE COURT: In?
6 PROSPECTIVE JUROR 0010: Exercise science.
7 THE COURT: Okay. Are your -- because you said babies, do you have any
8 type of childcare issues if you are required to be here?
9 PROSPECTIVE JUROR 0010: No.
10 THE COURT: Okay. Your marital status?
11 PROSPECTIVE JUROR 0010: Married.
12 THE COURT: And is your spouse employed?
13 PROSPECTIVE JUROR 0010: Yes.
14 THE COURT: What does your spouse do for a living?
15 PROSPECTIVE JUROR 0010: He works with organ donation.
16 THE COURT: Like body organ donation?
17 PROSPECTIVE JUROR 0010: Yes.
18 THE COURT: Okay. What -- I'm just curious. What does he do?
19 PROSPECTIVE JUROR 0010: What does he do?
20 THE COURT: Uh-huh. Like what's his job in --
21 PROSPECTIVE JUROR 0010: He --
22 THE COURT: -- that process?
23 PROSPECTIVE JUROR 0010: -- he was calling the families after someone
24 passed away and talking to them about organ donation and screening.
25 THE COURT: Okay.

1 PROSPECTIVE JUROR 0010: But now he is the trainer. He just barely
2 switched. He is training people to do that.

3 THE COURT: Okay. And your children are all minors, correct?

4 PROSPECTIVE JUROR 0010: Yes.

5 THE COURT: Okay. And do you know of any reason why you could not be
6 a fair and impartial juror?

7 PROSPECTIVE JUROR 0010: No.

8 THE COURT: And you heard me tell the other jurors what the three forms of
9 punishment are in Nevada --

10 PROSPECTIVE JUROR 0010: Yes.

11 THE COURT: -- if we did get to a penalty phase; do you want me to repeat
12 them?

13 PROSPECTIVE JUROR 0010: No, thank you.

14 THE COURT: Okay. Do you know of any reason why you would not be
15 able to consider either of those three forms of punishment?

16 PROSPECTIVE JUROR 0010: No.

17 THE COURT: Okay. Thank you. Thank you very much for being here.

18 PROSPECTIVE JUROR 0010: Thanks.

19 THE COURT: Harry Wright, badge number 0035.

20 PROSPECTIVE JUROR 0035: Correct.

21 THE COURT: Mr. Wright, good morning. How long have you lived in Clark
22 County?

23 PROSPECTIVE JUROR 0010: A little over 15 years.

24 THE COURT: Your employment, training, education background?

25 PROSPECTIVE JUROR 0010: Employment, did you say?

1 THE COURT: Uh-huh.

2 PROSPECTIVE JUROR 0010: Yeah, I'm a butler at the Las Vegas Sands
3 Corporation.

4 THE COURT: Okay, how long have you done that?

5 PROSPECTIVE JUROR 0010: Fifteen years.

6 THE COURT: Okay, your marital status?

7 PROSPECTIVE JUROR 0010: Married, two children.

8 THE COURT: Okay, is your spouse employed?

9 PROSPECTIVE JUROR 0010: She is employed at Caesar's Palace.

10 THE COURT: Okay, and what does she do?

11 PROSPECTIVE JUROR 0010: A casino credit clerk.

12 THE COURT: All right, and your two children, are they old enough to be
13 employed?

14 PROSPECTIVE JUROR 0010: Thirty-eight and forty.

15 THE COURT: Can you tell me what each does?

16 PROSPECTIVE JUROR 0010: My daughter works for Sunset Station with
17 the accounting of sportsbook and my son is back in Pennsylvania. He runs a
18 bakery department in Costco.

19 THE COURT: Okay. And again, you understand that if there's a verdict for
20 first degree murder that the jury would determine the penalty in this matter; do you
21 understand that?

22 PROSPECTIVE JUROR 0010: I do.

23 THE COURT: Okay, and you've heard me say what the three forms of
24 punishment are in the State of Nevada?

25 PROSPECTIVE JUROR 0010: Yes.

1 THE COURT: Do you want me to repeat them?

2 PROSPECTIVE JUROR 0010: Don't have to.

3 THE COURT: Okay, I just want to make sure.

4 PROSPECTIVE JUROR 0010: Sure.

5 THE COURT: Do you know of any reason why you would not be able to
6 consider all three forms of punishment?

7 PROSPECTIVE JUROR 0010: No.

8 THE COURT: Okay, do you know of any reason why you could not be a fair
9 and impartial juror in this matter?

10 PROSPECTIVE JUROR 0010: No.

11 THE COURT: Thank you. And thank you again very much for being here.

12 PROSPECTIVE JUROR 0010: Thank you.

13 THE COURT: Jose Rodriguez, 0042.

14 PROSPECTIVE JUROR 0042: Hello.

15 THE COURT: Good morning, Mr. Rodriguez.

16 PROSPECTIVE JUROR 0042: Good morning.

17 THE COURT: Can you tell me how long you've lived in Clark County?

18 PROSPECTIVE JUROR 0042: Twenty-four years.

19 THE COURT: And what do you do for a living?

20 PROSPECTIVE JUROR 0042: I used to do landscaping. I used to work
21 with a tree company.

22 THE COURT: Okay, what do you do now?

23 PROSPECTIVE JUROR 0042: Right now I don't have a job, so right now
24 I'm looking.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 0042: Yes.

2 THE COURT: And your education background?

3 PROSPECTIVE JUROR 0042: Just high school.

4 THE COURT: Your marital status?

5 PROSPECTIVE JUROR 0042: Single.

6 THE COURT: Do you have any children?

7 PROSPECTIVE JUROR 0042: No.

8 THE COURT: Okay. And you understand if we had to go to a penalty
9 phase that the jury would determine what the penalty would be in this matter, do
10 you understand that?

11 PROSPECTIVE JUROR 0042: Yes.

12 THE COURT: And you heard me indicate what the three forms of
13 punishment are in Nevada?

14 PROSPECTIVE JUROR 0042: Yes.

15 THE COURT: Do you know of any reason why you would not be able to
16 consider all three forms of punishment if we went to a penalty phase?

17 PROSPECTIVE JUROR 0042: No.

18 THE COURT: Okay. Do you know of any reason why you could not be a
19 fair and impartial juror?

20 PROSPECTIVE JUROR 0042: No.

21 THE COURT: Okay, thank you again. Thank you very much for being here.

22 Ms. Kimberly Russell, badge number 0047. Ms. Russell, good
23 morning. How long have you lived in Clark County?

24 PROSPECTIVE JUROR 0047: I've lived here since 2012.

25 THE COURT: And you indicated you work in pretrial for Justice Court,

1 correct?

2 PROSPECTIVE JUROR 0047: Correct.

3 THE COURT: And how long have you done that?

4 PROSPECTIVE JUROR 0047: Two and a half years.

5 THE COURT: Okay. And your education background?

6 PROSPECTIVE JUROR 0047: Equivalent to Associates in criminal justice.

7 THE COURT: Your marital status?

8 PROSPECTIVE JUROR 0047: Single.

9 THE COURT: Do you have children?

10 PROSPECTIVE JUROR 0047: Two daughters, they both are small
11 business owners, medical supplies, and one's a cleaning service.

12 THE COURT: Okay. And again, you heard me indicate that if there is a
13 certain verdict in this matter then we would go to a penalty phase, and it would be
14 the jury that would determine the penalty, and you understand that, correct?

15 PROSPECTIVE JUROR 0047: Correct.

16 THE COURT: And you heard me indicate what the three forms of
17 punishment are?

18 [No audible response]

19 THE COURT: Is that a yes?

20 PROSPECTIVE JUROR 0047: Yes.

21 THE COURT: Okay. Do you know of any reason why you could not
22 consider all three forms of punishment if you were selected to serve?

23 PROSPECTIVE JUROR 0047: I have no reason to -- you know, I have no
24 bias, whatever.

25 THE COURT: Okay. So, if you were instructed that you are to consider all

1 three forms, you would consider all three forms, correct?

2 PROSPECTIVE JUROR 0047: Of course, mm-hmm.

3 THE COURT: Okay, thank you. Thank you very much for being here.

4 Mr. Johnathan, will you pronounce your last name for me?

5 PROSPECTIVE JUROR 0057: It's going to be Ysais.

6 THE COURT: Ysais, okay. How long -- and that's badge number 0057,
7 Sara. How long have you lived in Clark County?

8 PROSPECTIVE JUROR 0057: For six years.

9 THE COURT: And your education and employment background?

10 PROSPECTIVE JUROR 0057: Some college, and I work retail; Target.

11 THE COURT: Your marital status?

12 PROSPECTIVE JUROR 0057: Married.

13 THE COURT: Is your spouse employed?

14 PROSPECTIVE JUROR 0057: Yes, he is.

15 THE COURT: What does he do for a living?

16 PROSPECTIVE JUROR 0057: He works at the MGM call center.

17 THE COURT: What does that mean?

18 PROSPECTIVE JUROR 0057: He makes reservations and --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 0057: -- does like escalations and such.

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

22 PROSPECTIVE JUROR 0057: No.

23 THE COURT: Okay. And you have heard me indicate that if the jury
24 reaches a certain verdict, we'll go to the penalty phase, correct?

25 PROSPECTIVE JUROR 0057: Correct.

1 THE COURT: And you know what the three forms of punishment are in the
2 State of Nevada?

3 PROSPECTIVE JUROR 0057: Yes.

4 THE COURT: If you were on this panel, would you take issue with any of
5 those three forms of punishment?

6 PROSPECTIVE JUROR 0057: No.

7 THE COURT: So, if you're instructed that you are to consider all three
8 forms, you will consider them, correct?

9 PROSPECTIVE JUROR 0057: Yes, correct.

10 THE COURT: Okay, do you know of any reason why you could not be a fair
11 and impartial juror in this matter?

12 PROSPECTIVE JUROR 0057: No.

13 THE COURT: Thank you. Thank you very much for being here.

14 Our next juror is Ms. Andrea Low, badge number 0066. Ms. Low, how
15 long have you lived in Clark County?

16 PROSPECTIVE JUROR 0066: All my life, 40 years.

17 THE COURT: Okay. Your education background?

18 PROSPECTIVE JUROR 0066: Some college.

19 THE COURT: And what do you do for a living?

20 PROSPECTIVE JUROR 0066: I own a balloon company, and I'm a stay at
21 home mom.

22 THE COURT: Okay. And your marital status?

23 PROSPECTIVE JUROR 0066: Married.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR 0066: Yes.

1 THE COURT: What does your spouse do for a living?

2 PROSPECTIVE JUROR 0066: He works at the gas company as a
3 manager.

4 THE COURT: Okay, and you have children?

5 PROSPECTIVE JUROR 0066: Three small children.

6 THE COURT: Okay. And they're all minors, correct?

7 PROSPECTIVE JUROR 0066: Yeah.

8 THE COURT: Okay. And you've heard me indicate that if the jury returns a
9 certain verdict that we would go to a penalty phase, correct?

10 PROSPECTIVE JUROR 0066: Correct.

11 THE COURT: And you know what the three forms of punishment are in
12 Nevada?

13 PROSPECTIVE JUROR 0066: Correct.

14 THE COURT: And if you were on this jury panel, would you be able to
15 consider all three forms of punishment?

16 PROSPECTIVE JUROR 0066: Yes.

17 THE COURT: Okay, thank you. Thank you very much for being here.
18 Our next juror is Rowena Gaspar, 0088.

19 PROSPECTIVE JUROR 0088: Hi, Rowena Gaspar.

20 THE COURT: Hi, okay. There you are. How long have you lived in Clark
21 County?

22 PROSPECTIVE JUROR 0088: About 11 years.

23 THE COURT: Your education background?

24 PROSPECTIVE JUROR 0088: Some college.

25 THE COURT: And what do you do for a living?

1 PROSPECTIVE JUROR 0088: I work for Telus Call Center for Google Fi
2 shipping.

3 THE COURT: Okay. And your marital status?

4 PROSPECTIVE JUROR 0088: Married.

5 THE COURT: Is your spouse employed?

6 PROSPECTIVE JUROR 0088: Yes.

7 THE COURT: What does your spouse do for a living?

8 PROSPECTIVE JUROR 0088: He's a courier for FedEx.

9 THE COURT: Okay. Do you have children?

10 PROSPECTIVE JUROR 0088: No.

11 THE COURT: Okay. And you heard me indicate that if the jury reaches a
12 certain verdict that we would go to a penalty phase, correct?

13 PROSPECTIVE JUROR 0088: Yes.

14 THE COURT: And I've indicated what the three forms of punishment are; do
15 you need me to repeat them?

16 PROSPECTIVE JUROR 0088: Yes, please.

17 THE COURT: Okay. If the jury returns a guilty verdict of first-degree
18 murder, the penalties in State of Nevada are life without the possibility of parole,
19 life with the possibility of parole after a minimum of 20 years has been served, or a
20 term of years, 50 years, with parole eligibility beginning after a minimum of 20
21 years has been served. And you understand those three forms of punishment and
22 that those would be your choices?

23 PROSPECTIVE JUROR 0088: Yes.

24 THE COURT: Okay, would you take issue with considering any of those
25 three forms of punishment?

1 PROSPECTIVE JUROR 0088: No.

2 THE COURT: Okay, you're hesitating a little bit.

3 PROSPECTIVE JUROR 0088: I mean, no.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0088: Sorry.

6 THE COURT: All right. Do you know of any reason why you could not be a
7 fair and impartial juror if we asked you to serve in this matter?

8 PROSPECTIVE JUROR 0088: No.

9 THE COURT: Okay, thank you, Ms. Gaspar. Thank you for being here.

10 Next is Laurie Tapia, 0094. Good morning.

11 PROSPECTIVE JUROR 0094: Good morning.

12 THE COURT: How long have you lived in Clark County?

13 PROSPECTIVE JUROR 0094: Twenty-five years.

14 THE COURT: Your education background?

15 PROSPECTIVE JUROR 0094: High school.

16 THE COURT: And what do you do for a living?

17 PROSPECTIVE JUROR 0094: I'm a cashier at McDonald's.

18 THE COURT: And your marital status?

19 PROSPECTIVE JUROR 0094: Single.

20 THE COURT: Okay, do you have any children?

21 PROSPECTIVE JUROR 0094: No.

22 THE COURT: Do you know of any reason why you could not be a fair and
23 impartial juror?

24 PROSPECTIVE JUROR 0094: No.

25 THE COURT: Okay, and you've heard me indicate that if the jury returns a

1 certain verdict that we would go to a penalty phase, correct?

2 PROSPECTIVE JUROR 0094: Yes, ma'am.

3 THE COURT: And you understand what the three forms of punishment are
4 in the State of Nevada?

5 PROSPECTIVE JUROR 0094: Yes.

6 THE COURT: Do you need me to repeat them?

7 PROSPECTIVE JUROR 0094: No, ma'am.

8 THE COURT: Okay, if you were selected to serve, would you be able to
9 consider all three forms of punishment?

10 PROSPECTIVE JUROR 0094: Yes, ma'am.

11 THE COURT: Okay, thank you.

12 PROSPECTIVE JUROR 0094: You're welcome.

13 THE COURT: Thank you very much for being here.

14 Lynn Laspina-Cooper, badge number 0098. Good morning.

15 PROSPECTIVE JUROR 0098: Yeah, good morning.

16 THE COURT: How long have you lived in Clark County?

17 PROSPECTIVE JUROR 0098: Since 1967.

18 THE COURT: Okay, your education background?

19 PROSPECTIVE JUROR 0098: I have some college.

20 THE COURT: And what do you do for a living?

21 PROSPECTIVE JUROR 0098: Right now, I'm semi-retired. I worked at
22 UMC for 27 years, and now I'm working for Robert Half, I'm a temp -- in the temp
23 agency.

24 THE COURT: Okay. What did you do at UMC?

25 PROSPECTIVE JUROR 0098: I worked in credentialing where we

1 credentialed the physicians and the PAs and APRNs.

2 THE COURT: Okay, your marital status?

3 PROSPECTIVE JUROR 0098: I'm single.

4 THE COURT: Do you have any children?

5 PROSPECTIVE JUROR 0098: I have two.

6 THE COURT: Okay, and they're old enough to be employed?

7 PROSPECTIVE JUROR 0098: Yes. Yeah.

8 THE COURT: Can you tell me what each does for a living?

9 PROSPECTIVE JUROR 0098: My son works for Amazon --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 0098: -- and on the floor distributing. And my
12 daughter is in the Army and she's stationed at Schofield Barracks, Hawaii right
13 now.

14 THE COURT: Okay, well that's nice.

15 PROSPECTIVE JUROR 0098: Yes.

16 THE COURT: You understand, as I've told some of your fellow jurors, that if
17 the jury reaches a certain verdict, we would go to a penalty phase, correct?

18 PROSPECTIVE JUROR 0098: Yes.

19 THE COURT: And you know what the three forms of punishment are in the
20 State of Nevada?

21 PROSPECTIVE JUROR 0098: Yes.

22 THE COURT: And that as a juror, you would be required to consider all
23 three; do you understand that?

24 PROSPECTIVE JUROR 0098: Yes, I do.

25 THE COURT: Is -- do you have any issue or do you take any issue with

1 considering all three forms of punishment?

2 PROSPECTIVE JUROR 0098: No, I have no issues at all.

3 THE COURT: Okay, thank you. Thank you very much for being here.

4 Okay, Phillip Greiwe, badge number 0101, correct?

5 PROSPECTIVE JUROR 0101: Yes, Phil Greiwe.

6 THE COURT: Okay, if you don't mind just putting your mask up. Thank
7 you. How long have you lived in Clark County?

8 PROSPECTIVE JUROR 0101: Eighteen years.

9 THE COURT: And your education background?

10 PROSPECTIVE JUROR 0101: Some college.

11 THE COURT: And what do you do for a living?

12 PROSPECTIVE JUROR 0101: I work part time at the Carriage House
13 Hotel.

14 THE COURT: Okay. And what do you do?

15 PROSPECTIVE JUROR 0101: Security work.

16 THE COURT: Okay. Your marital status?

17 PROSPECTIVE JUROR 0101: Can I -- What's that?

18 THE COURT: Your marital status?

19 PROSPECTIVE JUROR 0101: Married.

20 THE COURT: Okay. Is your spouse employed?

21 PROSPECTIVE JUROR 0101: No, she's retired.

22 THE COURT: Okay, what'd she do before she retired.

23 PROSPECTIVE JUROR 0101: We both worked for the postal system.

24 THE COURT: Okay. Do you have children?

25 PROSPECTIVE JUROR 0101: Yes, three.

1 THE COURT: Are they old enough to be employed?

2 PROSPECTIVE JUROR 0101: Yes, they're in their 40s.

3 THE COURT: Okay will you just start at the top and tell us what each does
4 for a living?

5 PROSPECTIVE JUROR 0101: My oldest daughter works at Sam's Town in
6 bingo room.

7 THE COURT: And does what?

8 PROSPECTIVE JUROR 0101: Bingo, she works at the Sam's Town bingo.

9 THE COURT: Okay, what does she do in the bingo room?

10 PROSPECTIVE JUROR 0101: I don't know. I've never been there.

11 THE COURT: Okay. All right. You've never been -- your daughter works in
12 bingo, and you've never been?

13 PROSPECTIVE JUROR 0101: No, I don't like --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 0101: -- I don't go to the hotels, no.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR 0101: My middle daughter is -- worked at a
18 hardware store. I guess it's -- they dish out hardware to the hotels.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 0101: And then my -- I work with my son at the
21 Carriage House.

22 THE COURT: Okay, your son works security with you?

23 PROSPECTIVE JUROR 0101: Yeah, we both work at the Carriage House,
24 yeah.

25 THE COURT: Okay, and you've heard me indicate that if the jury returns a

1 certain verdict, we would go to a penalty phase and the jury would determine the
2 sentence to be imposed; do you understand that?

3 PROSPECTIVE JUROR 0101: Yeah, I understand, yeah.

4 THE COURT: And you heard me indicate what all three forms of
5 punishment are?

6 PROSPECTIVE JUROR 0101: Yes, yes, ma'am.

7 THE COURT: And are you a juror that would be able to consider all three
8 forms?

9 PROSPECTIVE JUROR 0101: Yes, ma'am.

10 THE COURT: Okay. I hate to keep bugging you, but your mask has to like
11 be up over your nose. Does yours have that little wire there that you can -- I mean,
12 that happens to me all the time too, but I just push that wire thing and it helps to
13 keep it on your nose.

14 PROSPECTIVE JUROR 0101: Okay.

15 THE COURT: Okay. Do you know of any reason why you could not be a
16 fair and impartial juror?

17 PROSPECTIVE JUROR 0101: No, there's no reason.

18 THE COURT: Okay, thank you. And thank you very much for being here,
19 sir.

20 PROSPECTIVE JUROR 0101: Thank you.

21 THE COURT: Next is Bobby Owens, badge number 0103.

22 PROSPECTIVE JUROR 0103: Yes, ma'am.

23 THE COURT: Okay. How long have you lived in Clark County?

24 PROSPECTIVE JUROR 0103: Oh, two and a half years.

25 THE COURT: Okay, and what do you do for a living?

1 PROSPECTIVE JUROR 0103: Work at the Post Office.
2 THE COURT: What do you do?
3 PROSPECTIVE JUROR 0103: Mail carrier.
4 THE COURT: Okay. And how long have you done that?
5 PROSPECTIVE JUROR 0103: Eighteen and a half years.
6 THE COURT: Okay, so you worked in another jurisdiction as well?
7 PROSPECTIVE JUROR 0103: Yes, ma'am.
8 THE COURT: Okay. Your marital status?
9 PROSPECTIVE JUROR 0103: Married.
10 THE COURT: Is your spouse employed?
11 PROSPECTIVE JUROR 0103: Yes, ma'am.
12 THE COURT: What does your spouse do for a living?
13 PROSPECTIVE JUROR 0103: She works at the Post Office also, and she
14 owns her own business.
15 THE COURT: Okay, does -- is -- what does she do at the Post Office.
16 PROSPECTIVE JUROR 0103: She works in the -- what they call it -- the
17 factory -- the center where they distribute all the packages to the different
18 individual Post Office.
19 THE COURT: Okay, and what type of business does she own?
20 PROSPECTIVE JUROR 0103: She have a bicycle shop.
21 THE COURT: Okay. And do you have children?
22 PROSPECTIVE JUROR 0103: Yes, ma'am.
23 THE COURT: How many?
24 PROSPECTIVE JUROR 0103: Two.
25 THE COURT: Are they old enough to be employed?

1 PROSPECTIVE JUROR 0103: Yes, ma'am.

2 THE COURT: Would you just tell me what each does for a living?

3 PROSPECTIVE JUROR 0103: My daughter is a nurse practitioner.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0103: And my son is a pharmacist.

6 THE COURT: All right. And again, you've heard me tell some of your fellow
7 jurors if there's a guilty verdict on a first-degree murder charge that the jury would
8 determine the penalty after a penalty phase, and you understand that?

9 PROSPECTIVE JUROR 0103: Yes, ma'am.

10 THE COURT: And you heard me indicate what the three forms of
11 punishment are in the State of Nevada that the jury would be able to consider?

12 PROSPECTIVE JUROR 0103: Yes, ma'am.

13 THE COURT: Are you a juror that would be able to consider all three forms
14 of punishment?

15 PROSPECTIVE JUROR 0103: Yes, ma'am.

16 THE COURT: Do you know of any reason why you could not be a fair and
17 impartial juror in this case?

18 PROSPECTIVE JUROR 0103: No, ma'am.

19 THE COURT: Thank you. Thank you for being here.

20 PROSPECTIVE JUROR 0103: You're welcome.

21 THE COURT: Danial Cauley, badge number 0108.

22 PROSPECTIVE JUROR 0108: Hello.

23 THE COURT: Hello. How long have you lived in Clark County?

24 PROSPECTIVE JUROR 0108: My whole life, 28 years.

25 THE COURT: Okay. Your education background?

1 PROSPECTIVE JUROR 0108: I have a Bachelor's in computer science.

2 THE COURT: And what do you do for a living?

3 PROSPECTIVE JUROR 0108: I'm a site reliability engineer for an online
4 payment processing company.

5 THE COURT: Okay. How long have you done that?

6 PROSPECTIVE JUROR 0108: With this company, for two years -- or for --
7 sorry, for six months, but I've been doing it for eight years.

8 THE COURT: Okay. And your marital status?

9 PROSPECTIVE JUROR 0108: Single.

10 THE COURT: Do you have children?

11 PROSPECTIVE JUROR 0108: I do not.

12 THE COURT: Okay. Do you know of any reason why you could not be a
13 fair and impartial juror?

14 PROSPECTIVE JUROR 0108: No.

15 THE COURT: Okay, if this matter did proceed to a penalty phase, you
16 understand what the three forms of punishment are in Nevada?

17 PROSPECTIVE JUROR 0108: Yes, and I will consider them all.

18 THE COURT: Okay, do you need me to repeat them for you?

19 PROSPECTIVE JUROR 0108: No, I do not, thank you.

20 THE COURT: Okay. But as a juror you would have no problem considering
21 all three; is that correct?

22 PROSPECTIVE JUROR 0108: No, I would not have a problem.

23 THE COURT: Okay, thank you, sir.

24 Roman Gonzalez, 0111. Good morning --

25 PROSPECTIVE JUROR 0111: Yes, ma'am.

1 THE COURT: -- Mr. Gonzalez. How long have you lived in Clark County?

2 PROSPECTIVE JUROR 0111: Born and raised other than two years I spent
3 in Arizona and a year in Colorado.

4 THE COURT: Okay. And your education background?

5 PROSPECTIVE JUROR 0111: A high school graduate.

6 THE COURT: And what do you do for a living?

7 PROSPECTIVE JUROR 0111: I'm a bartender apprentice at Mandalay Bay.

8 THE COURT: Okay, how long have you done that?

9 PROSPECTIVE JUROR 0111: About four years.

10 THE COURT: Okay, your marital status?

11 PROSPECTIVE JUROR 0111: Single.

12 THE COURT: Do you have children?

13 PROSPECTIVE JUROR 0111: I do not.

14 THE COURT: Okay. You understand if this went to a penalty phase that
15 the jury would determine the sentence in this matter, correct?

16 PROSPECTIVE JUROR 0111: Yes, ma'am.

17 THE COURT: And you've heard me indicate what the three forms of
18 punishment are in Nevada?

19 PROSPECTIVE JUROR 0111: Yes.

20 THE COURT: Do you need me to repeat them?

21 PROSPECTIVE JUROR 0111: No, I don't.

22 THE COURT: Okay, if you were selected to serve as a juror, would you be
23 able to consider all three forms of punishment?

24 PROSPECTIVE JUROR 0111: Yes, I would.

25 THE COURT: Okay, do you know of any reason why you cannot be a fair

1 and impartial juror if we select you to serve on this matter?

2 PROSPECTIVE JUROR 0111: I don't. Before the recess, you had asked a
3 question about if us or anyone -- family members serve in law enforcement.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0111: During the recess, I came to a realization
6 that I actually have -- my brother's son, it's through marriage, so it'd be my step-
7 nephew.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 0111: He just completed his boot camp. He's
10 been in there a month, and he's a correctional officer in Indian Springs.

11 THE COURT: Okay. And it would -- and so, it's your -- it's a step-nephew,
12 is that how you referred to him?

13 PROSPECTIVE JUROR 0111: So, my brother's been married 15 years.
14 He's a lot older than me, he's in his 40s.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 0111: And so, it's his stepson.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR 0111: And he's my age.

19 THE COURT: Okay. Anything about his employment that would interfere
20 with your ability to be fair and impartial?

21 PROSPECTIVE JUROR 0111: I don't believe so, no. But I do have another
22 family member that is since retired. My stepdad. He retired two years ago.

23 THE COURT: From what?

24 PROSPECTIVE JUROR 0111: And he was the autopsy tech in Mojave
25 County --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 0111: -- for the medical examiner.

3 THE COURT: Okay, so anything about either of their employment that
4 would interfere with your ability to be fair and impartial?

5 PROSPECTIVE JUROR 0111: No.

6 THE COURT: Okay, and you understand that you would not be permitted to
7 discuss this case with anyone, including your fellow jurors, until you are instructed
8 on the law and excused to go deliberate your verdict; do you understand that?

9 PROSPECTIVE JUROR 0111: I do understand that.

10 THE COURT: So, you couldn't call your nephew or your stepdad or anyone
11 and discuss the facts and circumstances of this case; do you understand that?

12 PROSPECTIVE JUROR 0111: I do.

13 THE COURT: And you would comply with that order, correct?

14 PROSPECTIVE JUROR 0111: Yes, ma'am.

15 THE COURT: Okay, thank you, sir. Thank you for being here.

16 Chance Otero, badge number 0117, good morning.

17 PROSPECTIVE JUROR 0117: Good morning.

18 THE COURT: How long have you lived in Clark County?

19 PROSPECTIVE JUROR 0117: About 25 years.

20 THE COURT: Your education background?

21 PROSPECTIVE JUROR 0117: I have partial college.

22 THE COURT: Okay, and what do you do for a living?

23 PROSPECTIVE JUROR 0117: I'm a security supervisor, as well as a
24 firefighter and EMT in Moapa.

25 THE COURT: Okay. So, you're on the Moapa Fire Department?

1 PROSPECTIVE JUROR 0117: Yes.

2 THE COURT: Okay, how long have you done that?

3 PROSPECTIVE JUROR 0117: Three or four years.

4 THE COURT: Okay. And you're also -- you said a security supervisor?

5 PROSPECTIVE JUROR 0117: Yeah, in the Casa Blanca in Mesquite.

6 THE COURT: Okay. Your marital status?

7 PROSPECTIVE JUROR 0117: I'm married with one child that's two years
8 old.

9 THE COURT: Okay. Is your spouse employed?

10 PROSPECTIVE JUROR 0117: Yeah, she's a cosmetologist.

11 THE COURT: Okay. You understand if the jury returns a certain verdict that
12 the jury would then determine what the sentence would be in this matter; do you
13 understand that?

14 PROSPECTIVE JUROR 0117: Yes.

15 THE COURT: And you understand what the three forms of punishment are
16 in the State of Nevada?

17 PROSPECTIVE JUROR 0117: Yes.

18 THE COURT: If you were selected to serve as a juror, would you have any
19 problem considering all three forms of punishment?

20 PROSPECTIVE JUROR 0117: No.

21 THE COURT: Okay, do you know of any reason why you could not be a fair
22 and impartial juror selected to serve in this matter?

23 PROSPECTIVE JUROR 0117: No.

24 THE COURT: Okay, thank you, sir. Thank you very much for being here.

25 Cheryl Webster, badge number 0121.

1 PROSPECTIVE JUROR 0121: Yes.

2 THE COURT: Good morning. How long --

3 PROSPECTIVE JUROR 0121: Good morning.

4 THE COURT: -- have you lived in Clark County?

5 PROSPECTIVE JUROR 0121: Twenty years.

6 THE COURT: Your education background.

7 PROSPECTIVE JUROR 0121: High school.

8 THE COURT: And what do you do for a living?

9 PROSPECTIVE JUROR 0121: I'm retired.

10 THE COURT: What did you retire from?

11 PROSPECTIVE JUROR 0121: Printing production scheduling.

12 THE COURT: Okay, your marital status?

13 PROSPECTIVE JUROR 0121: Widow.

14 THE COURT: Do you have children?

15 PROSPECTIVE JUROR 0121: Three.

16 THE COURT: Are they old enough to be employed?

17 PROSPECTIVE JUROR 0121: Yes.

18 THE COURT: Can you tell me what each does for a living?

19 PROSPECTIVE JUROR 0121: Well, my son's incarcerated; he's the oldest,

20 he's 50.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR 0121: My daughter, she's 49. She's a buyer for all

23 the UHS Hospitals. My other daughter, she's 46, and she's a distribution tech at

24 Spring Valley.

25 THE COURT: Okay. I just need to follow up on a few questions about your

1 son. Where is he incarcerated; what jurisdiction?

2 PROSPECTIVE JUROR 0121: Menard, Illinois.

3 THE COURT: Okay. And how long has he been incarcerated?

4 PROSPECTIVE JUROR 0121: 14 years.

5 THE COURT: Okay. Do you think he was treated fairly?

6 PROSPECTIVE JUROR 0121: Far as I know, yes.

7 THE COURT: Okay. Did you follow his case?

8 PROSPECTIVE JUROR 0121: Somewhat because we were in different
9 states.

10 THE COURT: Sure, I understand. But based on what you know, do you
11 think that your son was treated fairly?

12 PROSPECTIVE JUROR 0121: Yes, far as I know.

13 THE COURT: Okay. Do you know what kind of charge he's incarcerated
14 on?

15 PROSPECTIVE JUROR 0121: Murder.

16 THE COURT: Okay. Is there anything about your son's incarceration that
17 would interfere with your ability to be fair and impartial in this case?

18 PROSPECTIVE JUROR 0121: Not at all.

19 THE COURT: Okay. And you understand that if there is a penalty phase
20 that the jury would determine the appropriate sentence, correct?

21 PROSPECTIVE JUROR 0121: Yes.

22 THE COURT: And you know what the three forms of punishment are in
23 Nevada? Life without, life with after 20 years or a term of years, 50 years, with
24 parole eligibility beginning after a minimum of 20 years has been served; you
25 understand that, correct?

1 PROSPECTIVE JUROR 0121: Yes.

2 THE COURT: If you were selected to serve on this panel, would you be
3 able to consider all three forms of punishment?

4 PROSPECTIVE JUROR 0121: Definitely.

5 THE COURT: Do you know of any reason why you could not be a fair and
6 impartial juror?

7 PROSPECTIVE JUROR 0121: No.

8 THE COURT: Thank you. Thank you very much for being here.

9 Arthur Ermita, badge number 0129.

10 PROSPECTIVE JUROR 0129: That's correct.

11 THE COURT: Good morning --

12 PROSPECTIVE JUROR 0129: Good morning.

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

14 PROSPECTIVE JUROR 0129: Since '91, but there's a break of four years
15 because I was in the service stationed outside Nevada.

16 THE COURT: Okay. And your education background?

17 PROSPECTIVE JUROR 0129: High school.

18 THE COURT: What do you do for a living?

19 PROSPECTIVE JUROR 0129: Work for postal service.

20 THE COURT: You work for the Post Office?

21 PROSPECTIVE JUROR 0129: Yes, ma'am.

22 THE COURT: And what do you do?

23 PROSPECTIVE JUROR 0129: Letter carrier, city carrier, letter carrier,
24 mailman.

25 THE COURT: Okay. And your fellow juror, he's sitting next to you. Will you

1 just -- I need to make a record of the juror right next to him, will you mind giving
2 him the microphone, so he can state his name --

3 THE MARSHAL: Yes, Your Honor.

4 THE COURT: -- and badge number?

5 PROSPECTIVE JUROR 0103: Yes, ma'am?

6 THE COURT: Do you just mind stating your name and badge number?

7 PROSPECTIVE JUROR 0103: Bobby Owens, badge number 0103.

8 THE COURT: Okay, Mr. Owens, if you don't mind handing it back to
9 Mr. Ermita. Do you know Mr. Owens?

10 PROSPECTIVE JUROR 0129: Not really.

11 THE COURT: Okay, but although you both work for the Post Office, you
12 don't --

13 PROSPECTIVE JUROR 0129: Different station probably.

14 THE COURT: I'm sorry, say that again.

15 PROSPECTIVE JUROR 0129: Different station because there's a lot of
16 station in a --

17 THE COURT: Okay. I just want to make sure you don't know who
18 Mr. Owens is.

19 PROSPECTIVE JUROR 0129: No.

20 THE COURT: Okay, and Mr. Owens, do you know who Mr. Ermita is?

21 PROSPECTIVE JUROR 0103: No, ma'am.

22 THE COURT: Okay. Was that loud enough? He said no, Sara.

23 Okay. All right, thank you. Mr. Ermita, your marital status?

24 PROSPECTIVE JUROR 0129: Married with five children, three adults and
25 two minors.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 0129: Three years old the minor.

3 THE COURT: Is your spouse employed?

4 PROSPECTIVE JUROR 0129: No.

5 THE COURT: Okay. The kids that are --

6 PROSPECTIVE JUROR 0129: Adult?

7 THE COURT: -- old enough to be employed, can you tell me --

8 PROSPECTIVE JUROR 0129: My oldest --

9 THE COURT: -- what they do?

10 PROSPECTIVE JUROR 0129: -- my oldest daughter is a dentist, is at
11 Texas right now. And the young one is staying with me unemployed. The middle
12 one is working with MGM as a security.

13 THE COURT: Okay. And so, the -- three kids, correct, that are employed?

14 PROSPECTIVE JUROR 0129: Yes, ma'am.

15 THE COURT: All right. You understand if the jury returns a certain verdict
16 that the jury would also determine the appropriate sentence in this matter --

17 PROSPECTIVE JUROR 0129: Yes, ma'am.

18 THE COURT: [Inaudible]. Okay, Mr. Ermita, I'm just going to back up a little
19 bit. You understand that if the jury reaches a certain verdict, the jury would also
20 listen to the penalty phase at a trial and determine the appropriate sentence to be
21 rendered in this matter; do you understand that?

22 PROSPECTIVE JUROR 0129: Yes, ma'am.

23 THE COURT: And you know what the three forms of punishment are in the
24 State of Nevada?

25 PROSPECTIVE JUROR 0129: Yes, ma'am.

1 THE COURT: If you were selected to serve, would you be able to consider
2 all three forms of punishment?

3 PROSPECTIVE JUROR 0129: Yes, ma'am.

4 THE COURT: Do you know of any reason why you could not be a fair and
5 impartial juror?

6 PROSPECTIVE JUROR 0129: No.

7 THE COURT: Okay, thank you, sir. Thank you for being here.

8 Ms. Sherise Nipper, badge number 0135.

9 PROSPECTIVE JUROR 0135: Yes, ma'am, hello.

10 THE COURT: Good morning. How long have you lived in Clark County?

11 PROSPECTIVE JUROR 0135: Four years.

12 THE COURT: Your education background?

13 PROSPECTIVE JUROR 0135: Some college.

14 THE COURT: And what do you do for a living?

15 PROSPECTIVE JUROR 0135: Our family runs the non-profit that my 15-
16 year-old son started here in Las Vegas providing the only free mental health care
17 for teens and the only free homeless teen center.

18 THE COURT: That's very cool. How long have you done that?

19 PROSPECTIVE JUROR 0135: Five years ago --

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 0135: -- we started after my son's tragic event.

22 THE COURT: I'm sorry. I don't want to ask unless you want to tell us.

23 PROSPECTIVE JUROR 0135: Oh, I have no worries. So --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR 0135: -- my son was stabbed in his chest over

1 issues in school. After emergency surgery saved his life, he really struggled with
2 PTSD. He was unable to find any free services, so he started his own. And he
3 now, at 15 years old, runs the first and only free mental health clinic for teens in
4 Las Vegas. They do art therapy and music therapy, all kind of great stuff there.
5 So, my husband and I both run that together with our son.

6 THE COURT: Well, that's awesome. Thank you. And he's now an adult?

7 PROSPECTIVE JUROR 0135: He's 15.

8 THE COURT: Oh, okay. I thought --

9 PROSPECTIVE JUROR 0135: He was stabbed when he was 11.

10 THE COURT: Eleven years old?

11 PROSPECTIVE JUROR 0135: Yes, ma'am.

12 THE COURT: And was that here?

13 PROSPECTIVE JUROR 0135: It was in Colorado.

14 THE COURT: Okay, and that was in school?

15 PROSPECTIVE JUROR 0135: Yes, ma'am, in the school hallway.

16 THE COURT: Well, what happened?

17 PROSPECTIVE JUROR 0135: They came from behind and they stabbed
18 him all the way across his chest for his shoes.

19 THE COURT: Another kid?

20 PROSPECTIVE JUROR 0135: Yes, ma'am.

21 THE COURT: Okay. Was that child 11?

22 PROSPECTIVE JUROR 0135: Yes, ma'am.

23 THE COURT: Oh. What happened to the child that attacked your son?

24 PROSPECTIVE JUROR 0135: Our family stood up for him and loved him.

25 He was a ward of the State. He had nobody to teach him right from wrong. And

1 he was literally trying to fend for himself at 11 years old to buy his own dinner. So,
2 our family went before the courts and represented for that child. We pushed for
3 positive mental health care. We pushed for the State to assist him in any way.
4 Our family even funded the mental health care and things that the -- he needed
5 when the State couldn't. And we built Kyler's Kicks off of it.

6 THE COURT: Okay, and so that child -- it stayed in the juvenile system?

7 PROSPECTIVE JUROR 0135: Yes, ma'am.

8 THE COURT: Okay, and then at some point you moved here to Clark
9 County?

10 PROSPECTIVE JUROR 0135: Yes, ma'am.

11 THE COURT: And he -- and your son is 15 now?

12 PROSPECTIVE JUROR 0135: Yes, ma'am.

13 THE COURT: Is he enrolled in school?

14 PROSPECTIVE JUROR 0135: He does homeschool online.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 0135: So, he doesn't physically go to the school
17 building, but he does school online.

18 THE COURT: Is that even when we're not in COVID?

19 PROSPECTIVE JUROR 0135: Yes, ma'am.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 0135: Yeah, he still struggles with walking down
22 hallways, but --

23 THE COURT: All right.

24 PROSPECTIVE JUROR 0135: -- you know, he's overcome so much, and
25 he's literally changing the world by showing kindness after what happened to him.

1 He's given out 42,000 pairs of shoes since the day he was stabbed over his.

2 THE COURT: It was over his shoes?

3 PROSPECTIVE JUROR 0135: Yes, ma'am.

4 THE COURT: Oh. Okay. And do you have any other children?

5 PROSPECTIVE JUROR 0135: We have two teenagers that we are
6 adopting right now that are in a homeless situation, come from severe abuse, so
7 they are in our custody and they are being adopted by our family, as well.

8 THE COURT: Okay. And again, you understand if the jury reaches a
9 certain verdict that we would go to a penalty phase, correct?

10 PROSPECTIVE JUROR 0135: Yes, ma'am.

11 THE COURT: And you've heard what the three forms of punishment that
12 the jury would be able to consider in this matter, correct?

13 PROSPECTIVE JUROR 0135: Yes, ma'am.

14 THE COURT: If you were selected to serve on this panel, would you be
15 able to consider all three forms of punishment?

16 PROSPECTIVE JUROR 0135: Yes, ma'am.

17 THE COURT: Do you know of any reason why you could not be a fair and
18 impartial juror?

19 PROSPECTIVE JUROR 0135: No, ma'am.

20 THE COURT: Okay, thank you. Thank you very much for being here.

21 Penny Montague, good --

22 PROSPECTIVE JUROR 0149: Montague.

23 THE COURT: -- I'm sorry, did I say it wrong?

24 PROSPECTIVE JUROR 0149: That's fine, it's Montague.

25 THE COURT: Montague.

1 PROSPECTIVE JUROR 0149: Mm-hmm.

2 THE COURT: Badge number 0149.

3 PROSPECTIVE JUROR 0149: Yes.

4 THE COURT: How long have you lived in Clark County?

5 PROSPECTIVE JUROR 0149: Sixteen years.

6 THE COURT: Your employment, training, education background?

7 PROSPECTIVE JUROR 0149: I don't work no more. And --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 0149: -- a high school education.

10 THE COURT: And what was your last job?

11 PROSPECTIVE JUROR 0149: I was a caregiver for 11 years.

12 THE COURT: Okay. And your marital status?

13 PROSPECTIVE JUROR 0149: Yes, I'm married.

14 THE COURT: Is your spouse employed?

15 PROSPECTIVE JUROR 0149: Yes, he is.

16 THE COURT: What does your spouse do for a living?

17 PROSPECTIVE JUROR 0149: He works for Clark County. He's a plans
18 examiner.

19 THE COURT: In the building department?

20 PROSPECTIVE JUROR 0149: Yes.

21 THE COURT: Okay. How long has he worked for the county?

22 PROSPECTIVE JUROR 0149: Oh, let's see, 9 years, I think.

23 THE COURT: Okay. And do you have any children?

24 PROSPECTIVE JUROR 0149: Yes, we have one daughter. She's 26.

25 THE COURT: And what does she do for a living?

1 PROSPECTIVE JUROR 0149: She works for Walmart and Arby's.

2 THE COURT: You understand if the jury reaches a certain verdict that we
3 would go on to a penalty phase and the jury would determine the appropriate
4 sentence; do you understand that?

5 PROSPECTIVE JUROR 0149: Yes.

6 THE COURT: And you've heard me indicate what the three forms of
7 punishment are, correct?

8 PROSPECTIVE JUROR 0149: Yes.

9 THE COURT: Do you want me to repeat them?

10 PROSPECTIVE JUROR 0149: No.

11 THE COURT: Okay. Would you be able to consider all three forms of
12 punishment?

13 PROSPECTIVE JUROR 0149: Yes, ma'am.

14 THE COURT: Okay, do you know of any reason why you would not be able
15 to be a fair and impartial juror selected to serve?

16 PROSPECTIVE JUROR 0149: No.

17 THE COURT: Thank you. Thank you very much for being here.

18 Dawn Lindsten, badge number 0152. Good morning. Can you tell
19 me --

20 PROSPECTIVE JUROR 0152: Good morning.

21 THE COURT: -- how long you've lived in Clark County?

22 PROSPECTIVE JUROR 0152: Sixteen years.

23 THE COURT: Your education background?

24 PROSPECTIVE JUROR 0152: High school.

25 THE COURT: And what do you do for a living?

1 PROSPECTIVE JUROR 0152: I work for a private school in the media
2 center.

3 THE COURT: Okay and how long have you done that?

4 PROSPECTIVE JUROR 0152: It's been three years.

5 THE COURT: Okay, your marital status?

6 PROSPECTIVE JUROR 0152: I'm married with two minors.

7 THE COURT: Okay, is your spouse employed?

8 PROSPECTIVE JUROR 0152: Yes, with an electrical distribution.

9 THE COURT: Okay, and you have two kids, but they're minors --

10 PROSPECTIVE JUROR 0152: Yes.

11 THE COURT: -- correct? You understand if the jury reaches a certain
12 verdict that the jury would also determine the appropriate sentence in this matter,
13 correct?

14 PROSPECTIVE JUROR 0152: Yes, mm-hmm.

15 THE COURT: And you've heard me say what the three forms of punishment
16 are, life without, life with the possibility of parole after a minimum of 20 years has
17 been served, or a term of years, 50 years, with parole eligibility beginning after a
18 minimum of 20 years has been served?

19 PROSPECTIVE JUROR 0152: Yes.

20 THE COURT: If you were selected to serve, would you be able to consider
21 all three forms of punishment?

22 PROSPECTIVE JUROR 0152: Yes.

23 THE COURT: Do you know of any reason why you could not be a fair and
24 impartial juror?

25 PROSPECTIVE JUROR 0152: No.

1 THE COURT: Thank you, and thank you very much for being here.

2 THE MARSHAL: Thank you, ma'am.

3 THE COURT: Anaya [sic] Stoiber, badge number 0163: Good morning.

4 PROSPECTIVE JUROR 0163: Good morning.

5 THE COURT: How long have you lived in Clark County?

6 PROSPECTIVE JUROR 0163: Three years.

7 THE COURT: Okay, your education background?

8 PROSPECTIVE JUROR 0163: A Bachelor's in business.

9 THE COURT: Okay, and what do you do for a living?

10 PROSPECTIVE JUROR 0163: I'm a buyer for Zappos.

11 THE COURT: Okay, are you downtown --

12 PROSPECTIVE JUROR 0163: Uh-huh.

13 THE COURT: -- in the old City Hall?

14 PROSPECTIVE JUROR 0163: Yes.

15 THE COURT: You probably didn't know -- did you know that was the old
16 City Hall?

17 PROSPECTIVE JUROR 0163: I did.

18 THE COURT: Okay. And your marital status?

19 PROSPECTIVE JUROR 0163: Married with two young children.

20 THE COURT: Okay, is your spouse employed?

21 PROSPECTIVE JUROR 0163: He is.

22 THE COURT: What does he do?

23 PROSPECTIVE JUROR 0163: He's a manager for a general contractor.

24 THE COURT: And your children are minors, correct?

25 PROSPECTIVE JUROR 0163: Yes. Yes.

1 THE COURT: Okay. You understand if the jury reaches a certain verdict,
2 the jury would also determine the appropriate sentence in this matter?

3 PROSPECTIVE JUROR 0163: Yes.

4 THE COURT: And you know what the three forms of punishment that the
5 jury would be able to consider?

6 PROSPECTIVE JUROR 0163: Yes.

7 THE COURT: If you were selected to serve on this panel, would you have a
8 problem considering each of those three forms of punishment?

9 PROSPECTIVE JUROR 0163: No.

10 THE COURT: Okay, do you know of any reason why you could not be a fair
11 and impartial juror?

12 PROSPECTIVE JUROR 0163: No.

13 THE COURT: Thank you, and thank you again for being here.

14 Davonn Hodge, badge number 0164. Good morning, Mr. Hodge.
15 How long have you lived in Clark County?

16 PROSPECTIVE JUROR 0164: Eighteen years.

17 THE COURT: And your education background?

18 PROSPECTIVE JUROR 0164: Some college.

19 THE COURT: And what do you do for a living?

20 PROSPECTIVE JUROR 0164: I work at Amazon.

21 THE COURT: And what do you do at Amazon?

22 PROSPECTIVE JUROR 0164: I'm in a problem-solving section.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 0164: We pretty much get out critical orders.

25 THE COURT: Okay, and your marital status?

1 PROSPECTIVE JUROR 0164: Single.

2 THE COURT: Do you have children?

3 PROSPECTIVE JUROR 0164: Not to my knowledge.

4 THE COURT: Okay. Okay. And again, you've heard me indicate that if the
5 jury reaches a certain verdict that we would then go on to a penalty phase,
6 correct?

7 PROSPECTIVE JUROR 0164: That's correct.

8 THE COURT: And you know what the three forms of punishment are that
9 the jury would be able to consider?

10 PROSPECTIVE JUROR 0164: Yep.

11 THE COURT: Do you know of any reason why you would not be able to
12 consider all three forms of punishment?

13 PROSPECTIVE JUROR 0164: No.

14 THE COURT: Okay, any reason why you could not be a fair and impartial
15 juror?

16 PROSPECTIVE JUROR 0164: I'm not sure if the same rules applies. The
17 last time I came, they said versus the evidence, if I could go with just what the
18 Judge says, I couldn't do that. So, but if we're going on just the evidence, then
19 absolutely.

20 THE COURT: Okay, I'm -- maybe I don't understand your question. So,
21 maybe I can ask you some follow up, so hopefully I understand it. You served as a
22 juror before?

23 PROSPECTIVE JUROR 0164: Yeah, and the question was if I could make
24 a decision based on the Judge's decision versus the evidence. And I couldn't do
25 that.

1 THE COURT: What kind of case was it?

2 PROSPECTIVE JUROR 0164: It was a civil matter.

3 THE COURT: Okay. All right. So, you understand this is a criminal matter?
4 Right?

5 PROSPECTIVE JUROR 0164: Right, that's why I said --

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 0164: -- I didn't know if it was the same --

8 THE COURT: Sure.

9 PROSPECTIVE JUROR 0164: -- rules apply, but --

10 THE COURT: That's why I'm asking you some follow-up. So, this is a
11 criminal matter, versus you were in a civil matter, and you understand that the
12 rules are different, as well as the burden of proof? You understand that?

13 PROSPECTIVE JUROR 0164: Yes.

14 THE COURT: Okay, and like I told you earlier, like I'm the Judge of the legal
15 issues, and the jury is the factfinder; do you understand that?

16 PROSPECTIVE JUROR 0164: Absolutely.

17 THE COURT: Right, so the jury listens to all the evidence. The only thing
18 that I would do -- I mean, I'd rule on issues throughout the trial, but I would instruct
19 the jury on the law. So, there would be some input from the Judge. I mean,
20 obviously, I would never tell the jury what to do, but I would instruct the jury on
21 what the law is. Then, the jury goes back and deliberates based on the facts and
22 evidence in this matter. Do you understand that?

23 PROSPECTIVE JUROR 0164: Absolutely.

24 THE COURT: Okay, would you have any problem with the fact that I would
25 be giving you the instructions?

1 PROSPECTIVE JUROR 0164: As long as you're not telling me to base my
2 decision on what you're saying, then other than that, then no, I don't have an issue
3 with it.

4 THE COURT: Okay, like I would never tell you what decision to reach. But I
5 just want to make sure it's clear, I would tell you the appropriate law to follow.

6 PROSPECTIVE JUROR 0164: That's fine.

7 THE COURT: Okay. Do you have any problem with that?

8 PROSPECTIVE JUROR 0164: Not at all.

9 THE COURT: Okay. Thank you very much for being here.

10 Jennifer Rodriguez, number 0165. Ms. Rodriguez, how long have you
11 lived in Clark County?

12 PROSPECTIVE JUROR 0165: I grew up here, so 36 years.

13 THE COURT: Okay, your education background?

14 PROSPECTIVE JUROR 0165: Currently pursuing a degree in economics.

15 THE COURT: What do you do for a living?

16 PROSPECTIVE JUROR 0165: I work for the small business department at
17 Capital One.

18 THE COURT: Okay, what do you do?

19 PROSPECTIVE JUROR 0165: The call center.

20 THE COURT: And so, what do you do in the call center?

21 PROSPECTIVE JUROR 0165: So, basically, when any of our small
22 business customers call with questions regarding their accounts, I help them with
23 that.

24 THE COURT: Okay. All right, your marital status?

25 PROSPECTIVE JUROR 0165: Single.

1 THE COURT: Do you have children?

2 PROSPECTIVE JUROR 0165: No.

3 THE COURT: Do you know of any reason why you could not be a fair and
4 impartial juror?

5 PROSPECTIVE JUROR 0165: I don't know if I have to disclose that I'm in a
6 relationship with someone that went through the criminal justice system.

7 THE COURT: What --

8 PROSPECTIVE JUROR 0165: -- but that wouldn't keep me from being
9 biased -- or impartial.

10 THE COURT: I mean, that's up to you. Okay, so you have a -- you're in a
11 relationship with someone currently?

12 PROSPECTIVE JUROR 0165: Yes.

13 THE COURT: How long have you been in the relationship with that person?

14 PROSPECTIVE JUROR 0165: Just since January.

15 THE COURT: Oh, so a couple months.

16 PROSPECTIVE JUROR 0165: Yeah.

17 THE COURT: And that person has gone through the criminal justice
18 system?

19 PROSPECTIVE JUROR 0165: Correct.

20 THE COURT: Can you just elaborate a little bit?

21 PROSPECTIVE JUROR 0165: I believe he was convicted of grand larceny
22 and served two years.

23 THE COURT: Okay. Served two years in prison?

24 PROSPECTIVE JUROR 0165: Correct.

25 THE COURT: Okay. And this is based on what he told you?

1 PROSPECTIVE JUROR 0165: Yeah, and I also --

2 THE COURT: Oh.

3 PROSPECTIVE JUROR 0165: -- he gave me case information, I guess.

4 THE COURT: Okay. And you looked it up?

5 PROSPECTIVE JUROR 0165: Yeah.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 0165: Of course.

8 THE COURT: Anything about his interaction with the criminal justice system
9 that would interfere with your ability to be fair and impartial?

10 PROSPECTIVE JUROR 0165: No, it would just be based on the evidence
11 presented.

12 THE COURT: Okay, and again, you would understand that you wouldn't be
13 able to discuss this case with anyone, including your fellow jurors, right?

14 PROSPECTIVE JUROR 0165: Correct. Yes.

15 THE COURT: So, you understand you couldn't go home and talk to your
16 significant other, or anyone for that matter --

17 PROSPECTIVE JUROR 0165: Correct.

18 THE COURT: -- do you understand that?

19 PROSPECTIVE JUROR 0165: I understand.

20 THE COURT: And you would comply with that order?

21 PROSPECTIVE JUROR 0165: Yes.

22 THE COURT: Okay, and you understand if the jury reaches a certain verdict
23 that we would go on to a penalty phase, correct?

24 PROSPECTIVE JUROR 0165: Correct.

25 THE COURT: Would you be able to consider all three forms of punishment

1 if you were selected to serve?

2 PROSPECTIVE JUROR 0165: Yes.

3 THE COURT: Any reason why you could not be a fair and impartial juror?

4 PROSPECTIVE JUROR 0165: No.

5 THE COURT: Thank you. Thank you very much for being here.

6 John Nixon, badge number 0170.

7 PROSPECTIVE JUROR 0170: Good morning, Judge.

8 THE COURT: Good morning. How long have you lived in Clark County?

9 PROSPECTIVE JUROR 0170: Thirty-four years. I lived in Salem, Oregon
10 for four years while I got my Bachelor's degree in Psychology.

11 THE COURT: Okay. And what do you do for a living?

12 PROSPECTIVE JUROR 0170: I sell auto parts for a local dealership.

13 THE COURT: Your marital status?

14 PROSPECTIVE JUROR 0170: Married.

15 THE COURT: Is your spouse employed?

16 PROSPECTIVE JUROR 0170: She is, but she's currently on disability
17 because she just had a child.

18 THE COURT: Okay. And so, you have at least one minor child?

19 PROSPECTIVE JUROR 0170: Yes, that's it.

20 THE COURT: Do you have any -- okay. All right. And do you know of any
21 reason why you could not be a fair and impartial juror?

22 PROSPECTIVE JUROR 0170: I'd be slightly concerned about the evidence
23 being presented as far as the mental capacities of the Defendant. I may have a
24 different perspective on how to judge the information being presented. I'd be
25 slightly concerned about that because I've experienced, with data, pertaining to

1 people's mental faculties and such.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR 0170: That'd be my only concern.

4 THE COURT: Okay. But you understand if you're selected to serve as a
5 juror, you can't do any outside research?

6 PROSPECTIVE JUROR 0170: Of course.

7 THE COURT: And you understand that you'd be required to rely on the
8 evidence as presented to you in court?

9 PROSPECTIVE JUROR 0170: Yes.

10 THE COURT: And that, you know, both sides may call expert witnesses in
11 this matter; you understand that?

12 PROSPECTIVE JUROR 0170: Mm-hmm, yes.

13 THE COURT: Is that a yes?

14 PROSPECTIVE JUROR 0170: Yes. I do --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 0170: -- understand that.

17 THE COURT: And you understand that you'd be required to rely on the
18 testimony and facts and evidence as presented in the courtroom, correct?

19 PROSPECTIVE JUROR 0170: Yes.

20 THE COURT: Okay, so tell me what your concern is.

21 PROSPECTIVE JUROR 0170: My concern is my personal experience with
22 the validity of maybe the type of analysis they were using to determine his mental
23 faculties.

24 THE COURT: I don't know if I understand. Do I have to worry about you
25 disregarding what the testimony is and proceeding under your own analysis?

1 PROSPECTIVE JUROR 0170: No.

2 THE COURT: Okay. So, you would listen to the evidence as presented in
3 the court?

4 PROSPECTIVE JUROR 0170: Yes.

5 THE COURT: Okay, and you would judge this case solely on the evidence
6 that you see and hear in the courtroom, correct?

7 PROSPECTIVE JUROR 0170: Yes.

8 THE COURT: Okay, what if you disagree with something that you hear?

9 PROSPECTIVE JUROR 0170: That's my concern.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 0170: If I disagree with the methods that were
12 used to establish the mental capacities.

13 THE COURT: Okay. Well, what would you do?

14 PROSPECTIVE JUROR 0170: I don't know. I would have to ask for further
15 instructions from the Judge.

16 THE COURT: Okay. But again, I just want a commitment from you that you
17 will, number one, follow the law as given to you by the Court; can you do that?

18 PROSPECTIVE JUROR 0170: Yes.

19 THE COURT: And judge this case solely on the evidence and facts as
20 presented in the courtroom; will you do that?

21 PROSPECTIVE JUROR 0170: Yes.

22 THE COURT: Okay. And if you're having any issue whatsoever, you would
23 let me know first, correct?

24 PROSPECTIVE JUROR 0170: Absolutely.

25 THE COURT: You would just --

1 PROSPECTIVE JUROR 0170: Yes.

2 THE COURT: -- raise your hand and let me know that you have an issue,
3 correct?

4 PROSPECTIVE JUROR 0170: Yes.

5 THE COURT: Okay. Any reason why you could not be fair and impartial?

6 PROSPECTIVE JUROR 0170: No.

7 THE COURT: Okay, and you understand that the jury would determine the
8 punishment if a certain verdict is returned, correct?

9 PROSPECTIVE JUROR 0170: Yes.

10 THE COURT: You know what all three forms of punishment are?

11 PROSPECTIVE JUROR 0170: I do.

12 THE COURT: Any reason why you would not be able to consider any of
13 those three forms of punishment?

14 PROSPECTIVE JUROR 0170: No reasons.

15 THE COURT: Okay. Thank you, Mr. Nixon. And --

16 PROSPECTIVE JUROR 0170: Thank you.

17 THE COURT: -- thank you for being here.

18 Vester Reed, badge number 0171. Good morning, Mr. Reed.

19 PROSPECTIVE JUROR 0171: Good morning.

20 THE COURT: How long have you lived in Clark County?

21 PROSPECTIVE JUROR 0171: Ten year -- 11 years.

22 THE COURT: And your education background?

23 PROSPECTIVE JUROR 0171: Some college.

24 THE COURT: And what do you do for a living?

25 PROSPECTIVE JUROR 0171: I'm retired.

1 THE COURT: What'd you do before you retired?
2 PROSPECTIVE JUROR 0171: New York City Department of Sanitation.
3 THE COURT: Okay, and how long did you work there?
4 PROSPECTIVE JUROR 0171: Twenty years.
5 THE COURT: Okay, and your marital status?
6 PROSPECTIVE JUROR 0171: Yes.
7 THE COURT: You're married?
8 PROSPECTIVE JUROR 0171: Yes.
9 THE COURT: Is your spouse employed?
10 PROSPECTIVE JUROR 0171: Yes.
11 THE COURT: What does your spouse do?
12 PROSPECTIVE JUROR 0171: Sam's Club.
13 THE COURT: Okay. And so, when you retired, you moved out here to
14 Las Vegas?
15 PROSPECTIVE JUROR 0171: Yes.
16 THE COURT: So, how long have you been here?
17 PROSPECTIVE JUROR 0171: Eleven years.
18 THE COURT: Okay, do you like it?
19 PROSPECTIVE JUROR 0171: Yes.
20 THE COURT: Okay. I thought you were going to say yes right away. Okay.
21 And do you have children?
22 PROSPECTIVE JUROR 0171: Yes.
23 THE COURT: And are any of them old enough to be employed?
24 PROSPECTIVE JUROR 0171: Both are.
25 THE COURT: Okay, can you tell us what each does for a living?

1 PROSPECTIVE JUROR 0171: One is a pastry chef, and the other is -- she
2 own her own business selling children's clothes.

3 THE COURT: Okay. Do you know of any reason why you could not be a
4 fair and impartial juror?

5 PROSPECTIVE JUROR 0171: No.

6 THE COURT: Okay, and you understand that if the jury reaches a certain
7 verdict that the jury would also determine the sentence to be rendered in this
8 matter?

9 PROSPECTIVE JUROR 0171: Yes.

10 THE COURT: And you've heard me indicate what the three forms of
11 punishment are in Nevada?

12 PROSPECTIVE JUROR 0171: Yes.

13 THE COURT: I'll just say them one more time. It's life without the possibility
14 of parole --

15 PROSPECTIVE JUROR 0171: Parole.

16 THE COURT: -- life with the possibility of parole after 20 years, or a term of
17 years, 50 years, with parole eligibility beginning after a minimum of 20 years.

18 PROSPECTIVE JUROR 0171: Yes. I understand.

19 THE COURT: If you were selected to serve on this panel, would you be
20 able to consider all three forms of punishment?

21 PROSPECTIVE JUROR 0171: Yes.

22 THE COURT: Any reason why you could not be a fair and impartial juror?

23 PROSPECTIVE JUROR 0171: No.

24 THE COURT: Okay, thank you. And thank you again for being here.

25 Laurie Lomax, badge number 0176.

1 PROSPECTIVE JUROR 0176: Yes.

2 THE COURT: This is going to drive me crazy not being able to see you. I'm
3 just going to come over here.

4 PROSPECTIVE JUROR 0176: Do you want me to peek?

5 THE COURT: Okay, how long have you lived in Clark County?

6 PROSPECTIVE JUROR 0176: Twelve years.

7 THE COURT: Your education background?

8 PROSPECTIVE JUROR 0176: Some college. Sorry.

9 THE COURT: Okay, and what do you do for a living?

10 PROSPECTIVE JUROR 0176: I'm a manager at a air filter production
11 company.

12 THE COURT: Okay, how long have you done that?

13 PROSPECTIVE JUROR 0176: Five years.

14 THE COURT: And your marital status?

15 PROSPECTIVE JUROR 0176: Married.

16 THE COURT: Is your spouse employed?

17 PROSPECTIVE JUROR 0176: Yes.

18 THE COURT: What does your spouse do?

19 PROSPECTIVE JUROR 0176: He works for a beverage distribution
20 company.

21 THE COURT: Okay. Do you have children?

22 PROSPECTIVE JUROR 0176: Yes, two.

23 THE COURT: Are they old enough to be employed?

24 PROSPECTIVE JUROR 0176: Yes.

25 THE COURT: Can you tell me what each does?

1 PROSPECTIVE JUROR 0176: She's a manager at a popcorn company,
2 and he is an executive chef in Seattle.

3 THE COURT: Okay. And you've heard me indicate that if the jury reaches
4 a certain verdict that the jury would also determine the sentence to be rendered;
5 do you understand that?

6 PROSPECTIVE JUROR 0176: I do.

7 THE COURT: And if you're selected to serve, would you be able to consider
8 all three forms of punishment?

9 PROSPECTIVE JUROR 0176: Yes.

10 THE COURT: And you understand what all three -- you understand the
11 three forms of punishment?

12 PROSPECTIVE JUROR 0176: I do.

13 THE COURT: Do you know any reason why you could not be a fair and
14 impartial juror?

15 PROSPECTIVE JUROR 0176: I do not.

16 THE COURT: Okay, thank you. Thank you for being here.

17 Liza Ziman, badge number 0196. Okay.

18 PROSPECTIVE JUROR 0196: Hi.

19 THE COURT: Good morning. How long have you lived in Clark County?

20 PROSPECTIVE JUROR 0196: I was born and raised, minus I spent five
21 years in Europe as a kid.

22 THE COURT: Okay. Your education background?

23 PROSPECTIVE JUROR 0196: Bachelor's in hospitality management.

24 THE COURT: And you're employed, correct?

25 PROSPECTIVE JUROR 0196: No, I'm not.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 0196: Well, not -- I help my mother out with her
3 rental properties.

4 THE COURT: I'm sorry, say that again.

5 PROSPECTIVE JUROR 0196: I help my mother out with her rental
6 properties.

7 THE COURT: Okay, they're landlords?

8 PROSPECTIVE JUROR 0196: My mother just has a few properties. So,
9 she's retired, got sick, and I have to help her with everything, so whatever comes
10 up, I take care of everything.

11 THE COURT: Okay. And your marital status?

12 PROSPECTIVE JUROR 0196: Single.

13 THE COURT: Do you have any kids?

14 PROSPECTIVE JUROR 0196: No children.

15 THE COURT: You understand that if the jury does return a certain verdict,
16 the jury would also determine the sentence to be rendered, and you understand
17 that, correct?

18 PROSPECTIVE JUROR 0196: Yes, I do.

19 THE COURT: And you know what the three forms of punishment are that
20 the jury --

21 PROSPECTIVE JUROR 0196: Yes.

22 THE COURT: -- would be able to consider?

23 PROSPECTIVE JUROR 0196: Yes, I do.

24 THE COURT: If you're selected to serve, would you be able to consider all
25 three forms of punishment?

1 PROSPECTIVE JUROR 0196: I do have a problem with those three only
2 because I believe if you are convicted as a killer, you should get the death penalty.

3 THE COURT: Okay. Well, you understand that's not an option in this
4 matter. Okay? Is that -- you understand that, right?

5 PROSPECTIVE JUROR 0196: Yes.

6 THE COURT: I mean, I'm telling you, that's not an option.

7 PROSPECTIVE JUROR 0196: I know.

8 THE COURT: Do you understand that?

9 PROSPECTIVE JUROR 0196: Yes, I do.

10 THE COURT: Okay, and if the jury returned a verdict that the only three
11 forms of punishment that are available are life without the possibility of parole, life
12 with the possibility of parole after a minimum of 20 years has been served, or a
13 term of years, 50 years, with parole eligibility beginning after a minimum of 20
14 years has been served. Do you understand that?

15 PROSPECTIVE JUROR 0196: Yes.

16 THE COURT: And it would be up to the jury to determine the appropriate
17 sentence to be rendered. Do you understand that?

18 PROSPECTIVE JUROR 0196: Yes, I do.

19 THE COURT: If you were a juror, would you be able to consider all three if
20 you were selected to serve?

21 PROSPECTIVE JUROR 0196: Honestly, it'd be hard because I just have
22 certain beliefs in the system, even though there are the factor of mental illness,
23 which I don't believe that should be a factor in it because -- I actually believe that's
24 just a way to get a easier sentence, claiming insanity. So, for me, looking at
25 different cases and whatnot and having only three options as the verdict is really

1 hard for me to be okay with due to my beliefs.

2 THE COURT: Okay, do you have a problem with the plea that's been
3 entered in this matter, not guilty by reason of insanity?

4 PROSPECTIVE JUROR 0196: Correct.

5 THE COURT: Okay, is there something about that plea that would interfere
6 with your ability to be fair and impartial to either side in this matter?

7 PROSPECTIVE JUROR 0196: Yes, I believe in the human brain that even if
8 you're sane or insane, you have committed a crime, and you should pay for it.

9 THE COURT: Yeah, I'm sorry, sane or insane and then I --

10 PROSPECTIVE JUROR 0196: Like even if you say that you're sane or if
11 you're insane, doesn't matter, you still committed the crime and you should face
12 your consequences.

13 THE COURT: Okay. So, does that mean you're not going to be able to be
14 fair and impartial to the defense in this matter?

15 PROSPECTIVE JUROR 0196: Pretty much.

16 THE COURT: Okay. All right. I think it's noon. So, I think at this point we
17 are going to recess for lunch.

18 During this recess, you're admonished not to discuss or communicate
19 with anyone, including your fellow jurors in any way regarding the case or its
20 merits, either by voice, phone, email, text message, internet, or other means of
21 communication or social media, read, watch, or listen to any news or media
22 accounts or commentary about the case, do any research such as consulting
23 dictionaries, using the internet, or using reference materials, make any
24 investigation, test a theory of the case, recreate any aspect of the case or in any
25 other manner investigate or learn about the case on your own or form or express

1 any opinion regarding this case until it is finally submitted to you by the Court.

2 We will be in recess until 1:30. When you're done with lunch, Kevin
3 will meet you again, and he'll bring you in, so we can finish voir dire. If you would
4 just make sure you remember where you're sitting because I'm going to ask you to
5 sit in the same seats when you come back in. Thank you very much for your
6 attention in answering my questions. And we'll be in recess.

7 [Prospective Jury Panel out at 12:01 p.m.]

8 [Outside the presence of the prospective jury panel]

9 THE COURT: Is everyone gone?

10 THE MARSHAL: Looks like it, Judge.

11 THE COURT: Okay, the record will reflect the hearing is taking place
12 outside the presence of the jury panel. I am going to excuse Ms. Liza Ziman. So,
13 she's juror number 28. And when we come back after lunch, Raffy Tamita will take
14 seat number 28, and then I'll continue with the voir dire.

15 MS. MOORS: No objection by the State.

16 MR. MARCHESE: None for the defense.

17 THE COURT: Thank you. We'll see you guys after lunch.

18 MS. MOORS: Thank you.

19 [Recess began at 12:03 p.m.; proceedings resumed at 1:41 p.m.]

20 [In the presence of the prospective jury panel]

21 THE COURT: Does the State stipulate to the presence of the panel?

22 MS. MOORS: Yes, Your Honor, the State stipulates.

23 THE COURT: Thank you. And the defense?

24 MR. MARCHESE: Defense so does.

25 THE COURT: Okay. Thank you. At this time we have Raffy Tamita that has

1 taken seat number 28, correct? And I just need to ask you a few questions.

2 Mr. Tamita, how long have you lived in Clark County?

3 PROSPECTIVE JUROR 0213: 20 years.

4 THE COURT: Your employment, training, education background?

5 PROSPECTIVE JUROR 0213: High school grad.

6 THE COURT: Okay. And are you employed?

7 PROSPECTIVE JUROR 0213: Unemployed.

8 THE COURT: All right. What was your last job?

9 PROSPECTIVE JUROR 0213: Bartender.

10 THE COURT: Okay. How long had you done that?

11 PROSPECTIVE JUROR 0213: Eight years.

12 THE COURT: Okay. Your marital status?

13 PROSPECTIVE JUROR 0213: Married with two minors.

14 THE COURT: Okay. Is your spouse employed?

15 PROSPECTIVE JUROR 0213: Unemployed.

16 THE COURT: Okay. And you have two kids that are both minors, correct?

17 PROSPECTIVE JUROR 0213: Yes.

18 THE COURT: Okay. Do you know of any reason why you could not be a fair
19 and impartial juror?

20 PROSPECTIVE JUROR 0213: No.

21 THE COURT: Okay. And you understand as I stated this morning, that if a
22 certain verdict is reached then the jury determines the appropriate sentence that
23 should be rendered; do you understand that?

24 PROSPECTIVE JUROR 0213: Yes.

25 THE COURT: And that there are three forms of punishment in Nevada, life

1 without the possibility of parole, life with the possibility of parole after a minimum of
2 20 years has been served, or a term of 50 years with parole eligibility beginning after
3 a minimum of 20 years has been served; and you understand that, correct?

4 PROSPECTIVE JUROR 0213: Yes.

5 THE COURT: If you're selected to serve on this panel will you be able to
6 consider all three forms of punishment?

7 PROSPECTIVE JUROR 0213: Yes.

8 THE COURT: Okay. Thank you, sir. Thank you very much for being here.

9 Okay. Now, Deshia Bowman. Good afternoon.

10 PROSPECTIVE JUROR 0209: Hi.

11 THE COURT: How long have you lived in Clark County?

12 PROSPECTIVE JUROR 0209: July will be 10 years.

13 THE COURT: Okay. Your education background?

14 PROSPECTIVE JUROR 0209: I have a bachelor's of arts in visual
15 communications.

16 THE COURT: And what do you do for a living?

17 PROSPECTIVE JUROR 0209: Right now I'm a project manager for a small
18 and large format printer.

19 THE COURT: Okay. How long have you done that?

20 PROSPECTIVE JUROR 0209: On and off since last year, April.

21 THE COURT: Okay. Your marital status?

22 PROSPECTIVE JUROR 0209: Domestic partnership.

23 THE COURT: Is your partner employed?

24 PROSPECTIVE JUROR 0209: Yes.

25 THE COURT: What does your partner do for a living?

1 PROSPECTIVE JUROR 0209: Special -- special education teacher.

2 THE COURT: For the school district?

3 PROSPECTIVE JUROR 0209: Yes.

4 THE COURT: So is your partner teaching online from home or in the
5 classroom?

6 PROSPECTIVE JUROR 0209: They're online currently.

7 THE COURT: Okay. Are they going to go back to school soon?

8 PROSPECTIVE JUROR 0209: They're talking about it.

9 THE COURT: Okay. And do you have any children?

10 PROSPECTIVE JUROR 0209: No.

11 THE COURT: Okay. Do you know of any reason why you could not be a fair
12 and impartial juror?

13 PROSPECTIVE JUROR 0209: No.

14 THE COURT: Okay. And you understand that if the jury reaches a certain
15 verdict that the jury panel will decide the appropriate sentence; and you understand
16 that, correct?

17 PROSPECTIVE JUROR 0209: Yes.

18 THE COURT: And you've heard me indicate what the three forms of
19 punishment are?

20 PROSPECTIVE JUROR 0209: Yes.

21 THE COURT: Do you want me to repeat them?

22 PROSPECTIVE JUROR 0209: No, thank you, ma'am.

23 THE COURT: Okay. If you were selected to serve on this panel would you
24 be able to consider all three forms of punishment?

25 PROSPECTIVE JUROR 0209: Yes.

1 THE COURT: Okay. Thank you. And thank you very much for your
2 willingness to be here.

3 Caleb Thiessen.

4 PROSPECTIVE JUROR 0210: It's Caleb Thiessen.

5 THE COURT: Caleb, oh, I screwed both of them up, okay. Sorry about that.

6 PROSPECTIVE JUROR 0210: That's okay.

7 THE COURT: How long have you lived in Clark County?

8 PROSPECTIVE JUROR 0210: About five years.

9 THE COURT: Your education background?

10 PROSPECTIVE JUROR 0210: I have a bachelor's in secondary education.

11 THE COURT: And what do you do for a living?

12 PROSPECTIVE JUROR 0210: I teach at a private school.

13 THE COURT: Okay. What do you teach?

14 PROSPECTIVE JUROR 0210: History.

15 THE COURT: Are you in the classroom right now?

16 PROSPECTIVE JUROR 0210: We -- we are with social distancing and
17 masks.

18 THE COURT: Okay. And your marital status?

19 PROSPECTIVE JUROR 0210: Married.

20 THE COURT: Is your spouse employed?

21 PROSPECTIVE JUROR 0210: No, she is not.

22 THE COURT: Do you have children?

23 PROSPECTIVE JUROR 0210: We have one child.

24 THE COURT: Is the child old enough to be employed?

25 PROSPECTIVE JUROR 0210: No.

1 THE COURT: Okay. You understand that the jury may be called upon to
2 return the appropriate sentence in this matter, you understand that?

3 PROSPECTIVE JUROR 0210: Yes.

4 THE COURT: And you understand what the three forms of punishment are?

5 PROSPECTIVE JUROR 0210: Yes, I do.

6 THE COURT: If you're selected to serve on this panel will you be able to
7 consider all three forms of punishment?

8 PROSPECTIVE JUROR 0210: Yes.

9 THE COURT: Do you know of any reason why you could not be a completely
10 fair and impartial juror?

11 PROSPECTIVE JUROR 0210: No.

12 THE COURT: Okay. Thank you, sir. Thank you very much for being here.

13 Warren Hartwick, good afternoon. How long have you lived in
14 Clark County?

15 PROSPECTIVE JUROR 0211: 61 years.

16 THE COURT: Your education background?

17 PROSPECTIVE JUROR 0211: Some college.

18 THE COURT: Okay. What do you do for a living?

19 PROSPECTIVE JUROR 0211: I'm retired.

20 THE COURT: What -- what did you retire from?

21 PROSPECTIVE JUROR 0211: I was a maintenance engineer at a casino
22 here in Vegas.

23 THE COURT: Okay. Your marital status?

24 PROSPECTIVE JUROR 0211: I'm divorced.

25 THE COURT: Do you have any kids?

1 PROSPECTIVE JUROR 0211: I have one son, 33.

2 THE COURT: Is he employed?

3 PROSPECTIVE JUROR 0211: He works for Delta Airlines.

4 THE COURT: What does he do?

5 PROSPECTIVE JUROR 0211: He is a load manager, load desk manager.

6 Basically what he does is he tells them where to put the luggage to balance the
7 weight of the plane.

8 THE COURT: Okay. And you understand if the jury reaches a certain verdict
9 that the jury would be the one that would decide what the appropriate sentence
10 would be in this matter; you understand that?

11 PROSPECTIVE JUROR 0211: Yes, ma'am.

12 THE COURT: And you know what the three forms of punishment are?

13 PROSPECTIVE JUROR 0211: Yes, ma'am.

14 THE COURT: Would you be able to consider all three forms of punishment if
15 you were selected to serve on this panel?

16 PROSPECTIVE JUROR 0211: Yes, ma'am.

17 THE COURT: Thank you. Thank you very much for being here.

18 Michael Webster.

19 PROSPECTIVE JUROR 0212: Correct.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 0212: Yes.

22 THE COURT: Good afternoon. How long have you lived in Clark County?

23 PROSPECTIVE JUROR 0212: Full-time since 2007 and we had a townhouse
24 about three years before that, off and on since 2003.

25 THE COURT: Okay. Your education background?

1 PROSPECTIVE JUROR 0212: Sorry?

2 THE COURT: Your education background?

3 PROSPECTIVE JUROR 0212: College graduate and I got my teaching
4 credential several years afterwards.

5 THE COURT: Okay. And are you employed?

6 PROSPECTIVE JUROR 0212: I'm retired for 13 years.

7 THE COURT: Okay. And I think you told us earlier what you were retired
8 from; do you mind telling me again?

9 PROSPECTIVE JUROR 0212: I was a youth counselor for about ten years at
10 a juvenile institution in California and then I got my teaching credential and became
11 a physical education teacher there for the duration.

12 THE COURT: Okay. And do you have kids?

13 PROSPECTIVE JUROR 0212: Sorry, ma'am?

14 THE COURT: Do you have kids?

15 PROSPECTIVE JUROR 0212: Yeah, I have two daughters from my --
16 adopted daughters from my previous marriage. They both live in California, 34 and
17 36, and two stepchildren here, 54 and 56.

18 THE COURT: Can you --

19 PROSPECTIVE JUROR 0212: My wife's really not that old, but --

20 THE COURT: Okay. Can you tell us what each does for a living?

21 PROSPECTIVE JUROR 0212: I can't hear you, ma'am.

22 THE COURT: I'm sorry. Can you tell us what each of your children does for
23 a living? If they're employed.

24 PROSPECTIVE JUROR 0212: I don't know what the two -- I don't know what
25 the two girls are doing. My oldest stepson is a building inspector in Henderson and

1 the stepdaughter is a dealer at the Cannery.

2 THE COURT: Okay. And you've heard me indicate that if the jury returns a
3 certain verdict that the jury will also be tasked with determining the appropriate
4 sentence to be rendered. Do you understand that?

5 PROSPECTIVE JUROR 0212: I understand.

6 THE COURT: And you know what the three forms of punishment are?

7 PROSPECTIVE JUROR 0212: Yes, ma'am.

8 THE COURT: Do you want me to repeat them?

9 PROSPECTIVE JUROR 0212: No, that's okay.

10 THE COURT: Okay. And if you were selected to serve on this panel would
11 you be able to consider all three forms of punishment?

12 PROSPECTIVE JUROR 0212: No problem.

13 THE COURT: Okay. Thank you. Do you know of any reason why you could
14 not be a completely fair and impartial juror if you were selected to serve on this
15 panel?

16 PROSPECTIVE JUROR 0212: No, ma'am.

17 THE COURT: Thank you. Thank you very much for being here.

18 Okay. I'm going to have some more questions. These questions will
19 be for the panel as a whole, so the first 32. If you're in the first 32 and you wish to
20 respond to this question, I just ask that you raise your hand so the marshal can get
21 the microphone to you and please remember to state your name and badge number
22 before responding.

23 Are there any of you on the panel that have ever served as jurors
24 before?

25 Okay. Your name and badge number.

1 PROSPECTIVE JUROR 0005: Valerie Anguay, badge number 0005.

2 THE COURT: Okay. And you've served as a juror before, correct?

3 PROSPECTIVE JUROR 0005: Yes.

4 THE COURT: How many times?

5 PROSPECTIVE JUROR 0005: Just once.

6 THE COURT: Was that here in Clark County?

7 PROSPECTIVE JUROR 0005: No. In Hawaii.

8 THE COURT: Okay. Was it civil or criminal?

9 PROSPECTIVE JUROR 0005: Criminal.

10 THE COURT: Okay. Were you selected to be the foreperson?

11 PROSPECTIVE JUROR 0005: I'm sorry?

12 THE COURT: Were you selected to be the foreperson?

13 PROSPECTIVE JUROR 0005: The foreperson?

14 THE COURT: Right. The captain of the jury panel.

15 PROSPECTIVE JUROR 0005: Oh, no. No.

16 THE COURT: Okay. Without telling me what your verdict was, were you able
17 to reach a verdict?

18 PROSPECTIVE JUROR 0005: Yes.

19 THE COURT: Is there anything about your prior jury service that would affect
20 your ability to be fair and impartial in this case?

21 PROSPECTIVE JUROR 0005: No, ma'am.

22 THE COURT: Okay. Thank you.

23 Okay. We'll just --

24 PROSPECTIVE JUROR 0035: My name's Harry Wright, badge number
25 0035.

1 THE COURT: Okay. And you've served as a juror before?

2 PROSPECTIVE JUROR 0035: Yes.

3 THE COURT: How many times?

4 PROSPECTIVE JUROR 0035: Once.

5 THE COURT: And was it civil or criminal?

6 PROSPECTIVE JUROR 0035: Criminal.

7 THE COURT: Were you selected to be the foreperson?

8 PROSPECTIVE JUROR 0035: I was not.

9 THE COURT: Okay. Without telling me what your verdict was, were you able
10 to reach a verdict?

11 PROSPECTIVE JUROR 0035: Yes.

12 THE COURT: Okay. Anything about that prior service that would affect your
13 ability to be fair and impartial in this case?

14 PROSPECTIVE JUROR 0035: No.

15 THE COURT: Okay. Thank you, sir.

16 Go ahead.

17 PROSPECTIVE JUROR 0047: Kim Russell, 0047. I was on a jury in
18 California and we did -- it was criminal and we did reach a verdict.

19 THE COURT: Okay. How long ago was that?

20 PROSPECTIVE JUROR 0047: That was about 15 years ago.

21 THE COURT: Okay. Were you selected to be the foreperson?

22 PROSPECTIVE JUROR 0047: I was not.

23 THE COURT: Anything about that prior service that would affect your ability
24 to be fair and impartial in this matter?

25 PROSPECTIVE JUROR 0047: Nothing.

1 THE COURT: Okay. Thank you.
2 PROSPECTIVE JUROR 0047: Uh-huh.
3 PROSPECTIVE JUROR 0098: Lynn Laspina-Cooper --
4 THE COURT: Your badge?
5 PROSPECTIVE JUROR 0098: -- number 0098.
6 THE COURT: Thank you. Sorry.
7 PROSPECTIVE JUROR 0098: I've been on jury twice.
8 THE COURT: Okay. And where were -- what jurisdiction?
9 PROSPECTIVE JUROR 0098: They were civil.
10 THE COURT: Okay. What jurisdiction? What city?
11 PROSPECTIVE JUROR 0098: Here in Las Vegas, yeah.
12 THE COURT: Okay. So here, did you come to this building?
13 PROSPECTIVE JUROR 0098: No, I think it was in -- it was the older building.
14 THE COURT: Okay.
15 PROSPECTIVE JUROR 0098: Before-- before here. Because this is -- I'm
16 going back many years ago.
17 THE COURT: Okay. That's okay. But you're -- it was two civil --
18 PROSPECTIVE JUROR 0098: Two cases.
19 THE COURT: -- jury trials in the other building?
20 PROSPECTIVE JUROR 0098: Yes.
21 THE COURT: Okay. Were you selected to be the foreperson --
22 PROSPECTIVE JUROR 0098: No.
23 THE COURT: -- in either of those cases?
24 PROSPECTIVE JUROR 0098: No, I was not.
25 THE COURT: Okay. Without telling me what your verdict was, were able to

1 reach a verdict in both of those cases?

2 PROSPECTIVE JUROR 0098: No. There was no -- no. It was dismissed
3 and one they settled out of -- they settled out so.

4 THE COURT: Okay. Let's start with the first one, okay?

5 PROSPECTIVE JUROR 0098: Okay. The first one?

6 THE COURT: The first civil jury service.

7 PROSPECTIVE JUROR 0098: Yes.

8 THE COURT: Did it go to verdict?

9 PROSPECTIVE JUROR 0098: No. They -- they settled out of court so then it
10 was just dis -- you know, everybody got to leave.

11 THE COURT: Okay. So you never had to deliberate?

12 PROSPECTIVE JUROR 0098: No.

13 THE COURT: And the second one?

14 PROSPECTIVE JUROR 0098: The second one, it was declared a mistrial.

15 THE COURT: And so you didn't deliberate?

16 PROSPECTIVE JUROR 0098: Not on that one either.

17 THE COURT: Okay. Anything about those experiences that would affect
18 your ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR 0098: Oh, no, not at all.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 0098: Not at all.

22 THE COURT: Thank you.

23 PROSPECTIVE JUROR 0101: Phillip Greiwe, 0101. Two -- two juries in
24 California.

25 THE COURT: Okay. Were they civil or criminal?

1 PROSPECTIVE JUROR 0101: One was civil. One was criminal.

2 THE COURT: All right. In the civil case were you selected to be the
3 foreperson?

4 PROSPECTIVE JUROR 0101: No.

5 THE COURT: Okay. Did you reach a verdict in that case?

6 PROSPECTIVE JUROR 0101: Yes, we did.

7 THE COURT: All right. Anything about that experience that would affect your
8 ability to be fair and impartial in this case?

9 PROSPECTIVE JUROR 0101: No.

10 THE COURT: Okay. And the second one was a criminal case, correct?

11 PROSPECTIVE JUROR 0101: Criminal. Yes.

12 THE COURT: Were you selected to be the foreperson?

13 PROSPECTIVE JUROR 0101: No.

14 THE COURT: Okay. Did you all reach a verdict?

15 PROSPECTIVE JUROR 0101: Yes, we did.

16 THE COURT: Anything about that experience that would affect your ability to
17 be fair and impartial in this matter?

18 PROSPECTIVE JUROR 0101: No.

19 THE COURT: Okay. Thank you, sir.

20 PROSPECTIVE JUROR 0163: Hi. Aniella Stoiber, 0163.

21 THE COURT: And you've served as a juror before?

22 PROSPECTIVE JUROR 0163. Yes.

23 THE COURT: How many times?

24 PROSPECTIVE JUROR 0163: Once.

25 THE COURT: And was that civil or criminal?

1 PROSPECTIVE JUROR 0163: Criminal.

2 THE COURT: Was that here in Clark County?

3 PROSPECTIVE JUROR 0163: No, it was not. It was in Little Rock,
4 Arkansas.

5 THE COURT: Okay. Were you selected to be the foreperson?

6 PROSPECTIVE JUROR 0163: No.

7 THE COURT: Did you guys reach a verdict?

8 PROSPECTIVE JUROR 0163: We did.

9 THE COURT: Anything about that experience that would affect your ability to
10 be fair and impartial in this case?

11 PROSPECTIVE JUROR 0163: No.

12 THE COURT: Okay. Thank you.

13 I don't think she's in the 32.

14 THE MARSHAL: Correct, sorry.

15 PROSPECTIVE JUROR 0212: Yes, Michael Webster, 0212.

16 THE COURT: Okay. Mr. Webster, you served on a jury panel before?

17 PROSPECTIVE JUROR 0212: Yes.

18 THE COURT: How many --

19 PROSPECTIVE JUROR 0212: It was a criminal case in Riverside County.

20 THE COURT: Okay. One time?

21 PROSPECTIVE JUROR 0212: One time.

22 THE COURT: Okay. Were you selected to be the foreperson?

23 PROSPECTIVE JUROR 0212: No.

24 THE COURT: Did you all reach a verdict?

25 PROSPECTIVE JUROR 0212: It went to a plea deal the second day of

1 deliberation.

2 THE COURT: Okay. So you -- you were deliberating into the second day
3 and --

4 PROSPECTIVE JUROR 0212: The second day they did a plea deal.

5 THE COURT: Okay. And you were told you could just go home?

6 PROSPECTIVE JUROR 0212: Yeah.

7 THE COURT: Okay. Anything about that experience that would affect your
8 ability to be fair and impartial in this matter?

9 PROSPECTIVE JUROR 0212: No, ma'am.

10 THE COURT: Okay. Thank you, sir.

11 Anyone else in the panel of 32 that has ever served on jury before?

12 PROSPECTIVE JUROR 0211: Warren Hartwick, number 0211.

13 THE COURT: Okay. Mr. Hartwick, you've served before?

14 PROSPECTIVE JUROR 0211: Yes.

15 THE COURT: How many times?

16 PROSPECTIVE JUROR 0211: Once, criminal.

17 THE COURT: Okay. Was that here in Clark County or elsewhere?

18 PROSPECTIVE JUROR 0211: Yes.

19 THE COURT: Okay. Was it in this building?

20 PROSPECTIVE JUROR 0211: Yes.

21 THE COURT: Were you select -- how long ago?

22 PROSPECTIVE JUROR 0211: Probably about ten years ago.

23 THE COURT: Okay. Were you selected to be the foreperson?

24 PROSPECTIVE JUROR 0211: Yes.

25 THE COURT: Okay. Without telling us what your verdict was, were you able

1 to reach a verdict?

2 PROSPECTIVE JUROR 0211: Yes.

3 THE COURT: Was there anything about that experience that would affect
4 your ability to be fair and impartial in this case?

5 PROSPECTIVE JUROR 0211: No.

6 THE COURT: Okay. Thank you, sir.

7 Anyone else that's ever served as a juror before?

8 Okay. The record will reflect no further response from the panel.

9 Have you or anyone close to you such as a family or a friend ever been
10 the victim of a crime?

11 Okay. You can hand --

12 PROSPECTIVE JUROR 0135: My son, Kyler.

13 THE COURT: Your name and badge number?

14 PROSPECTIVE JUROR 0135: My name is Sherise Nipper, and my badge
15 number is 0135.

16 THE COURT: Okay. And Ms. -- and Ms. Nipper, we -- we have discussed it?

17 PROSPECTIVE JUROR 0135: Yes, ma'am.

18 THE COURT: Okay. Thank you.

19 Anyone else?

20 You have a juror up here, Kevin.

21 THE MARSHAL: We've got one more back here.

22 PROSPECTIVE JUROR 0088: Rowena Gaspar, 0088.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 0088: You said family or friend, right?

25 THE COURT: That's correct.

1 PROSPECTIVE JUROR 0088: Okay. So, yes. A couple years ago it was a
2 domestic and it went to court.

3 THE COURT: What went to court?

4 PROSPECTIVE JUROR 0088: The issue. I don't know, so.

5 THE COURT: Okay. Who was the victim of the crime?

6 PROSPECTIVE JUROR 0088: So my best friend.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 0088: And then my niece was part of it, so it was,
9 like, a domestic.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 0088: He was trying to kill them and we went to the
12 court. That's --

13 THE COURT: Who's "he"?

14 PROSPECTIVE JUROR 0088: Her boyfriend, my friend's boyfriend.

15 THE COURT: Okay. Anything about that experience that would affect your
16 ability to be fair and impartial?

17 PROSPECTIVE JUROR 0088: No.

18 THE COURT: Okay. Thank you.

19 Anyone else?

20 PROSPECTIVE JUROR 0170: John Nixon, 0170. House was burglarized.

21 THE COURT: Your house?

22 PROSPECTIVE JUROR 0170: Yes.

23 THE COURT: Okay. When was that?

24 PROSPECTIVE JUROR 0170: Well, I'm sorry, it's my parents' house when I
25 was younger.

1 THE COURT: Okay. Like a child?

2 PROSPECTIVE JUROR 0170: I think I was 16, 17 years old.

3 THE COURT: Okay. Any --

4 PROSPECTIVE JUROR 0170: So it was a while back.

5 THE COURT: Anything about that experience that would affect your ability to
6 be fair and impartial?

7 PROSPECTIVE JUROR 0170: No.

8 THE COURT: Okay. Do you think your parents were treated fairly?

9 PROSPECTIVE JUROR 0170: Yes.

10 THE COURT: Okay. Thank you.

11 Anyone else that wishes to respond to that question?

12 Okay. The record will reflect no further response from the panel.

13 Have you or anyone close to you such as a family member or friend
14 ever been accused of a crime?

15 Mr. Nixon.

16 PROSPECTIVE JUROR 0170: John Nixon, 0170. My father has been
17 accused of a crime.

18 THE COURT: Okay. What was he accused of?

19 PROSPECTIVE JUROR 0170: I'm not familiar enough with the case to know
20 the exact charge.

21 THE COURT: Okay. When -- when was he accused of a crime and how do
22 you know he was accused of a crime?

23 PROSPECTIVE JUROR 0170: He told me he was accused of a crime and he
24 got arrested.

25 THE COURT: When?

1 PROSPECTIVE JUROR 0170: In -- roughly a year ago?

2 THE COURT: Where?

3 PROSPECTIVE JUROR 0170: Still pending litigation.

4 THE COURT: Okay. Where was it?

5 PROSPECTIVE JUROR 0170: North Las Vegas.

6 THE COURT: Okay. So he was arrested by North Las Vegas Police?

7 PROSPECTIVE JUROR 0170: Yes.

8 THE COURT: But you don't know what for?

9 PROSPECTIVE JUROR 0170: I don't know the exact charge.

10 THE COURT: Okay. He didn't tell you?

11 PROSPECTIVE JUROR 0170: No.

12 THE COURT: All right. And -- but it's currently pending?

13 PROSPECTIVE JUROR 0170: Yes. And I don't want to speculate on --

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 0170: -- anything, so.

16 THE COURT: But the fact that your father has a pending case --

17 PROSPECTIVE JUROR 0170: Uh-huh.

18 THE COURT: -- right now, would that interfere with your ability to be fair and
19 impartial?

20 PROSPECTIVE JUROR 0170: No.

21 THE COURT: Okay. Do you know who's prosecuting your father?

22 PROSPECTIVE JUROR 0170: I do not.

23 THE COURT: Okay. Thank you.

24 Anyone else?

25 PROSPECTIVE JUROR 0176: Laurie Lomax, 176.

1 THE COURT: Okay. Go ahead.

2 PROSPECTIVE JUROR 0176: My son was convicted -- or he plead out for
3 armed robbery.

4 THE COURT: Okay. Your son? When did this happen?

5 PROSPECTIVE JUROR 0176: It happened, I want to say, six years ago.

6 THE COURT: And was that here in Clark County?

7 PROSPECTIVE JUROR 0176: Yes.

8 THE COURT: And he pled to robbery with use of a deadly weapon?

9 PROSPECTIVE JUROR 0176: They dropped the rob -- the deadly weapon
10 and charged him with robbery and he pled out so he wouldn't have to go to court.

11 THE COURT: Okay. And did he do prison time?

12 PROSPECTIVE JUROR 0176: No.

13 THE COURT: Okay. So he was on probation?

14 PROSPECTIVE JUROR 0176: Yes.

15 THE COURT: And has he since been discharged from probation?

16 PROSPECTIVE JUROR 0176: Yes.

17 THE COURT: Okay. Do you think your son was treated fairly?

18 PROSPECTIVE JUROR 0176: Not really. But it --

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 0176: -- won't affect this case.

21 THE COURT: Well, we need to explore that. Who do you think --

22 PROSPECTIVE JUROR 0176: Okay.

23 THE COURT: -- your son was not treated fairly by?

24 PROSPECTIVE JUROR 0176: Because when it happened it was late at night
25 and the police put the gentleman that accused him of robbery in the car, drove

1 around, and asked him to point at the person that he felt did the robbery. And so I
2 don't -- I don't feel it was handled properly.

3 THE COURT: Okay. But your son pled guilty, correct?

4 PROSPECTIVE JUROR 0176: He didn't have a choice. It's a matter of either
5 plead guilty or go to court with a court-appointed attorney. I think finances play into
6 that, and so he made the choice to plead guilty and take the probation.

7 THE COURT: Okay. And how long ago was this?

8 PROSPECTIVE JUROR 0176: Six years.

9 THE COURT: And did you follow the case?

10 PROSPECTIVE JUROR 0176: We were involved in it. We posted his bail
11 and, yeah, so.

12 THE COURT: So it was here in this building?

13 PROSPECTIVE JUROR 0176: Yes.

14 THE COURT: So your son was prosecuted by the Clark County District
15 Attorney's Office?

16 PROSPECTIVE JUROR 0176: Correct.

17 THE COURT: Okay. So you understand that the district attorneys that are
18 here today, that have been assigned to prosecute this matter, they work in the same
19 District Attorney's Office that prosecuted your son; you understand that?

20 PROSPECTIVE JUROR 0176: I do.

21 THE COURT: Is there anything about that that would affect your ability to be
22 fair and impartial in this matter?

23 PROSPECTIVE JUROR 0176: Not with this case, no.

24 THE COURT: Okay. You keep -- you keep qualifying "not with this case,"
25 another case it might?

1 PROSPECTIVE JUROR 0176: No, I'm saying that this isn't a robbery case so
2 I don't see 'em as the same way.

3 THE COURT: Okay. But you think your son was not treated fairly by the
4 police?

5 PROSPECTIVE JUROR 0176: Correct.

6 THE COURT: Or by everybody?

7 PROSPECTIVE JUROR 0176: The police.

8 THE COURT: Okay. But he's doing well now and he's off probation?

9 PROSPECTIVE JUROR 0176: Oh, yeah. Oh, yeah.

10 THE COURT: Okay. That's good. Is there anything about what, you know,
11 your son's case that would affect your ability to be fair and impartial?

12 PROSPECTIVE JUROR 0176: No.

13 THE COURT: Okay, Ms. Lomax, thank you.

14 PROSPECTIVE JUROR 0176: You're welcome.

15 THE COURT: And thank you for letting me know that.

16 Anyone else?

17 PROSPECTIVE JUROR 0212: Yes, Michael Webster, 01 -- what was it --
18 0212. My wife was convicted in Clark County here, for procuring drugs for a
19 gentleman way back when, I guess. I don't know what year. It was before I met
20 her.

21 THE COURT: Your wife was convicted of what?

22 PROSPECTIVE JUROR 0212: Procuring drugs for a gentleman, undercover
23 officer.

24 THE COURT: I'm sorry. I'm having a hard time hearing you. She was
25 convicted of --

1 PROSPECTIVE JUROR 0212: She procured drugs through a sting operation.
2 That's all I know about it.

3 THE COURT: Okay. So drug related?

4 PROSPECTIVE JUROR 0212: She was convicted for getting drugs for
5 another gentleman.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 0212: She wasn't doing drugs, she just procured
8 drugs for another gentleman.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 0212: I don't know when this is, but Mr. Goodman
11 was her lawyer.

12 THE COURT: Who?

13 PROSPECTIVE JUROR 0212: Mr. Goodman, former mayor.

14 THE COURT: Oscar?

15 PROSPECTIVE JUROR 0212: Yes.

16 THE COURT: Okay. So she was charged?

17 PROSPECTIVE JUROR 0212: She was charged and convicted.

18 THE COURT: Okay. Do you know what she was convicted of?

19 PROSPECTIVE JUROR 0212: It was a felony.

20 THE COURT: Okay. Do you think she was treated fairly or do you have an
21 opinion?

22 PROSPECTIVE JUROR 0212: Pardon me?

23 THE COURT: Do you have an opinion on whether she was treated fairly?

24 PROSPECTIVE JUROR 0212: She was treated?

25 THE COURT: Right. Do you have an opinion, because it's my understanding

1 this happened a long time ago before you met her?

2 PROSPECTIVE JUROR 0212: Yes.

3 THE COURT: Okay. So everything you know is basically what she's told
4 you?

5 PROSPECTIVE JUROR 0212: Believe. I --

6 THE COURT: I know, this is awful. I apologize. You indicated that this
7 happened a while ago before you met your wife, correct?

8 PROSPECTIVE JUROR 0212: Years, this is years ago, that's probably early
9 '70s.

10 THE COURT: Okay. So do you have an opinion on whether your wife was
11 treated fairly?

12 PROSPECTIVE JUROR 0212: To my understanding, I don't believe so. I
13 think she was set up.

14 THE COURT: Oh, you think your wife was set up?

15 PROSPECTIVE JUROR 0212: Yes.

16 THE COURT: By whom?

17 PROSPECTIVE JUROR 0212: Through a coworker of hers that was -- an
18 undercover officer at a car dealership she was working at.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 0212: A friend of hers -- a gentleman asked her to
21 get drugs for her or him.

22 THE COURT: Okay. So you think she was set up by the police?

23 PROSPECTIVE JUROR 0212: Yes, ma'am.

24 THE COURT: Okay. Anything about that that would affect your ability to be
25 fair and impartial?

1 PROSPECTIVE JUROR 0212: No.

2 THE COURT: Okay. Thank you.

3 I think we have other jurors.

4 PROSPECTIVE JUROR 0165: Jennifer Rodriguez, I don't have my badge
5 number, I brought the wrong summons with me.

6 THE COURT: It's 0165. It's on your badge. So it's Jennifer Rodriguez, 0165,
7 go ahead though. Sorry. Usually the jurors have a badge and Haly's just telling me
8 they didn't get a badge.

9 PROSPECTIVE JUROR 0165: Yeah.

10 THE COURT: So, sorry.

11 PROSPECTIVE JUROR 0165: Okay. Jennifer Rodriguez, you said 0165?

12 THE COURT: Uh-huh, you're good.

13 PROSPECTIVE JUROR 0165: Yeah. I previously disclosed, I'm in a
14 relationship with someone that went --

15 THE COURT: Right.

16 PROSPECTIVE JUROR 0165: -- through the criminal justice system and also
17 my brother was accused of driving under the influence.

18 THE COURT: Okay. Your brother was accused of a D.U.I.?

19 PROSPECTIVE JUROR 0165: Correct, two of them.

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

21 PROSPECTIVE JUROR 0165: Here in Clark County.

22 THE COURT: Okay. How long ago was that?

23 PROSPECTIVE JUROR 0165: I want to say five years.

24 THE COURT: Did you follow those D.U.I. cases?

25 PROSPECTIVE JUROR 0165: Yeah. Well --

1 THE COURT: I mean, did you come to court? Watch the proceedings?

2 PROSPECTIVE JUROR 0165: No.

3 THE COURT: Okay. So what you know your brother told you?

4 PROSPECTIVE JUROR 0165: Correct.

5 THE COURT: Okay. Is there anything about that that would affect your ability
6 to be fair and impartial?

7 PROSPECTIVE JUROR 0165: No.

8 THE COURT: Okay. Thank you.

9 Anyone else? You have a juror right there.

10 PROSPECTIVE JUROR 0121: Cheryl Webster, 0121.

11 THE COURT: And I know, Ms. Webster, you told me previously, was there
12 anything else?

13 PROSPECTIVE JUROR 0121: No.

14 THE COURT: Okay. Thank you.

15 PROSPECTIVE JUROR 0121: Okay.

16 THE COURT: Anyone else? Okay. We have a juror over here.

17 PROSPECTIVE JUROR 0066: I'm sorry, can you repeat the question? I was
18 unclear.

19 THE COURT: Have you or anyone close to you such as a family member or
20 friend ever been accused of a crime?

21 PROSPECTIVE JUROR 0066: Yes, I have.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR 0066: I'm Andrea Low, 0066.

24 THE COURT: Okay. Go ahead.

25 PROSPECTIVE JUROR 0066: I had a misdemeanor when I was 18 for fraud

1 and petty theft.

2 THE COURT: Anything about that that would affect your ability to be fair and
3 impartial?

4 PROSPECTIVE JUROR 0066: No.

5 THE COURT: Okay. Thank you.

6 PROSPECTIVE JUROR 0098: Lynn Laspina-Cooper, 0098. My nephew was
7 in and out of jail for substance abuse, but he's since been deceased. ODed on
8 meth.

9 THE COURT: I'm sorry.

10 PROSPECTIVE JUROR 0098: And, yeah.

11 THE COURT: Anything about his interactions with the criminal justice system
12 that would affect your ability to be fair and impartial in this matter?

13 PROSPECTIVE JUROR 0098: Not at all, not at all.

14 THE COURT: Okay. Thank you.

15 PROSPECTIVE JUROR 0094: My name is Laurie Tapia. My number is
16 0094, and I've been convicted, it's been seven years, for robbery in Clark County.

17 THE COURT: Okay. So you have a felony conviction for robbery?

18 PROSPECTIVE JUROR 0094: Uh-huh.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 0094: But I'm not on papers.

21 THE COURT: And how long ago was it?

22 PROSPECTIVE JUROR 0094: Seven years.

23 THE COURT: Do you know when you were discharged from?

24 PROSPECTIVE JUROR 0094: 2000 -- July 5th, 2015.

25 THE COURT: That was the date of your discharge?

1 PROSPECTIVE JUROR 0094: Yes.

2 THE COURT: Was it reduced to anything or did the robbery remain?

3 PROSPECTIVE JUROR 0094: It remained. I did the whole six years.

4 THE COURT: Okay. But you were discharged from probation July 5th --

5 PROSPECTIVE JUROR 0094: I was discharged from prison.

6 THE COURT: I'm sorry, I apologize. You were discharged from prison on

7 July 5th, 2015?

8 PROSPECTIVE JUROR 0094: Yes, ma'am.

9 THE COURT: So there was no parole period?

10 PROSPECTIVE JUROR 0094: No.

11 THE COURT: Okay. Thank you.

12 PROSPECTIVE JUROR 0094: Uh-huh.

13 THE COURT: Okay. Anyone else?

14 I could probably jump on this computer, right?

15 Okay. The record will reflect no further response from the panel.

16 Is there anyone on the panel who would have a tendency to give more
17 weight or credence or less weight or credence to the testimony of a police officer
18 simply because he or she is a police officer?

19 Okay. The record will reflect no response from the panel.

20 Is there anyone on the panel who believes that they cannot wait in
21 forming their opinion as to the appropriate result to be reached in this case until after
22 you have heard all the evidence and after considering the instructions on the law?
23 Is there anyone who feels that they cannot do that?

24 Okay. The record will reflect no response from the panel.

25 Are there any of you who have any philosophical, religious, or

1 ideological beliefs that would prevent you from sitting in judgment of another?

2 Okay. The record will reflect no response from the panel.

3 Is there anyone on the panel who's had any negative experiences with
4 law enforcement?

5 Not one person? Okay.

6 PROSPECTIVE JUROR 0164: Does racially profiling [indiscernible] --

7 THE COURT: Just a minute. I'll call on you in just a minute. Go ahead, your
8 name and badge number.

9 PROSPECTIVE JUROR 0108: I am Danial Cauley, badge number-- sorry,
10 that would be badge number 0108. Yeah, I was -- I had just learned to drive. I
11 learned a little late. I was 18. I was staying with my parents in the summer in
12 Albuquerque. We were driving back to Vegas so that I could return to school. They
13 got pulled over in front of me, and so I was following them, and I had just learned to
14 drive.

15 THE COURT: Uh-oh.

16 PROSPECTIVE JUROR 0108: So I pulled off the side of the road behind the
17 cop and it was dark and I guess my lights were on and he didn't know what was
18 going on. Anyways, he -- he wound up pulling his gun. He didn't point it at me, but
19 he had it pulled and prepared.

20 THE COURT: And you were only 18?

21 PROSPECTIVE JUROR 0108: Yeah.

22 THE COURT: Okay. But I'm assuming he -- the police officer finally figured
23 out you were the child of the people he had pulled over?

24 PROSPECTIVE JUROR 0108: Right. Correct.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 0108: Yeah.

2 THE COURT: Anything about that experience that would affect your ability to
3 be fair and impartial in this case?

4 PROSPECTIVE JUROR 0108: No.

5 THE COURT: Okay. Thank you.

6 Go ahead. If you can state your name and badge number.

7 PROSPECTIVE JUROR 0164: Davonn Hodge, badge number 0164.

8 THE COURT: Go ahead.

9 PROSPECTIVE JUROR 0164: I grew up in Henderson, so I've been
10 racially -- by the police numerous of times. But I don't know if that -- that's not going
11 to sway my judgment.

12 THE COURT: Okay. But, I mean, I would assume those would be negative
13 interactions with law enforcement?

14 PROSPECTIVE JUROR 0164: Absolutely.

15 THE COURT: And was that always Henderson?

16 PROSPECTIVE JUROR 0164: Yes.

17 THE COURT: Okay. Anything about the fact that there will be police officers
18 that come and testify in this matter that would affect your ability to be fair and
19 impartial?

20 PROSPECTIVE JUROR 0164: No. My mom is ex-police officer from
21 New York.

22 THE COURT: Okay. But you don't paint every police officer with the same
23 brush?

24 PROSPECTIVE JUROR 0164: Absolutely not.

25 THE COURT: Okay. Thank you, sir.

1 Anyone else that wishes to respond?

2 Okay. The record will reflect no further response from the panel.

3 Is there anyone on the panel who knows anyone closely associated
4 with you that has a mental health disorder? Anyone have someone that's closely
5 associated with you that has a mental health disorder?

6 PROSPECTIVE JUROR 0066: Andrea Low, badge number 0066.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 0066: My brother has bipolar schizophrenia
9 disorder.

10 THE COURT: How -- how old is he?

11 PROSPECTIVE JUROR 0066: 25, 26. But I was out the house when -- I
12 mean, we're not very close.

13 THE COURT: Okay. But it's diagnosed?

14 PROSPECTIVE JUROR 0066: Yes.

15 THE COURT: Okay. Is there anything about that that would affect your ability
16 to be fair and impartial?

17 PROSPECTIVE JUROR 0066: No.

18 THE COURT: Do you have much interaction with that brother?

19 PROSPECTIVE JUROR 0066: No. Maybe Christmas-time, you know, but
20 not -- not as of recently, no.

21 THE COURT: Okay. Thank you.

22 Anyone else?

23 I don't think you're in the first 32.

24 PROSPECTIVE JUROR 0135: Sherise Nipper, badge number 0135.

25 My 15-year-old son, Kyler, struggles with P.T.S.D. severely after his stabbing and

1 his surgeries.

2 THE COURT: And I'm assuming he has sought psychiatric help?

3 PROSPECTIVE JUROR 0135: Every day of the week we do therapies.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 0135: Every kind you can ever imagine.

6 THE COURT: Okay. Okay. Is there anything about that that would affect
7 your ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR 0135: No, ma'am.

9 THE COURT: Okay. Thank you.

10 Anyone else that wishes to respond?

11 PROSPECTIVE JUROR 0165: Jennifer Rodriguez, badge number 0165. I
12 have anxiety and I'm tapering off of SSRIs.

13 THE COURT: Okay. I'm -- okay. Say that again. You're?

14 PROSPECTIVE JUROR 0165: I have anxiety and I'm tapering off of
15 medication for that.

16 THE COURT: Okay. What kind -- are you on medication right now?

17 PROSPECTIVE JUROR 0165: No.

18 THE COURT: Okay. If you were selected to serve on this panel -- I don't
19 know what kind of medication you take, so I just have to follow up. Would you be
20 required to take any medication this week --

21 PROSPECTIVE JUROR 0165: No.

22 THE COURT: -- while you were serving?

23 PROSPECTIVE JUROR 0165: No.

24 THE COURT: Okay. Is there anything about your anxiety that would interfere
25 with your ability to be fair and impartial in this case?

1 PROSPECTIVE JUROR 0165: No.

2 THE COURT: Okay. Thank you.

3 Is there anyone else that wishes to respond to that question?

4 Sorry, thank you for the -- for your patience.

5 PROSPECTIVE JUROR 0010: Ariel Hart, 0010.

6 THE COURT: Okay. Go ahead.

7 PROSPECTIVE JUROR 0010: I was recently diagnosed with anxiety as well.

8 THE COURT: Okay. Are you taking any medication?

9 PROSPECTIVE JUROR 0010: Yes.

10 THE COURT: Okay. Will you be required to take the medication while you're
11 here if you were selected to serve?

12 PROSPECTIVE JUROR 0010: Not here, I just take it in the mornings.

13 THE COURT: Okay. So that would be prior to coming here?

14 PROSPECTIVE JUROR 0010: Yes.

15 THE COURT: Does it cause you to be drowsy or foggy or anything like that?

16 PROSPECTIVE JUROR 0010: I don't think so.

17 THE COURT: Well, I mean, you're the only one who can tell me.

18 PROSPECTIVE JUROR 0010: They just upped my dose. I'm -- I'm -- I don't
19 think that it does.

20 THE COURT: Okay. Do you mind telling me what kind of medication it is?

21 PROSPECTIVE JUROR 0010: It's Citalopram--

22 THE COURT: Okay. I'm sorry. You were going --

23 PROSPECTIVE JUROR 0010: Is it cutting out?

24 THE COURT: You were going in and out.

25 PROSPECTIVE JUROR 0010: Try it again? Hello. Is it working now? Is that

1 better.

2 THE COURT: I don't know what to say. Okay. She needs to finish. I did not
3 hear her, Kevin. Oh, okay. What? Do you need to switch out the batteries? It's
4 probably about time.

5 PROSPECTIVE JUROR 0010: Hello, okay.

6 THE COURT: Okay. Go -- that's much better. Go ahead. So you were just
7 recently diagnosed with anxiety and you're taking medication.

8 PROSPECTIVE JUROR 0010: Yeah. Yes.

9 THE COURT: So how long have you been taking it?

10 PROSPECTIVE JUROR 0010: About six months.

11 THE COURT: Oh, okay. So you have a good feel for how it affects you?

12 PROSPECTIVE JUROR 0010: Yeah.

13 THE COURT: Do you ever feel sleepy? Tired? Groggy? Anything like that?

14 PROSPECTIVE JUROR 0010: I don't think because of the medication.

15 THE COURT: Well, yeah, probably because of children at home.

16 PROSPECTIVE JUROR 0010: Well, yes, and I'm nine weeks pregnant, so.

17 THE COURT: Oh, okay. But it's -- I'm assuming it's safe to take when you're
18 pregnant?

19 PROSPECTIVE JUROR 0010: Yes, yes.

20 THE COURT: Okay. Can you drive with the medication?

21 PROSPECTIVE JUROR 0010: Yes.

22 THE COURT: Okay. Anything about that that would affect your ability to be
23 fair and impartial?

24 PROSPECTIVE JUROR 0010: Nope.

25 THE COURT: Okay. Thank you.

1 Anyone else?

2 Okay. The record will reflect no further response from the panel.

3 As I stated previously, the defendant has entered a plea of not guilty by
4 reason of insanity. Is there anyone who believes that that's not a valid defense
5 and/or that would interfere with their ability to be fair and impartial to the defendant
6 in this matter?

7 Okay. The record will reflect no further response from the panel.

8 In every criminal trial the defendant has the right to choose whether or
9 not to testify. Would you hold it against the defendant if he did -- if he decided to not
10 testify? Is there anyone that would hold that against the defendant if he exercised
11 his constitutional right to not testify?

12 Okay. The record will reflect no response from the panel.

13 Okay. All of us come to jury service with different life experiences that
14 shape who we are. Is there anyone who believes that based on any prior life
15 experience, that you might have difficulty being fair and impartial in this particular
16 case?

17 The record will reflect no further response from the panel.

18 I am going to allow the attorneys to ask some follow-up questioning.
19 That probably shouldn't take very long. But before we do -- okay. I just want the
20 attorneys to meet me in the hallway because I just need to make a record?

21 Sara, is that okay? We go right out in the hallway, right?

22 [Bench conference transcribed as follows:]

23 THE COURT: Okay. We're having a bench conference. It's outside the
24 presence of the jury panel. The State is here. Mr. Marchese is here. The
25 defendant is not present. I didn't want to embarrass Ms. Tapia. She indicated she

1 was discharged from prison on July 5th, 2015. So she'll be eligible to serve in a
2 criminal trial July 5th of this year. So she's not eligible. I don't -- I don't want to --

3 MR. MARCHESE: I had a question about that. I didn't [indiscernible].

4 THE COURT: Right. Well, I mean, I was like it seemed like it was pretty
5 close so I had my law clerk look it up real quick. It's six years to serve in a -- in a
6 criminal trial, so I have to excuse her for cause. I'm just trying to figure out how to.
7 Maybe we can take a break, I'll ask her to stay in so I can explain. I just don't want
8 to have to say it in front of everybody else.

9 MR. MARCHESE: Yeah, that actually brings up -- I'm sorry, and that actually
10 brings up a good point. It's a little bit separate, but it relates to her and the State
11 and I had discussed this --

12 THE COURT: Apparently --

13 THE CLERK: Oh, they can hear us.

14 MR. MARCHESE: We -- both and the State and I have had issues with jurors
15 trying to talk to us and it just, you know, it just gets awkward. She had
16 complimented my socks, and, yeah, so.

17 THE COURT: Well, what do you expect?

18 MR. MARCHESE: Right.

19 THE COURT: Okay. I'll talk to them. So what I'll do is I'll -- we'll take a
20 break, I'll ask her to stay, and before we take a break I'll explain to them how they
21 can't talk to any of us and we'll take, like, a ten-minute break. And then I'm going to
22 have to come back and seat somebody else in her seat, voir dire that person, and
23 then I'll turn the panel over to you guys.

24 MR. MARCHESE: Great.

25 THE COURT: All right.

1 [Bench conference ends.]

2 THE COURT: Okay. At this time, ladies and gentlemen, we are going to take
3 a recess. I just -- I don't think I made it clear in the beginning, and maybe I didn't
4 instruct the jury panel, myself, the attorneys, the parties, and all persons involved in
5 this case are not permitted to have any communication with you whatsoever outside
6 of the courtroom. So if we see you in the hallway, if we see you outside of the
7 courthouse, and coming and going, which we probably will, we will not speak to you.
8 If you say hello to us, we are required by law to ignore you. We're not being rude.
9 We're really not trying to ignore you. We're all just maintaining our ethical obligation
10 to maintain the integrity of the jury system.

11 So if there's something that you need to communicate to the Court, the
12 lawyers, or anybody involved in this case, I just ask that you do so in the courtroom
13 in the presence of both sides while we're on the record. The Court Marshal is the
14 only person that's permitted to have any communication with you whatsoever
15 outside of the courtroom. However, he's not permitted to have any communication
16 with you about the facts and circumstances of this case. So if there's anything you
17 need to discuss with us, you can let the Court Marshal know, he'll let me know, and I
18 can call on you and we can make sure that the information is presented in the
19 appropriate manner.

20 So we're going to take about a -- we'll take a 15-minute recess. During
21 this recess you must not discuss or communicate with anyone including fellow jurors
22 in any way regarding the case or its merits either by voice, phone, e-mail, text,
23 Internet or other means of communication or social media; read, watch, or listen to
24 any news or media accounts or commentary about the case; do any research such
25 as consulting dictionaries, using the Internet or using reference materials, make any

1 investigation, test a theory of the case, re-create any aspect of the case, or in any
2 other way investigate or learn about the case on your own; form or express any
3 opinion regarding this case until it is finally submitted to you by the Court.

4 Ms. Tapia, if you just don't mind staying behind and everyone else, you
5 are excused.

6 [Outside the presence of the prospective jury panel]

7 [Prospective Juror 0094 present]

8 THE COURT: Okay. The record will reflect that the hearing is taking place
9 outside the presence of the jury panel with the exception of Ms. Tapia who has
10 stayed behind. Thank you very much.

11 Ms. Tapia, I am going to excuse you from your jury duty today. You will
12 be eligible -- now, are you sure it was July -- I mean, I'm assuming you're sure it was
13 July 5th, 2015, right? Okay. Because you'll be eligible to serve as a juror again on
14 July 5th of this year. So thank you very much for being here. I appreciate your
15 willingness to be here. You are excused. We'll see you back after July 5th.

16 PROSPECTIVE JUROR 0094. All right. Thank you.

17 THE COURT: Have a good day.

18 [Recess at 2:31 p.m.; proceedings resumed at 3:05 p.m.]

19 [In the presence of the prospective jury panel]

20 THE COURT: Does the State stipulate to the presence of the panel?

21 MS. MOORS: The State stipulates, Your Honor.

22 THE COURT: Thank you.

23 And the defense?

24 MR. MARCHESI: Defense so does.

25 THE COURT: Thank you very much.

1 Okay. You can have a seat. I am going to ask Michael Starks,
2 Michael Starks, you're going to become Juror Number 10.

3 So good afternoon, Mr. Starks.

4 PROSPECTIVE JUROR 0217: How you doing?

5 THE COURT: Good. Can you tell me how long you've lived in Clark County?

6 PROSPECTIVE JUROR 0217: All my life other than being in Texas for four
7 years for college.

8 THE COURT: Okay. Your education background?

9 PROSPECTIVE JUROR 0217: Bachelor's degree in fire science.

10 THE COURT: What do you do for a living?

11 PROSPECTIVE JUROR 0217: I'm a hazmat technician and crime scene
12 clean up. We work for Metro.

13 THE COURT: Are you employed by Metro or --

14 PROSPECTIVE JUROR 0217: It's -- we have a contract with Metro.

15 THE COURT: Okay. So who is your employer?

16 PROSPECTIVE JUROR 0217: Clean Harbors.

17 THE COURT: Okay. But you do work with Metro a lot?

18 PROSPECTIVE JUROR 0217: Yes, ma'am.

19 THE COURT: I'm assuming they call you to come out on crime scenes?

20 PROSPECTIVE JUROR 0217: Yes, ma'am

21 THE COURT: Okay. Is there anything about that that would affect your ability
22 to be fair and impartial in this case?

23 PROSPECTIVE JUROR 0217: No, ma'am.

24 THE COURT: Okay. So you understand there may be witnesses from the --

25 PROSPECTIVE JUROR 0217: Uh-huh.

1 THE COURT: -- Metropolitan Police Department; you understand that?

2 PROSPECTIVE JUROR 0217: Yes, ma'am.

3 THE COURT: Okay. Can you be fair and impartial to those witnesses?

4 PROSPECTIVE JUROR 0217: Yes, ma'am.

5 THE COURT: Okay. Do you know any of the witnesses that'll be called to
6 testify?

7 PROSPECTIVE JUROR 0217: No, ma'am.

8 THE COURT: Okay. Your marital status?

9 PROSPECTIVE JUROR 0217: Single.

10 THE COURT: Do you have any children?

11 PROSPECTIVE JUROR 0217: No, ma'am.

12 THE COURT: Okay. You understand that if the jury returns a certain verdict
13 in this matter the jury will also determine the appropriate sentence?

14 PROSPECTIVE JUROR 0217: Yes, ma'am.

15 THE COURT: And you know that there's three forms of punishment, life
16 without the possibility of parole; life with the possibility of parole after a minimum of
17 20 years has been served; or a term of years, 50 years with parole eligibility
18 beginning after a minimum of years; and you understand that, correct?

19 PROSPECTIVE JUROR 0217: Yes, ma'am.

20 THE COURT: If you were selected to serve on this panel would you be able
21 to consider all three forms of punishment?

22 PROSPECTIVE JUROR 0217: Yes, ma'am.

23 THE COURT: Okay. Do you know of any reason why you could not be a fair
24 and impartial juror?

25 PROSPECTIVE JUROR 0217: No, ma'am.

1 THE COURT: Have you ever served as a juror before?

2 PROSPECTIVE JUROR 0217: No, ma'am, first time.

3 THE COURT: Have you or anyone close to you such as a family member or
4 friend ever been the victim of a crime?

5 PROSPECTIVE JUROR 0217: No, ma'am.

6 THE COURT: Okay. Have you or anyone close to you such as a family
7 member or friend ever been accused of a crime?

8 PROSPECTIVE JUROR 0217: No, ma'am.

9 THE COURT: Do you have a tendency to give more weight or credence or
10 less weight or credence to the testimony of a witness simply because the witness is
11 a police officer?

12 PROSPECTIVE JUROR 0217: No, ma'am.

13 THE COURT: Okay. Can you wait in forming your opinion on the appropriate
14 result in this case until you've heard all of the evidence and after you've been
15 instructed on the law by myself?

16 PROSPECTIVE JUROR 0217: Yes, ma'am.

17 THE COURT: Okay. Do you have any philosophical, religious, or ideological
18 belief that would prevent you from sitting in judgment of another?

19 PROSPECTIVE JUROR 0217: No, ma'am.

20 THE COURT: Okay. Have you had any negative experiences with law
21 enforcement?

22 PROSPECTIVE JUROR 0217: Yes, ma'am. But it's not going to deter me of
23 my decision or anything.

24 THE COURT: Okay. Have you had a lot? A few?

25 PROSPECTIVE JUROR 0217: I think I've had about, like, three.

1 THE COURT: Okay. Were they, like, traffic stops?

2 PROSPECTIVE JUROR 0217: One time me and my college friends, we just -
3 they thought we was selling drugs and we all college students, but, you know, they
4 had us on the hood, but, you know, we just showed that we wasn't here for no bad --
5 we was going to Fremont.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 0217: But other than that didn't have no really bad.

8 THE COURT: Okay. Anything about those experiences that would affect
9 your ability to be fair and impartial in this case?

10 PROSPECTIVE JUROR 0217: No, ma'am.

11 THE COURT: Okay. Do you know anyone closely associated with you that
12 has a mental health disorder?

13 PROSPECTIVE JUROR 0217: No, ma'am.

14 THE COURT: Okay. You understand the defendant here has pled not guilty
15 by reason of insanity, do you think that's a valid defense?

16 PROSPECTIVE JUROR 0217: Yes, ma'am.

17 THE COURT: Okay. Anything about the plea that's been entered in this
18 matter that would affect your ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR 0217: No, ma'am.

20 THE COURT: Okay. Okay. And you understand that every defendant has
21 the constitutional right to determine whether he or she wants to testify in their trial;
22 you understand that?

23 PROSPECTIVE JUROR 0217: Yes, ma'am.

24 THE COURT: Would you use it against the defendant if he chose to exercise
25 his constitutional right to remain silent?

1 PROSPECTIVE JUROR 0217: No, ma'am.

2 THE COURT: Okay. Okay. All of us have different life experiences that
3 shape who we are. Do you have any prior experiences that make it so you might
4 have a difficult time being fair and impartial in this particular case?

5 PROSPECTIVE JUROR 0217: No, ma'am.

6 THE COURT: Okay. All right. Thank you very much and thank you for
7 answering my questions.

8 At this time I am going to -- I -- like I told you, I am going to let both
9 sides ask any follow-up questions that they have, but we're almost done. So the
10 State of Nevada can ask any -

11 Does the State of Nevada have any follow-up?

12 MS. MOORS: I do, Your Honor, just briefly.

13 THE COURT: Go ahead.

14 MS. MOORS: This is for Ms. Low, juror number 66.

15 Good afternoon, ma'am.

16 PROSPECTIVE JUROR 0066: Hi.

17 MS. MOORS: So earlier you had indicated that I believe it was your brother
18 that suffers from bipolar disorder as well as schizophrenia?

19 PROSPECTIVE JUROR 0066: Yes.

20 MS. MOORS: Is there anything about that experience if, say, one of those
21 diseases were in play in this trial that potentially could cause you to be unfair in
22 terms of your verdict?

23 PROSPECTIVE JUROR 0066: No, I don't think so.

24 MS. MOORS: Okay. Just checking, some people just have strong feelings
25 about mental health and I just want to make sure that if that came into play, either of

1 those disorders, that you would feel confident still being an impartial juror.

2 PROSPECTIVE JUROR 0066: I do feel that I could be --

3 MS. MOORS: Okay. Thank you.

4 And the next one, I believe she's in the back, Ms. Gaspar, juror
5 number 88.

6 Hi.

7 PROSPECTIVE JUROR 0088: Hi.

8 MS. MOORS: So when -- when the judge asked you about whether or not
9 you could be fair and impartial, and again, it's so weird with masks on, I totally get it,
10 but I --I thought that you sort of hesitated on that answer and I just wanted to ask if
11 you did or if I'm just seeing things or if there is maybe some elaboration there.

12 PROSPECTIVE JUROR 0088: For which question?

13 MS. MOORS: Whether or not you -- if there was any reason you thought you
14 couldn't be fair or impartial in this case.

15 PROSPECTIVE JUROR 0088: No.

16 MS. MOORS: No? Okay. So I was seeing stuff?

17 PROSPECTIVE JUROR 0088: No, I'll be fair.

18 MS. MOORS: Okay. Thank you.

19 The next question I have is for Ms. Webster, juror number 121.

20 Good afternoon, ma'am.

21 PROSPECTIVE JUROR 0121: Good afternoon.

22 MS. MOORS: So I know that the judge asked you about the -- the conviction
23 that your son has and I know it was for a similar-type charge that we have here; is
24 there anything about that that you think would cause you to potentially be fair -- or to
25 not be fair in this trial?

1 PROSPECTIVE JUROR 0121: No.

2 MS. MOORS: Okay. And I think you said -- was it in Illinois that this
3 happened?

4 PROSPECTIVE JUROR 0121: Yes.

5 MS. MOORS: And from your experience did you believe that he was treated
6 fairly by the court system?

7 PROSPECTIVE JUROR 0121: As far as -- no. Because I don't know about
8 the whole case.

9 MS. MOORS: Okay.

10 PROSPECTIVE JUROR 0121: Because, like I said, he was there and I was
11 here.

12 MS. MOORS: Okay. Did you go out during the trial?

13 PROSPECTIVE JUROR 0121: No.

14 MS. MOORS: No? Okay. Are you still in close contact with him now?

15 PROSPECTIVE JUROR 0121: Yes.

16 MS. MOORS: Okay. Thank you, ma'am.

17 PROSPECTIVE JUROR 0121: You're welcome.

18 MS. MOORS: The next one I have is for Mr. Hodge, juror number 164.

19 Hi, good afternoon, sir.

20 PROSPECTIVE JUROR 0164: Good afternoon.

21 MS. MOORS: So I -- when the judge was asking you -- and I -- I totally get it,
22 like, my poor husband has to deal with, like, my lawyer talk all the time, so
23 sometimes we are not as articulate as we would think we are. She was asking you
24 about following instructions and about, like, at the end of the trial, because I think
25 you had had a -- you had had a civil trial before, right?

1 PROSPECTIVE JUROR 0164: Correct.

2 MS. MOORS: Okay. And I think I maybe didn't understand where you said
3 you would follow instructions so long as you weren't told what to do or I just was
4 confused.

5 PROSPECTIVE JUROR 0164: So in the civil case, they asked us if we would
6 go against the evidence if the judge told us to rule otherwise and I told them "no."

7 MS. MOORS: Okay. So basically you were asked if, in that trial, if the judge
8 said something contradictory to the evidence that you -- you were asked if you
9 would go along with the judge?

10 PROSPECTIVE JUROR 0164: In that case, yeah.

11 MS. MOORS: Okay. Okay. So if, say, you know, the State comes, we
12 present our case, if the defense presents evidence you would listen to all of it. At
13 the end of it you would then follow the instructions that were given by the judge?

14 PROSPECTIVE JUROR 0164: I would base my assumption on the evidence
15 not on the judge telling me to say yes or no.

16 MS. MOORS: Sure. Sure. And that, I think, gets to kind of what my question
17 is. So we're in charge of presenting the evidence, the State is, so we have the
18 burden of proof. And once we present all of that, if you were a juror, you would be --
19 you would have the duty of, you know, establishing whether or not we met that
20 burden and then what would happen prior to deliberation is the judge would give you
21 instructions on what the law is and so, say, my favorite example is, say, like, when
22 marijuana was illegal a lot of people had personal opinions where they were, like,
23 hey, look, it's just pot, this is stupid it shouldn't be illegal, so, say, they might not
24 follow the law.

25 PROSPECTIVE JUROR 0164: No, my judgment won't be on personal

1 issues. It would be based on what the evidence that's presented and not what the
2 judge is telling me to base my decision on.

3 MS. MOORS: Perfect. So if --but if the judge gave you the law, regardless of
4 what that law was, you would follow that law even if you were in disagreement with
5 that law?

6 PROSPECTIVE JUROR 0164: Of course, I know the law.

7 MS. MOORS: Right. No, but -- I think -- I'm not trying to -- I'm not trying to
8 belabor the point, but when you keep saying "what the judge," so the judge is going
9 to tell you what the law is.

10 PROSPECTIVE JUROR 0164: Right. As I said, as long as she's not telling
11 me what to base my decision on, if she's telling me what the law is, I would definitely
12 follow it making my decision, but it's not going to be based on her saying yes or no.

13 MS. MOORS: Perfect. Okay. And that totally answers my question. I
14 apologize. Thank you, sir.

15 PROSPECTIVE JUROR 0164: No, problem.

16 MS. MOORS: My next one is for Mr. Webster, 212. I believe he's over here.

17 PROSPECTIVE JUROR 0212: Yes, ma'am.

18 MS. MOORS: Good afternoon. Sir, I wanted to ask you a little more, I know
19 you were talking with the judge about, you said that you thought that your wife was
20 set up for her drug charges back in the '70s; is that right?

21 PROSPECTIVE JUROR 0212: Yes.

22 MS. MOORS: Yes? Okay. And I think you said that you thought that the
23 police had set her up; is that right?

24 PROSPECTIVE JUROR 0212: It was undercover officer working at a car
25 dealership where she was working at and was kind of befriending my -- my wife

1 now, kind of befriending her to get drugs from them and some of the other guys to
2 go party with. My wife has never done drugs, not then and not now and never since.
3 But if -- she was just trying to do a favor for this guy, I guess, to be with him at that
4 time.

5 MS. MOORS: Okay. Okay. So when you say "set up" I think you're kind of --
6 and correct me if I'm wrong, are you saying it was sort of more like an entrapment
7 situation where --

8 PROSPECTIVE JUROR 0212: It was entrapment because the gentleman
9 never -- she brought the drugs to him, he popped out of a van or something and
10 arrested her.

11 MS. MOORS: Okay. I understand. So it wasn't that she didn't do it, you just
12 thought that she would have never do it but for that undercover officer's
13 involvement?

14 PROSPECTIVE JUROR 0212: Well, she knows she shouldn't have done it,
15 but the officer entrapped her into doing it and getting it for her.

16 MS. MOORS: Sure. Okay. Based on that experience, sir, do you have any
17 reservations about sitting in a -- in a criminal trial here in the same county where that
18 occurred?

19 PROSPECTIVE JUROR 0212: No, ma'am.

20 MS. MOORS: No? Okay. So you think that you could be fair and impartial?

21 PROSPECTIVE JUROR 0212: I have no reason not to be.

22 MS. MOORS: Okay. Thank you, sir.

23 Your Honor, I have no further questions for the panel and would pass
24 for cause.

25 THE COURT: Thank you.

1 Mr. Marchese, you may voir dire the panel.

2 MR. MARCHESE: Thank you, Your Honor. Does that work? Good.

3 And I apologize if I'm mispronouncing this, Ms. Anguay? And that's
4 badge number 005. So I had some notes here and I just --

5 We're good? All right, good. All right.

6 Let's try that again, so I had some notes here, I just want to make sure I
7 had that right. So you had some concerns about serving because of your job, you
8 work at the constable's office in a civil capacity, right?

9 PROSPECTIVE JUROR 0005: Yes.

10 MR. MARCHESE: And that's a "yes," right?

11 PROSPECTIVE JUROR 0005: Yes. Yes.

12 MR. MARCHESE: Okay. And you said that you deal with Metro quite a bit,
13 right?

14 PROSPECTIVE JUROR 0005: Well, my captain is from Metro and we also
15 work with the sheriff's civil, so we're all together.

16 MR. MARCHESE: All right, but that's more of a --

17 THE COURT: Mr. Marchese, it's off again.

18 PROSPECTIVE JUROR 0005: Right. Right.

19 THE COURT: Can we check your mic to make sure it doesn't need batteries?

20 There's batteries up here too. I mean, it's hard to believe it goes
21 through the batteries that quick.

22 MR. MARCHESE: Your Honor, if I just talk loud as long as she can --

23 THE RECORDER: No.

24 MR. MARCHESE: That's not going to work? Okay.

25 All right. Three times a charm, hopefully. So what I was saying was,

1 anything about your job you think you -- would make you unable to be fair and
2 impartial in this case?

3 PROSPECTIVE JUROR 0005: Well, the reason why I said I may be unfair,
4 you know, as far as judgment lies because of everything that I've been trained as --
5 under the laws, like, everything has to be in procedure by laws and, you know, so for
6 me I feel that I might make a poor judgment based on, you know, everything is
7 about the laws.

8 MR. MARCHESE: Now, when you say "poor judgment," what do you mean
9 by poor judgment?

10 PROSPECTIVE JUROR 0005: I mean make a wrong decision.

11 MR. MARCHESE: Okay. And "wrong" as in what? What do you mean by
12 wrong?

13 PROSPECTIVE JUROR 0005: Well, unfair decision.

14 MR. MARCHESE: And unfair towards whom?

15 PROSPECTIVE JUROR 0005: Maybe for the defendant.

16 MR. MARCHESE: All right. And why would that be? Because of your
17 background --

18 PROSPECTIVE JUROR 0005: Yes.

19 MR. MARCHESE: -- and experience with Metro?

20 PROSPECTIVE JUROR 0005: Yes.

21 MR. MARCHESE: Okay. So you feel you might give them a little bit more
22 weight?

23 PROSPECTIVE JUROR 0005: You mean --

24 MR. MARCHESE: To their testimony?

25 PROSPECTIVE JUROR 0005: I may be a little harsher, you know, as far as,

1 like, penalty-wise.

2 MR. MARCHESE: Okay. We'll get to that in a moment. I mean, if -- if an
3 officer testifies are you going to judge them, their testimony as more credible just
4 because they're an officer?

5 PROSPECTIVE JUROR 0005: It may turn to that, yes.

6 MR. MARCHESE: Okay. But, I mean, would you agree with me that there's
7 good officers and bad officers?

8 PROSPECTIVE JUROR 0005: Yes, I do agree with that.

9 MR. MARCHESE: Okay. I mean, but can any officer -- are they all good?

10 PROSPECTIVE JUROR 0005: For me, I mean, I experience the good. I
11 haven't experienced any bad officers.

12 MR. MARCHESE: All right. So anything that an officer said you would give
13 more weight and credibility to than another witness?

14 PROSPECTIVE JUROR 0005: Correct.

15 MR. MARCHESE: Okay. And then in reference to the penalties in this case,
16 the judge touched upon it, you have different options for the penalties.

17 PROSPECTIVE JUROR 0005: Uh-huh.

18 MR. MARCHESE: And I think you had said that you would give the harshest
19 penalty?

20 PROSPECTIVE JUROR 0005: Yes.

21 MR. MARCHESE: And you would do that just based on the nature of the
22 charges?

23 PROSPECTIVE JUROR 0005: I think I would, yeah.

24 MR. MARCHESE: Okay. Because you haven't really heard much evidence --

25 PROSPECTIVE JUROR 0005: Right. Right.

1 MR. MARCHESE: -- in this case yet, right?

2 PROSPECTIVE JUROR 0005: Right.

3 MR. MARCHESE: Because obviously not all crimes are created equal, right?

4 PROSPECTIVE JUROR 0005: Correct.

5 MR. MARCHESE: You might -- someone might be --

6 PROSPECTIVE JUROR 0005: But if -- if he was -- I felt he was guilty, I might
7 go with the harshest one.

8 MR. MARCHESE: Okay. But you'd wait and hear the evidence first, right?

9 PROSPECTIVE JUROR 0005: Correct. I would wait to hear it. But if I feel
10 that he's guilty, then, you know, I would strongly agree with the harshest penalty.

11 MR. MARCHESE: Okay. Would you consider other penalties or would you
12 just automatically go with the harshest?

13 PROSPECTIVE JUROR 0005: I think I would automatically go with the
14 harshest.

15 MR. MARCHESE: Okay. Thank you. I appreciate your honesty.

16 Could we go to number -- Mr. Okeefe, 009?

17 THE COURT: Mr. Marchese.

18 MR. MARCHESE: Yes.

19 THE COURT: If either side has a motion, they need to make it when it
20 occurs.

21 MR. MARCHESE: Okay. Well, we have a motion.

22 THE COURT: Okay. Sara, can we do it in the hallway?

23 [Bench conference transcribed as follows:]

24 THE COURT: Okay. The record will reflect that the hearing's taking place in
25 the hallway outside the presence of the jury panel. The D.A.s are here.

1 Mr. Marchese is here and he has a challenge for cause.

2 MR. MARCHESE: Yes, it would be the last individual, I believe it's
3 Ms. Argella, she's in seat number 1, challenge for cause based on her answers.

4 MS. MOORS: And I would submit it to the Court.

5 THE COURT: I would just like to say it's very irritating because she's -- her
6 answers were completely different than what she gave mine. But I'll just --

7 THE CLERK: Valerie Anguay?

8 THE COURT: Yeah. So I will take her -- the challenge for cause is granted.
9 And then who will go in seat number 1?

10 THE CLERK: Seat number 1 will be Debra Mummey, badge number 0224.

11 THE COURT: Okay. So I'll put her in that seat. I'll get her up to speed then
12 I'll let the State voir dire her and then the panel will be yours again. Thank you.

13 [Bench conference ends]

14 THE COURT: Okay. Ms. Anguay, if you don't mind stepping out of that seat.
15 She can sit any where she wants, just out of seat number 1.

16 And then I am going to ask Debra Mummey, Debra Mummey, you're
17 going to become juror number 1. Okay. Good afternoon, Ms. Mummey, how long
18 have you lived in Clark County?

19 PROSPECTIVE JUROR 0224: 57 years.

20 THE COURT: Your employment, training, education background?

21 PROSPECTIVE JUROR 0224: Some college. I'm retired and I was a
22 secretary.

23 THE COURT: Okay. So how long have you been retired?

24 PROSPECTIVE JUROR 0224: Four years.

25 THE COURT: And the last job you had was a secretary?

1 PROSPECTIVE JUROR 0224: Yes.

2 THE COURT: What kind? I mean, what type of entity did you work with?

3 PROSPECTIVE JUROR 0224: It was a production company.

4 THE COURT: Okay. Your marital status?

5 PROSPECTIVE JUROR 0224: Widow.

6 THE COURT: Do you have any children?

7 PROSPECTIVE JUROR 0224: No, ma'am.

8 THE COURT: Okay. Do you know of any reason why you could not be a fair
9 and impartial juror if we asked you to serve?

10 PROSPECTIVE JUROR 0224: No.

11 THE COURT: Okay. And you've obviously been paying attention all day and
12 you understand that if the jury returns a certain verdict that we would go to a penalty
13 phase and the jury would determine the appropriate sentence to be rendered; and
14 you understand that?

15 PROSPECTIVE JUROR 0224: Yes.

16 THE COURT: Do you have any problem with that?

17 PROSPECTIVE JUROR 0224: No.

18 THE COURT: Okay. And you understand that the three forms of punishment
19 are life without the possibility of parole; life with the possibility of parole after a
20 minimum of 20 years has been served; or a term of years, 50, with parole eligibility
21 beginning after a minimum of 20 years has been served; if you were selected to
22 serve on this panel and it went to a penalty phase, would you be able to consider all
23 three forms of punishment?

24 PROSPECTIVE JUROR 0224: Yes.

25 THE COURT: Okay. Have you ever served as a juror before?

1 PROSPECTIVE JUROR 0224: Yes.

2 THE COURT: How many times?

3 PROSPECTIVE JUROR 0224: Twice.

4 THE COURT: Okay. Was that here in Clark County or elsewhere?

5 PROSPECTIVE JUROR 0224: Clark County.

6 THE COURT: Was it in this building or the other one?

7 PROSPECTIVE JUROR 0224: This building.

8 THE COURT: Okay. And it was two times. Were they civil or criminal?

9 PROSPECTIVE JUROR 0224: The first time was -- I was impaneled on a
10 federal grand jury for 18 months.

11 THE COURT: Okay. So let me --

12 PROSPECTIVE JUROR 0224: And this --

13 THE COURT: You served on a federal grand jury --

14 PROSPECTIVE JUROR 0224: Yes.

15 THE COURT: -- over in federal court; is that correct?

16 PROSPECTIVE JUROR 0224: Oh, in federal court, yes.

17 THE COURT: And that was 18 months?

18 PROSPECTIVE JUROR 0224: Yes.

19 THE COURT: Okay. Anything about your service on the grand jury that
20 would affect your ability to be fair and impartial in this case?

21 PROSPECTIVE JUROR 0224: No.

22 THE COURT: Okay. Then you were selected to be on a panel in this
23 building?

24 PROSPECTIVE JUROR 0224: Yes.

25 THE COURT: Civil or criminal?

1 PROSPECTIVE JUROR 0224: Criminal.

2 THE COURT: Okay. Were you selected to be the foreperson?

3 PROSPECTIVE JUROR 0224: No.

4 THE COURT: Without telling me what the verdict was, were you able to
5 reach a verdict?

6 PROSPECTIVE JUROR 0224: Yes.

7 THE COURT: Was there anything about that experience that would affect
8 your ability to be fair and impartial in this particular case?

9 PROSPECTIVE JUROR 0224: No.

10 THE COURT: Okay. Have you or anyone close to you such as a family
11 member or friend ever been the victim of a crime?

12 PROSPECTIVE JUROR 0224: I had a girlfriend who was robbed.

13 THE COURT: Okay. How long ago?

14 PROSPECTIVE JUROR 0224: About three years ago.

15 THE COURT: Was it here in Clark County?

16 PROSPECTIVE JUROR 0224: Yes.

17 THE COURT: Okay. When you say she got robbed, describe to me what
18 happened.

19 PROSPECTIVE JUROR 0224: They broke into her house and stole jewelry
20 and cash.

21 THE COURT: Okay. So nobody was home?

22 PROSPECTIVE JUROR 0224: No.

23 THE COURT: Was anybody home?

24 PROSPECTIVE JUROR 0224: No.

25 THE COURT: Okay. And then I'm assuming she called the police?

1 PROSPECTIVE JUROR 0224: Yes.

2 THE COURT: Did they ever apprehend the persons that did it?

3 PROSPECTIVE JUROR 0224: No.

4 THE COURT: Okay. Did she ever get any closure to that event?

5 PROSPECTIVE JUROR 0224: No.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR 0224: No one was caught.

8 THE COURT: Is there anything about that that would interfere with your
9 ability to be fair and impartial in this case?

10 PROSPECTIVE JUROR 0224: No.

11 THE COURT: Okay. And anything else?

12 PROSPECTIVE JUROR 0224: No.

13 THE COURT: Okay. Have you or anyone close to you such as a family
14 member or a friend ever been accused of a crime?

15 PROSPECTIVE JUROR 0224: No.

16 THE COURT: Would you have a tendency to give more weight or credence
17 or less weight or credence to the testimony of a police officer simply because that
18 witness is a police officer?

19 PROSPECTIVE JUROR 0224: No.

20 THE COURT: Okay. Thank you. If you are selected to serve on this panel
21 would you be able to wait in forming your opinion as to the appropriate result to be
22 concluded in this matter? Would you wait until you've heard all of the evidence from
23 both sides and after being instructed on the law by the Court?

24 PROSPECTIVE JUROR 0224: Yes.

25 THE COURT: Okay. Thank you. Okay. Do you know anyone closely

1 associated with you that has a mental health disorder?

2 PROSPECTIVE JUROR 0224: No.

3 THE COURT: Okay. The defendant has entered a plea of not guilty by
4 reason of insanity. Is there anything about that plea that would interfere with your
5 ability to be fair and impartial?

6 PROSPECTIVE JUROR 0224: I don't think so, Your Honor. I think I would
7 have to hear all of the evidence, but no.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 0224: At this point no.

10 THE COURT: And do you believe it's a valid defense?

11 PROSPECTIVE JUROR 0224: Sometimes.

12 THE COURT: Okay. But you understand that's a defense in the state of
13 Nevada?

14 PROSPECTIVE JUROR 0224: Yes.

15 THE COURT: Okay. So if the Court were to instruct you on that would you
16 follow the instructions on the law?

17 PROSPECTIVE JUROR 0224: Yes. Yes.

18 THE COURT: Regardless of whether you liked it or not or agreed with it?

19 PROSPECTIVE JUROR 0224: Yes.

20 THE COURT: Okay. Because you understand that you have to -- as a juror,
21 you have to follow the law even if you don't like what the law is or you don't agree
22 with it; do you understand that?

23 PROSPECTIVE JUROR 0224: Yes, correct.

24 THE COURT: Okay. So do I have your commitment that you will follow the
25 law as given to you by the Court?

1 PROSPECTIVE JUROR 0224: Yes.

2 THE COURT: Okay. Thank you.

3 And you understand that every defendant in a criminal trial has the right
4 to determine whether he or she will testify at the time of trial; it's a constitutional right
5 and it's a decision to be made by each defendant based on the advice of his or her
6 attorney; you understand that?

7 PROSPECTIVE JUROR 0224: Yes.

8 THE COURT: Would you hold that against a defendant if he chose not to
9 testify?

10 PROSPECTIVE JUROR 0224: No.

11 THE COURT: Okay. Do you have any philosophical, religious, or ideological
12 beliefs that would prevent you from sitting in judgment of another?

13 PROSPECTIVE JUROR 0224: No.

14 THE COURT: Have you ever had any negative interactions with law
15 enforcement?

16 PROSPECTIVE JUROR 0224: No, none.

17 THE COURT: Okay. Do you know of any reason that you could not be a
18 completely fair and impartial juror if you were selected to serve?

19 PROSPECTIVE JUROR 0224: No, huh-uh.

20 THE COURT: Okay. Thank you and thank you for your patience in
21 answering my questions.

22 And the State of Nevada may voir dire this juror only.

23 MS. MOORS: Thank you.

24 I just had a quick question, ma'am, about the federal grand jury service.

25 PROSPECTIVE JUROR 0224: Yes.

1 MS. MOORS: Is that -- I'm not super familiar, I don't practice in federal court,
2 but is that something where you are sort of in session one day a week?

3 PROSPECTIVE JUROR 0224: Yes.

4 MS. MOORS: Or is it a different period of time?

5 PROSPECTIVE JUROR 0224: It was one day a week.

6 MS. MOORS: Okay. And so in the course of that you were hearing all
7 different types of -- of federal crimes I would presume?

8 PROSPECTIVE JUROR 0224: Yes.

9 MS. MOORS: Okay. And just to clarify you, obviously that's federal court and
10 we're in state court and certainly you'd be able and willing to follow the laws that
11 were given here that would be based on state law if you were chosen as a juror?

12 PROSPECTIVE JUROR 0224: Yes.

13 MS. MOORS: Okay. The State has no further questions and would pass for
14 cause.

15 THE COURT: Mr. Marchese, you may take back the panel and continue with
16 your voir dire.

17 MR. MARCHESE: Thank you, Your Honor.

18 Try to go back to Mr. Okeefe, that's number 009.

19 PROSPECTIVE JUROR 0009: Thank you.

20 MR. MARCHESE: Sir, do you think that the criminal justice system is fair?

21 PROSPECTIVE JUROR 0009: Most of the time.

22 MR. MARCHESE: And when you say "most of the time," what would be an
23 example when it isn't?

24 PROSPECTIVE JUROR 0009: I can't think of one specific example, but I
25 know that there's been, you know, cases of people wrongly accused.

1 MR. MARCHESE: Sure.

2 PROSPECTIVE JUROR 0009: I mean, that's just a fact.

3 MR. MARCHESE: Okay. Nothing personal to you, you're just talking
4 generally?

5 PROSPECTIVE JUROR 0009: Yes.

6 MR. MARCHESE: Okay. All right. Now, I know the judge asked some
7 questions as a whole to the panel, whether a defendant testifies or not, how do you
8 feel about that?

9 PROSPECTIVE JUROR 0009: I'm assuming he'd be taking the advice of his
10 attorney, so no problem.

11 MR. MARCHESE: Sure. But, I mean, I think we could all agree murder is a
12 serious charge, I mean, wouldn't you want to hear from the defendant?

13 PROSPECTIVE JUROR 0009: Not necessarily if his attorney advised against
14 it.

15 MR. MARCHESE: Okay. All right. Thank you.

16 Let me go to juror number 0088, that's Ms. Gaspar, I believe she's
17 number 9.

18 PROSPECTIVE JUROR 0088: Hello.

19 MR. MARCHESE: Hello. I mean, I think most people here probably feel this
20 way, but you're uncomfortable being here?

21 PROSPECTIVE JUROR 0088: Somewhat. I have, yeah, I feel a little
22 uncomfortableness.

23 MR. MARCHESE: Okay. And I get that. You know, there's a lot --

24 PROSPECTIVE JUROR 0088: I have a little anxiety, but not, like, it's not
25 like -- I'm working on it.

1 MR. MARCHESE: Sure.

2 PROSPECTIVE JUROR 0088: So I feel, you know --

3 MR. MARCHESE: Well, this is not for everyone. I get it. So that anxiety, and
4 I hate to put you on the spot, but, you know, I'm just doing my job, that anxiety, you
5 think it would somehow hurt your ability to be a juror here?

6 PROSPECTIVE JUROR 0088: No.

7 MR. MARCHESE: Okay. I mean --

8 PROSPECTIVE JUROR 0088: It won't.

9 MR. MARCHESE: You wouldn't be thinking about other things and maybe
10 unable to focus on the evidence here?

11 PROSPECTIVE JUROR 0088: To -- I don't know. My mind, sometimes it just
12 drifts. But I'm -- I'm focused and I'll be able to see everything, I guess.

13 MR. MARCHESE: Okay. We wouldn't be -- if you were to serve on this jury
14 we wouldn't putting you in such a spot where you were so uncomfortable that we
15 were making you sick or anything like that? Right?

16 PROSPECTIVE JUROR 0088: Well, if you -- I don't know, if you put it that
17 way, I kind of, throughout the day I feel really comfortable. But, like, being on the
18 spot I feel like ahhh.

19 MR. MARCHESE: Sure. And this is really one of the few times you'd actually
20 be on the spot. So you feel better now that you've been here, you kind of see how
21 things work.

22 PROSPECTIVE JUROR 0088: Yeah.

23 MR. MARCHESE: As opposed to when you first got here and there was a
24 little fear of the unknown?

25 PROSPECTIVE JUROR 0088: Correct.

1 MR. MARCHESE: Okay. All right. Thank you.

2 And let's go to number 16, that's Mr. Otero, 117.

3 How you doing, sir?

4 PROSPECTIVE JUROR 0117: Good. How are you?

5 MR. MARCHESE: Good. So I got -- I don't have a lot on you. I've got that
6 you -- you work as a security supervisor out in the Casa Blanca, right?

7 PROSPECTIVE JUROR 0117: Yes.

8 MR. MARCHESE: And you're Moapa Fire Department, right?

9 PROSPECTIVE JUROR 0117: Yes.

10 MR. MARCHESE: So I would imagine you're -- you live out there?

11 PROSPECTIVE JUROR 0117: I do.

12 MR. MARCHESE: So you're traveling here every day, right?

13 PROSPECTIVE JUROR 0117: Yes.

14 MR. MARCHESE: And what's that about an hour or so or?

15 PROSPECTIVE JUROR 0117: A little bit over.

16 MR. MARCHESE: Okay. How long have you been at the Casa Blanca?

17 PROSPECTIVE JUROR 0117: Almost three years.

18 MR. MARCHESE: Okay. And -- and I don't know, the fire department, is that
19 a volunteer thing or is that something that you get paid to do?

20 PROSPECTIVE JUROR 0117: It -- we get -- are a volunteer station, but we
21 get stipend checks per call.

22 MR. MARCHESE: Sure. And based upon your duties in either job, you ever
23 come into contact with people with mental illness?

24 PROSPECTIVE JUROR 0117: Yes, I do.

25 MR. MARCHESE: Okay. You have any particular training, specialized

1 training to do so?

2 PROSPECTIVE JUROR 0117: Yes.

3 MR. MARCHESE: Okay.

4 PROSPECTIVE JUROR 0117: A lot, actually.

5 MR. MARCHESE: All right. And just generally speaking, I mean, what would
6 that consist of?

7 PROSPECTIVE JUROR 0117: It would -- you wouldn't treat them any
8 differently than anybody else. It -- give me a second.

9 MR. MARCHESE: Okay.

10 PROSPECTIVE JUROR 0117: Like, we get people that -- they'll get angry at
11 us, like on the ambulance and stuff, and you've got to look past that or you
12 understand that they're sick and you're there -- you would need to help them. And
13 you have to provide the same treatment no matter who they are because ultimately
14 we're in charge of their life, so.

15 MR. MARCHESE: Sure.

16 PROSPECTIVE JUROR 0117: Does that make sense?

17 MR. MARCHESE: No, I think that makes sense. I mean, so you have to
18 have a little more patience, maybe, right?

19 PROSPECTIVE JUROR 0117: Yes.

20 MR. MARCHESE: Okay. So your training, what is that consisted of?

21 PROSPECTIVE JUROR 0117: As in?

22 MR. MARCHESE: In reference -- well, and maybe I mis -- misunderstood,
23 have you had any specialized in dealing with people with mental illnesses?

24 PROSPECTIVE JUROR 0117: Just in our advanced E.M.T. class.

25 MR. MARCHESE: Okay.

1 PROSPECTIVE JUROR 0117: There's chapters about it and how to deal
2 with.

3 MR. MARCHESE: All right. And the advanced E.M.T. class, where did you
4 take that?

5 PROSPECTIVE JUROR 0117: Through Moapa Valley Fire Department.

6 MR. MARCHESE: Okay.

7 PROSPECTIVE JUROR 0117: Or District.

8 MR. MARCHESE: And then approximately how long was that? I know it's
9 been a few years, but --

10 PROSPECTIVE JUROR 0117: So the -- last year we just finished the basic
11 E.M.T., the 17-week course.

12 MR. MARCHESE: Okay.

13 PROSPECTIVE JUROR 0117: And right now we're inside the advanced
14 class, it's another 17-week course.

15 MR. MARCHESE: All right. But those classes, they don't specifically, there's
16 just a portion in reference to mental illness, it's not all mental illness training, right?

17 PROSPECTIVE JUROR 0117: It is not all mental -- there's about two or three
18 chapters, I think.

19 MR. MARCHESE: Okay. All right. Thank you, sir.

20 And if we could go to, I think she's number 22, badge number 163, and
21 it's Stoiber, I hope I'm pronouncing that right?

22 PROSPECTIVE JUROR 0163: Stoiber.

23 MR. MARCHESE: Stoiber, all right. I apologize. So I have down on you that
24 you spent some time in Arkansas?

25 PROSPECTIVE JUROR 0163: I did.

1 MR. MARCHESE: What did you do there?

2 PROSPECTIVE JUROR 0163: I was a buyer for Dillard's there.

3 MR. MARCHESE: Okay.

4 PROSPECTIVE JUROR 0163: Yeah.

5 MR. MARCHESE: Oh, okay. And then is that how you wound up in

6 Las Vegas?

7 PROSPECTIVE JUROR 0163: It is. Yes. I got a job with Zappos.

8 MR. MARCHESE: All right. Okay. And then did you meet your husband here

9 or there or somewhere else?

10 PROSPECTIVE JUROR 0163: No, in Arkansas.

11 MR. MARCHESE: In Arkansas?

12 PROSPECTIVE JUROR 0163: Yes.

13 MR. MARCHESE: Okay. And was he doing general contracting out there?

14 PROSPECTIVE JUROR 0163: Uh-huh.

15 MR. MARCHESE: Okay.

16 PROSPECTIVE JUROR 0163: Yes.

17 MR. MARCHESE: All right. And then I have another question, so in

18 reference to the not guilty by reason of insanity defense, you have any issues with

19 that?

20 PROSPECTIVE JUROR 0163: No.

21 MR. MARCHESE: I mean, you think as long as the facts and the

22 circumstances and the evidence presented at the trial met the qualifications, you

23 wouldn't have any reservations about voting either way?

24 PROSPECTIVE JUROR 0163: No.

25 MR. MARCHESE: Okay. All right. Thank you very much.

1 PROSPECTIVE JUROR 0163: Uh-huh.

2 MR. MARCHESE: If we could go to number 24, Ms. Rodriguez, I believe it's
3 165.

4 PROSPECTIVE JUROR 0165: Hello.

5 MR. MARCHESE: Hello. So it said -- I have down that you're pursuing a
6 degree in economics.

7 PROSPECTIVE JUROR 0165: Correct.

8 MR. MARCHESE: What do you want to do with that?

9 PROSPECTIVE JUROR 0165: Hopefully a business analyst.

10 MR. MARCHESE: Okay. So is that something that you would do with
11 Capital One?

12 PROSPECTIVE JUROR 0165: Hopefully.

13 MR. MARCHESE: All right. And what would a business analyst do for
14 Capital One?

15 PROSPECTIVE JUROR 0165: Basically just see -- basically project what
16 types of businesses or business growth and support evidence for that growth
17 decision.

18 MR. MARCHESE: All right. And what made you get involved with that?

19 PROSPECTIVE JUROR 0165: I took an economics class and I -- so they
20 offer classes and some -- they just -- some people from corporate sometimes take
21 those classes, and I get to pick their brains and I get to talk to people so I just kind of
22 networked through them a little bit and it got me interested in that.

23 MR. MARCHESE: Okay. All right. Well, thank you.

24 PROSPECTIVE JUROR 0165: Uh-huh.

25 MR. MARCHESE: We're going to go to number 25, that's Mr. Nixon. I have it

1 down as badge 0170.

2 PROSPECTIVE JUROR 0170: Good afternoon.

3 MR. MARCHESE: How are you doing? So I have down that you have a
4 degree in psychology?

5 PROSPECTIVE JUROR 0170: Yes.

6 MR. MARCHESE: And you had made some comments and I don't want to -- I
7 hope I get it right, you know, I don't type necessarily as fast as people can talk, but I
8 had down that you said that you were slightly concerned about the evidence being
9 presented and that was in reference to mental illness and whatnot.

10 PROSPECTIVE JUROR 0170: That could be -- could be presented in the
11 future.

12 MR. MARCHESE: Sure.

13 PROSPECTIVE JUROR 0170: Yeah. Of course, nothing has been
14 presented as of yet.

15 MR. MARCHESE: Okay.

16 PROSPECTIVE JUROR 0170: However, I just -- I just wonder if my previous
17 experience looking through literature would have an effect on how I would perceive
18 what was presented --

19 MR. MARCHESE: Sure.

20 PROSPECTIVE JUROR 0170: -- during the case itself.

21 MR. MARCHESE: Well, let's talk about that previous experience. So
22 obviously you have a degree.

23 PROSPECTIVE JUROR 0170: Uh-huh.

24 MR. MARCHESE: So I would imagine -- and that's a "yes"?

25 PROSPECTIVE JUROR 0170: Yes.

1 MR. MARCHESE: I would imagine you had to take some classes at some
2 point, right?

3 PROSPECTIVE JUROR 0170: Just a few, yes.

4 MR. MARCHESE: Okay. Ever do an internship?

5 PROSPECTIVE JUROR 0170: Yes. I did do an internship. My final senior
6 experience was in human resources. That was after kind of meddling around and
7 trying to figure out what I wanted to do. Some of that experience, like, kind of the
8 intro stuff, did have to do with working around a lockdown ward where people --
9 where there were people that were held for observation and such. I did learn there I
10 was not very comfortable working around people that had those issues.

11 MR. MARCHESE: Okay.

12 PROSPECTIVE JUROR 0170: I don't be --

13 MR. MARCHESE: And where was that?

14 PROSPECTIVE JUROR 0170: That was at Salem Health up in Salem,
15 Oregon.

16 MR. MARCHESE: Okay.

17 PROSPECTIVE JUROR 0170: It's a major medical institution up there.

18 MR. MARCHESE: All right. And you said you weren't comfortable?

19 PROSPECTIVE JUROR 0170: Yeah. I just found myself to be uncomfortable
20 so I didn't pursue any further endeavors in that field, shifted over towards the human
21 resources end of it.

22 MR. MARCHESE: Okay. What -- what made you uncomfortable?

23 PROSPECTIVE JUROR 0170: Mostly the unpredictable nature of the
24 environment. Because you're in there, it's obviously complete lockdown. For your
25 safety and their safety, you can't leave. So it's just -- I just felt uneasy because it

1 wasn't a predictable environment. I kind of like predictable environments.

2 MR. MARCHESE: Sure. So it wasn't anything specific that happened to you,
3 it was just the fear of the unknown, I guess?

4 PROSPECTIVE JUROR 0170: Yeah.

5 MR. MARCHESE: Yeah.

6 PROSPECTIVE JUROR 0170: I was never hurt or harmed in any way. It was
7 just a little less predictable than I would like.

8 MR. MARCHESE: Right. Did you personally see anything, not towards
9 yourself, but maybe towards another staff member or another individual that was
10 residing there?

11 PROSPECTIVE JUROR 0170: Nothing terrible.

12 MR. MARCHESE: Okay.

13 PROSPECTIVE JUROR 0170: Yeah.

14 MR. MARCHESE: Maybe heard some stories, but nothing -- no personal
15 observations?

16 PROSPECTIVE JUROR 0170: No personal observations of anything beyond
17 like striking --

18 MR. MARCHESE: Gotcha.

19 PROSPECTIVE JUROR 0170: -- or being held or whatnot.

20 MR. MARCHESE: And then when you went into the human resources, what
21 was -- what did you do there?

22 PROSPECTIVE JUROR 0170: Industrial organizational psychology, focusing
23 on the hiring process.

24 MR. MARCHESE: Okay.

25 PROSPECTIVE JUROR 0170: So I worked in their H.R. department. They

1 had a big expansion at their hospital which led to an increased need in hiring, kind of
2 followed the hiring process for new environmental service people, the janitors and
3 such. So I followed that along for a few months while I was there and wrote a little
4 thesis about that.

5 MR. MARCHESE: Oh, you wrote a thesis on it?

6 PROSPECTIVE JUROR 0170: Yeah, our undergrad had a thesis.

7 MR. MARCHESE: Okay.

8 PROSPECTIVE JUROR 0170: Apparently I'm a poor writer according to
9 those professors up there, but, yeah.

10 MR. MARCHESE: All right. So now you're in, basically, a different field,
11 right?

12 PROSPECTIVE JUROR 0170: Yes. Yes.

13 MR. MARCHESE: What precipitated that move?

14 PROSPECTIVE JUROR 0170: So after university, the college job was in a
15 retail auto parts store. I was moving up through management in there, and just
16 didn't like the big -- the big -- it was a Fortune 500 company, I didn't like the big
17 business aspect of it, so I moved over to dealerships.

18 MR. MARCHESE: Okay.

19 PROSPECTIVE JUROR 0170: So that's why I'm there.

20 MR. MARCHESE: And any interest in going back into your field where your
21 degree's in or no?

22 PROSPECTIVE JUROR 0170: Not right now. I'm just a little too comfortable
23 doing what I'm doing.

24 MR. MARCHESE: Okay.

25 PROSPECTIVE JUROR 0170: It's -- it's easy money, I guess you could say.

1 MR. MARCHESE: Nothing wrong with that. All right, well, thank you, sir.

2 PROSPECTIVE JUROR 0170: Thank you.

3 MR. MARCHESE: And I just have one more individual, if we can go to

4 number 28, that's badge number 213, I believe it's Mr. Tamita.

5 PROSPECTIVE JUROR NO. 0213: Yes, sir, Raffy.

6 MR. MARCHESE: Raffy?

7 PROSPECTIVE JUROR NO. 0213: Yes, sir.

8 MR. MARCHESE: Raffy, am I pronouncing that right?

9 PROSPECTIVE JUROR NO. 0213: Raffy, yes, sir.

10 MR. MARCHESE: Okay. And Tamita is that correct as well?

11 PROSPECTIVE JUROR NO. 0213: Tamita, yes, sir.

12 MR. MARCHESE: All right. So, you know, I get it, it's COVID times, you
13 know, it sounds like you're unemployed at the moment, are you trying to get back
14 into bartending?

15 PROSPECTIVE JUROR NO. 0213: Yes, sir.

16 MR. MARCHESE: Okay. And you have two minor children?

17 PROSPECTIVE JUROR NO. 0213: Yes.

18 MR. MARCHESE: All right. And you've been here for 20 years. Where were
19 you -- where were you before that?

20 PROSPECTIVE JUROR NO. 0213: Philippines.

21 MR. MARCHESE: Okay. And what area of employment was your spouse in?

22 PROSPECTIVE JUROR NO. 0213: I'm sorry, I didn't -- couldn't hear you.

23 MR. MARCHESE: What area of employment was your spouse in? Does she
24 work? I know she doesn't work now, but --

25 PROSPECTIVE JUROR NO. 0213: Unemployed also.

1 MR. MARCHESE: -- beforehand.

2 PROSPECTIVE JUROR NO. 0213: Before that?

3 MR. MARCHESE: Yeah.

4 PROSPECTIVE JUROR NO. 0213: Before she was unemployed?

5 MR. MARCHESE: Oh, she's always been unemployed?

6 PROSPECTIVE JUROR NO. 0213: No. She was guest services at
7 Rampart Casino.

8 MR. MARCHESE: Okay. Anything about the nature of the case that would
9 bother you? Make you unable to be fair and impartial here?

10 PROSPECTIVE JUROR NO. 0213: No, sir.

11 MR. MARCHESE: Okay. Thank you.

12 PROSPECTIVE JUROR NO. 0213: You're welcome.

13 MR. MARCHESE: And, Your Honor, we would pass for cause.

14 THE COURT: Both sides having passed the jury panel for cause, the Clerk
15 has prepared what will be marked as Court's Exhibit Number 1.

16 And the State may exercise their first peremptory challenge.

17 Thank you.

18 The defense may exercise their first. You know, I want both sides to
19 use numbers. So if it's the first one it should be a number one. So you can --

20 The State may exercise their second peremptory challenge.

21 The State may exercise their third peremptory challenge.

22 Defense may exercise their third.

23 The State and defense may exercise their fourth.

24 The State and defense may exercise their fifth peremptory challenge.

25 The State and defense may exercise their sixth peremptory challenge.

1 The State and the defense may exercise their seventh.

2 The State and the defense may exercise their eighth peremptory
3 challenge.

4 Okay. At this time the State and the defense may exercise their ninth
5 and final peremptory challenge and it is available as to 26 through 32 with the
6 exception of the one that was already exercised.

7 Okay. At this time, ladies and gentlemen, we're going to take a really
8 short recess. I just ask that you stay close by and when we're -- there's just one
9 thing I have to do outside of your presence. The Court Marshal will come get you
10 and bring you in. I mean, when you come in, you don't even really have to sit down
11 because the Clerk's going to be calling the panel of jurors. If your name is called,
12 you'll stay for a few more minutes. If not, you'll be excused.

13 So we'll be in recess for probably about five minutes. But, again,
14 please stay close by.

15 [Outside the presence of the prospective jury panel]

16 THE COURT: Okay. The record will reflect that the hearing is taking place
17 outside the presence of the jury panel and our jury panel will be as follows: Juror
18 number 1, Debra Mummey; juror -- juror number 2, William Okeefe; juror number 3,
19 Kimberly Russell; number 4, Johnathon Y-S-A-I-S; number 5, Andrea Low;
20 number 6, Michelle Starks; number 7, Lynn Laspina-Cooper, number 8,
21 Bobby Owens; number 9, Cheryl Webster; number 10, Arthur Ermita; number 11,
22 Aniella Stoiber; number 12, Davonn Hodge; number 13 and alternate number 1,
23 Vester Reed; and number 14 and alternate number 2, Raffy Tamita.

24 Is there any objection by the State?

25 MS. MOORS: None by the State, Your Honor.

1 THE COURT: And by the defense?

2 MR. MARCHESE: No, Your Honor.

3 THE COURT: Okay. Thank you. I'm going to bring them in. We'll call out
4 our 14 jurors and then I'm going to excuse them for day and when they come back
5 tomorrow morning we'll swear them in and instruct them. Okay. We can bring them
6 in.

7 [In the presence of the prospective jury panel]

8 THE CLERK: Juror in seat 1 is going to be Debra Mummey.

9 THE MARSHAL: They won't be able to hear you.

10 THE CLERK: Okay. I'll wait until they come in.

11 THE MARSHAL: Do you want to have everybody kind of on that side?

12 THE CLERK: Go that way.

13 In seat 1, that's going to be Debra Mummey. Debra Mummey, you're
14 going to be in seat number 1, Debra Mummey. Debra Mummey, you're going to be
15 in seat number 2. Seat 2 is going to be William Okeefe.

16 Is that William?

17 THE COURT: Yeah.

18 THE CLERK: Okay. Thank you.

19 Seat 3 is going to be Kimberly Russell. Seat 4, Johnathon Ysais; seat 5
20 is going to be Andrea Low. Seat 6 is going to be Michael Starks. Seat 7 is going to
21 be Lynn Laspina-Cooper. Seat 8 is going to be Bobby Owens. Seat 9 is going to be
22 Cheryl Webster. Seat 10 is going to be Arthur Ermita. Seat 11 is going to be
23 Anielle Stoiber. Seat 12 is going to be Davonn Hodge. Seat 13 is going to be
24 Vester Reed. And seat 14 is going to be Raffy Tamita.

25 THE COURT: Thank you. At this time, ladies and gentlemen, we do have our

1 impaneled jury. So if your name was not called you are free to go. But before you
2 go, I just want to extend my thanks and gratitude again for your willingness to be
3 here and your patience and your courtesy in answering all of my questions. Thank
4 you very much, and you are excused.

5 Are you okay?

6 PROSPECTIVE JUROR 0171: My name is Vester Reed. My number is
7 0171. My mother just came out of the hospital for COVID-19 and I have to take her
8 to the doctor tomorrow. She tested positive. So I don't know if I can be here
9 tomorrow.

10 THE COURT: When did you find out about that?

11 PROSPECTIVE JUROR 0171: Yesterday.

12 THE COURT: Why didn't you tell me today when we were doing voir dire?

13 PROSPECTIVE JUROR 0171: I didn't think I was -- because I didn't think I
14 was going to get picked. That was a surprise.

15 THE COURT: I'm sorry, when do you have to do this?

16 PROSPECTIVE JUROR 0171: Tomorrow at 9:40, she has to go to a doctor.

17 THE COURT: Okay, Mr. Reed, you're -- you're excused.

18 The attorneys, everybody can sit down.

19 Does the State stipulate to the presence of the jury as now impaneled?

20 MS. MOORS: Yes, Your Honor.

21 THE COURT: And, Mr. Marchese?

22 MR. MARCHESE: Yes, Your Honor.

23 THE COURT: Okay. Thank you. I am going to excuse you, but before I do, I
24 just want to remind you tomorrow morning we'll start at 9:00 o'clock. We will not be
25 in this room. We'll be in courtroom 3F. So it's on this floor and they're A, B, C, D, E,

1 F, right? Right. So it should be the one furthest, okay, 3F. And either Kevin or
2 another marshal will be there to greet you. We're going to start at 9:00 o'clock, so
3 I'd ask that you would be here at 8:45. We can't start until everybody is here. When
4 you get here, we will go in. You'll be sworn in. I'll give you some instructions. And
5 then both sides will have a right to speak to you in their opening statement. And the
6 State of Nevada will begin calling their witnesses.

7 So, again, I want to thank you very much for your willingness to be here
8 and especially your patience today. Tomorrow morning, 8:45, courtroom 3F. Thank
9 you very much and you are excused.

10 [Outside the presence of the prospective jury panel]

11 THE COURT: Okay. The record will reflect the hearing is taking place
12 outside the presence of the jury panel. I didn't want to lose an alternate before we
13 even swore them in, but we're down to just one alternate now. So I'll see you in the
14 morning.

15 PROCEEDING CONCLUDED AT 4:27 P.M.

16 * * * * *

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

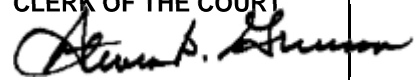
19 

20 Kaihla Berndt
21 Court Recorder/Transcriber

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
23 video recording of this proceeding in the above-entitled case.

24 

25 SARA RICHARDSON
Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

SHELBE RIVERA,

Defendant.

CASE NO. C-18-333893-1

DEPT. NO. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

TUESDAY, MARCH 2, 2021

RECORDER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY 2

APPEARANCES:

For the State:

LINDSEY D. MOORS
Chief Deputy District Attorney
ANN M. DUNN
Deputy District Attorney

For the Defendant:

JESS R. MARCHESE, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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1 LAS VEGAS, NEVADA, TUESDAY, MARCH 2, 2021, 9:33 A.M.

2 * * * * *

3 [Outside the presence of the jury panel]

4 THE COURT: State of Nevada versus Shelbe Rivera, C333893. Mr. Rivera
5 is present. He's in custody. This hearing is taking place outside the presence of the
6 jury panel. I don't know who wanted the hearing.

7 MS. MOORS: Yes, Your Honor. Lindsey Moors on behalf of the State. I just
8 wanted to handle some evidentiary issues if we could. We have a booklet that your
9 clerk has compiled of photographs, exhibits, and it's my understanding that
10 Mr. Marchese would be stipulating to all of them but for, I believe, 37 and 38. Did I
11 write that correctly?

12 MR. MARCHESE: I think I wrote it down as 36 and 37. Basically what they
13 are is they are what I would couch as rather grotesque photos of the decedent's
14 arm. My argument would be it's overly prejudicial to the jury. In addition, I don't
15 think it necessarily hurts the State's case if it doesn't come in. There are other
16 pictures showing multiple stab wounds all over the decedent. So in order to meet
17 the element that it is in fact a murder, I think that they could still prove their case
18 without it. I mean, it's basically, the decedent's arm looks like it's, you know, it's
19 dangling. It's obviously very injured and sliced up, so that would be 36 and 37.

20 THE COURT: Okay. So the State's Exhibits are 1 through?

21 THE CLERK: They are 1 through 48.

22 THE COURT: So 1 through 48 are admitted by stipulation with the exception
23 of 36 and 37.

24 **[STATE'S EXHIBITS 1 THROUGH 35 ADMITTED]**

25 **[STATE'S EXHIBITS 38 THROUGH 48 ADMITTED]**

1 MR. MARCHESE: And I did have one other point, but I guess we can just go
2 with 36 and 37 right now and then go from there.

3 THE COURT: Sure. And then I'm assuming the State wants to be heard on
4 36 and 37.

5 MS. MOORS: Yes, Your Honor. Yes, Your Honor.

6 THE CLERK: I've just got to give you gloves.

7 THE COURT: Okay. What are the gloves going to do?

8 THE CLERK: I don't know. It's for the TV, Judge.

9 THE COURT: Okay.

10 MR. MARCHESE: You look very official, Your Honor, with the gloves.

11 THE COURT: I mean, I'm just like I'll do what I'm supposed to do but I'm
12 trying to -- I have like 50 bottles of hand sanitizer up here.

13 THE CLERK: It's just what I've been directed to do.

14 THE COURT: I know. I'm a rule follower, so.

15 THE CLERK: Me too, Judge. Okay. There you go.

16 THE MARSHAL: Sara, if you start having trouble hearing, they left this so I
17 can put one of the handhelds up here.

18 THE RECORDER: It's really good in here.

19 MR. MARCHESE: And are we okay? Can you hear us?

20 THE RECORDER: Yes. Thank you.

21 MR. MARCHESE: Okay.

22 THE COURT: All right. So I have 36 and 37 in front of me. Does the State
23 have exhibits that are admitted that show this? I mean, is the objection duplicative?
24 Is it they don't -- they don't need it? Or is it just it's too grotesque?

25 MR. MARCHESE: Well, the first would be, I mean, there's two pictures of

1 basically the same thing. So, I mean, in a perfect world I would like both of them
2 out. However, if Your Honor doesn't agree with me that they're overly prejudicial
3 and too grotesque, then I would argue that I think the State should just get one
4 because it's basically the same picture of the same injuries, just different angles.

5 MS. MOORS: And, Your Honor, by way of response, I think that why we
6 believe they're important and why we are choosing to move for their admission is
7 that we have a not guilty by reason of insanity plea, but it's sort of almost combined
8 with a self-defense plea because the issue is the supposed delusion is that the
9 victim gave him a weird look and he felt he needed to defend himself, and so we
10 need to be able to show that the victim was not involved in any sort of physical
11 altercation and that these are in fact defensive wounds where, I mean, to the extent
12 that he almost cut his arms off as the victim is putting them up to try to prevent the
13 defendant from stabbing him. So that's our reason and I do believe the two angles
14 are necessary, one, because they show entirely different areas of injury.

15 The other photos that Mr. Marchese mentioned that we are proposing
16 to admit that he's not objecting to show different injuries on the body that are also
17 relevant because, like, well, I guess we haven't -- Your Honor hasn't heard this
18 evidence, but there are 42 ultimate stab wounds. So we're not trying to submit a
19 picture of each and every one of them, but we do believe these are appropriate
20 given what the defense is to show the nature of the injuries to the victim's arms.

21 THE COURT: Okay. But 36 and 37 are the only photos of this arm injury?

22 MS. MOORS: Correct.

23 THE COURT: There aren't other ones in here?

24 MS. MOORS: There are no other arm injury photos, no.

25 THE COURT: Okay. And I'm assuming your expert or your medical examiner

1 is going to testify that these are defensive wounds?

2 MS. MOORS: Yes.

3 THE COURT: Okay. Do you want to be heard further?

4 MR. MARCHESE: No, Your Honor. I mean, I've made my record. I don't
5 think I have anything additional to add to it.

6 THE COURT: Okay. The objection's overruled. And they'll be admitted.

7 **[STATE'S EXHIBITS 36 AND 37 ADMITTED]**

8 THE COURT: So I -- so is that all the State's exhibits now?

9 THE CLERK: No, that -- yes.

10 MR. MARCHESE: And I did --

11 THE COURT: Okay. What about the defense's exhibits?

12 MR. MARCHESE: And I have -- I have a problem, I -- in reference to 19 and
13 20, and I apologize, I didn't bring this up to the State, but I was looking further at the
14 exhibits, I don't necessarily have a problem if those two coming in, basically they --
15 the allegation is that these items are some documents that were found at the crime
16 scene that have a nexus to Mr. Rivera. So I understand why the State's doing that.

17 However, in looking closer at them, there's some language -- they
18 appear to be some sort of medical documentation talking about scrotal discomfort
19 and having sex with an -- unprotected sex with some individual, if maybe we could
20 somehow redact that? Maybe do a closer picture of the -- of the record with his
21 name on it? I wouldn't have a problem with that. I just think that that additional
22 language is unnecessary.

23 THE COURT: Does the State --

24 MS. MOORS: And, Your Honor, that was never our intent. I don't even have
25 a problem pulling those two exhibits and not admitting them. We have ample

1 paperwork in the defendant's name, and -- so that's not a problem.

2 THE COURT: Okay. So let's see, 19 and 20 are not admitted, they're
3 withdrawn by the State.

4 [State's Exhibits 19 and 20 Withdrawn]

5 THE CLERK: I'm going to keep custody of them still.

6 THE COURT: Okay. Anything else?

7 MS. MOORS: We also have two other items of evidence, I believe they're
8 going to be referenced in the opening. They are going to be stipulated to as well.
9 One is body cam footage which I believe has been provided on a disk, as well as
10 videos -- surveillance videos from the Molasky Corporate Center, and I believe that
11 those are both being admitted by stipulation. I just wanted to put that on the record
12 as well.

13 MR. MARCHESI: That's a correct statement. The State brought that up to
14 me, I believe it was last week. I spoke to Mr. Rivera about that and he doesn't have
15 an issue and I will submit it to the Court.

16 THE COURT: Okay. What exhibits are those?

17 THE CLERK: Those are 1 and 2 you already admitted those.

18 THE COURT: Okay. So 1 and 2 are already admitted. Can we do the
19 defense exhibits? Have -- are they -- are there stipulation --

20 MR. MARCHESI: They are labeled. There are a few that I'm actually not
21 going to admit.

22 THE COURT: Okay.

23 MR. MARCHESI: So can we do them tomorrow? I just --

24 THE COURT: Absolutely. No problem.

25 MR. MARCHESI: Yeah.

1 THE COURT: You don't plan on using them today then?

2 MR. MARCHESE: No, I might reference them in my opening, but I do believe
3 that they will be admitted at some point.

4 THE COURT: Okay. Okay. Can we bring the jury panel in?

5 MS. MOORS: Yes, Your Honor.

6 THE COURT: All right. Bring them in.

7 MS. DUNN: I just need to get rid of those photos and it's going to take a
8 second.

9 [In the presence of the jury panel]

10 THE MARSHAL: All rise for the entering jury please.

11 THE COURT: Ladies and gentlemen, when you come in, if you'll please
12 remain standing because when you're all in, I'm going to have the clerk administer
13 the oath of service.

14 THE MARSHAL: You're right here on the end. You're Number 6, you're right
15 here on the end. 7, 8, 9, 10, 11 will be here, 12 in the middle and 14 over on the
16 very end.

17 THE COURT: Does the State stipulate to the presence of the panel?

18 MS. MOORS: Yes, Your Honor.

19 THE COURT: The defense?

20 MR. MARCHESE: Yes, Your Honor.

21 THE COURT: Okay. If you'll all please raise your right hand and face the
22 clerk, and she can administer the oath of service.

23 [The Jury Panel was sworn in by the Clerk]

24 THE CLERK: You may be seated.

25 THE MARSHAL: Thank you, everyone, please be seated.

1 THE COURT: Thank you. Good morning and welcome back. Thank you
2 very much for coming back today. Before I do allow the attorneys to speak to you in
3 their opening statements, I am going to give you a few instructions and have them
4 provided with juror notebooks. Everything that I say, plus the instructions on the law
5 that I give you at the end of the case will be put in that notebook, so you all have
6 your own notebook, I just ask that that notebook stay in the courtroom at all times.
7 There's also blank sheets in the back so you can take notes. There is a sheet inside
8 the pocket. You can take that sheet out, that just indicates where you are and the
9 phone numbers of the court in case anyone has any issues when we're not in
10 session and you need to get a hold of somebody.

11 But the instructions I'm going to provide you now will be in there and
12 then the instructions before you deliberate will be put in there for you as well. The
13 only thing is that these notebooks must remain in the courtroom at all times until you
14 are excused to deliberate upon your verdict.

15 Ladies and gentlemen, you are admonished that no juror may declare
16 to a fellow juror any fact relating to this case of his or her own knowledge and if any
17 juror discovers during the trial or after the jury has retired that he or she or any other
18 juror has personal knowledge of any fact in controversy in this case, he or she shall
19 disclose such situation to myself in the absence of the other jurors. This means that
20 if you learn during the course of this trial that you are acquainted with the facts of
21 this case or the witnesses and you've not previously told me of this relationship, you
22 must then declare that fact to me.

23 I do want to remind you that you communicate to the Court either when
24 we're in session in the presence of both sides, or you met Officer Hawkes this
25 morning, so he will be with you this week, if there's anything that you need to

1 communicate to the Court you can do so in the courtroom on the record in the
2 presence of both sides or you can speak to Officer Hawkes. And, again, I want to
3 remind you, he's the only one that can have any communication with you
4 whatsoever outside of the courtroom. So we will probably see each other a lot this
5 week not in the courtroom, coming in and out, maybe in the elevator and probably
6 for sure in the hallways. Please do not be offended should we ignore you. Again,
7 we're all just maintaining our ethical obligation to maintain the integrity of the jury
8 system.

9 What I will now say is intended to serve as an introduction in the trial of
10 this case, it is not a substitute for the detailed instructions on the law which I will give
11 you at the close of the case and before you retire to consider your verdict. This is a
12 criminal case commenced by the State of Nevada which I may refer to sometimes
13 as the State against the defendant, Mr. Shelbe Rivera. The case is based on an
14 information. The clerk will now read the information to the ladies and gentlemen of
15 the jury and state the plea of the defendant to that information.

16 [The Clerk read the Information aloud.]

17 THE COURT: Thank you. This case is based on the information which has
18 just been read to you by the clerk of the court. You should distinctly understand that
19 the information is simply a charge and that it is not in any sense evidence of the
20 allegations it contains.

21 The defendant has entered a plea of not guilty by reason of insanity.
22 The State, therefore, has the burden of proving each of the elements as alleged in
23 their charging document by proof beyond a reasonable doubt. Remember, as the
24 defendant sits here today, he is presumed innocent. The purpose of this trial is to
25 determine whether the State of Nevada will meet their burden of proof. It is your

1 primary responsibility as jurors to find and determine the facts. Under our system of
2 criminal procedure you are the sole judge of the facts. You are to determine the
3 facts from the testimony you hear and the other evidence including exhibits
4 introduced in court. It is up to you to determine the inferences which you feel may
5 be properly drawn from the evidence.

6 The parties may sometimes present objections to some of the
7 testimony or other evidence. It is the duty of a lawyer to object to evidence which he
8 or she believes may not properly be offered, and you should not be prejudiced in
9 any way against a lawyer who makes objections on behalf of the party he or she
10 represents. At times I may sustain objections or direct that you disregard certain
11 testimony or exhibits. You must not consider any evidence to which an objection
12 has been sustained or which I have instructed you to disregard.

13 Anything you may have seen or heard outside the courtroom is not
14 evidence and must also be disregarded. Remember, statements, arguments, and
15 opinions of counsel are not evidence in the case. However, if the attorneys stipulate
16 as to the existence of a fact, you must accept the stipulation as evidence and regard
17 that fact as proved. You must not speculate to be true any insinuation suggested by
18 a question asked the witness. A question is not evidence and may be considered
19 only as it supplies meaning to the answer.

20 You must not be influenced in any degree by any personal feeling of
21 sympathy for or prejudice against the State or the defendant. Both sides are entitled
22 to the same fair and impartial consideration. In considering the weight and value of
23 the testimony of any witness, you may take into consideration the appearance,
24 attitude, and behavior of the witness; the interest of the witness in the outcome of
25 the case, if any; the relation of the witness to the defendant or the State; the

1 inclination of the witness to speak truthfully or not; and the probability or
2 improbability of the witness's statements and all of the facts and circumstances in
3 evidence. Thus, you may gave the testimony of any witness just such weight and
4 value as you believe the testimony of the witness is entitled to receive.

5 There are two kinds of evidence, direct and circumstantial. Direct
6 evidence is testimony by a witness about what that witness personally saw or heard
7 or did. Circumstantial evidence is testimony or exhibits which are proof of a
8 particular fact from which, if proven, you may infer the existence of a second fact.
9 You may consider both direct and circumstantial evidence in deciding this case.
10 The law permits you to give equal weight to both. But it is for you to decide how
11 much weight to give to any evidence.

12 Opening statements and closing arguments of the attorneys are
13 intended to help you in understanding the evidence and applying the law. But they
14 are not evidence. No statement, ruling, remark, or comment which I make during
15 the course of this trial is intended to indicate my opinion as to how you should
16 decide the case or to influence you in any way in your determination of the facts. At
17 times I may even ask questions of witnesses, if I do so it is for the purpose of
18 bringing out matters which I feel should be brought out and not any way to indicate
19 my opinion about the facts or to indicate the weight I feel you should give to the
20 testimony of the witness.

21 I may also find it necessary to admonish the lawyers, and if I do you
22 should not show prejudice against a lawyer or his or her client because I have found
23 it necessary to admonish him or her.

24 Until the case is submitted to you, you must not discuss it with anyone,
25 even with your fellow jurors. After it is submitted to you, you must discuss it only in

1 the jury room with your fellow jurors. It is important that you keep an open mind and
2 not decide any issue in the case until the entire case has been submitted to you
3 under instructions from the Court.

4 I may during the trial take notes of the witness's testimony. You are not
5 to make any inference from that action. I am required to prepare for legal
6 arguments of counsel during this trial and for that reason, I may take notes. The jury
7 will not have a transcript to consult at the close of the case. However, you have
8 been provided with notepads in your notebook, I guess it's blank paper, and you will
9 be permitted to take notes. You won't have a transcript of the proceedings when
10 you go back there, but you will be permitted to take your notebooks and any notes
11 that you have taken and you will be able to rely on your recollection of the evidence
12 and your notes collectively. So although you don't have a transcript, you can take
13 any notes and you will be able to take those notes back there with you.

14 The trial will proceed in the following manner: The deputy D.A. will
15 make an opening statement which is an outline to help you understand what the
16 State expects to prove; next, the defense attorney may, but does not have to, make
17 an opening statement. Opening statements serve as an introduction of the evidence
18 which the party making the statement intends to prove. The State will then present
19 its evidence and counsel for the defense may cross-examine the witnesses.

20 Following the State's case, the defendant may present evidence and
21 the deputy district attorney may cross-examine the witnesses. However, as I have
22 said, the defendant is not obligated to present any evidence. After all of the
23 evidence has been presented to you I will instruct you on the law. After the
24 instructions on the law have been read to you, each side will have the opportunity to
25 speak to you in their closing argument. What is said in closing argument is not

1 evidence. The arguments are designed to summarize and interpret the evidence.

2 Since the State has the burden of proving the defendant guilty by proof
3 beyond a reasonable doubt, the State has the right to open and close the
4 arguments. After the arguments have been completed you will then retire to
5 deliberate upon your verdict. Again, let me remind you that until this case is
6 submitted to you do not talk to each other about it or about anyone who has
7 anything to do with it until the end of the case when you go to the jury room to
8 decide upon your verdict. Do not talk with anyone else about this case or about
9 anyone who has anything to do with it until the trial has ended and you have been
10 discharged as jurors.

11 Anyone else includes members of your family and your friends. You
12 may tell them that you are a juror in a criminal case, but don't tell them anything else
13 about it until after you have been discharged by myself. Do not let anyone talk to
14 you about the case or about anyone who has anything to do with it. If someone
15 should try to you, please report that to me immediately by contacting the court
16 marshal. Do not read any news stories or articles or listen to any radio or television
17 reports about the case or about anyone who has anything to do with it.

18 As jurors you will be given the opportunity to ask written questions of
19 any of the witnesses called to testify in this case. You are not encouraged to ask
20 large numbers of questions because that is the primary responsibility of counsel.
21 Questions may be asked but only in the following manner, after both lawyers have
22 finished questioning the witness and only at this time. If there are additional
23 questions you would like to ask the witness you may then seek permission to ask
24 that witness a written question.

25 Should you desire to ask a question, write your question down with your

1 juror number on a full sheet of clean paper and raise your hand. All questions from
2 jurors must be factual in nature and designed to clarify information already
3 presented. In addition, jurors must not place undue weight on the responses to their
4 questions. The court marshal will pick up your question and present it to the Court.
5 All questions must be directed to the witness and not to the lawyers or to the judge.
6 After consulting with counsel I will determine if your question is legally proper. If I
7 determine that your question may properly be asked, I will ask it. No adverse
8 inference should be drawn if the Court does not allow a particular question.

9 If at any time you have a question of a witness, I just ask that raise your
10 hand so you give me a head's up so I can keep the witness here. When a witness is
11 called to testify, both sides have basically two opportunities to speak to them, direct,
12 cross, redirect, and recross. After both sides are done, I'll usually look at the
13 witness, thank them for being here, and excuse them from their subpoena. That's
14 your clue, if you have a question raise your hand so I don't excuse the witness.

15 I will not require a witness that I have already excused from subpoena
16 to come back to the courthouse to answer any question, so if you have a question
17 for that witness I ask that you raise your hand and let me know so that I don't
18 excuse the witness.

19 And at this time the State of Nevada may speak to the jury in their
20 opening statement.

21 MS. DUNN: Thank you, Your Honor.

22 July 1st, 2018, the last day of Juan Rincon's life, the evidence in this
23 case is going to show you that on that day the victim, Mr. Rincon, met the defendant
24 for the first time. The defendant had recently come to Las Vegas from California. It
25 appears that he had no where to go when he arrived. Mr. Rincon was a homeless

1 man living in Las Vegas. The two of them met. They agreed to go smoke some
2 weed, maybe do some fishing, and they set off to find a place to do that.

3 They are seen on video together from the Molasky Building which is
4 kind of near here on Ogden and Main, right there on City Parkway. We can see
5 them there. That's the defendant in the yellow shirt with the pink backpack and the
6 victim wearing the same clothes that he's later found dead in, carrying some buckets
7 that were found at the crime scene. They make their way to 418 West Mesquite,
8 which is just over the 95 and that's where things take a turn.

9 The evidence will show you that the defendant later tells the police that
10 while they were there the victim asked to see the defendant's knife and gave him a
11 look. Based on that look the defendant stabbed and cut the victim 42 times, and the
12 coroner will tell you that a number of these wounds could have been fatal in and of
13 themselves.

14 The evidence will also show you that after stabbing and cutting the
15 victim over 40 times the defendant took steps to cover his tracks. He disposed of
16 the knife in a Dumpster that was on the scene. The police later tested the knife and
17 they found the victim's DNA on both the handle and the blade. The defendant also
18 disposed of the shirt that he was wearing. He threw it in the dirt embankment that
19 was nearby. The police found it after he told them that he left the shirt on the scene.
20 They found it at 400 West Mesquite, which you can see is just kind of on the other
21 side of that almost alleyway that is Mesquite. The police found it in the dirt. They
22 later tested it. They found the defendant's DNA on the inside collar and armpits and
23 the victim's DNA in blood that was found on the shirt.

24 The defendant is later seen leaving the area of the crime scene, this is
25 again, a still photo from video from the Molasky Building. However, this time he is

1 alone and shirtless.

2 The evidence will also show you that by the next day, July 2nd, 2018, he
3 had made his way from the West Mesquite address to a Best Buy that's on
4 West Charleston. Now, at that time he was still shirtless and Best Buy didn't really
5 want him there. They contacted law enforcement and Officer Christina Martinez
6 came out. She interacted with the defendant and at this time she didn't know that
7 he had just killed someone the day prior. All that she knew was that the defendant
8 was trying to get back to California and she spent approximately an hour with him
9 trying to see if she could help him accomplish that goal.

10 During that time together she did notice what appeared to be blood on
11 his pants and when she asked him about it he said, yes, that's blood; he said that he
12 gotten into a fight earlier that day and had a nosebleed. He later admitted to police
13 that that blood was probably the victim's.

14 Now, the evidence will also show you that in spite of trying to cover his
15 tracks by disposing of the knife and the shirt and lying about the blood on his pants,
16 he did leave some important evidence behind. His fingerprints were found at the
17 scene of the crime on the white bucket that you previously saw the victim carrying.
18 There was also a backpack found at the scene that he admitted to police was his
19 and it was full of documents in his name.

20 Now, once police found the fingerprint reports and figured out where
21 defendant was located they interviewed him in this case, and he admitted to them
22 that he stabbed the victim. He said the victim did not fight back. He admitted that
23 he threw the knife away, and he admitted that he threw his shirt down.

24 Now, in this case I do expect that you're going to hear testimony
25 regarding the defendant's mental health history. The State is not disputing that he

1 has a long history of mental health illness. As the Judge will instruct you though, not
2 guilty by reason of insanity, which you've heard is what he's pled to, is very different
3 from a history of mental health illness. Again, we're not disputing that he does have
4 a long history of this. But that's not what this case is about. This case is about did
5 the defendant commit first degree murder.

6 So you'll hear about his mental health history, but you're also going to
7 hear that he stabbed the victim, that he intended to kill him, that he tried to cover up
8 his tracks by disposing of the evidence and by lying to Officer Martinez. And it really
9 is that simple and that tragic. The two men met, they went to the West Mesquite
10 address, and only the defendant left. Video, fingerprints, and DNA put him at the
11 scene. By his own admission, he killed the victim, he tried to dispose of the
12 evidence, and he left the scene. It's that simple and that tragic.

13 At the end of this case we are going to ask you to find the defendant
14 guilty of first degree murder with use of a deadly weapon based on what the
15 evidence will show you. Thank you.

16 THE COURT: Thank you.

17 Mr. Marchese.

18 MR. MARCHESE: Thank you, Your Honor.

19 Good morning, everyone. If you don't remember me from yesterday my
20 name is Jess Marchese and I represent Mr. Shelbe Rivera in this case. I'm going to
21 be brief. I do agree with the State, we will disagree on many things, but I do believe
22 that we would submit to you fine folks that this is a very simple, straightforward case
23 even though it is very serious, it is a murder.

24 The State started their opening statement on July 1st, 2018, the date of
25 the allegation here, but I would submit to you folks that it goes much further back,

1 much earlier in time. Throughout the defense's case you will hear and you will see
2 many, many medical records from Mr. Rivera's past. Now, Mr. Rivera at the time of
3 this offense was basically a vagabond. The State even alluded to it a little bit in their
4 opening statement. He was homeless. It's our belief that he was -- had been -- we
5 have records or belief that he was in several states whether it be New York, Florida,
6 Maine, Georgia, Missouri, North Carolina, and very shortly before the date of this
7 offense, California.

8 And he was on disability, making about \$700.00 a month. He was just
9 going around from state to state, meandering about. Through those travels he had
10 several hospitalizations and we will show you those -- those medical records and we
11 will tell you about what his background and his medical history was, which was he's
12 a paranoid schizophrenic. Now, hopefully most of you don't know what a paranoid
13 schizophrenic is. Now, we will call Dr. Mark Chambers in this case, he is our expert,
14 and he will explain to you in much more articulate and further detail than I'm able to
15 do, what exactly a paranoid schizophrenic is, what the symptoms are, and how Mr.
16 Rivera fits the criteria for being a paranoid schizophrenic.

17 But I want to throw out two words to you, persecution and conspiracy,
18 because those are two key words, whether it be from Mr. Rivera's history or
19 anything that you're going to hear throughout this case because those are two
20 particular items in which paranoid schizophrenics oftentimes have and we will show
21 you that Mr. Rivera had in his past and he also had on the date of the offense, on
22 July 1st, 2018.

23 I'm just going to go briefly through a little bit of the history that we're
24 going to present to you. I'm not going to get into all of it because we'll go further in
25 depth in our -- in our case and we'll call Dr. Chambers. The earliest event that we

1 have is back at Harlem Hospital. That's March the 7th of way back -- and the 10th,
2 excuse me, of 2014. At that time Shelbe was a teenager, a very young man, and
3 that was the first medical record that we have of him being hospitalized. However,
4 within those records he was already diagnosed as a paranoid schizophrenic. And at
5 that particular incident or when he was admitted, the TV, the television was talking
6 to him and they found that he had active paranoid ideations and a history of onset
7 psychosis.

8 Very shortly thereafter, about two weeks later, he was then admitted to
9 Bellevue Hospital in New York where he wanted to change his personality. He
10 wanted to have God change his personality. That was what was going through his
11 mind. Those were the auditory hallucinations that were in Shelbe Rivera's mind four
12 years prior to the event in question.

13 Then approximately one year later we have records from the Lincoln
14 Medical Center, that's also in New York, in which he found that he was hearing
15 voices, that he didn't feel well. And then a few months later he went back to
16 Bellevue Hospital and at that time he was -- he was concerned. He was feeling that
17 he was being persecuted, and why is that, because he said that he had snitched on
18 someone and that street the n-words were out to get him.

19 About another year later he went to Kirby Psychiatric Hospital once
20 again hearing auditory hallucinations and he was hearing voices from the
21 Holy Spirit. Again, about a year later, he goes to King's County and he had enemies
22 wanting to kill him, persecution, conspiracy, and that he was being targeted on
23 social media, he didn't go further in depth, but that's what he told his people that
24 were treating him. Then in 2018 he was Charlotte, North Carolina, and again,
25 checked himself in with auditory hallucinations and acute psychosis.

1 So, ladies and gentlemen, this case doesn't start on July 1st, 2018.
2 Yes, Mr. Rincon did lose his life on that day, which is a tragedy, I agree with the
3 State on that. But we will show you throughout the course of this case that
4 Mr. Rivera was not the cold, calculating murderer that the State will show or try to
5 show in their case-in-chief.

6 No, he actually he had no idea what was going on at the time. He left
7 calling cards, ladies and gentlemen. Yes, he got rid of the knife, they will show that.
8 It was in the Dumpster, they will show you a picture of that. But at the same time he
9 left a notebook with his name on it. He left several documents with his name on it,
10 things from Social Security, medical paperwork. There's all sorts of things that he
11 left there with his name on it.

12 And really at the end of the day you'll hear from, I'm sure they'll call the
13 detective, and Mr. Rivera was interviewed as part of the investigation, he really
14 didn't give any sort of a motivation for doing this. The best that we'll be able to
15 surmise from the evidence is that they were smoking some marijuana, the individual
16 gave him a look, and that the individual, Mr. Rincon, was from California and
17 Mr. Rivera's from New York, and something to the effect of, well, you know how that
18 goes.

19 So, ladies and gentlemen, we will present all this evidence to you and
20 you will hear from Dr. Chambers as I had alluded to earlier. What's important about
21 Dr. Chambers is, yes, he's our expert, but Dr. Chambers interviewed Shelbe very
22 shortly after the event in question, about a month or so after. I think it was a month
23 and a day, August 2nd of 2018. So almost immediately thereafter the date in
24 question and he went and he interviewed Shelbe and he had a bunch of records that
25 he went over eventually and he interviewed him, and he will talk to you about his

1 findings from both that interview and then all the records that he has reviewed as a
2 result of his interview process and his report. And he will talk to you about that. I
3 won't get too far into detail because you're going to hear from him, but he will mainly
4 talk to you about why Mr. Rivera does in fact meet the criteria for a not guilty by
5 reason of insanity plea in this case.

6 So, ladies and gentlemen, I'm about to wrap up, but just, I ask you to
7 keep an open mind. I ask you to remember that Mr. Rivera is innocent until proven
8 guilty. We the defense, technically we don't have to ask one question. We don't
9 have to enter one piece of evidence. We can literally do nothing and Mr. Rivera can
10 still prevail at the end of this trial if the State doesn't meet their burden.

11 But we will put on a case-in-chief and we will ask some questions and
12 we will enter some evidence and after we do that we are confident that you will
13 agree with the defense and you will side with us that, yes, Mr. Rivera was in fact, he
14 does meet the criteria for a not guilty by reason of insanity defense. Thank you.

15 THE COURT: The State may call their first witness.

16 MS. DUNN: Our first witness is Debbie Andrews.

17 Your Honor, may I approach your clerk?

18 THE COURT: Sure.

19 MS. DUNN: Thank you.

20 **DEBBIE ANDREWS,**

21 [having been called as a witness and first duly sworn, testified as follows:]

22 THE CLERK: You may be seated. Please state and spell your first and last
23 name for the record.

24 THE WITNESS: My name is Debbie Andrews, D-E-B-B-I-E, Andrews,
25 A-N-D-R-E-W-S.

1 **DIRECT EXAMINATION OF DEBBIE ANDREWS**

2 BY MS. DUNN:

3 Q Good morning, Ms. Andrews. How are you employed?

4 A I'm a Crime Scene Analyst II with Las Vegas Metro Police Department.

5 Q How long have you been in that position?

6 A Since July 2015, so about five and a half years.

7 Q Do you have to have any sort of education or training to hold that
8 position?

9 A Our training consists of a crime scene academy that lasts
10 approximately 12 weeks. It's academic in nature where we learn crime scene
11 investigation, photography, evidence collection, latent print processing, and so forth.
12 We also do have to complete a 12-week field training program and after that you
13 have to complete your probation and then you can promote up to a Crime Scene
14 Analyst II.

15 Q Thank you. Can you please tell the members of the jury what some of
16 your job duties are as a crime scene analyst?

17 A Our primary duty is to respond to crime scene calls that we're called to
18 and we do document the scene as we see it through notes, photography. We write
19 a report. We collect and preserve evidence. We also process for evidence, and on
20 some cases we do do sketches and diagrams.

21 Q Now, I'd like to direct your attention to July 1st of 2018. On that date did
22 you respond to 418 West Mesquite?

23 A I did.

24 Q And was that in your position as a crime scene analyst?

25 A Correct.

1 Q What were your duties at that scene?

2 A My duty at that scene was to collect and preserve the evidence.

3 Q I heard you say that you sometimes prepare a diagram. Did you do that
4 in -- at that scene?

5 A Yes, I did do that too.

6 Q I'm showing you what has previously been admitted by stipulation of the
7 parties as Exhibit Number 48. Do you recognize this?

8 A I do.

9 Q Is this the diagram that you made in this case?

10 A It is.

11 Q I want to direct your attention to a few specific things. Let me see if I
12 can get rid of this glare. I think that is a little bit better maybe.

13 A Right.

14 Q So in particular, could you please tell us what you have labeled as 1
15 through 8?

16 A 1 through 8 are apparent blood drops that were located and sampled.

17 Q And can you please tell us what you've labeled as Spot Number 30?

18 A Let's see, spot 30. Number 30 is the white plastic bucket.

19 Q I believe that if you touch your screen you'll be able to mark where 30 is
20 on your diagram. Can you try doing that for me? Is it not working? Okay.

21 A No.

22 Q Okay. How about I try pointing and you let me know if I --

23 A Oh, there it is, sorry, it's --

24 Q Okay. Thank you.

25 A -- right where the arrow is.

1 Q Okay. So it's -- you circled here and then there's an arrow pointing to
2 where it was located?

3 A Right. Uh-huh.

4 Q Okay. Thank you. What about Spot Number 33?

5 A Spot Number 33, the pink backpack, sorry, it's a little off. There you go.

6 Q No worries. So it's this square that you created right here?

7 A Yes.

8 Q Okay. Thank you. And then finally, what about Number 27?

9 A Number 27, okay, is the knife. Sorry, it's right in the Dumpster.

10 Q No worries. So is it here in this area?

11 A Yes.

12 Q And then I see that this larger square is labeled Dumpster, would 27
13 have been found in the Dumpster or near it?

14 A It was inside the Dumpster.

15 Q Inside the Dumpster, okay. So is one of your jobs as a C.S.A. to swab
16 for -- or excuse me, as a C.S.A. to swab for DNA?

17 A Yes.

18 Q And how do you do that?

19 A When we swab for DNA we have -- it's basically like a giant Q-tip that's
20 in a sealed package, so it's sterile. We take that out. We have molecular water
21 which is basically sterile water. We moisten the swab, and then we rub the surface
22 that we're collecting the DNA from and there's a cap, a plastic cap, that goes on top
23 of the cotton swab to secure it, and then we put it into a proximal DNA envelope and
24 that gets packaged as evidence.

25 Q And then once it's packaged as evidence what do you do with it?

1 A Once it's packaged as evidence we do secure it in our vehicle and we
2 do take it back to our crime lab where, once we get back there, we place it into
3 another envelope and create a evidence label and then we log it on to an evidence
4 log and that piece of evidence gets dropped into a secured chute.

5 Q And then after that do you do anything with the DNA swab?

6 A I do not.

7 Q Okay. So you don't analyze it?

8 A No.

9 Q Okay. In this case, did you swab the knife for DNA?

10 A I did.

11 Q And then did you follow that procedure of packing it up and then
12 dropping it in the evidence chute?

13 A Yes.

14 Q Okay. Is one of your job duties also to collect latent prints?

15 A It is.

16 Q And are there different ways to collect latent prints?

17 A There are.

18 Q What are those ways?

19 A We can either use latent print powder, and sometimes, depending on
20 the surfaces and the textures, we can use chemical -- chemicals to enhance the
21 prints.

22 Q Okay. Did you collect any latent prints in this case?

23 A I did.

24 Q What processes did you use to collect them?

25 A We did use cyanoacrylate which is also commonly known as

1 Super Glue, we did use that on some items, and we also used latent print powder.

2 Q So did you process those items on the crime scene or in the lab?

3 A No. They were done in the lab.

4 Q Okay. And can you tell us which items you were able to get latent
5 prints from?

6 A Let me think. I know we got prints off of the white plastic bucket. There
7 was a Coca-Cola cup that was near the victim, we got prints off of that, and also on
8 the fishing pole.

9 Q And were there any items that you attempted to get prints from and
10 were unable to?

11 A I believe, my recollection was I think there was a plastic drink lid that
12 appeared to go with the Coca-Cola cup and I don't think we got prints off of that.

13 Q And what would be a reason why you wouldn't get prints off of a
14 surface?

15 A Sometimes it just depends on the surface that we're looking at,
16 depends on the texture, also how big the surface is. Typically smaller surfaces are
17 a little more difficult to leave latent prints behind, also depends on a multitude of
18 things, it could be weather and also if the individual who touched those items has
19 excessively dry hands, I mean, that could be a factor as well.

20 Q So I want to talk about the items that you said you were able to get
21 latent prints from, you said that there was a Coca-Cola cup. Can you tell us what --
22 what procedure you used to process those latent prints?

23 A For that, the cup, we did use cyanoacrylate, the Super Glue. So we did
24 place that -- that goes into a Super Glue chamber and that item is placed in there
25 and we put a small amount of Super Glue on a aluminum tin that goes on to a heat

1 plate. Once the chamber heats up the Super Glue vaporizes and those vapors
2 adhere to any prints that are on that surface in the chamber.

3 Q And then what do you do after the Super Glue has adhered to the print?

4 A After they do adhere to the prints, we take a look at the item because
5 sometimes it doesn't work. In this particular case, I believe there was a print that
6 showed up. It turns white so you can visually see it, and then we attempted to
7 powder process that as well.

8 Q And how does powder processing work?

9 A Basically, you take a powder brush with the fingerprint powder and we
10 just powdered over the item that we process and sometimes it develops it better and
11 sometimes it doesn't.

12 Q If you see a latent print on an item what do you do next?

13 A After we do the chemical processing part, like, such as Super Glue, we
14 do photograph that first before we do move on to the powder processing. So that
15 gets photographed to document that. After we powder process it, if it develops
16 further, then sometimes we will photograph it or we will lift it with latent print tape.

17 Q And how does it work if you lift it with latent print tape?

18 A You take latent print tape which is like Scotch Tape, and you place it on
19 the print. We number it and we photograph the item with the tape on it and then we
20 lift it and place it on a latent print card and that gets impounded as evidence.

21 Q And what do you do with it after you impound it as evidence?

22 A After we get the latent print on the card we create a label that has the
23 event information on it. We initial on the label and on the latent print tape. We place
24 that into a latent print envelope and we write the event information on the outside
25 and we secure it with evidence tape and that gets logged into the evidence log and

1 dropped into a secure box as well.

2 Q And so, again, it's not your job to analyze them after that?

3 A No, it's not.

4 Q Okay. So you also said that you were able to recover a latent print from
5 the white bucket. Can you tell us what process you used to do that?

6 A The white bucket, we also did use Super Glue. I don't recall offhand if
7 we did get a visible print with that, I think we did. I know after that we did process it
8 with latent print powder and we did recover several prints off of that.

9 Q And you also said that you recovered a print from the fishing pole.
10 What method did you use to get that print?

11 A The fishing pole, we just used fingerprint powder just because of the
12 awkward size of the item. It wouldn't fit into the Super Glue chamber. Plus the
13 fishing pole is a small surface, so we decided just to powder that and we did get a
14 result of off that.

15 MS. DUNN: And, Sara, do you know how to clear the screen?

16 THE RECORDER: She has to do it from her screen.

17 THE MARSHAL: The bottom -- bottom left I believe --

18 THE RECORDER: I think it's the bottom right.

19 THE MARSHAL: Bottom right.

20 THE RECORDER: Randy will help you.

21 MS. DUNN: Maybe not my best move to have you draw on the screen.

22 THE RECORDER: He'll get it.

23 THE MARSHAL: No, it's okay. We just haven't been down here and used
24 these in a while.

25 MS. DUNN: Thank you.

1 THE MARSHAL: There you go. Bottom left.

2 THE WITNESS: Just right there? All right.

3 THE MARSHAL: Yeah, bottom left corner.

4 THE COURT: Thank you.

5 BY MS. DUNN:

6 Q So now I'm showing you what has been admitted by stipulation as
7 Exhibit Number 25. Is this the white bucket that you processed?

8 A It is.

9 Q And I'm showing you what has been admitted by stipulation as Exhibit
10 Number 26. Can you tell us what we're looking at there?

11 A That is the bottom of the -- the white bucket.

12 Q Okay. And what is -- it looks dirty. What's on there?

13 A That is fingerprint powder.

14 MS. DUNN: Court's brief indulgence.

15 We would pass the witness, Your Honor.

16 THE COURT: Thank you.

17 Cross-examination.

18 MR. MARCHESE: The defense has no questions, Your Honor.

19 THE COURT: Okay. All right. Officer Hawkes.

20 THE MARSHAL: Yeah.

21 THE COURT: There's a juror note.

22 Ladies and gentlemen, we're going to do a bench conference. So we
23 have to go down a little bit. But we'll be right back. I just want to remind you that
24 court still is in session and Officer Hawkes will remain in here. It's easier for us to
25 leave than to excuse you. So just give us a minute.

1 [Bench conference transcribed as follows:]

2 THE COURT: Okay. The record will reflect that the hearing is taking place
3 outside the presence of the jury panel. The attorneys are all present.

4 I have what's been marked as Court's Exhibit Number 2 from Juror
5 Number 7. It says, No prints on knife, question mark.

6 Does the State wish to be heard?

7 MS. MOORS: Yes, Your Honor. Lindsey Moors on behalf of the State. So I
8 think the gist of the question is she's wanting to know if there were prints on the
9 knife. I would not have an objection to it in that manner. As it reads right now I think
10 it's kind of confusing so we certainly could ask a follow-up question.

11 MR. MARCHESI: I don't -- does she have the knowledge on that?

12 MS. MOORS: She's the one that dusted, so she --

13 THE CLERK: Mic.

14 THE COURT: Okay. Here's my position, she's not the fingerprint expert.
15 She can't testify whether there were fingerprints on it or not. But I'm happy to ask
16 the question. I just think she'll respond with that's not my job.

17 MS. DUNN: Ann Dunn for the State. She was the one who -- who powdered
18 everything --

19 THE COURT: Right.

20 MS. DUNN: -- for prints, so I think she'll say that she didn't process it for
21 prints. I don't know for sure. But I think that that's what she'll say. And then I would
22 want to ask a follow-up of why not. Like --

23 THE COURT: Okay. So she didn't even process the knife for prints?

24 MS. DUNN: That's my understanding.

25 THE COURT: Okay. Okay. So any objection to the Court asking from the

1 defense?

2 MR. MARCHESE: No, Your Honor.

3 THE COURT: The State?

4 MS. MOORS: No objection by the State, Your Honor.

5 THE COURT: Okay. Then I'll ask it and then either side can have follow-up
6 after I ask her the question, both sides can.

7 MS. DUNN: Thank you.

8 [Bench conference ends]

9 THE COURT: Okay. Does the State stipulate to the presence of the panel?

10 MS. MOORS: Yes, Your Honor.

11 THE COURT: And Mr. Marchese?

12 MR. MARCHESE: Defense does, Your Honor.

13 THE COURT: Okay. At this time the Court is going to ask what's been
14 marked as Court's Exhibit Number 2. No prints on knife, question mark.

15 THE WITNESS: No.

16 THE COURT: Okay. Does the State have any follow-up for this witness?

17 MS. DUNN: Yes, Your Honor.

18 THE COURT: Okay.

19 MS. DUNN: Thank you.

20 BY MS. DUNN:

21 Q Did you process the knife for prints?

22 A We did not.

23 Q Why not?

24 A The condition of the knife, there was blood all over the handle and on
25 the blade. So we thought that swabbing for DNA would be a better, more suitable

1 process.

2 Q If you were to process for prints is there a chance that the DNA could
3 be compromised?

4 A It could.

5 MS. DUNN: Court's brief indulgence.

6 Nothing else, Your Honor.

7 THE COURT: Mr. Marchese.

8 MR. MARCHESE: No follow-up.

9 THE COURT: Okay. Thank you very much for your testimony here today.
10 You may step down. You are excused from your subpoena.

11 THE WITNESS: Thank you.

12 THE COURT: And the State may call their next witness.

13 MS. DUNN: Our next witness is Gayle Johnson.

14 **GAYLE JOHNSON,**

15 [having been called as a witness and first duly sworn, testified as follows:]

16 THE CLERK: You may be seated. Please state and spell your first and last
17 name for the record.

18 THE WITNESS: Gayle Johnson, G-A-Y-L-E, J-O-H-N -- sorry --
19 J-O-H-N-S-O-N.

20 **DIRECT EXAMINATION OF GAYLE JOHNSON**

21 BY MS. DUNN:

22 Q Thank you, Ms. Johnson. Can you please tell the ladies and gentlemen
23 of the jury how you are employed?

24 A Yes, I am a forensic scientist for the Las Vegas Metropolitan Police
25 Department assigned to the latent print detail.

1 Q And how long have you held that position?

2 A In July it will be 10 years.

3 Q What sort of education do you need in order to hold that position?

4 A I have a bachelor of science in natural science with an emphasis in
5 chemistry. I have worked over 20 years in scientific positions and once I was
6 promoted to the forensic trainee, I completed a two-year intensive program.

7 Q What are some of your job duties as a forensic scientist in the latent
8 print detail?

9 A So I will gather up evidence and take that into my possession or
10 transfer it to myself. I will examine this evidence to determine if there's enough
11 information in this evidence to make comparisons and make reliable conclusions
12 with this evidence. Once I'm able to do that I will generate reports. I testify in court.
13 I also complete what is called a technical review which is when one of my coworkers
14 does some of the same work I do in terms of an examination, I review their work to
15 make sure that everything is technically in order and that it does follow our policy.

16 I also process evidence, items of evidence that can be taken into a
17 laboratory to try and recover latent prints and then again I will do the same process
18 to see if there is enough information with the items that I have -- or with the prints
19 that I have recovered to make comparisons and generate conclusions and then
20 reports about this evidence.

21 Q Thank you. Now, I want to direct your attention to Metro event number
22 180701-3164. Were you assigned to work on that event number?

23 A Yes, I was.

24 Q And is a Metro event number kind of an internal way that Metro keeps
25 track of the cases?

1 A Yes.

2 Q So set the scene for us, when you're doing your work are you working
3 in the lab or on a crime scene?

4 A I do not work at the crime scenes. So I am in an office area at a desk
5 with the evidence.

6 Q And do you collect that evidence? Or is the evidence sent to you? Or
7 how does that work?

8 A I do not collect the evidence. Again, like I said earlier, one of my job
9 duties is I will take that evidence into my possession. In this case it was a packet of
10 evidence that is stored in a secure location at the forensic laboratory. And once I
11 get that packet, I will transfer it electronically with the evidence management
12 program so that it is in my possession.

13 Q So what evidence was in the packet that you received for this case?

14 A In this particular case the first time that I examined the evidence there
15 were four lift cards in the packet.

16 Q When you get those lift cards what do they look like?

17 A So the lift card is basically a 4-by-6 photograph with a glossy surface
18 and when the crime scene analyst collects the evidence that's placed on that
19 photograph they use powder and they will use tape, they'll lift it off that surface and
20 then they'll tape it on to that card. So what I'm looking at are lift cards.

21 Q So you have an actual card that's in front of you with a piece of tape on
22 top of it?

23 A Exactly.

24 Q Okay. And I believe you said that there were four cards. When you get
25 those cards do you know where they're from?

1 A Yes. On the card there will be a description of the location with the
2 other pertinent information. It has the crime scene analyst's name and their
3 P number and the event number and the date of the event.

4 Q So can you tell us where those four lift cards were from?

5 A If I could refer to my report?

6 Q Would it refresh your recollection?

7 A Yes, it would.

8 Q Please read your report silently to yourself and when you're done let me
9 know and I can ask if your memory has been refreshed.

10 Did that refresh your memory?

11 A Yes, it did.

12 Q Thank you. Where were those four lift cards from?

13 A Two of the lift cards were from a white plastic bucket, from the bottom
14 side. One -- the third card was from a blue fishing pole and the fourth card was from
15 a Coca-Cola can.

16 Q What do you do with the lift cards once you have them?

17 A So when I was first assigned this case it was called an administrative
18 AFIS case, which means that at this time there was not any subjects developed. So
19 what I'm doing is I'm looking at the evidence to make sure that the information that
20 is present is sufficient for me to enter these prints into a database to try to generate
21 a subject. So what I first do is I look at each card and I'm looking to make sure that
22 the information that's present on the card meets our administrative AFIS criteria.
23 Once that is decided then I will submit those prints into the database and perform a
24 search to try to find a match.

25 Q What sort of criteria needs to be met in order for a print to be sufficient

1 to go into the database?

2 A So since we are looking at two different areas of the skin, there's the
3 palm surface or the fingers. So for a finger we need -- actually, for both the finger
4 and the palm, we need to know the upright direction or the orientation. We need to
5 know the origin, like I said, a fingerprint or a palm. With the fingers there are three
6 basic pattern types: whirls, loops, and arches. So we need to know the pattern type
7 within one pattern or one reference. And then we also have to have the third criteria
8 is there needs to be eight discernible features or minutiae and what those features
9 are would be, for example, when with your friction ridge skin or that is the skin that is
10 on your hands and on your feet, there are ridges, they're raised ridges. And
11 sometimes these paths will go in a circle and they'll stop and sometimes they will
12 come together and meet. So where those little events take place we call those
13 features or minutiae.

14 So to meet the administrative AFIS criteria there needs to be at least
15 eight discernible features and discernible means that the clarity is clear and that the
16 distortion, like with smudging or changes in pressure is very minimal. So once that
17 criteria is met for the finger, then I can go ahead and say that I can submit that into
18 the database to conduct a search.

19 Q If those criteria are not met would you still submit the print into the
20 database?

21 A Not for administrative AFIS, no.

22 Q Why not?

23 A Basically because the information, so once -- once I have determined
24 that it is administrative -- suitable for administrative AFIS, the way that works is all
25 those features, if you can try to picture, will make, like, a constellation. So the

1 computer is actually using an algorithm where it will look at all those points where
2 they connect. It makes, like, triangles, if you can imagine. So if the information isn't
3 sufficient when I try to submit that into the computer the information that comes back
4 to me will not be as accurate. So if it doesn't meet the criteria then I don't -- I want --
5 I'm trying to get the most reliable results that I can.

6 Q So for these three lift -- or these four lift cards, excuse me, did all of
7 them meet the -- the criteria to enter into the database?

8 A Three of the cards did. Q -- so once -- also once I get the cards I mark
9 them with my own marking. So since there was four I had a Q1 through Q4 and so
10 Q1, Q2, and Q4 all met that criteria. Q3 did not.

11 Q Now we've been talking about you entering the -- into a database. Can
12 you tell us more about what this database is?

13 A So the database is called AFIS which stands for Automated Fingerprint
14 Identification System and this database contains several records, many, many
15 records. My records are in there because I work for Metro. So there are civilian
16 records, there's sheriff cards records. And so when I'm performing the search it's
17 going to look at all of those records. And so what it's doing is it's, again if you can
18 imagine, those features again are going to make, like, a constellation, a shape of
19 triangles. Once I submit that it's going to go -- the records are also going to be put
20 into that same type of pattern, so it's going to compare those shapes and the
21 relationships of those shapes together to generate a candidate list and we have a
22 default of ten. So what comes back to me is the top ten spots and that's what I will
23 see once the search is complete.

24 Q And when you say the top ten spots are those people? What is that?

25 A Well, the top -- what it will bring back to me are scores, so the top ten

1 scores and then it's related to a number which is then -- with that number is that
2 person's -- then I can take that number and go retrieve that record from the
3 database archive.

4 Q So do you get ten numbers?

5 A Yes.

6 Q Okay. And are each of those numbers related to a person?

7 A Yes.

8 Q And could those people be the same people or are they ten distinct
9 people?

10 A Most common it's the same, but if that person might have more than
11 one record sometimes in the one and two spot it could be the same person just
12 because those records might have some slight differences in parts of the area of the
13 skin that was reported with that record. But more commonly those ten spots are
14 different people.

15 Q Different people?

16 A Yes.

17 Q So what do you do now you have ten people, what's your next step to
18 determine whose print you have on the lift card?

19 A Well, so then what we do is we will look on the screen and just do a
20 comparison and what I will do is I will start with what we call a target group. A target
21 group could be like three features that might be close together and so what I will do
22 is I will go to the corresponding area in the record that says was the number one
23 candidate, for example, and I'll see if those three features are there. If they are then
24 I expand out around that area to try and find more and more features that are in
25 agreement. Once that I know that there are overwhelming agreement, then I will go

1 ahead and print out that record for that particular candidate and I will do a manual
2 comparison side by side with the known and the unknown to see if it indeed -- if the
3 agreement is indeed matching.

4 Q And when you say you'll print out the record, is that a print that's in the
5 database from -- that was taken previously?

6 A Correct.

7 Q So you print it out and then you compare the lift card to what you've
8 printed out?

9 A Yes.

10 Q Okay. And then -- and then what are you looking for when you do that?
11 How do you determine this is a match or this is not a match?

12 A Again, I'm going to repeat the same process. As I explained, when I'm
13 looking at the screen, I will start with the target group and I will -- if I start with three
14 features, I will, like I say, I will look on one edge of the print. If I find those three in
15 agreement, I will move away from there, expand on that target group and if there's
16 more in agreement, I'll keep moving until I've moved across the whole print and I've
17 found overwhelming features in agreement to where that I know that this is a
18 particular match.

19 Q If you find a match on the first person do you continue looking at the
20 other nine?

21 A No, we do not.

22 Q Did you find any matches in this case?

23 A Yes, I did.

24 Q Now, refer -- you said there were two lift cards from the bottom of the
25 bucket. Did you -- were -- excuse me -- were either of those matched to an

1 individual?

2 A Yes.

3 Q Who were they matched to?

4 A Shelbe Rivera.

5 Q Were they both matched to him?

6 A Yes.

7 Q Okay. So let's start with what you described as Q1, that was one lift
8 card from the bottom of the bucket. Did you run that through AFIS?

9 A I did.

10 Q Okay. And did you get any results?

11 A I did.

12 Q And who did it return to?

13 A That was Shelbe Rivera.

14 Q Then after you got that result did you do that manual comparison that
15 you talked about?

16 A I did.

17 Q Okay. And then for Q2, did you run that print through the AFIS
18 database?

19 A I did not run that print through the AFIS database.

20 Q Why not?

21 A So sometime -- what we will do most of the time to save us time and to
22 be more efficient, if we have generated a subject and we have another -- another
23 AFIS quality print, we will make that comparison to that person to rule out if this print
24 belongs to them or not. If it does then I can make another identification. If it does
25 not, then that's when I would enter that print into the AFIS database.

1 Q Even if you ran it through the AFIS database, would you still have to
2 make that manual comparison yourself?

3 A Oh, yes.

4 Q So once you have a subject do you kind of skip that database stuff and
5 just move on to the final step of checking it yourself?

6 A That is usually the process, that is usually my approach. But
7 sometimes if it's -- could be a nature of a rush case or something where the results
8 we need to find that time is of the essence, all of the quality prints that I have, I
9 might go ahead and submit them all into the database just so that I can get those --
10 those results back in an efficient time.

11 Q But in this case with Q2, you didn't submit it to the database, you just
12 went to the final step which is the ultimate what you have to do?

13 A Right.

14 Q Is that correct?

15 A That is correct.

16 Q Okay. Now, you said that you were also able to get a suitable print
17 from the Coca-Cola cup, did you run that through the database?

18 A I did run that through the database.

19 Q And did you get any results?

20 A Yes.

21 Q Who did that come back to?

22 A Juan Rincon. I don't know if I'm saying the last name correct, but
23 R-I-N-C-O-N.

24 Q So, again, when you got that result from the database did you do the
25 manual comparison yourself?

1 A Yes.

2 Q Okay. And you were able to determine that that was a match?

3 A Correct.

4 Q Earlier in your testimony you said, "The first time I examined the
5 evidence," did you examine this evidence a second time?

6 A I did.

7 Q And why is that?

8 A There was a second packet submitted and this packet actually
9 contained photographs of those same areas that the lift cards were taken from
10 except for there was one area that there was not a lift card for but only a
11 photograph. So I went ahead and examined all of those first four items again and
12 then there was one additional photograph that I added to that examination.

13 Q So in the second print -- or excuse me -- the second packet, they were
14 photographs of what you had already examined?

15 A Correct.

16 Q Okay. Can you -- can you -- can you make an analysis based on
17 photos?

18 A Yes.

19 Q Okay. So you said that four of them are ones that we've already
20 discussed?

21 A Correct.

22 Q And then there was one that we haven't talked about yet?

23 A Correct.

24 Q Okay. So that was a photograph and what was that a photograph of?

25 A I believe it was also on the Coca-Cola can.

1 Q And what did you do with that photograph once you had it?

2 A Well, now the second time when I had the examination, it was no longer
3 administrative AFIS or characterized as that because now we have subjects. So it
4 was a comparison case and so what we do when we have a comparison, we have
5 named subjects that we're going to look at. So since I already had those two
6 people, what I did was I compared that Q5, which was the fifth piece of evidence, to
7 those people.

8 Q And did -- did it match either or those people?

9 A Yes, it did. It was an identification to Juan Rincon.

10 MS. DUNN: Court's brief indulgence.

11 BY MS. DUNN:

12 Q So you've said that a few of these matched either Shelbe Rivera or
13 Juan Rincon, when you say they matched, what does that mean?

14 A It just means that, again, when I was discussing earlier about those
15 features, that the features that were in agreement between the unknown and the
16 known were so overwhelming that the likelihood that these prints would belong to
17 anyone else is negligible.

18 MS. DUNN: We would pass the witness, Your Honor.

19 THE COURT: Does the defense have any questions?

20 MR. MARCHESI: No, Your Honor.

21 THE COURT: Okay. All right. Thank you very much for your testimony here
22 today. You may step down.

23 THE WITNESS: Thank you.

24 THE COURT: You are excused from your subpoena.

25 At this time we're going to take a -- a recess. During this recess or

1 break you must not discuss or communicate with anyone including fellow jurors in
2 any way regarding the case or its merits either by voice, phone, e-mail, text, Internet
3 or other means of communication or social media; or read, watch, or listen to any
4 news or media accounts or commentary about the case; or do any research such as
5 consulting dictionaries, using the Internet or using reference materials or make any
6 investigation, test a theory of the case, re-create any aspect of the case, or in any
7 other way investigate or learn about the case on your own or form or express any
8 opinion regarding this case until it is finally submitted to you by the Court, and we'll
9 be in recess until 11:00 o'clock.

10 When we're ready to come back in, Officer Hawkes will -- we'll recess
11 for 15 minutes. I thought it was quarter 'til. Officer Hawkes will greet you and let
12 you know we're ready to begin. Thank you.

13 THE MARSHAL: All rise for the exiting jury please. Jurors.

14 [Recess at 10:52 a.m.; proceedings resumed at 11:13 a.m.]

15 [In the presence of the jury panel]

16 THE COURT: Does the State stipulate to the presence of the panel?

17 MS. MOORS: Yes, Your Honor.

18 THE COURT: And the defense?

19 MR. MARCHESE: Yes, Your Honor.

20 THE COURT: Thank you.

21 The State may call their next witness.

22 MS. DUNN: Jamelle Shannon.

23 **JAMELLE SHANNON,**

24 [having been called as a witness and first duly sworn, testified as follows:]

25 THE CLERK: You may be seated. Please state and spell your first and last

1 name for the record.

2 THE WITNESS: My name is Jamelle Shannon, J-A-M-E-L-L-E,
3 S-H-A-N-N-O-N.

4 **DIRECT EXAMINATION OF JAMELLE SHANNON**

5 BY MS. DUNN:

6 Q Good morning, Ms. Shannon. Can you please tell the jury how you are
7 employed?

8 A I am a senior crime scene analyst.

9 Q And how long have you held that position?

10 A I've been a senior for a year and a crime scene analyst for almost five
11 years.

12 Q Is that -- is a senior crime scene analyst one that you work your way up
13 to?

14 A Yes, it is.

15 Q Okay. What sort of education or training do you have to hold your
16 position?

17 A I have a bachelor's in political science from Wake Forest University. I
18 also graduated from the C.S.A. academy and did 13 weeks of field training.

19 Q And was that with Metro?

20 A Yes, it was.

21 Q What are some of your job duties as a senior crime scene analyst?

22 A As a senior crime scene analyst we arrive at crime scenes, we take
23 photographs to document the scene as well as doing notes and reports. Depending
24 on the type of crime, we'll also do a diagram and we collect evidence.

25 Q Do you ever respond to autopsies?

1 A Yes, we do.

2 Q Did you do that on July 2nd of 2018?

3 A Yes, I did.

4 Q Was that under Metro event number 180701-3164?

5 A Yes, it was.

6 Q And is a Metro event number just a way that Metro internally keeps
7 track of cases?

8 A Yes, it is.

9 Q Okay. So when you respond to an autopsy, who tells you to go there?

10 A If there's been a suspicious death or a homicide, we just know that
11 we're going to be going to autopsy the next day.

12 Q Okay. So that's common practice in any homicide, a C.S.A. will -- will
13 be at the autopsy?

14 A Yes, that's correct.

15 Q Okay. And when you attend an autopsy what are your duties?

16 A When we attend autopsy we'll photograph the body when it's in the
17 body bag as well as out of the body bag, clothed and unclothed, if they're wearing
18 clothes; document any injuries that they have, any marks or tattoos; as well collect
19 any evidence that might be from the body and their clothing.

20 Q And are those all things that you did in this case?

21 A Yes, it is.

22 Q Are there any things that you always collect?

23 A If there's clothing we'll always collect clothing. We'll always collect a
24 buccal swab. Depending on the -- if their hands were bagged, we'll the collect the
25 hand bags from the body as well as any swabs and fingernail clippings.

1 Q Now, I understand what clothing is. You said that you always get a
2 buccal swab. What is a buccal swab?

3 A So a buccal swab is basically collecting the DNA from the person. We
4 get -- they're kind of like little -- or slightly longer Q-tips. We'll swab the inner cheeks
5 of both sides of the mouth and that will be -- that's a buccal swab.

6 Q And what's the purpose of a buccal swab?

7 A The purpose of the buccal swab is to collect the DNA from the person
8 to identify who they are.

9 Q So do you do anything to analyze the DNA?

10 A I do not.

11 Q Okay. Is that something that you would send to someone else?

12 A Yes. We impound that buccal swab kit and then that gets analyzed by
13 our forensic lab.

14 Q Okay. You also said that you might collect hand bags. What are
15 those?

16 A So, hand bags are -- basically what they are they're -- they're paper
17 bags that go over each hand and that are tied at the end sometimes marked left and
18 right so that if there's any trace evidence on the hands that can be collected inside
19 the bag.

20 Q You also mentioned fingernail clippings. Is that something that you
21 always collect or only in certain circumstances?

22 A It's only in certain circumstances. If we believe -- if the hands are
23 bagged and we believe that the victim has been -- could potentially have been in a
24 fight with the suspect and maybe scratched them or collected some sort of DNA
25 under their fingernails, then we'll collect the fingernail clippings.

1 Q And did you do that in this case?

2 A Yes, I did.

3 Q Okay. And then you said that after you had the items you packaged
4 them; is that something that you do at the coroner's office or at your office?

5 A That's something that I'll do at the coroner's office. We have all the
6 items there in order to -- to -- to impound the items.

7 Q And what do you do after they're all packaged?

8 A After they're all packaged I will transport the -- the bags, the evidence
9 back to our office where I'll print out the labels, put evidence -- seal them with
10 evidence tape, sign them, and then impound them into our evidence locker.

11 Q And is that what you did in this case?

12 A Yes, it is.

13 MS. DUNN: Court's brief indulgence.

14 No further questions, Your Honor.

15 THE COURT: Okay. Thank you.

16 Any cross-examination?

17 MR. MARCHESE: No questions for this witness, Your Honor.

18 THE COURT: Okay. Thank you very much for your testimony here today.
19 You may step down and you are excused from your subpoena.

20 And the State may call their next witness.

21 MS. DUNN: Our next witness is Christina Martinez.

22 **OFFICER CHRISTINA MARTINEZ,**

23 [having been called as a witness and first duly sworn, testified as follows:]

24 THE CLERK: You may be seated. Please state and spell your first and last
25 name for the record.

1 THE WITNESS: Officer Christina Martinez, C-H-R-I-S-T-I-N-A, last name
2 M-A-R-T-I-N-E-Z.

3 **DIRECT EXAMINATION OF OFFICER CHRISTINA MARTINEZ**

4 BY MS. DUNN:

5 Q Good morning, Officer Martinez. Can you please tell the jury how
6 you're employed?

7 A I'm a detective with the I.A. Bureau and I was a police officer at the
8 time, patrol. I just went to my new unit in October.

9 Q So in October you moved over to -- what does I.A. stand for?

10 A Internal affairs.

11 Q Internal affairs. Prior to that you were a patrol officer?

12 A Yes, ma'am.

13 Q How long were you a patrol officer?

14 A About six and a half years.

15 Q Okay. So would you have been a patrol officer on July 2nd of 2018?

16 A Yes, ma'am.

17 Q Okay. What are some of your job duties as a patrol officer?

18 A We did service calls, assisting other officers. There's a list of stuff any
19 where from assisting citizens with anything from standbys to domestic disputes,
20 fights, shootings, stabbings, you name it.

21 Q Okay.

22 A Everything.

23 Q As a patrol officer are you kind of the one on the street?

24 A Yes.

25 Q Okay. So generally what we think of when we think of police work; is

1 that what a patrol officer would be doing?

2 A Yes, ma'am.

3 Q Okay. So on that day, July 2nd, 2018, did you respond to a call at
4 10950 West Charleston?

5 A Yes. The Best Buy?

6 Q Yes.

7 A Yes, ma'am.

8 Q I'm showing you what's been previously admitted by stipulation of the
9 parties as Exhibit Number 47. Now, directing your attention to this area over here, is
10 this where the Best Buy is located?

11 A Yes, ma'am. It's right off the 215 and Charleston.

12 Q Okay. And why did you respond to that address?

13 A I believe Best Buy was having -- it was a like a nuisance call. They
14 were wanting to get -- there was somebody in the store that was causing commotion
15 and they wanted him trespassed.

16 Q Okay. When you responded did you come into contact with that
17 person?

18 A I did. I found him outside. It was a gentleman with no shirt on.

19 Q Okay. Did -- did he identify himself?

20 A Not initially. I think I just kind of -- they -- how they described him is
21 who I had found. So then I pretty much told my dispatcher, I believe I have him
22 outside.

23 Q Okay.

24 A And I made contact.

25 Q Okay. Do you see that person here in the courtroom?

1 A I'm trying to -- I know everything's been arranged, or it's been --

2 Q I know, it is so weird. I'll stand over here so you can see everyone.

3 A I don't even know where the -- everybody is sitting right now.

4 THE COURT: Well, just take your time.

5 THE WITNESS: There's people blocked on that side so I can't see them.

6 BY MS. DUNN:

7 Q Are you able to stand up? Would that help you see?

8 A Am I able to stand up?

9 THE COURT: Absolutely.

10 THE WITNESS: Okay.

11 THE COURT: Go ahead.

12 THE WITNESS: Oh, yes, I do.

13 BY MS. DUNN:

14 Q Okay. Could you please point to the individual and tell me something
15 he's wearing?

16 A He is wearing, it looks like, a grey button-up collared shirt.

17 Q Is he wearing a mask?

18 A Yes, he is.

19 Q What color is his mask?

20 A Blue and white.

21 MS. DUNN: May the record reflect the identification of the defendant?

22 THE COURT: So reflected.

23 MS. DUNN: Thank you.

24 BY MS. DUNN:

25 Q And did you eventually learn what his name is?

1 A Yes.

2 Q And what was his name?

3 A I'm trying to remember. It was unique.

4 THE COURT: That's okay if you don't remember.

5 THE WITNESS: Sorry.

6 THE COURT: That's okay.

7 BY MS. DUNN:

8 Q Did -- but once you had his information, did you eventually run it
9 through your computer system?

10 A I did.

11 Q Is that something that you do as a standard practice?

12 A Yes.

13 Q Okay. So --

14 A We try and check on everyone to see who they are, where they're from.

15 Q And when you ran the defendant's information did anything come back
16 about a homicide case?

17 A I don't think initially it did. It just said to contact a detective I think. And
18 then --

19 Q Did it say that on July 2nd or is that something that you found out at a
20 later date?

21 A I don't recall on the date. I think it was a later date.

22 Q Okay. So at that point on July 2nd did -- did you have any reason to
23 believe that the defendant was a suspect in a homicide investigation?

24 A No.

25 Q Okay. Did the defendant tell you where he was staying?

1 A He did not say he was staying anywhere. He said he had come from
2 California. He just wanted to get back.

3 Q Back?

4 A Back to either Barstow or Victorville, it was in California.

5 Q Somewhere in California?

6 A Yes.

7 Q Did you do anything to try and help him with that goal?

8 A I did. I was just trying to get information of, like, why he didn't have a
9 shirt on, if he -- and there was a gentleman who passed by who offered to get him a
10 shirt at a store which was very nice. And I was like, yeah, that'd be great, you know,
11 I'll keep talking to him while he got him -- and I believe he got him a shirt. I tried to
12 find out if he was sleeping anywhere, if there was anything I could do to help him
13 out.

14 Q At some point did you notice what looked like blood on his pants?

15 A Yes.

16 Q Did you ask him about it?

17 A I did.

18 Q And what did he say?

19 A He said it was blood.

20 Q Did he tell you where it had come from?

21 A I think he was just kind of like confused, but I don't recall exactly what
22 he said. But he did say that it was blood and I had asked him if he was injured or
23 hurt and if he needed medical.

24 Q Okay.

25 MS. DUNN: Could we switch over to the video?

1 THE RECORDER: Sure.

2 MS. DUNN: Thank you.

3 BY MS. DUNN:

4 Q So I'm going to show you a portion of what has previously been
5 admitted by stipulation of the parties as Exhibit 1. This is -- it's a longer video, so
6 the jury will have it with them in their deliberations if they want to watch the entire
7 thing. But for the sake of time I'm going to play a smaller portion of it for you here in
8 court today.

9 A Okay.

10 MS. MOORS: Court's indulgence.

11 BY MS. DUNN:

12 Q Do you recognize what this view is of?

13 A Yes.

14 Q Where is it from?

15 A It's my body-worn camera. I wear it on my left shoulder and that's
16 going towards the Best Buy, towards the call.

17 Q Okay. So is a body-worn camera something that you would wear
18 everyday as a patrol officer?

19 A Yes, ma'am.

20 Q Okay. Is it constantly recording or when does it start recording?

21 A As soon as I get a call I turn it on.

22 Q Okay. So, I mean, we can see that we're a few minutes into -- into this
23 body-worn camera. Like I said, I'm just playing a small clip of it. So you would have
24 started this video or this -- this recording from your body-worn camera prior to right
25 now?