

In the Supreme Court of the State of Nevada

Jemar Matthews,

Appellant

v.

State of Nevada,

Respondent

Electronically Filed  
Supreme Court Case No. 84339  
Jul 13 2022 12:30 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Appeal from Judgment of  
Conviction of Eighth Judicial  
District Court, Clark County, in  
Case No.: 06C228460-2

**Appellant's Appendix  
Volume 1**

/s/ Todd M Leventhal

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702-472-8686  
Attorney for Appellant

**Appellant's Appendix**  
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## CERTIFICATE OF SERVICE

The undersigned, an employee of Leventhal and Associates, hereby certifies that she served the foregoing on the State by delivering a true and correct copy of it on July 13, 2022, to the following persons via electronic service through the Nevada Supreme Court electronic filing system.

Steven S. Owens

Chief Deputy District Attorney

Adam Paul Laxalt

Attorney General / Carson City

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Jemar Matthews

Reg. No.:1014654

PO Box 650

Indian Springs NV 89070-0650

/s/ Maribel Godinez

An Employee of Leventhal and Associates

## REGISTER OF ACTIONS

**CASE No. 06C228460-2**

## The State of Nevada vs Jemar D Matthews























Case Type: **Felony/Gross Misdemeanor**

Date Filed: 12/04/2006

Location: **Department 12**

Cross-Reference Case Number: **C228460**

Defendant's Scope ID #: 1956579

ITAG Booking Number: 7

ITAG Case ID: 2244472

Lower Court Case # Root: 06F19196

Lower Court Case Number: 06F19196B

Supreme Court No.: **62241**

66844

77751

84339

### RELATED CASE INFORMATION

## Related Cases

06C228460-1 (Multi-Defendant Case)

## PARTY INFORMATION

**Defendant**      **Matthews, Jemar** *Also Known As* **Matthews, Jemar Demon**

**Lead Attorneys**  
**Todd M. Leventhal**  
*Court Appointed*  
702-472-8686(W)

**Plaintiff**                      **State of Nevada**

**Steven B Wolfson**  
702-671-2700(W)

### CHARGE INFORMATION

**Charges: Matthews, Jemar**

1. CONSPIRACY TO COMMIT MURDER	200.010	Felony	01/01/1900
2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON	200.030.1	Felony	01/01/1900
3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	Felony	01/01/1900
4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	Felony	01/01/1900
5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	200.010	Felony	01/01/1900
6. POSSESSION OF SHORT BARRELED RIFLE	202.275	Felony	01/01/1900
7. CONSPIRACY TO COMMIT ROBBERY	200.380	Felony	01/01/1900
8. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	01/01/1900
9. ROBBERY WITH USE OF A DEADLY WEAPON	200.380	Felony	01/01/1900
10. ASSAULT WITH A DEADLY WEAPON	200.471.2b	Felony	01/01/1900
11. ASSAULT WITH A DEADLY WEAPON	200.471.2b	Felony	01/01/1900

## EVENTS & ORDERS OF THE COURT

## DISPOSITIONS

01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 6. POSSESSION OF SHORT BARRELED RIFLE Guilty

**Bates No. 0001**

01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 7. CONSPIRACY TO COMMIT ROBBERY Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 8. ROBBERY WITH USE OF A DEADLY WEAPON Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 9. ROBBERY WITH USE OF A DEADLY WEAPON Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 10. ASSAULT WITH A DEADLY WEAPON Guilty
01/01/1900	<b>Plea</b> (Judicial Officer: User, Conversion) 11. ASSAULT WITH A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 6. POSSESSION OF SHORT BARRELED RIFLE Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 7. CONSPIRACY TO COMMIT ROBBERY Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 8. ROBBERY WITH USE OF A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 9. ROBBERY WITH USE OF A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 10. ASSAULT WITH A DEADLY WEAPON Guilty
07/09/2007	<b>Disposition</b> (Judicial Officer: User, Conversion) 11. ASSAULT WITH A DEADLY WEAPON Guilty
07/09/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT MURDER Converted Disposition: Sentence# 0001: Minimum 26 Months to Maximum 120 Months Placement: NSP Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 300 Days to Maximum 300 Days Converted Disposition: Sentence# 0003: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0004: ADMINISTRATION FEE Amount: \$25.00
07/09/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001
07/09/2007	<b>Sentence</b> (Judicial Officer: User, Conversion) 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Converted Disposition:

**Bates No. 0002**

	<p>Sentence# 0001: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0005 and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0007 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0007 and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0011 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0011 and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0015 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>6. POSSESSION OF SHORT BARRELED RIFLE</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 12 Months to Maximum 48 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0015 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>7. CONSPIRACY TO COMMIT ROBBERY</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 12 Months to Maximum 72 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0019 and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: Minimum 12 Months to Maximum 72 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0020 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>8. ROBBERY WITH USE OF A DEADLY WEAPON</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0020 and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0022 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>9. ROBBERY WITH USE OF A DEADLY WEAPON</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0022 and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0024 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>10. ASSAULT WITH A DEADLY WEAPON</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 16 Months to Maximum 72 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0024 and Sentence#: 0001</p>
07/09/2007	<p><b>Sentence</b> (Judicial Officer: User, Conversion)</p> <p>11. ASSAULT WITH A DEADLY WEAPON</p> <p>Converted Disposition:</p> <p>Sentence# 0001: Minimum 16 Months to Maximum 72 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0026 and Sentence#: 0001</p>
03/31/2017	<p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded</p> <p>1. CONSPIRACY TO COMMIT MURDER</p> <p>Appeal Reversed/Remanded</p>
03/31/2017	<p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded</p> <p>2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON</p> <p>Appeal Reversed/Remanded</p>
03/31/2017	<p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded</p> <p>3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Appeal Reversed/Remanded</p>
03/31/2017	<p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded</p> <p>4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Appeal Reversed/Remanded</p>
03/31/2017	<p><b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded</p>

**Bates No. 0003**

	5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Appeal Reversed/Remanded
03/31/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 6. POSSESSION OF SHORT BARRELED RIFLE Appeal Reversed/Remanded
03/31/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 7. CONSPIRACY TO COMMIT ROBBERY Appeal Reversed/Remanded
03/31/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 8. ROBBERY WITH USE OF A DEADLY WEAPON Appeal Reversed/Remanded
03/31/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 9. ROBBERY WITH USE OF A DEADLY WEAPON Appeal Reversed/Remanded
03/31/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 10. ASSAULT WITH A DEADLY WEAPON Appeal Reversed/Remanded
03/31/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 11. ASSAULT WITH A DEADLY WEAPON Appeal Reversed/Remanded
03/31/2017	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 1. CONSPIRACY TO COMMIT MURDER
03/31/2017	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON
03/31/2017	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
03/31/2017	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 9. ROBBERY WITH USE OF A DEADLY WEAPON
03/31/2017	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 10. ASSAULT WITH A DEADLY WEAPON
03/31/2017	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 11. ASSAULT WITH A DEADLY WEAPON
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 1. CONSPIRACY TO COMMIT MURDER Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 6. POSSESSION OF SHORT BARRELED RIFLE Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 7. CONSPIRACY TO COMMIT ROBBERY Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 8. ROBBERY WITH USE OF A DEADLY WEAPON Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 9. ROBBERY WITH USE OF A DEADLY WEAPON Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 10. ASSAULT WITH A DEADLY WEAPON Charge Reinstated
09/15/2017	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Charge(s) Reinstated 11. ASSAULT WITH A DEADLY WEAPON Charge Reinstated

10/03/2018	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 1. CONSPIRACY TO COMMIT MURDER Guilty
10/03/2018	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON Guilty
10/03/2018	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
10/03/2018	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
10/03/2018	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 10. ASSAULT WITH A DEADLY WEAPON Guilty
10/03/2018	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 11. ASSAULT WITH A DEADLY WEAPON Guilty
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 6. POSSESSION OF SHORT BARRELED RIFLE
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 7. CONSPIRACY TO COMMIT ROBBERY
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 8. ROBBERY WITH USE OF A DEADLY WEAPON
08/04/2020	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 1. CONSPIRACY TO COMMIT MURDER Appeal Reversed/Remanded
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 1. CONSPIRACY TO COMMIT MURDER
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 9. ROBBERY WITH USE OF A DEADLY WEAPON
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 10. ASSAULT WITH A DEADLY WEAPON
08/04/2020	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Appeal Reversed/Remanded 11. ASSAULT WITH A DEADLY WEAPON
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 6. POSSESSION OF SHORT BARRELED RIFLE Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 7. CONSPIRACY TO COMMIT ROBBERY Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 8. ROBBERY WITH USE OF A DEADLY WEAPON Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 9. ROBBERY WITH USE OF A DEADLY WEAPON Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 1. CONSPIRACY TO COMMIT MURDER Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON



	Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 10. ASSAULT WITH A DEADLY WEAPON Guilty
11/15/2021	<b>Amended Disposition</b> (Judicial Officer: User, Conversion) Reason: Amended 11. ASSAULT WITH A DEADLY WEAPON Guilty
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 1. CONSPIRACY TO COMMIT MURDER Sentenced to Nevada Dept. of Corrections Term: Minimum:26 Months, Maximum:120 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 2. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:20 Years Consecutive Enhancement:for use of a deadly weapon, Life with the possibility of parole after:20 Years
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 3. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:48 Months, Maximum:240 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:48 Months, Maximum:240 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 4. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:48 Months, Maximum:240 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:48 Months, Maximum:240 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 5. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:48 Months, Maximum:240 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:48 Months, Maximum:240 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 6. POSSESSION OF SHORT BARRELED RIFLE Sentenced to Nevada Dept. of Corrections Term: Minimum:12 Months, Maximum:48 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 7. CONSPIRACY TO COMMIT ROBBERY Sentenced to Nevada Dept. of Corrections Term: Minimum:12 Months, Maximum:72 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 8. ROBBERY WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:40 Months, Maximum:180 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:40 Months, Maximum:180 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 9. ROBBERY WITH USE OF A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:40 Months, Maximum:180 Months Consecutive Enhancement:for use of a deadly weapon, Minimum:40 Months, Maximum:180 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 10. ASSAULT WITH A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:16 Months, Maximum:72 Months
02/04/2022	<b>Amended Sentence</b> (Judicial Officer: User, Conversion) Reason: Defendant Resentenced 11. ASSAULT WITH A DEADLY WEAPON Sentenced to Nevada Dept. of Corrections Term: Minimum:16 Months, Maximum:72 Months Credit for Time Served: 5607 Days Comments: ALL COUNTS CONCURRENT WITH COUNT 2 Comment (\$25 ADM; \$150 DNAF; \$3.00 DNA Collection fee)

**OTHER EVENTS AND HEARINGS**

12/04/2006 **Criminal Bindover Doc ID# 1**  
[1] CRIMINAL BINDOVER Fee \$0.00

**Bates No. 0006**

	06C228460-20001.tif pages
12/04/2006	<b>Hearing Doc ID# 2</b> [2] INITIAL ARRAIGNMENT 06C228460-20002.tif pages
12/07/2006	<b>Information Doc ID# 3</b> [3] INFORMATION 06C228460-20005.tif pages
12/07/2006	<b>Conversion Case Event Type Doc ID# 22</b> [22] INFORMATION CORRECTED IN OPEN COURT 06C228460-20032.tif pages
12/11/2006	<b>Initial Arraignment</b> (10:30 AM) () INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams <a href="#">Parties Present</a> <a href="#">Minutes</a>
01/03/2007	Result: Matter Heard <b>Media Request and Order Doc ID# 4</b> [4] MEDIA REQUEST AND ORDER 06C228460-20009.tif pages
01/26/2007	<b>Expert Witness List Doc ID# 5</b> [5] NOTICE OF EXPERT WITNESSES 06C228460-20010.tif pages
02/02/2007	<b>Order Doc ID# 6</b> [6] ORDER - RELATED PARTYID: 06C228460_0002 06C228460-20011.tif pages
02/02/2007	<b>Application Doc ID# 7</b> [7] EX PARTE APPLICATION TO APPOINT INVESTIGATOR - RELATED PARTYID: 06C228460_0002 06C228460-20012.tif pages
02/07/2007	<b>Calendar Call</b> (9:00 AM) () CALENDAR CALL Court Clerk: Katherine Streuber Reporter/Recorder: Richard Kangas Heard By: Elizabeth Halverson <a href="#">Parties Present</a> <a href="#">Minutes</a>
02/12/2007	Result: Matter Heard <b>CANCELED Jury Trial</b> (1:30 PM) () <i>Vacated</i> Result: Vacate
03/23/2007	<b>Application Doc ID# 8</b> [8] EX PARTE APPLICATION FOR COURT APPROVAL OF PAYMENT OF SPECIFIC CATEGORIES OF ANCILLARY DEFENSE COSTS ANCILLARY DEFENSE COSTS- RELATED PARTYID: 06C228460_0002 06C228460-20015.tif pages
03/23/2007	<b>Order Doc ID# 9</b> [9] ORDER - RELATED PARTYID: 06C228460_0002 06C228460-20016.tif pages
04/11/2007	<b>Motion Doc ID# 10</b> [10] STATE'S MTN TO COMPEL BUCCAL SWABS /6 06C228460-20017.tif pages
04/11/2007	<b>Calendar Call</b> (8:30 AM) () CALENDAR CALL Heard By: Elizabeth Halverson Result: Matter Continued
04/11/2007	<b>Motion to Compel</b> (8:30 AM) () STATE'S MTN TO COMPEL BUCCAL SWABS /6 Heard By: Elizabeth Halverson Result: Matter Continued
04/13/2007	<b>Certificate Doc ID# 11</b> [11] CERTIFICATE OF FACSIMILE TRANSMISSION 06C228460-20018.tif pages
04/16/2007	<b>Motion to Compel</b> (8:30 AM) () STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Richard Kangas Heard By: Halverson, Elizabeth <a href="#">Parties Present</a> <a href="#">Minutes</a>
04/18/2007	Result: Matter Continued <b>Motion to Compel</b> (8:30 AM) () STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Denice Lopez Heard By: Halverson, Elizabeth <a href="#">Parties Present</a> <a href="#">Minutes</a>
04/20/2007	Result: Matter Continued <b>Order Doc ID# 12</b> [12] ORDER TO COMPEL IMMEDIATE PRODUCTION OF PRELIMINARY HEARING TRANSCRIPTS - RELATED PARTYID: 06C228460_0002 06C228460-20019.tif pages
04/20/2007	<b>Motion to Compel</b> (8:30 AM) () STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Pamela Humphrey Heard By: Elizabeth Halverson <a href="#">Parties Present</a> <a href="#">Minutes</a>
04/24/2007	Result: Matter Continued <b>Reporters Transcript Doc ID# 13</b> [13] REPORTER'S TRANSCRIPT PRELIMINARY HEARING 06C228460-20020.tif pages
04/25/2007	<b>Expert Witness List Doc ID# 14</b>

Bates No. 0007

	[14] NOTICE OF EXPERT WITNESS 06C228460-20021.tif pages
04/25/2007	<b>Expert Witness List Doc ID# 15</b> [15] NOTICE OF WITNESSES 06C228460-20022.tif pages
04/25/2007	<b>Expert Witness List Doc ID# 16</b> [16] SUPPLEMENTAL NOTICE OF EXPERT WITNESS 06C228460-20023.tif pages
05/02/2007	<b>Order Doc ID# 17</b> [17] ORDER 06C228460-20026.tif pages
05/02/2007	<b>Expert Witness List Doc ID# 18</b> [18] SUPPLEMENTAL NOTICE OF WITNESSES 06C228460-20027.tif pages
05/02/2007	<b>Calendar Call (8:30 AM) ()</b> CALENDAR CALL Heard By: David Barker Result: Matter Continued
05/02/2007	<b>Calendar Call (8:30 AM) ()</b> CALENDAR CALL Heard By: David Barker Result: Matter Continued
05/02/2007	<b>Calendar Call (8:30 AM) ()</b> CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David <a href="#">Parties Present</a> <a href="#">Minutes</a>
05/04/2007	Result: Matter Continued <b>Calendar Call (8:30 AM) ()</b> CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker <a href="#">Parties Present</a> <a href="#">Minutes</a>
05/07/2007	Result: Matter Heard <b>Supplement Doc ID# 19</b> [19] SUPPLEMENTAL NOTICE OF WITNESS 06C228460-20028.tif pages
05/07/2007	<b>Order Doc ID# 25</b> [25] STIPULATION AND ORDER 06C228460-20035.tif pages
05/07/2007	<b>Jury Trial (1:00 PM) ()</b> TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David <a href="#">Parties Present</a> <a href="#">Minutes</a>
05/08/2007	Result: Matter Continued <b>Media Request and Order Doc ID# 20</b> [20] MEDIA REQUEST AND ORDER 06C228460-20030.tif pages
05/08/2007	<b>Order Doc ID# 21</b> [21] ORDER 06C228460-20031.tif pages
05/08/2007	<b>Media Request and Order Doc ID# 23</b> [23] MEDIA REQUEST TO COURT PROCEEDINGS 06C228460-20033.tif pages
05/08/2007	<b>Jury List Doc ID# 24</b> [24] DISTRICT COURT JURY LIST 06C228460-20034.tif pages
05/08/2007	<b>Brief Doc ID# 31</b> [31] BENCH BRIEF - RELATED PARTYID: 06C228460_0002 06C228460-20041.tif pages
05/08/2007	<b>Jury Trial (10:00 AM) ()</b> TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David <a href="#">Parties Present</a> <a href="#">Minutes</a>
05/09/2007	Result: Matter Continued <b>Opposition Doc ID# 32</b> [32] STATES CONSOLIDATED OPPOSITION TO DEFENDANTS MOTIONS IN LIMINE 06C228460-20042.tif pages
05/09/2007	<b>Proposed Jury Instructions Not Used At Trial Doc ID# 33</b> [33] PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL 06C228460-20043.tif pages
05/09/2007	<b>Jury Trial (9:30 AM) ()</b> TRIAL BY JURY Relief Clerk: Chanel West (1:05PM -2:05PM) Reporter/Recorder: Richard Kangas/Francesca Haak Heard By: Barker, David <a href="#">Parties Present</a> <a href="#">Minutes</a>
05/10/2007	Result: Matter Continued <b>Subpoena Duces Tecum Doc ID# 26</b> [26] SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460_0002 06C228460-20036.tif pages
05/10/2007	<b>Subpoena Duces Tecum Doc ID# 27</b> [27] SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460_0002 06C228460-20037.tif pages
05/10/2007	<b>Subpoena Duces Tecum Doc ID# 28</b>

Bates No. 0008

05/10/2007 [28] SUBPOENA DUCES TECUM  
06C228460-20038.tif pages  
**Subpoena Duces Tecum Doc ID# 29**  
[29] SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460\_0002  
06C228460-20039.tif pages

05/10/2007 **Subpoena Duces Tecum Doc ID# 30**  
[30] SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460\_0002  
06C228460-20040.tif pages

05/10/2007 **Jury Trial (9:30 AM) ()**  
TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

05/11/2007 **Instructions to the Jury Doc ID# 34**  
[34] INSTRUCTIONS TO THE JURY  
06C228460-20044.tif pages

05/11/2007 **Conversion Case Event Type Doc ID# 36**  
[36] SENTENCING (VL 6/25/07)  
06C228460-20047.tif pages

05/11/2007 **Judgment Doc ID# 37**  
[37] VERDICT  
06C228460-20048.tif pages

05/11/2007 **Judgment Doc ID# 38**  
[38] VERDICT  
06C228460-20049.tif pages

05/11/2007 **Proposed Jury Instructions Not Used At Trial Doc ID# 40**  
[40] DEFENDANTS PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL  
06C228460-20051.tif pages

05/11/2007 **Jury Trial (9:30 AM) ()**  
TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

05/14/2007 **Order Doc ID# 35**  
[35] ORDER APPOINTMENT COUNSEL - RELATED PARTYID: 06C228460\_0001  
06C228460-20045.tif pages

05/14/2007 **Amended Jury List Doc ID# 39**  
[39] AMENDED CRIMINAL JURY LIST  
06C228460-20050.tif pages

05/21/2007 **Motion Doc ID# 41**  
[41] DEFT'S MTN FOR NEW TRIAL /9  
06C228460-20052.tif pages

05/23/2007 **Certificate Doc ID# 42**  
[42] CERTIFICATE OF MAILING - RELATED PARTYID: 06C228460\_0002  
06C228460-20053.tif pages

06/01/2007 **Opposition Doc ID# 43**  
[43] STATES OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL  
06C228460-20054.tif pages

06/04/2007 **Motion for New Trial (8:30 AM) ()**  
DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

06/07/2007 **Application Doc ID# 44**  
[44] EX PARTE APPLICATION FOR ADDITIONAL INVESTIGATIVE FEES - RELATED PARTYID: 06C228460\_0002  
06C228460-20055.tif pages

06/07/2007 **Order Doc ID# 45**  
[45] ORDER - RELATED PARTYID: 06C228460\_0002  
06C228460-20056.tif pages

06/08/2007 **Motion for New Trial (8:15 AM) ()**  
DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

06/12/2007 **Reporters Transcript Doc ID# 46**  
[46] REPORTER'S TRANSCRIPT PORTION OF JURY TRIAL DAY 5  
06C228460-20057.tif pages

06/18/2007 **Sentencing (8:30 AM) ()**  
SENTENCING (VL 6/25/07)  
Result: Matter Continued

06/25/2007 **Conversion Case Event Type Doc ID# 47**  
[47] SENTENCING  
06C228460-20059.tif pages

06/25/2007 **Conversion Case Event Type Doc ID# 48**  
[48] SENTENCING  
06C228460-20060.tif pages

07/02/2007 **Sentencing (8:15 AM) ()**  
SENTENCING (VL 6/25/07)  
Result: Vacate

07/02/2007 **Motion for New Trial (8:15 AM) ()**

Bates No. 0009

DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker  
Result: Matter Continued

07/09/2007 **Reply Doc ID# 50**  
[50] REPLY TO STATES OPPOSITION TO MOTION FOR NEW TRIAL - RELATED PARTYID: 06C228460\_0002  
06C228460-20062.tif pages

07/09/2007 **Motion for New Trial (8:15 AM) ()**  
DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker  
Result: Denied

07/09/2007 **Sentencing (8:15 AM) ()**  
SENTENCING Heard By: David Barker  
Result: Granted

07/09/2007 **Sentencing (8:15 AM) ()**  
SENTENCING Heard By: David Barker  
Result: Granted

07/09/2007 **All Pending Motions (8:15 AM) ()**  
ALL PENDING MOTIONS (07-09-07) Relief Clerk: Carol Donahoo Reporter/Recorder: Richard Kangas Heard By: David Barker  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Heard

07/11/2007 **Motion Doc ID# 49**  
[49] ALL PENDING MOTIONS (07-09-07)  
06C228460-20061.tif pages

07/17/2007 **Judgment Doc ID# 51**  
[51] JUDGMENT OF CONVICTION/ADMIN ASSESSMENT  
06C228460-20064.tif pages

07/17/2007 **Judgment Doc ID# 52**  
[52] JUDGMENT OF CONVICTION/RESTITUTION  
06C228460-20065.tif pages

07/17/2007 **Judgment Doc ID# 53**  
[53] JUDGMENT OF CONVICTION/GENETIC TESTING  
06C228460-20066.tif pages

07/17/2007 **Judgment Doc ID# 54**  
[54] JUDGMENT OF CONVICTION/ADMIN ASSESSMENT  
06C228460-20067.tif pages

07/17/2007 **Judgment Doc ID# 55**  
[55] JUDGMENT OF CONVICTION/GENETIC TESTING  
06C228460-20068.tif pages

07/30/2007 **Notice of Appeal Doc ID# 56**  
[56] NOTICE OF APPEAL (SC 49947) - RELATED PARTYID: 06C228460\_0001  
06C228460-20069.tif pages

08/06/2007 **Statement Doc ID# 57**  
[57] CASE APPEAL STATEMENT - RELATED PARTYID: 06C228460\_0001  
06C228460-20070.tif pages

08/17/2007 **Notice of Appeal Doc ID# 58**  
[58] NOTICE OF APPEAL (SC 50052) - RELATED PARTYID: 06C228460\_0002  
06C228460-20071.tif pages

08/17/2007 **Statement Doc ID# 59**  
[59] CASE APPEAL STATEMENT - RELATED PARTYID: 06C228460\_0002  
06C228460-20072.tif pages

09/17/2007 **Order Doc ID# 60**  
[60] ORDER - RELATED PARTYID: 06C228460\_0002  
06C228460-20073.tif pages

10/08/2007 **Order Doc ID# 61**  
[61] NUNC PRO TUNC ORDER OF APPOINTMENT - RELATED PARTYID: 06C228460\_0002  
06C228460-20074.tif pages

01/24/2008 **Hearing Doc ID# 62**  
[62] DEFT'S REQUEST STATUS CHECK: CUSTODY  
06C228460-20075.tif pages

01/28/2008 **Request (8:15 AM) ()**  
DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: Barker, David  
[Parties Present](#)  
[Minutes](#)  
Result: Matter Continued

02/01/2008 **Request (8:15 AM) ()**  
DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker  
[Parties Present](#)  
[Minutes](#)  
Result: Off Calendar

03/10/2008 **Hearing Doc ID# 63**  
[63] AT REQ OF SUPREME COURT: APPOINTMENT OF COUNSEL/14  
06C228460-20076.tif pages

03/12/2008 **Order Doc ID# 64**  
[64] ORDER FOR PRODUCTION OF INMATE  
06C228460-20077.tif pages

03/26/2008 **Hearing Doc ID# 65**  
[65] STATUS CHECK: CONFIRMATION OF COUNSEL (J. PARRIS)  
06C228460-20078.tif pages

03/26/2008 **Hearing Doc ID# 66**  
[66] STATUS CHECK: FURTHER PROCEEDINGS  
06C228460-20079.tif pages

03/26/2008 **Request of Court (8:15 AM) ()**

	AT REQ OF SUPREME COURT: APPOINTMENT OF COUNSEL/14 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Matter Heard
03/28/2008	<b>Motion Doc ID# 67</b>
	[67] ALL PENDING MOTIONS 03-28-08
	06C228460-20080.tif pages
03/28/2008	<b>Status Check (8:15 AM) ()</b>
	STATUS CHECK: CONFIRMATION OF COUNSEL (J. PARRIS) Heard By: David Barker
	Result: Granted
03/28/2008	<b>Status Check (8:15 AM) ()</b>
	STATUS CHECK: FURTHER PROCEEDINGS
03/28/2008	<b>All Pending Motions (8:00 AM) ()</b>
	ALL PENDING MOTIONS 03-28-08 Court Clerk: Sandra Anderson Reporter/Recorder: Richard Kangas Heard By: David Barker
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Matter Heard
04/07/2008	<b>Order Doc ID# 68</b>
	[68] ORDER APPOINTING COUNSEL - RELATED PARTYID: 06C228460_0001
	06C228460-20083.tif pages
06/13/2008	<b>Reporters Transcript Doc ID# 69</b>
	[69] REPORTER'S TRANSCRIPT STATES MOTION TO COMPEL BUCCAL SWABS
	06C228460-20084.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 70</b>
	[70] REPORTER'S TRANSCRIPT JURY TRIAL DAY 1
	06C228460-20085.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 71</b>
	[71] REPORTER'S TRANSCRIPT JURY TRIAL DAY 3
	06C228460-20086.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 72</b>
	[72] REPORTER'S TRANSCRIPT JURY TRIAL DAY 5
	06C228460-20087.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 73</b>
	[73] REPORTER'S TRANSCRIPT JURY TRIAL DAY 2
	06C228460-20088.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 74</b>
	[74] REPORTER'S TRANSCRIPT JURY TRIAL DAY 4
	06C228460-20089.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 75</b>
	[75] REPORTER'S TRANSCRIPT DEFTS MTN FOR NEW TRIAL JEMAR MATTHEWS SENTENCING JEMAR MATTHEWS SENTENCING PIERRE JOSH LIN MATTHEWS SENTENCING PIERRE JOSH LIN
	06C228460-20090.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 76</b>
	[76] REPORTER'S TRANSCRIPT CALENDAR CALL
	06C228460-20091.tif pages
07/11/2008	<b>Reporters Transcript Doc ID# 77</b>
	[77] REPORTER'S TRANSCRIPT DEFENDANTS MOTION FOR A NEW TRIAL
	06C228460-20092.tif pages
07/14/2008	<b>Certificate Doc ID# 78</b>
	[78] CERTIFICATE OF MAILING
	06C228460-20093.tif pages
08/30/2008	<b>Petition Doc ID# 79</b>
	[79] PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 06C228460_0001
	06C228460-20094.tif pages
09/11/2008	<b>Hearing Doc ID# 80</b>
	[80] SUPREME COURT REMAND: APPOINT NEW APPELLET COUNSEL/18
	06C228460-20095.tif pages
09/24/2008	<b>Request of Court (8:15 AM) ()</b>
	SUPREME COURT REMAND: APPOINT NEW APPELLET COUNSEL/18 Court Clerk: Sharon Chun Relief Clerk: Carol Donahoo/cd Reporter/Recorder: Richard Kangas Heard By: David Barker
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Granted
10/09/2008	<b>Order Doc ID# 81</b>
	[81] ORDER FOR CONFIRMATION OF APPOINTMENT OF COUNSEL - RELATED PARTYID: 06C228460_0001
	06C228460-20096.tif pages
07/14/2009	<b>Hearing Doc ID# 82</b>
	[82] DEFT'S PRO PER REQUEST FOR RECORDS/COURT CASE/19
	06C228460-20099.tif pages
07/23/2009	<b>Opposition Doc ID# 83</b>
	[83] STATES OPPOSITION TO DEFTS PRO PER REQUEST FOR RECORDS - COURT CASE DOCUMENTS DOCUMENTS
	06C228460-20100.tif pages
07/27/2009	<b>Request (8:15 AM) ()</b>
	DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: Barker, David
	<a href="#">Parties Present</a>
	<a href="#">Minutes</a>
	Result: Matter Continued
11/30/2009	<b>Request (8:15 AM) ()</b>



DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

[Parties Present](#)

[Minutes](#)

Result: Moot

12/09/2009 **Conversion Case Event Type Doc ID# 84**

[84] INACTIVE CASE

06C228460-20101.tif pages

12/18/2009 **Motion Doc ID# 85**

[85] DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20

06C228460-20103.tif pages

12/18/2009 **Motion Doc ID# 86**

[86] DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21

06C228460-20104.tif pages

12/18/2009 **Affidavit in Support Doc ID# 90**

[90] AFFIDAVIT IN SUPPORT OF MTN TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 06C228460\_0002

06C228460-20108.tif pages

12/21/2009 **Judgment Doc ID# 87**

[87] CLERK'S CERTIFICATE/JUDGMENT AFFIRMED

06C228460-20105.tif pages

12/21/2009 **Judgment Doc ID# 88**

[88] CLERK'S CERTIFICATE/REHEARING DENIED

06C228460-20106.tif pages

12/21/2009 **Judgment Doc ID# 89**

[89] CLERK'S CERTIFICATE/PETITION DENIED

06C228460-20107.tif pages

12/29/2009 **Response Doc ID# 91**

[91] STATES RESPONSE TO DEFTS MTN FOR THE APPOINTMENT OF COUNSEL

06C228460-20109.tif pages

01/04/2010 **Motion (8:15 AM) ()**

DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20

Result: Matter Continued

01/04/2010 **Motion (8:15 AM) ()**

DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21

Result: Matter Continued

01/06/2010 **Hearing Doc ID# 92**

[92] STATUS CHECK: CONFIRMATION OF APPOINTED COUNSEL

06C228460-20110.tif pages

01/06/2010 **Motion Doc ID# 93**

[93] ALL PENDING MOTIONS OF 1/6/10

06C228460-20111.tif pages

01/06/2010 **Motion (8:15 AM) ()**

DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20

Result: Matter Continued

01/06/2010 **Motion (8:15 AM) ()**

DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21

Result: Matter Continued

01/06/2010 **All Pending Motions (8:15 AM) ()**

ALL PENDING MOTIONS OF 1/6/10 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker

[Parties Present](#)

[Minutes](#)

Result: Matter Heard

01/15/2010 **Motion Doc ID# 94**

[94] ALL PENDING MOTIONS

06C228460-20112.tif pages

01/15/2010 **Motion (8:15 AM) ()**

DEFT'S PRO PER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20

01/15/2010 **Motion (8:15 AM) ()**

DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21

01/15/2010 **Status Check (8:15 AM) ()**

STATUS CHECK: CONFIRMATION OF APPOINTEDCOUNSEL

01/15/2010 **All Pending Motions (8:15 AM) ()**

ALL PENDING MOTIONS Relief Clerk: Shelly Landwehr/si Reporter/Recorder: Richard Kangas Heard By: David Barker

[Parties Present](#)

[Minutes](#)

Result: Matter Heard

04/09/2010 **Judgment Doc ID# 95**

[95] CLERK'S CERTIFICATE JUDGMENT AFFIRMED

06C228460-20113.tif pages

04/28/2010 **Request Doc ID# 96**

[96] MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 06C228460\_0001

06C228460-20114.tif pages

04/28/2010 **Motion Doc ID# 97**

[97] DEFT'S PRO PER MTN FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HRG

06C228460-20116.tif pages

05/12/2010 **Hearing Doc ID# 98**

[98] STATUS CHECK: CONFIRMATION OF COUNSEL (THRU D.CHRISTENSEN)

06C228460-20117.tif pages

05/12/2010 **Hearing Doc ID# 99**

[99] STATUS CK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL

06C228460-20118.tif pages

**Bates No. 0012**

05/12/2010 **Motion** (8:15 AM) ()  
*DEFT'S PRO PER MTN FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HRG Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

05/28/2010 **Hearing Doc ID# 100**  
*[100] STATUS CK: SET EVID HRG RE DEFT'S POST- CONV CLAIM OF INEFFECTIVE ASSIS COUNSEL 06C228460-20119.tif pages*

05/28/2010 **Motion Doc ID# 101**  
*[101] ALL PENDING MOTIONS 5/28/10 06C228460-20120.tif pages*

05/28/2010 **Status Check** (8:15 AM) ()  
*STATUS CHECK: CONFIRMATION OF COUNSEL (THRU D.CHRISTENSEN)*

05/28/2010 **Status Check** (8:15 AM) ()  
*STATUS CK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL Heard By: David Barker*  
 Result: Matter Continued

05/28/2010 **All Pending Motions** (8:15 AM) ()  
*ALL PENDING MOTIONS 5/28/10 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

06/08/2010 **Order Doc ID# 102**  
*[102] ORDER FOR PRODUCTION OF INMATE 06C228460-20121.tif pages*

07/16/2010 **Hearing Doc ID# 103**  
*[103] STATUS CHECK: SET EVID HRG RE DEFT'S POST-CONV CLAIM (FROM 7/16/10) 06C228460-20122.tif pages*

07/16/2010 **Status Check** (8:15 AM) ()  
*STATUS CK: SET EVID HRG RE DEFT'S POST- CONV CLAIM OF INEFFECTIVE ASSIS COUNSEL Relief Clerk: Billie Jo Craig Reporter/Recorder: Richard Kangas Heard By: David Barker*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

07/21/2010 **Hearing Doc ID# 104**  
*[104] EVIDENTIARY HEARING 06C228460-20123.tif pages*

07/21/2010 **Status Check** (8:15 AM) ()  
*STATUS CHECK: SET EVID HRG RE DEFT'S POST-CONV CLAIM (FROM 7/16/10) Court Clerk: Sharon Chun Relief Clerk: Billie Jo Craig/bjc Reporter/Recorder: Richard Kangas Heard By: David Barker*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Heard

12/08/2010 **Criminal Order to Statistically Close Case Doc ID# 105**  
*[105] Criminal Order to Statistically Close Case*

12/14/2010 **Petition for Writ of Habeas Corpus Doc ID# 106**  
*[106]*

12/16/2010 **Order for Petition for Writ of Habeas Corpus Doc ID# 107**  
*[107]*

03/23/2011 **CANCELED Evidentiary Hearing** (10:00 AM) (Judicial Officer Barker, David)  
*Vacated - Case Closed hearing as to co-defendant*

01/13/2012 **Motion Doc ID# 108**  
*[108] Motion for Appointment of Counsel Pursuant to NRS 34.750*

01/19/2012 **Opposition to Motion Doc ID# 110**  
*[110] State's Opposition to Defendant's Motion for Appointment of Counsel*

01/23/2012 **Motion** (8:15 AM) (Judicial Officer Barker, David)  
**01/23/2012, 02/06/2012**  
*Deft's Pro Per Motion for Appointment of Counsel Pursuant to NRS 34.750*  
[Parties Present](#)  
[Minutes](#)  
 Result: Matter Continued

06/11/2012 **Status Check** (8:15 AM) (Judicial Officer Barker, David)  
*Status Check: Briefing Schedule*  
[Parties Present](#)  
[Minutes](#)  
 Result: Briefing Schedule Set

07/09/2012 **Supplemental Doc ID# 111**  
*[111] Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)*

07/10/2012 **Supplemental Doc ID# 112**  
*[112] Amended Supplemental Points and Authorities In Support of Petition for Writ of Habeas Corpus (Post-Conviction) Amended Only to Repaginate and Add Missing Test to Page 5*

08/28/2012 **Order for Production of Inmate Doc ID# 113**  
*[113] Order for Production of Inmate, Jemar Matthews, aka Jemar Demon Matthews, BAC #1014654*

08/31/2012 **Order for Production of Inmate Doc ID# 114**  
*[114] Order for Production of Inmate Jemar Matthews, Bac # 1014654*

09/10/2012 **Response Doc ID# 115**  
*[115] State's Response To Defendant's Supplemental Points And Authorities In Support Of Petition For Writ Of Habeas Corpus*

Bates No. 0013



09/24/2012	<b>Reply Doc ID# 116</b> [116] Reply to State's Response to Defendant's Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)
10/12/2012	<b>Hearing</b> (9:00 AM) (Judicial Officer Barker, David) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
11/05/2012	<b>Motion Doc ID# 117</b> [117] Motion to Place on Calendar
11/06/2012	<b>Certificate of Service by Facsimile Doc ID# 118</b> [118] Certificate of Facsimile Transmission
11/13/2012	<b>Finding of Fact and Conclusions of Law Doc ID# 119</b> [119] Findings of Fact, Conclusions of Law and Order
11/19/2012	<b>Motion</b> (8:15 AM) (Judicial Officer Barker, David) Deft's Motion to Place on Calendar Re: Appointment of Appellant Counsel <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Motion Denied
11/20/2012	<b>Notice of Entry Doc ID# 120</b> [120] Notice of Entry of Findings of Fact, Conclusions of Law and Order
12/04/2012	<b>Notice of Appeal (Criminal) Doc ID# 121</b> [121]
12/05/2012	<b>Case Appeal Statement Doc ID# 122</b> [122] Case Appeal Statement
12/07/2012	<b>Order Denying Motion Doc ID# 123</b> [123] Order Denying Defendant's Motion For Appointment Of Appellant Counsel
01/15/2013	<b>Opposition Doc ID# 124</b> [124] State's Opposition To Defendant's Pro Per Motion To Appoint Counsel
01/16/2013	<b>Appointment of Counsel</b> (8:15 AM) (Judicial Officer Barker, David) Appointment of Counsel per Supreme Court Remand <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
01/17/2013	<b>Notice Doc ID# 125</b> [125] Notice Of Confirmation Of Counsel
02/12/2013	<b>Ex Parte Motion Doc ID# 126</b> [126] Ex Parte Motion for Investigative Fees
02/13/2013	<b>Status Check</b> (8:15 AM) (Judicial Officer Barker, David) Status Check: Set Briefing Schedule <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Continued
02/12/2014	<b>NV Supreme Court Clerks Certificate/Judgment - Affirmed Doc ID# 127</b> [127] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed
06/23/2014	<b>Petition for Writ of Habeas Corpus Doc ID# 128</b> [128] Petition for Writ of Habeas Corpus (Post Conviction)
06/23/2014	<b>Memorandum Doc ID# 129</b> [129] Memorandum In Support for (Post Conviction Habeas Corpus)
06/26/2014	<b>Order for Petition for Writ of Habeas Corpus Doc ID# 130</b> [130]
08/04/2014	<b>Response Doc ID# 131</b> [131] State's Response And Motion To Dismiss Defendant's Pro Per Petition For Writ Of Habeas Corpus (Post-Conviction)
08/25/2014	<b>Petition for Writ of Habeas Corpus</b> (8:15 AM) (Judicial Officer Barker, David) Deft's Pro Per Petition for Writ of Habeas Corpus (Post Conviction) Result: Denied
08/25/2014	<b>Response and Countermotion</b> (8:15 AM) (Judicial Officer Barker, David) State's Response And Motion To Dismiss Defendant's Pro Per Petition For Writ Of Habeas Corpus (Post-Conviction) Result: Granted
08/25/2014	<b>All Pending Motions</b> (8:15 AM) (Judicial Officer Barker, David) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
10/02/2014	<b>Findings of Fact, Conclusions of Law and Order Doc ID# 132</b> [132]
10/06/2014	<b>Notice of Entry Doc ID# 133</b> [133] Notice of Entry of Findings of Fact, Conclusions of Law and Order
11/06/2014	<b>Notice of Appeal (Criminal) Doc ID# 134</b> [134] Notice of Appeal
01/05/2015	<b>Case Reassigned to Department 19</b> District Court Case Reassignment 2015
05/30/2017	<b>Notice Doc ID# 135</b> [135] Notice to Place on Calendar
06/02/2017	<b>Order for Production of Inmate Doc ID# 136</b> [136] Order for Production of Inmate - Jemar Matthews, aka Jemar Demon Matthews, BAC #1014654
06/12/2017	<b>Motion</b> (8:30 AM) (Judicial Officer Kephart, William D.) State's Motion to Place on Calendar for the Purpose of State's Notice of Intent to Proceed to Retrial <a href="#">Parties Present</a> <a href="#">Minutes</a>

	Result: Trial Date Set
06/19/2017	<b>Notice of Appearance Doc ID# 137</b> [137] NOTICE OF APPEARANCE
07/01/2017	<b>Case Reassigned to Department 3</b> <i>Homicide Case Reassignment to Judge Douglas W. Herndon</i>
07/21/2017	<b>Status Check (9:00 AM)</b> (Judicial Officer Herndon, Douglas W.) <i>STATUS CHECK: MURDER TEAM ASSIGNMENT</i> <a href="#">Parties Present</a> <a href="#">Minutes</a> <i>07/24/2017 Reset by Court to 07/21/2017</i>
	Result: Continued
08/02/2017	<b>CANCELED Pre Trial Conference (8:30 AM)</b> (Judicial Officer Herndon, Douglas W.) <i>Vacated - per Judge</i> <i>08/02/2017 Reset by Court to 08/02/2017</i>
08/22/2017	<b>Status Check (9:00 AM)</b> (Judicial Officer Herndon, Douglas W.) <i>Status Check: Trial Setting/Case Reassignment</i> <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
08/22/2017	<b>Media Request and Order Doc ID# 138</b> [138] Media Request And Order Allowing Camera Access To Court Proceedings
08/30/2017	<b>CANCELED Calendar Call (8:30 AM)</b> (Judicial Officer Herndon, Douglas W.) <i>Vacated - per Judge</i> <i>08/30/2017 Reset by Court to 08/30/2017</i>
09/05/2017	<b>CANCELED Jury Trial (10:00 AM)</b> (Judicial Officer Herndon, Douglas W.) <i>Vacated - per Judge</i> <i>09/05/2017 Reset by Court to 09/05/2017</i>
09/05/2017	<b>Status Check: Trial Setting (8:30 AM)</b> (Judicial Officer Johnson, Eric) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Trial Date Set
09/15/2017	<b>Amended Information Doc ID# 139</b> [139] Amended Information
11/02/2017	<b>Status Check (8:30 AM)</b> (Judicial Officer Johnson, Eric) <b>11/02/2017, 02/01/2018</b> <i>Status Check: Homicide Trial</i> <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Continued
02/12/2018	<b>Notice of Witnesses and/or Expert Witnesses Doc ID# 140</b> [140] State's Notice of Witnesses and/or Expert Witnesses
03/20/2018	<b>Status Check (8:30 AM)</b> (Judicial Officer Johnson, Eric) <i>Status Check: Homicide Trial</i> <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Continued
03/21/2018	<b>Motion for Order Doc ID# 141</b> [141] Defendant's Motion for Order to Produce Records from (1) Division of Child and Family Services and (2) Family Courts and Services Center and/or Clark County District Court Family Division
03/27/2018	<b>Status Check (8:30 AM)</b> (Judicial Officer Johnson, Eric) <i>Status Check: Homicide Trial</i> <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Continued
04/05/2018	<b>CANCELED Motion (9:00 AM)</b> (Judicial Officer Johnson, Eric) <i>Vacated</i> <i>Defendant's Motion for Order to Produce Records from (1) Division of Child and Family Services and (2) Family Courts and Services Center and/or Clark County District Court Family Division</i>
04/10/2018	<b>Order Doc ID# 142</b> [142] ORDER TO PRODUCE (1) DIVISION OF CHILD AND FAMILY SERVICES AND (2) FAMILY COURTS AND SERVICES CENTER AND/OR CLARK COUNTY DISTRICT COURT FAMILY DIVISION RECORDS
04/10/2018	<b>Notice of Entry Doc ID# 143</b> [143] Notice of Entry of Order
04/24/2018	<b>CANCELED Calendar Call (8:30 AM)</b> (Judicial Officer Johnson, Eric) <i>Vacated</i>
04/30/2018	<b>CANCELED Jury Trial (9:00 AM)</b> (Judicial Officer Johnson, Eric) <i>Vacated</i>
06/07/2018	<b>Status Check (8:30 AM)</b> (Judicial Officer Johnson, Eric) <i>Status Check: Homicide Trial</i> <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Continued
06/28/2018	<b>Status Check (9:00 AM)</b> (Judicial Officer Johnson, Eric) <i>Status Check: Homicide Trial</i>

[Parties Present](#)[Minutes](#)

Result: Matter Heard

07/02/2018 **Case Reassigned to Department 12***Reassigned From Judge Johnson - Dept 20*07/13/2018 **Notice of Witnesses and/or Expert Witnesses Doc ID# 144***[144] State's Amended Notice of Witnesses and/or Expert Witnesses*07/19/2018 **Notice of Witnesses and/or Expert Witnesses Doc ID# 145***[145] Notice of Witnesses and/or Expert Witnesses*07/25/2018 **Receipt of Copy Doc ID# 146***[146] Receipt of Copy*08/06/2018 **Supplemental Witness List Doc ID# 147***[147] State's Supplemental Amended Notice of Witnesses and/or Expert Witnesses*08/08/2018 **Receipt of Copy Doc ID# 148***[148] Receipt of Copy*08/24/2018 **Supplemental Witness List Doc ID# 149***[149] Defense Supplemental Witness List Under [NRS 174.234(1) and 174.234(2)]*08/24/2018 **Notice of Motion Doc ID# 150***[150] State's Notice of Motion and Motion to Admit Transcript of Prior Jury Trial Testimony of LVMPD Forensic Scientist James Krylo*09/04/2018 **Motion (8:30 AM) (Judicial Officer Leavitt, Michelle)***State's Notice Of Motion And Motion To Admit Transcript Of Prior Jury Trial Testimony Of LVMPD Forensic Scientist James Krylo*[Parties Present](#)[Minutes](#)*10/04/2018 Reset by Court to 09/04/2018*

Result: Granted

09/07/2018 **Notice of Motion Doc ID# 151***[151] Notice of Motion and Motion to Admit Transcript of Prior Trial Testimony of Victim Myniece Cook*09/18/2018 **Calendar Call (8:30 AM) (Judicial Officer Leavitt, Michelle)***07/24/2018 Reset by Court to 07/24/2018**07/24/2018 Reset by Court to 09/18/2018**07/24/2018 Reset by Court to 07/24/2018*

Result: Trial Date Set

09/18/2018 **Motion (8:30 AM) (Judicial Officer Leavitt, Michelle)***State's Notice of Motion and Motion to Admit Transcript of Prior Jury Trial Testimony of Victim Myniece Cook*[Parties Present](#)[Minutes](#)*10/16/2018 Reset by Court to 09/18/2018*

Result: Granted

09/18/2018 **Order Doc ID# 152***[152] Order To Remand Defendant To The Custody Of the Clark County Detention Center*09/18/2018 **Supplemental Witness List Doc ID# 153***[153] Defense Second Supplemental Witness List Under [NRS 174.234(1) and 174.234(2)]*09/18/2018 **All Pending Motions (8:30 AM) (Judicial Officer Leavitt, Michelle)**[Parties Present](#)[Minutes](#)

Result: Matter Heard

09/18/2018 **CANCELED All Pending Motions (8:30 AM) (Judicial Officer Leavitt, Michelle)***Vacated*09/24/2018 **Jury Trial (10:30 AM) (Judicial Officer Leavitt, Michelle)***09/24/2018, 09/25/2018, 09/26/2018, 09/27/2018, 09/28/2018, 10/01/2018, 10/02/2018, 10/03/2018**Jury Trial*[Parties Present](#)[Minutes](#)*07/31/2018 Reset by Court to 09/25/2018**08/06/2018 Reset by Court to 09/04/2018**09/04/2018 Reset by Court to 07/31/2018**09/25/2018 Reset by Court to 09/24/2018**10/02/2018 Reset by Court to 10/02/2018*

Result: Trial Continues

09/25/2018 **Jury List Doc ID# 154***[154]*09/26/2018 **Media Request and Order Doc ID# 155***[155] Media Request And Order Allowing Camera Access To Court Proceedings*09/27/2018 **Order for Production of Inmate Doc ID# 156***[156] Order for Production of Inmate*09/28/2018 **Supplemental Witness List Doc ID# 157***[157] Defense Third Supplemental Witness List Under [NRS 174.234(1) and 174.234(2)]*10/02/2018 **Amended Jury List Doc ID# 160***[160]*10/02/2018 **Instructions to the Jury Doc ID# 161***[161]*10/03/2018 **Verdict Doc ID# 158***[158]*10/03/2018 **Stipulation Doc ID# 159***[159] Stipulation and Waiver of Penalty Hearing***Bates No. 0016**

10/10/2018 **Order Doc ID# 162**  
[162] Order for Transcript

10/29/2018 **Recorders Transcript of Hearing Doc ID# 163**  
[163] Recorder's Partial Transcript of Proceedings: Jury Trial - Day 3, Testimony of Amy Nemick Only, Wednesday, September 26, 2018

11/16/2018 **PSI - Supplemental PSI Doc ID# 164**  
[164]

12/04/2018 **Memorandum Doc ID# 165**  
[165] Defendant Jemar Matthews Sentencing Memorandum

12/05/2018 **Sentencing (8:30 AM) (Judicial Officer Leavitt, Michelle)**  
Sentencing (Jury Verdict)  
[Parties Present](#)  
[Minutes](#)  
Result: Defendant Sentenced

12/07/2018 **Judgment of Conviction Doc ID# 166**  
[166] Judgment of Conviction (Jury Trial)

12/07/2018 **Criminal Order to Statistically Close Case Doc ID# 167**  
[167] Criminal Order to Statistically Close Case

12/19/2018 **Notice of Appeal (Criminal) Doc ID# 168**  
[168] Notice of Appeal

12/19/2018 **Case Appeal Statement Doc ID# 169**  
[169] Case Appeal Statement

01/18/2019 **Recorders Transcript of Hearing Doc ID# 170**  
[170] Status Check: Homicide Trial, June 07, 2018

01/18/2019 **Recorders Transcript of Hearing Doc ID# 171**  
[171] Status Check: Homicide Trial, June 28, 2018

02/08/2019 **Recorders Transcript of Hearing Doc ID# 172**  
[172] Recorder's Transcript of Proceedings: State's Notice of Motion and Motion to Admit Transcript of Prior Jury Trial Testimony of LVMPD Forensic Scientist James Krylo, Tuesday, September 4, 2018

02/08/2019 **Recorders Transcript of Hearing Doc ID# 173**  
[173] Recorder's Transcript of Proceedings: State's Notice of Motion and Motion to Admit Transcript of Prior Jury Trial Testimony of Victim Myniece Cook; Calendar Call, Tuesday, September 18, 2018

02/08/2019 **Recorders Transcript of Hearing Doc ID# 174**  
[174] Recorder's Transcript of Proceedings: Sentencing [Jury Verdict], Wednesday, December 5, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 175**  
[175] Recorder's Transcript of Hearing: Jury Trial - Day 1, Monday, September 24, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 176**  
[176] Recorder's Transcript of Hearing: Jury Trial - Day 2, Tuesday, September 25, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 177**  
[177] Recorder's Transcript of Hearing: Jury Trial - Day 3, Wednesday, September 26, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 178**  
[178] Recorder's Transcript of Hearing: Jury Trial - Day 4, Thursday, September 27, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 179**  
[179] Recorder's Transcript of Hearing: Jury Trial - Day 5, Friday, September 28, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 180**  
[180] Recorder's Transcript of Hearing: Jury Trial - Day 6, Monday, October 1, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 181**  
[181] Recorder's Transcript of Hearing: Jury Trial - Day 7, Tuesday, October 2, 2018

03/12/2019 **Recorders Transcript of Hearing Doc ID# 182**  
[182] Recorder's Transcript of Day 8: Jury Trial - 8, Wednesday, October 3, 2018

09/17/2019 **Minute Order (3:15 PM) (Judicial Officer Leavitt, Michelle)**  
[Minutes](#)  
Result: Minute Order - No Hearing Held

09/23/2019 **Judgment of Conviction Doc ID# 183**  
[183] Amended JOC/Haley

09/24/2019 **Amended Judgment of Conviction Doc ID# 184**  
[184] Amended Judgment of Conviction (Jury Trial)

07/23/2020 **Motion for Own Recognizance Release/Setting Reasonable Bail Doc ID# 185**  
[185] Defendant's Motion for Own Recognizance Release

07/23/2020 **Clerk's Notice of Hearing Doc ID# 186**  
[186] Notice of Hearing

07/24/2020 **Notice of Change of Hearing Doc ID# 187**  
[187] Notice of Change of Hearing

07/29/2020 **Opposition to Motion Doc ID# 188**  
[188] State's Opposition to Defendant's Motion For Own Recognizance Release

07/30/2020 **Motion for Own Recognizance Release/Setting Reasonable Bail (12:00 PM) (Judicial Officer Leavitt, Michelle)**  
Defendant's Motion for Own Recognizance Release  
[Parties Present](#)  
[Minutes](#)  
07/28/2020 Reset by Court to 07/30/2020

08/04/2020 **NV Supreme Court Clerks Certificate/Judgment -Remanded Doc ID# 189**  
[189] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reversed and Remand

08/10/2020 **Order for Production of Inmate Doc ID# 190**  
[190]

11/06/2020 **Status Check: Trial Readiness (12:00 PM) (Judicial Officer Leavitt, Michelle)**  
11/06/2020, 04/09/2021  
[Parties Present](#)  
[Minutes](#)  
11/04/2020 Reset by Court to 11/06/2020

	<i>02/03/2021 Reset by Court to 02/05/2021</i>
	<i>02/05/2021 Reset by Court to 04/09/2021</i>
	Result: Matter Continued
04/27/2021	<b>CANCELED Calendar Call</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <i>Vacated - per Judge</i>
05/03/2021	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer Leavitt, Michelle) <i>Vacated - per Judge</i>
05/12/2021	<b>Acknowledgment Doc ID# 191</b> <i>[191] Settlement conference acknowledgment</i>
06/04/2021	<b>Settlement Conference</b> (1:30 PM) (Judicial Officer Cherry, Michael A.) <a href="#">Minutes</a>
	Result: Not Settled
06/11/2021	<b>CANCELED Settlement Conference</b> (1:30 PM) () <i>Vacated - On in Error</i>
07/09/2021	<b>Status Check: Trial Readiness</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	<i>07/07/2021 Reset by Court to 07/09/2021</i>
	Result: Matter Heard
09/01/2021	<b>Motion to Continue Trial Doc ID# 192</b> <i>[192] Motion to Continue Trial</i>
09/02/2021	<b>Clerk's Notice of Hearing Doc ID# 193</b> <i>[193] Notice of Hearing</i>
09/02/2021	<b>Ex Parte Order Doc ID# 194</b> <i>[194] 210901 Ex Parte Application for OST re MTC</i>
09/09/2021	<b>Pre Trial Conference</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Vacated and Reset
09/14/2021	<b>CANCELED Motion</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <i>Vacated - per Judge</i>
09/16/2021	<b>CANCELED Calendar Call</b> (11:00 AM) (Judicial Officer Holthus, Mary Kay) <i>Vacated - per Judge</i>
	<i>09/21/2021 Reset by Court to 09/16/2021</i>
09/27/2021	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer Leavitt, Michelle) <i>Vacated - per Judge</i>
10/08/2021	<b>Pre Trial Conference</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
10/08/2021	<b>Notice of Witnesses and/or Expert Witnesses Doc ID# 195</b> <i>[195] NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>
10/11/2021	<b>Notice of Witnesses and/or Expert Witnesses Doc ID# 196</b> <i>[196] State's Notice of Witnesses and/or Expert Witnesses</i>
10/15/2021	<b>Motion Doc ID# 197</b> <i>[197] Motion to Admit Transcripts of Prior Testimony</i>
10/18/2021	<b>Clerk's Notice of Hearing Doc ID# 198</b> <i>[198] Notice of Hearing</i>
10/20/2021	<b>Notice of Motion Doc ID# 199</b> <i>[199] Motion to Admit Transcripts of Prior Testimony</i>
10/20/2021	<b>Motion in Limine Doc ID# 200</b> <i>[200] Formal Written Objection to Inadmissible Trial Evidence Regarding Gang References and Motion for Pre-Trial Ruling On the Inadmissibility of Improper Trial Evidence</i>
10/21/2021	<b>Calendar Call</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <i>10/26/2021 Reset by Court to 10/21/2021</i>
	Result: Matter Heard
10/21/2021	<b>Motion</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <i>[197] Motion to Admit Transcripts of Prior Testimony</i>
	<i>10/28/2021 Reset by Court to 10/21/2021</i>
	Result: Granted
10/21/2021	<b>Clerk's Notice of Hearing Doc ID# 201</b> <i>[201] Notice of Hearing</i>
10/21/2021	<b>All Pending Motions</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
10/21/2021	<b>All Pending Motions</b> (11:00 AM) (Judicial Officer Leavitt, Michelle)
10/22/2021	<b>Notice of Witnesses and/or Expert Witnesses Doc ID# 202</b> <i>[202] State's Supplemental Notice of Witnesses and/or Expert Witnesses</i>
10/27/2021	<b>Central Calendar Call</b> (2:00 PM) (Judicial Officer Bluth, Jacqueline M.) <a href="#">Parties Present</a> <a href="#">Minutes</a>
	Result: Matter Heard
11/03/2021	<b>Order for Production of Inmate Doc ID# 203</b> <i>[203] 200656859C-OPI-(Owens, Nicholas)-001</i>



11/04/2021	<b>Jury Trial</b> (9:30 AM) (Judicial Officer Leavitt, Michelle) <b>11/04/2021, 11/05/2021, 11/08/2021, 11/09/2021, 11/10/2021, 11/12/2021, 11/15/2021</b> <a href="#">Parties Present</a> <a href="#">Minutes</a> 11/01/2021 Reset by Court to 11/04/2021 Result: Trial Continues
11/04/2021	<b>Motion</b> (9:30 AM) (Judicial Officer Leavitt, Michelle) <i>Formal Written Objection to Inadmissible Trial Evidence Regarding Gang References and Motion for Pre-Trial Ruling On the Inadmissibility of Improper Trial Evidence</i> 11/01/2021 Reset by Court to 11/04/2021 11/02/2021 Reset by Court to 11/01/2021 Result: Granted
11/04/2021	<b>All Pending Motions</b> (9:30 AM) (Judicial Officer Leavitt, Michelle) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Matter Heard
11/16/2021	<b>Jury List Doc ID# 204</b> [204] 2nd Amended Jury List
11/16/2021	<b>Jury List Doc ID# 205</b> [205] Amended Jury List
11/16/2021	<b>Stipulation and Order Doc ID# 206</b> [206] Stipulation and Order
11/16/2021	<b>Jury List Doc ID# 207</b> [207] Jury List
11/16/2021	<b>Verdict Doc ID# 208</b> [208] Verdict
11/16/2021	<b>Instructions to the Jury Doc ID# 209</b> [209] Instructions to the Jury
01/13/2022	<b>PSI - Supplemental PSI Doc ID# 210</b> [210]
02/02/2022	<b>Memorandum Doc ID# 211</b> [211] Defendant Jemar Matthews Sentencing Memorandum
02/04/2022	<b>Sentencing</b> (11:00 AM) (Judicial Officer Leavitt, Michelle) <a href="#">Parties Present</a> <a href="#">Minutes</a> Result: Defendant Sentenced
02/24/2022	<b>Amended Judgment of Conviction Doc ID# 212</b> [212] C228460-2 MATTHEWS, JEMAR- 2ND AMD
03/01/2022	<b>Notice of Appeal (Criminal) Doc ID# 213</b> [213] Notice of Appeal
03/09/2022	<b>Request Doc ID# 214</b> [214] Request for Transcript of Proceedings
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 215</b> [215] Defendant's Motion for Own Recognizance Release, July 30, 2020
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 216</b> [216] Recorder's Transcript of Proceedings Status Check: Trial Readiness, July 9, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 217</b> [217] Status Check: Trial Readiness, April 9, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 218</b> [218] Status Check: Trial Readiness, November 6, 2020
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 219</b> [219] Motion to Admit Transcripts of Prior Testimony and Calendar Call, October 21, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 220</b> [220] Transcript of Proceedings Re: Jury Trial - Day 1, November 4, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 221</b> [221] Transcript of Proceedings Re: Jury Trial - Day 2, November 5, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 222</b> [222] Transcript of Proceedings Re: Jury Trial - Day 3, November 8, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 223</b> [223] Transcript of Proceedings Re: Jury Trial - Day 4, November 9, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 224</b> [224] Transcript of Proceedings Re: Jury Trial - Day 5, November 10, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 225</b> [225] Transcript of Proceedings Re: Jury Trial - Day 6, November 12, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 226</b> [226] Transcript of Proceedings Re: Jury Trial - Day 7, November 15, 2021
04/25/2022	<b>Recorders Transcript of Hearing Doc ID# 227</b> [227] Recorder's Transcript of Proceedings Sentencing, February 4, 2022
04/28/2022	<b>Clerk's Notice of Nonconforming Document Doc ID# 228</b> [228] Clerks Notice of Nonconforming Document
04/28/2022	<b>Clerk's Notice of Nonconforming Document Doc ID# 229</b> [229] Clerks Notice of Nonconforming Document

## FINANCIAL INFORMATION

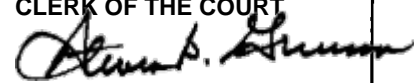
Defendant Matthews, Jemar  
Total Financial Assessment

Bates No. 0019

353.00

19/20

	Total Payments and Credits	0.00
	<b>Balance Due as of 07/03/2022</b>	<b>353.00</b>
10/19/2007	Transaction Assessment	175.00
12/17/2018	Transaction Assessment	178.00



AINF  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JOHN GIORDANI  
Chief Deputy District Attorney  
Nevada Bar #012381  
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-

JEMAR MATTHEWS, aka,  
Jemar Demon Matthews, #1956579  
  
Defendant.

CASE NO. 06C228460-2

DEPT NO. III

AMENDED  
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 JEMAR MATTHEWS, aka, Jemar Demon Matthews, the Defendant(s) above named, having committed the crimes of CONSPIRACY TO COMMIT MURDER (Category B Felony - NRS 200.010, 200.030, 199.480 - NOC 50038); MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); POSSESSION OF SHORT BARRELED RIFLE (Category D Felony - NRS 202.275 - NOC 51435); CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138) and ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC



1 50201), on or about the 30th day of September, 2006, within the County of Clark, State of  
2 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,  
3 and against the peace and dignity of the State of Nevada,

4 COUNT 1 - CONSPIRACY TO COMMIT MURDER

5 did then and there meet with each other and between themselves, and each of them with  
6 the other, wilfully, unlawfully, and feloniously conspire and agree to commit a crime, to-wit:  
7 Murder, and in furtherance of said conspiracy, Defendants did commit the acts as set forth in  
8 Counts 2-5, said acts being incorporated by this reference as though fully set forth herein.

9 COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON

10 did then and there wilfully, feloniously, without authority of law, and with  
11 premeditation and deliberation, and with malice aforethought, kill MERCY WILLIAMS, a  
12 human being, by shooting at and into the body of the said MERCY WILLIAMS, with a deadly  
13 weapon, to-wit: firearm, in the following manner, to-wit: Defendants being responsible under  
14 the following principles of criminal liability, to-wit: (1) by directly committing said crime;  
15 and/or (2) by the Defendants conspiring with each other and unidentified others to kill the said  
16 MERCY WILLIAMS, whereby each Defendant is vicariously liable for the acts committed in  
17 furtherance of said conspiracy if that Defendant intended that act to occur; and/or (3) the  
18 Defendants aiding or abetting in the commission of the crime, by accompanying each other to  
19 the crime scene where both of them repeatedly fired guns at the said MERCY WILLIAMS  
20 and helped provide a getaway vehicle by assisting in the robbery of an automobile immediately  
21 after said shooting; the Defendants encouraging one another throughout by actions or words;  
22 the Defendants acting in concert throughout.

23 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

24 did then and there, without authority of law, and malice aforethought, willfully and  
25 feloniously attempt to kill MYNIECE COOK, a human being, by shooting at the said  
26 MYNIECE COOK, with a deadly weapon, to-wit: a firearm, in the following manner, to-wit:  
27 Defendants being responsible under the following principles of criminal liability, to-wit: (1)  
28 by directly committing said crime; and/or (2) by the Defendants conspiring with each other

and unidentified others to kill the said MYNIECE COOK, whereby each Defendant is vicariously liable for the acts committed in furtherance of said conspiracy if that Defendant intended that act to occur; and/or (3) the Defendants aiding or abetting in the commission of the crime, by accompanying each other to the crime scene where both of them repeatedly fired guns at the said MYNIECE COOK and helped provide a getaway vehicle by assisting in the robbery of an automobile immediately after said shooting; the Defendants encouraging one another throughout by actions or words; the Defendants acting in concert throughout.

**COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON**

did then and there, without authority of law, and malice aforethought, willfully and feloniously attempt to kill MICHEL-LE TOLEFREE, a human being, by shooting at the said MICHEL-LE TOLEFREE, with a deadly weapon, to-wit: a firearm, in the following manner, to-wit: Defendants being responsible under the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by the Defendants conspiring with each other and unidentified others to kill the said MICHEL-LE TOLEFREE, whereby each Defendant is vicariously liable for the acts committed in furtherance of said conspiracy if that Defendant intended that act to occur; and/or (3) the Defendants aiding or abetting in the commission of the crime, by accompanying each other to the crime scene where both of them repeatedly fired guns at the said MICHEL-LE TOLEFREE and helped provide a getaway vehicle by assisting in the robbery of an automobile immediately after said shooting; the Defendants encouraging one another throughout by actions or words; the Defendants acting in concert throughout.

**COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON**

did then and there, without authority of law, and malice aforethought, willfully and feloniously attempt to kill MAURICE HICKMAN, a human being, by shooting at the said MAURICE HICKMAN, with a deadly weapon, to-wit: a firearm, in the following manner, to-wit: Defendants being responsible under the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by the Defendants conspiring with each other and unidentified others to kill the said MAURICE HICKMAN, whereby each Defendant

1 is vicariously liable for the acts committed in furtherance of said conspiracy if that Defendant  
2 intended that act to occur; and/or (3) the Defendants aiding or abetting in the commission of  
3 the crime, by accompanying each other to the crime scene where both of them repeatedly fired  
4 guns at the said MAURICE HICKMAN and helped provide a getaway vehicle by assisting in  
5 the robbery of an automobile immediately after said shooting; the Defendants encouraging  
6 one another throughout by actions or words; the Defendants acting in concert throughout.

7 COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE

8 did then and there wilfully, unlawfully, and feloniously possess a short barreled rifle  
9 having a barrel less than 16 inches in length, to-wit: a Ruger Model 10/22 .22 caliber, with a  
10 barrel approximately 10 3/4 inches long and overall length of 20 inches.

11 COUNT 7 - CONSPIRACY TO COMMIT ROBBERY

12 did then and there meet with each other and between themselves, and each of them with  
13 the other, wilfully, unlawfully, and feloniously conspire and agree to commit a crime, to-wit:  
14 Robbery, and in furtherance of said conspiracy, Defendants did commit the acts as set forth in  
15 Counts 8 and 9, said acts being incorporated by this reference as though fully set forth herein.

16 COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON

17 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
18 a 1991 Lincoln Town Car, from the person of GEISHE M. ORDUNO, or in her presence, by  
19 means of force or violence or fear of injury to, and without the consent and against the will of  
20 the said GEISHE M. ORDUNO, said Defendant using a deadly weapon, to-wit: a firearm,  
21 during the commission of said crime, in the following manner, to-wit: Defendant JEMAR  
22 MATTHEWS, aka, Jemar Demon Matthews, directly committing said crime, PIERRE  
23 JOSHLIN aiding and abetting, by pointing said firearm at the said GEISHE M. ORDUNO.

24 COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, unlawfully, and feloniously take personal property, to-wit:  
26 a 1991 Lincoln Town Car, from the person of MELVIN BOLDEN, or in his presence, by  
27 means of force or violence or fear of injury to, and without the consent and against the will of  
28 the said MELVIN BOLDEN, said Defendant using a deadly weapon, to-wit: a firearm, during

1 the commission of said crime, in the following manner, to-wit: PIERRE JOSHLIN, directly  
2 committing said crime, Defendant JEMAR MATTHEWS aiding and abetting, by pointing said  
3 firearm at the said MELVIN BOLDEN.

4 COUNT 10 - ASSAULT WITH A DEADLY WEAPON

5 did then and there wilfully, unlawfully, feloniously and intentionally place another  
6 person, to-wit: BRADLEY CUPP, in reasonable apprehension of immediate bodily harm with  
7 use of a deadly weapon, to-wit: a firearm, by pointing said firearm at the said BRADLEY  
8 CUPP.

9 COUNT 11 - ASSAULT WITH A DEADLY WEAPON

10 did then and there wilfully, unlawfully, feloniously and intentionally place another  
11 person, to-wit: BRIAN WALTER, in reasonable apprehension of immediate bodily harm with  
12 use of a deadly weapon, to-wit: a firearm, by pointing said firearm at the said BRIAN  
13 WALTER.

14  
15 STEVEN B. WOLFSON  
16 Clark County District Attorney  
17 Nevada Bar #001565

18 BY

  
19 JOHN GIORDANI  
20 Chief Deputy District Attorney  
21 Nevada Bar #012381

22 Names of witnesses known to the District Attorney's Office at the time of filing this  
23 Information are as follows:

24 NAME

ADDRESS

25 BOLDEN, MELVIN

1284 LAWRY AVE., LV, NV

26 COOK, MYNIECE

4823 CAMINO HERMOSO, NLV, NV

27 COR

CCDC

28 COR

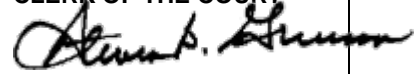
LVMPD – RECORDS

LVMPD – DISPATCH

1	CUPP, BRADLEY K.	LVMPD, P#8104
2	HARDY, KENNETH W.	LVMPD, P#3031
3	KRYLO, JAMES J.	LVMPD, P#5945
4	MOGG, CLIFFORD, H.	LVMPD, P#5096
5	OKELLEY, DEAN F.	LVMPD, P#4209
6	ORDUNO, GEISHE M.	1284 LAWRY AVE., LV, NV
7	Parent of TOLEFREE, MICHELE-LE	3445 GOLDEN SAGE, NLV, NV
8	PETRUCCI, DAVID L.	LVMPD, P#6733
9	RENHARD, LOUISE D.	LVMPD, P#5223
10	SMITH, STEPHANIE T.	LVMPD, P#6650
11	TOLEFREE, MICHEL-LE	3445 GOLDEN SAGE, NLV, NV
12	TREMEL, DONALD J.	LVMPD, P#2038
13	VACCARO, JAMES C.	LVMPD, P#1480
14	WALTER, BRIAN L.	LVMPD, P#8080
15	WILSON, ROBERT T.	LVMPD, P#3836

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27 DA#06F19196B /ed - GCU  
28 LVMPD EV#0609303216  
(TK7)



1 **NOT**  
2 **RICHARD E. TANASI, ESQ.**  
3 Nevada Bar No. 9699  
4 **TANASI LAW OFFICES**  
5 8716 Spanish Ridge Ave, #105  
6 Las Vegas, Nevada 89148  
7 Telephone: (702) 906-2411  
8 Facsimile: (866) 299-5274  
9 *Attorney for Defendant*

10  
11 **EIGHTH JUDICIAL DISTRICT COURT**  
12 **FOR THE DISTRICT OF NEVADA**  
13

14 STATE OF NEVADA

15 Plaintiff,

CASE NO.: 06-C-228460  
DEPT NO.: 12

16 vs.

17 JEMAR DEMONE MATTHEWS, #1014654,  
18 et al.

19 Defendant.

20 **NOTICE OF WITNESSES AND/OR EXPERT WITNESSES**  
21 **[NRS 174.234]**

22 TO: STEVEN B. WOLFSON, Clark County District Attorney AND  
23 JOHN GIORDANI, Chief Deputy District Attorney:

24 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that Defendant JEMAR  
25 DEMONE MATTHEWS by and through his attorneys TODD LEVENTHAL, ESQ. and  
26 RICHARD TANASI, ESQ. submits this following notice of witnesses pursuant to NRS 174.234  
27 which may be called in its case in chief and/or in a penalty phase in this matter.  
28

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**NOTICE OF WITNESSES**

<b>NAME</b>	<b>ADDRESS</b>
Patsy Thomas	437 Duchess Avenue North Las Vegas, NV 89030
Tasha Paige	9304 Jumping Juniper Avenue Las Vegas, NV 89128
Renay Barret	437 Duchess Avenue North Las Vegas, NV 89030
Scott Bakken, Def. Investigator	702-465-1799
Mark Preush, Def. Investigator	702-328-2464
Mildred Rodgers	437 Duchess Avenue North Las Vegas, NV 89030
Ne’Vaeh Matthews (16 years old)	2895 E. Charleston Ave. Apt. 2065 Las Vegas, NV 89104
Armeda Batchler	9024 Trombone Lane Henderson, NV 89074

**Mark Chambers** - Mr. Chambers is a Forensic eyewitness unreliability, memory issues expert. [*See, Ex. A, C.V.*] Mr. Chambers will testify as an expert witness in the areas of crime scene investigation/ examination, homicide scene investigation and eyewitness credibility. Mr. Chambers would testify to his review of the reports, transcripts, discovery and photographs in the instant case and his interpretations and opinions regarding same.

**Ronald Scott** – Mr. Scott is a Firearms expert. [*See, Ex. B, C.V.*] Mr. Scott will offer testimony concerning the sources of gunshot residue, additional information concerning the gun shot residue conclusions in this case, and the reliability of gunshot residue analysis.

These witnesses are in addition to the witnesses endorsed on the Indictment and any other witness for which a separate Notice has been filed by the Defendant and the State of Nevada over the duration of this case's procedural history, for which the Defendant expressly reserves the right to call all of the same.

/s/ Richard E. Tanasi  
TODD LEVENTHAL, ESQ.  
RICHARD E. TANASI, ESQ.  
Attorney for Defendant

I HEREBY CERTIFY that I am an employee of Tanasi Law Offices, that on the 8th day of October 2021, the undersigned served a true and correct copy the foregoing **NOTICE OF WITNESSES** by Electronic Filing to:

/s/ Richard Tanasi  
EMPLOYEE TANASI LAW OFFICES



## Exhibit A

## Curriculum Vitae

### **MARK J. CHAMBERS, PH.D.**

8275 S. Eastern, Suite 200

Las Vegas, NV 89123

(702) 614-4550

LICENSURE NV License No. PY267

### EDUCATION

1979	Stanford University	B.A. (Psychology)
1980	Stanford University	M.A. (Education)
1988	Northwestern University	Ph.D. (Clinical Psychology)

### ACADEMIC HONORS

Undergraduate:	B.A. with Distinction; Phi Beta Kappa
Graduate:	Northwestern University Presidential Fellowship, 1984-85 Walter Dill Scott Fellowship, 1986

### PROFESSIONAL ASSOCIATIONS

American Psychology-Law Society  
Diplomate, American Academy of Sleep Medicine

### FORENSIC EXPERIENCE

- ☐ 2000+ forensic evaluations for public and private agencies over the past 15 years
- ☐ Qualified as an expert witness in District, Federal and Military Courts for both civil and criminal litigation. Serve as expert for both prosecution and defense.
- ☐ Areas of expertise include, but are not limited to:
  - ▶ counterintuitive victim behavior/tonic immobility/domestic violence
  - ▶ risk of sexual reoffending/rehabilitation potential, including child porn possession
  - ▶ false sexual assault allegations
  - ▶ coerced confessions
  - ▶ suggestibility/child interview techniques
  - ▶ eyewitness unreliability/memory issues
  - ▶ competency to stand trial/criminal responsibility;
  - ▶ child custody and parental fitness
  - ▶ sleep disorders/effects of sleeping medications
  - ▶ drug/alcohol effects on judgment, decision making, memory, perception
  - ▶ sentencing mitigation/diminished capacity
  - ▶ fight or flight/behavior under duress

## CLINICAL EXPERIENCE

### 1999-present: Private Practice

- ▶ Evaluation and treatment of childhood behavior disturbances
- ▶ Attention deficit hyperactivity disorder assessment and management
- ▶ Parental skills training/Family therapy
- ▶ Evaluation and treatment of adult mood and anxiety disorders
- ▶ Stress management training
- ▶ Behavioral medicine
- ▶ Psychological testing
- ▶ Educational evaluations
- ▶ Sleep disorders.

### 2000-2004: American Sleep Diagnostics

#### *Clinical Director*

- ▶ Coordination of all clinical activities
- ▶ Assessment of patients
- ▶ Interpretation of test data
- ▶ Supervision of technical staff
- ▶ Consultation to referring physicians
- ▶ Community education/public relations

### 1993-1999: The Sleep Clinic of Nevada

#### *Clinical Director*

- ▶ Coordination of all clinical activities
- ▶ Assessment of patients
- ▶ Interpretation of test data
- ▶ Training and supervision of technical staff
- ▶ Behavioral management of clinic patients
- ▶ Consultation to referring physicians
- ▶ Community education/public relations

### 1988-92: Stanford University Medical Center

#### *Program Director*

- ▶ Coordination of assessment and treatment of patients
- ▶ Clinical research
- ▶ Program budget analysis
- ▶ Psychophysiological testing

CLINICAL EXPERIENCE (cont)

1987-88: Dallas Child Guidance Clinic

*APA-Approved Clinical Internship*

- ▶ Psychological assessment
- ▶ Psychotherapy (family, group, and individual play therapy)
- ▶ Behavior therapy and parental skills training
- ▶ Forensic assessment
- ▶ Child sexual abuse assessment and treatment

1986-87: Outpatient Psychiatry, Evanston Hospital

*Clinical Practicum*

- ▶ Clinical assessment
- ▶ Psychotherapy (individual adult and child therapy)

TEACHING EXPERIENCE

1994-2001: University of Nevada-Las Vegas

*Instructor*

Courses: Introductory Psychology

1990-92: Pacific Graduate School of Psychology

*Associate Professor*

Courses: Research Methods, Statistics I, Statistics II, Research Group

OTHER PROFESSIONAL EXPERIENCE

1992-1999: Legal Psychology Consulting

*Director*

- ▶ Independent consultation to attorneys, district attorney's office, government agencies, judges, on cases involving psychological issues.

1989-92: Pacific Graduate School of Psychology

*Clinical Supervisor*

- ▶ Clinical supervision of graduate students in first-year practicum placements

1986-87: Leo Burnett Company

*Research Associate*

- ▶ Primary and secondary research concerning the effects of children's advertising and related issues

Exhibit B



**RONALD R. SCOTT, M.A., M.S.**  
**Forensic Firearms & Ballistics**  
**235 N Angeline Cir**  
**Prescott, Arizona 86303**

**Tel: 623.764.6371**

**Email: [ronaldscott@azballistics.com](mailto:ronaldscott@azballistics.com)**

**[www.azballistics.com](http://www.azballistics.com)**

**[www.forensic-ballistics.com](http://www.forensic-ballistics.com)**

***Firearms ▪ Ballistics ▪ Police Shootings ▪ Shooting Reconstruction & Investigations  
Toolmarks & Comparison Microscopy ▪ Dynamics of Shooting Incidents ▪ Crime Scenes ▪ Gunshot  
Distance ▪ Daubert Consultation ▪ Gunshot Wounds ▪ Hunting & Firearms Safety ▪ Trajectory***

- The investigator lacks forensic expertise, the crime scene technicians lacks investigative skills; typically much later a crime lab examiner removes evidence from a property room with minimal knowledge, if any, of the details or alleged version of events.
- Tangible and intangible evidence which should have been present at the scene is not considered; critical evidence gets overlooked or fails to be collected or documented.
- Result: the investigator, crime scene, and forensics fail to work in unison resulting in a flawed investigation abundant with omissions which can be intentional or unintentional.
- Attorneys/prosecutors do not realize the discrepancies which exist and are at a disadvantage in presenting their case.

I am privileged to be one of a handful of persons with combined experience in both forensic and criminal investigations with hands-on involvement in literally thousands of shooting incidents from septuple homicides to defective design of firearms including catastrophic failures.

Currently I am one of 24 forensic experts selected nationwide to be a member of the American Academy of Forensic Sciences Consensus Board on Firearms and Toolmarks which is responsible for developing the standards and methodologies to be employed in these areas as required by the Congressional Act which mandates the overhaul of all forensic science disciplines.

Sub-specialize in [police shootings](#) and have investigated over 400 officer involved shooting incidents. I was a member of the State Police Firearms Review Board, have conducted internal department shooting investigations.

I have been the Commanding Officer of the MSP Firearms Section, the Troop Shift Commander of 6 barracks, a Staff Inspector, Commander of an urban Boston area State Police Barracks, and Shift Commander of the state-wide Operations Section, and commanded the shift operations of multiple barracks at the troop level.

Military service in the Army Ordnance Corps testing and researching; total experience is almost 55 years in firearms & ballistics; and over 35 years in forensic areas; I have testified approximately 350 times at all levels of the civilian and military courts.



**RONALD R. SCOTT, M.A., M.S.**  
**Forensic Firearms & Ballistics**  
**235 N Angeline Cir**  
**Prescott, Arizona 86303**

**Tel: 623.764.6371**

**Email: [ronaldscott@azballistics.com](mailto:ronaldscott@azballistics.com)**

**[www.azballistics.com](http://www.azballistics.com)**

**[www.shootingreconstruction.org](http://www.shootingreconstruction.org)**

***Firearms ▪ Ballistics ▪ Police Shootings ▪ Shooting Reconstruction & Investigations***  
***Toolmarks & Comparison Microscopy ▪ Dynamics of Shooting Incidents ▪ Crime Scenes ▪ Gunshot***  
***Distance ▪ Daubert Consultation ▪ Gunshot Wounds ▪ Hunting & Firearms Safety ▪ Trajectory***

## ***Curriculum Vitae***

### **Formal Education:**

- 1991 - Master of Science in Management, Lesley College, Cambridge, MA.
- 1982 - Master of Business Administration, 1 year of study in Macroeconomics, Analysis and Policy, Salem State College, Salem, MA.
- 1981 - Master of Arts in Criminal Justice, Anna Maria College, Paxton, MA.
- 1980 – Bachelor of Science Cum Laude, Law Enforcement, Northeastern University, Boston, MA.
- 1979 - Graduate Study Criminal Justice, American International College, Springfield, MA.
- 1978 – Associate in Science Criminal Justice, North Shore Community College, Beverly, MA.
- 1967 - 1969 Accounting & Finance, Bentley College, Waltham, MA. and Bryant & Stratton.

### **Ancillary Education:**

- Massachusetts Institute of Technology, “For the Love of Physics”, Professor Walter Lewin.
- Massachusetts Institute of Technology, “Introduction to Kinematics”, Professor Walter Lewin.
- Yale University Lecture Series, Fundamentals of Physics, “Vectors in Multiple Dimensions”, Professor Ramamurti Shankar.
- Attendance at presentations and lectures.

### **Informal, Technical, Forensic Education/Training:**

- 2021 – American Society of Crime Lab Directors “COVID-19 Emerging Issues: Remote Testimony” – National Institute of Justice.
- 2021 – Intact Low Explosives Analysis (Microscopical Analysis Methods) – National Inst of Justice.
- 2021 – “History of Statistics in Litigation”, Forensic Technology Center of Excellence.
- 2019 – Smith & Wesson Model MP-15 5.56mm NATO/.223 Remington, Raymond NH.
- 2019 – Cody Firearms Museum and Archives, Cody, WY.
- 2018 - Sig-Sauer P230, P232 and Springfield Armory M1A1 familiarization firing, Moultonborough, NH. Law enforcement firearms and and silencing devices for tactical use.
- 2018 – Glock G26 and G42 familiarization firing, Phoenix, AZ.

- 2018 – Class 2 and Class 3 Vendors Exhibition, Phoenix, AZ. (Silencers, muzzle devices, full auto firearms, new holster security level designs)
- 2016 – Class 2 and Class 3 Vendors Exhibition, Phoenix, AZ. (New developments in ballistic protection devices, full auto handgun exhibition, newly designed tactical gear and equipment)
- 2013 – Class 2 and Class 3 Vendors Exhibition, Phoenix, AZ.
- 2012 – U.S. Department of Justice, NIJ “Forensic Photography”.
- 2012 – U.S. Department of Justice, NIJ “Principles & Thought Processes of Crime Scene Investigation”.
- 2012 – U.S. Department of Justice, NIJ “Answering the NAS: The Ethics of Leadership and the Leadership of Ethics”.
- Invited Study Participant “An Empirical Study to Evaluate the Repeatability and Uniqueness of Striations/Impressions Imparted on Consecutively Manufactured Glock EBIS Gun Barrels”, AFTE Journal, Volume 43, Number 1, Winter 2011, pp. 37-44.
- 2010 – SAR NFA Class 3 Manufacturer’s Exhibition, Phoenix, AZ.
- 2006 - Trajectory Plotting Using Lasers and Capture with Digital Cameras. International Association for Identification, July 2-7, 2006, Boston, MA.
- 1993 – Total Quality Management Program – MSP Academy, New Braintree, MA.
- 1991 – Contemporary Liability Issues for Modern Police Agencies, Springfield, MA.
- 1991 – Smith & Wesson Academy, Contemporary Firearms Issues, Springfield, MA.
- 1981 – MIT Leadership Program, Massachusetts Institute of Technology, Sloan School of Business, Cambridge, MA.
- 1981 – Forensic Examination (Medico-Legal) of Violent Death, Babson College, Wellesley, MA by Dr. George Katsas, Chief Medical Examiner Suffolk County
- 1980 – Bureau of ATF National Firearms Academy, Firearms Examiner and Shooting Reconstruction Course.
- 1973 – Massachusetts State Police School of Handguns, Achievement Grade “Master”.
- 1973 – Graduate of the Massachusetts State Police Academy (17 weeks curriculum)
- 1969 – 1970 Mechanical Engineering in HVAC, Raisler Corp., Boston, MA.
- 1966 – 1969 Mechanical Engineering Apprentice Program, GE, Lynn, MA.
- Continuing study in Newtonian Mechanics.
- 1963 - 1966 United States Army Ordnance Corp:
  - Field and sustainment maintenance on small arms, infantry weapons and towed artillery.
  - 4 week Small Arms Repair Course
  - Explosive Ordnance Disposal course (EOD), disposal and disarming of unexploded ordnance.
  - 8 week Ordnance School; identification and repair of mortars, grenades, propelled munitions, recoilless rifles, armored vehicle weapons, and infantry heavy weapons.
  - 4 week
  - Fort Gordon, GA Basic Training and Advanced Infantry Training (M14, M1911, M1)
  - Fort Benning, GA – Paratrooper School.
  - Fort Dix, NJ – Explosive Ordnance Reconnaissance School.
  - Fort Dix, NJ, US Army Ordnance School (Explosive Ordnance Disposal).
  - Aberdeen Proving Ground, MD US Army Small Arms Repair School (5 weeks).
  - Aberdeen Proving Ground: ammunition, trajectory, chamber pressure testing; prototypes including the Stoner M63 Light Machine Gun.
  - U.S. Army Marksmanship Unit, 7<sup>th</sup> Army, USAREUR.
  - Small Arms Maintenance Unit Armorers Course, Vilseck, Germany.
  - Combat Lifesaver Course.
  - Chemical, Biological, Radiological, Nuclear Defense Course.



- Small Arms Trainer Course.
- USSW .50 Caliber Training Course.
- Ammunition Handlers Certification Course (AHC).
- 2 ½ years with 40<sup>th</sup> Ordnance Co. researching development of Eastern Bloc weapons.
- Company armorer M79 Grenade Launcher, .50 Cal MG, .45 ACP, M14 and M14A1 Rifles, Thompson .45 ACP.
- 7<sup>th</sup> Army Combined Arms School (2 months in residence training), Vilseck, Germany.
- Crew chief .50 caliber M2 Browning HB Machine Gun.
- Military Occupation Specialty 45B with depot level repair qualification.
- 1965 - Operation "Power Pack" Dominican Republic.

### **Ballistics & Weapons Training/Experience 1963 –present:**

- Massachusetts State Police Firearms Section (1979-1992) – Commanding Officer.
- Massachusetts State Police Shooting Review Board for Officer Involved Shootings.
- Massachusetts State Police – STOP Team weapons training and evaluation including full automatic, grenade launchers, tear gas, incendiaries, airborne platform firearms, non-lethal firearms and ammunition.
- Massachusetts State Police – Transitional evaluation & testing of semi-automatic pistols.
- MSP Academy & Department Firearms Training (over 400 hours).
- US Army Natick Research Lab – Ballistic Materials Research and Testing of military protective equipment.
- US Army Watertown Arsenal, United States Army Materials and Mechanics Research Center.
- Ft. Devens Special Warfare Weapons Center – 10<sup>th</sup> Special Forces Group.
- Association of Firearms and Toolmark Examiners.
- Federal Firearms Manufacturer of custom .45 ACP M1911 Pistols and Colt (Ranger) AR-15 Semi-automatic and automatic rifles.
- IHMSA – Professional Shooting Competition and Firearms Development.
- Ammunition reloading and propellant burn rates.
- Camp Curtis Guild – National Guard Training Facility (Military weapons).
- Camp Edwards – National Guard Training Facility (Military ordnance & firearms).
- U.S. Dept of Treasury, Bureau of Alcohol, Tobacco & Firearms National Academy for Firearms Investigations and Examiners.
- MA Criminal Justice Training Council seminars and workshops on medico-legal investigations.
- Continuing research through readings, casework, attendance at scientific meetings.
- National Institute of Justice (NIJ) of the U.S. Department of Justice.
- Triangle Tool and Die, Lynn, MA. – subcontract manufacturing of firearms parts.
- Periodic attendance at forensic presentations and lectures.

### **Armorer Courses:**

Armorer courses and/or actual familiarization with manufacturing, design, function at factories for:

- |              |                   |                                         |
|--------------|-------------------|-----------------------------------------|
| • Beretta    | • Marlin          | • Sturm Ruger                           |
| • Browning   | • Mossberg        | • Smith & Wesson*                       |
| • Colt       | • Remington       | • Thompson Center Arms                  |
| • Dan Wesson | • Sig-Sauer*      | • Winchester                            |
| • Glock*     | • Saco-Maremont** | • Iver Johnson                          |
| • Ithaca     | • Savage Arms     | • Gunsmithing (Brochu Custom Cartridge) |

- \* Indicates the extended law enforcement armorer course.
- \*\* Military M60 MG and hammer forging of tank and artillery barrels.

### **Voting Member of the American Academy of Forensic Sciences Standards Consensus Board on Firearms and Tool Marks:**

The Firearms and Toolmarks Consensus Body focuses on standards and guidelines related to the examination of firearms and toolmark evidence. This includes the comparison of microscopic toolmarks on projectiles, cartridge cases, and other ammunition components firearm function testing, serial number restoration, muzzle-to-object distance determination, gunshot residue, trajectory and bullet path analysis, etc.

The Consensus Board is responsible for creating and approving by consensus Forensic Standards, Technical Reports, and Best Practice Recommendations for the forensic science community and conformance with the American National Standards Institute (ANSI).

### **Innocence Projects:**

- Medill Innocence Project (Northwestern University School of Law).
- Arizona Innocence Project (Northern Arizona University).
- Downstate Illinois Innocence Project (University of Illinois, Springfield).
- Wisconsin (University of Wisconsin Law School).
- California Innocence Project (CA Western School of Law).

### **Expert Testimony or Significant Casework Venues:**

#### **International:**

- |               |               |                       |
|---------------|---------------|-----------------------|
| • Afghanistan | • Canada      | • United Kingdom      |
| • Iraq        | • Israel      | • U.S. Virgin Islands |
| • Nigeria     | • Philippines | • Pakistan            |
| • Haiti       | • Colombia    |                       |

**National:** All 50 states.

### **Police Shootings:**

Since 1979 I have been involved in the forensic, criminal, or internal investigation of approximately 450 police shootings where the officer either discharged his firearm or was fired upon.

### **Gunshot Wound Ballistics:**

Trained extensively with Drs. George Katsas (Chief Medical Examiner of Suffolk County and Forensic Pathologist at the Southern Mortuary) and Albert Shub (Medical Examiner of Essex County), attended numerous presentations by Drs. Vincent DiMaio, Martin Fackler, and George Katsas.

Made forensic presentations at medical symposiums in MA and NH.

Conducted, supervised, reviewed, or assisted at hundreds of fatal/non-fatal gunshot incidents including wound ballistics interpretation prior to the institution of the modern Medical Examiner system.

Have attended approximately 700 post mortems involving gunshot wounds and trauma.

### **Lectures and Presentations:**

Harvard University  
Northeastern University  
Boston University  
District Attorney Seminars/Conferences  
American Academy of Forensic Sciences  
Arizona State University (Phoenix-Glendale)

Massachusetts State Police Academy  
Municipal Police Academy  
MDC Police Academy  
Metro Boston Emergency Medical System  
Sportsman's Clubs (Firearms & Hunter Safety)

### **Other Experience:**

- Extensive reloading knowledge
- Professional shooting awards
- Barrel performance
- Ammunition penetration tests
- Collector & Federal Firearms Dealer
- Mil-Spec Testing
- Less than lethal ammunition
- Built/customized numerous firearms
- Chamber pressure trace testing
- Long-range trajectory testing
- Improvised firearms
- Destructive testing
- Silencers and improvised devices
- U.S. Army Marksmanship Unit

### **Publications:**

Oral presentations only.

### **Military - U.S. Army (1963-1966):**

#### **Military Occupational Specialty (MOS) 45B:**

Performed DS/GS maintenance on small arms and other infantry weapons, and towed artillery; provided technical guidance; diagnosed malfunctions of small arms and other infantry weapons, and towed artillery; small arms/artillery repairer fire control system components, towed artillery and armored vehicle (including tanks) fire control systems.

### **Professional Employment 1967-1973:**

- Mechanical Engineering Apprentice Program, General Electric, Lynn, MA. Jet engine fabrication, assembly, and inspection; alternating classroom and practical application utilizing vertical and horizontal milling machines, turret lathes, boring mills, drill press, rotary, Bridgeports, Milwaukee Maddock, etc.
- Mechanical Engineering (on-site) apprenticeship for Raisler-Lappin Corp., A Joint Venture, at the New England Merchants National Bank 37-story office tower building, Boston, MA. Engineering design and blueprinting for heating, ventilating, air conditioning, plumbing, and sheet metal.
- Triangle Tool & Die Company, Lynn, MA. Subcontract manufacturer for General Electric Co and major firearms manufacturers. Produced jet engine parts, firearms springs, ejectors, firing pins, drift pins, and miscellaneous small internal parts.
- Senior accountant and auditor, O.C. Moyer & Co, Certified Public Accountants, Boston, MA. Medium sized local public accounting firm providing financial services to professional athletes, corporations, and non-profit entities.

- Senior auditor and accountant at B&L Management Co., Somerville, MA. Firm specialized in capital venture, investment, development, and management of land, nursing homes, management companies in New England.

## **MASSACHUSETTS STATE POLICE 1973 -1998:**

**1973: Massachusetts State Police Academy Graduate:** 17 Weeks in residence police training course with approximately 80 hours of dedicated firearms and tactical shooting.

**1973 – 1979 Field Operations:** Criminal/Traffic Investigations, Logan Airport Delta Airlines crash, Boston Busing enforcement, State Prison riots, state forest and game preserves, Salisbury Beach Detail. Senior Trooper on 6-Officer Selective Enforcement “55 Team”; commercial vehicle enforcement, Presidential security, Seabrook Nuclear Power Plant, sporting events, crisis response, major traffic incidents, local police assistance, Executive Security, criminal investigations, crime scenes, and special assignments.

**1979 – 1992: Firearms Section:** Commanding Officer of two labs, trained 5 additional firearms experts. Conducted forensic investigations statewide and out-of-state. Combined labs averaged 1500-1700 cases annually for fatal, non-fatal, accidental, defective design, malfunctions, voluntary/involuntary, toolmark microscopy, gunshot distance determination, trajectory, crime scenes, autopsies, wound interpretation, shooting reconstruction, firearms safety, ballistics, improvised and prison made firearms, modified and altered full auto, catastrophic failures, pen guns, police procedures. Conducted agency transitional firearms evaluation testing 1987-88. Member of Firearms Review Board. Shooting investigations and reconstruction of incidents involving organized crime, bank and armored vehicle robberies, officer involved shooting incidents, hunting incidents.

**1992: Shift Commander "GHQ":** General Headquarters Operations Section. Supervised statewide troop operations, 911 system, communications system, special investigations, consolidation of police forces, authorized and coordinated the use and response of department services to State Police entities, local cities and towns.

**1992 – 1995: Shift Commander Troop “H”:** Supervised 4 barracks (approximately 150 officers) covering metropolitan Boston. Special advisor on the Consolidation of Police Forces. Training Coordinator for new Officers; department internal investigations, commanded special details.

**1995: Shift Commander Troop “A”.** Supervised 6 barracks (approximately 250 officers) responsible for the northeast quadrant of Massachusetts. Training Coordinator for new Officers; department internal investigations, commanded special details.

**1995 – 1997: Commanding Officer-Revere Barracks:** Responsible for 65-officer municipal oriented policing operation covering cities of Lynn, Nahant, Chelsea, E. Boston, Winthrop, and Revere. Gang activities. Specialized units included motorcycles, off-road and beach patrols, K-9, Mounted Unit. Primary jurisdiction on state and MDC beaches, parks, roads and waterways.

**1997: Shift Commander Troop “A”.** Supervised 6 barracks (approximately 250 officers) responsible for northeast quadrant of Massachusetts. Training Coordinator for new Officers, department internal investigations, commanded special details (sporting events, etc.).

**1997-1998: Staff Inspector:** Conducted investigations involving ethics, misconduct, use of force, shooting investigations, audits of drugs, cash, evidence, contraband, security and special investigations. Unannounced inspections of personnel and equipment. Evaluated the operational readiness of department units. Reported directly to Superintendent/Colonel of State Police.

**1973-1998: Annual In-Service:** Various annual certifications and non-certification areas; CPR recertification, law updates, firearms training and qualification, pursuit and high speed driving, skid pan, physical agility, policy and procedure, rules and regulations, ethics, tactical operations, etc.

**Professional Organizations and Societies:**

- American Academy of Forensic Sciences (AAFS).
- AAFS Academy Standards Board – Member, Consensus Board for Firearms & Toolmarks.
- International Association for Identification (IAI).
- International Association of Chiefs of Police (IACP).
- American Association for the Advancement of Science (AAAS).
- On-Call Scientists of the American Association for the Advancement of Science.
- Association of Firearms and Toolmark Examiners (AFTE) – (Former member.)
- American Society of Criminology (ASC). (Former member.)
- NRA – Life Member.
- Sigma Epsilon Rho Honor Society.
- Voting Member, American Academy of Forensic Sciences Standards Board, Consensus Board for Firearms and Tool Mark Examinations.

**Expertise:**

- Police shootings
- Police SWAT Team Tactics
- Suicide case review
- Trajectory analysis
- Homicide & Nonfatal shooting case review
- “ELR” – Extreme Long Range shooting (sniper tactics)
- Accidental Discharges resulting from defective design or mechanical defects
- Inadvertent Discharges
- Involuntary Discharges
- Friendly fire incidents
- Projectile (bullet) behavior in angled glass gunshots.
- Pattern matching of impression evidence (burglary tools, etc)
- Analysis of forged money bag or bank bag seals
- Crime scenes – focus on firearms and ballistics evidence.
- Daubert standards for ballistics analysis
- Tool mark microscopy
- Shooting dynamics
- Reaction time in shooting incidents
- Firearms safety protocols
- Gunshot wounds
- Theory of Identification Testimony
- Evidence collection protocols
- Drag model analysis

- Chamber pressure
- Hunting protocol
- Defective design
- Time – Speed – Distance
- Catastrophic failures of firearms barrels and chambers
- Kinetic energy calculations of projectiles
- Gyroscopic stability
- Macro measuring digital/mechanical of bullets, cartridge cases, firearms
- Photomicrographs
- Training
- Bullet path analysis
- Calculation of the lead distance to strike moving targets
- Analysis of glass fracture patterns from gunshot
- Witness panel protocol in bullet fragmentation
- Penetration and perforation interpretation of gunshots in metal, wood, glass, etc.
- Characteristics of gunshot impressions based upon the angle of incidence
- SmartDraw and/or PowerPoint
- Wind deflection and diagramming of fired projectiles
- Modified, improvised, full-auto conversions
- Discharged cartridge case patterns
- Gunshot distance determination testing
- Departmental review evaluation
- Angle of incidence
- Prison made firearms
- Velocity testing
- Firearm discharge in a struggle
- Crime lab policy and procedure
- Generally accepted methodology and required documentation to support opinions
- Best practices protocols in scientific analysis of ballistics evidence
- Shooting incident reconstruction
- Training personnel to use ballistics software
- Instrumentation calibration
- Firing Range Design and inspection
- Gunshot Distance determination testing
- Holster design, retention levels, and testing for defective design
- Police firearms training, threat assessment
- Police contagious firing syndrome
- Discharged cartridge case extraction and ejection patterns
- Shooter and victim location based on terminal ballistics data.
- Terminal ballistics
- External ballistics
- Interior ballistics
- Shotgun pellet pattern analysis.
- Shotgun pellet measuring and weight to determine gauge
- Drive by shootings from a moving vehicle.
- Shooting incidents involving multiple moving vehicles
- Firearms evidence search protocols (lane search, grid search, etc)
- Use of metal detectors in ground searches for fired projectiles

- Effects of alcohol, drugs, or other substances on firearms safety.
- Determining what evidence should be present based upon an alleged version of events
- Military courts-martial including Article 32 hearings
- Explosive ordnance including mortars, grenades, artillery, plastic explosive, etc.

### **Qualifications Statement Addendum to CV**

I am a 25-year plus retired Commissioned Officer of the Massachusetts State Police with over half my career in the MSP Ballistics Section and was the Commanding Officer of the main and sub-labs with 7 forensic examiners; I conducted, supervised, and trained personnel in forensic investigations, shooting reconstruction, and the dynamics involved in shooting incidences. I have also conducted criminal investigations related to shooting incidences and other crimes.

During the 1980s and early 1990s I conducted significant time investigating, recovering evidence, performing forensic examinations, and providing conclusions and assistance to the State and Federal Task Forces which were involved in the investigation of organized crime elements within the New England area; these included the Genovese (New York) related Gennaro Angiulo (underboss to Raymond Patriarca of Rhode Island) Family, the Winter Hill Gang (Howie Winter – Boss), South Boston Irish Mob (Whitey Bulger – Boss), the Genovese related Worcester Crime Family (Carlo Mastrototaro – Boss), and other smaller Patriarca controlled crime families in Springfield and Lowell; the Hells Angels, Outlaws, Crips, Bloods, and numerous other smaller criminal street gangs.

The firearms lab provided crime scene investigation and forensic examination services to 350 cities and towns, all State agencies, Federal agencies except the FBI, and the military services in Massachusetts. I was an appointed member of the MSP Firearms Review Board which evaluated departmental officer involved shooting incidences and made recommendations for discipline, training, and/or changes and improvements to Department Policy and Procedure and Department Rules & Regulations.

As a member of the Staff Inspections Unit, I conducted agency shooting investigations, claims of excessive force and/or police misconduct, and violations of Policy & Procedure and Rules & Regulations. During 1987-88 I conducted evaluation testing of multiple models and makes for semi-automatic firearms using methodology similar to that employed by the military weapons testing.

I have investigated over 400 police involved shootings including incidents of fatal and nonfatal shootings, friendly fire injuries and deaths, involuntary or unintentional discharges, appropriate and inappropriate use of deadly force with firearms, less-than-lethal and non-lethal ammunition shootings, conducted electrical weapons, firearms of single shot, semi-automatic, and full automatic design; this includes revolvers, pistols, rifles, machine guns, grenade launchers, shotguns.

Conducted thousands of forensic investigations, including crime scenes, attended approximately 700 post-mortems, and was trained in the forensic interpretation of gunshot wounds from a shooting reconstruction perspective (particularly, with respect to the relative positions of the shooter or firearm and the victim) by Chief Medical Examiner of Suffolk County, Dr. George Katsas and Dr. Albert Shub of Essex County. I have also attended numerous gunshot wound presentations and read the treatises on gunshot wound evidence authored by prominent forensic pathologists.

In addition, I have trained with or studied treatises published by other prominent forensic pathologists since 1979 in gunshot wounds and terminal ballistics. I have personally observed fatal and non-fatal

gunshot wounds as they have occurred in my presence. I have attended the Bureau of Alcohol, Tobacco, Firearms National Firearms Academy Investigation course, FBI courses, state law enforcement courses, medico-legal death seminars, thousands of hours of in-service training at the State Police Academy, numerous crime scene shooting reconstruction courses, forensic seminars, etc.

In the aggregate, I estimate having been personally involved in about 5000 shooting investigation cases dating back to 1973. Of that total approximately 1000 were fatal shootings with the remainder consisting of non-fatal, property damage, bank and armored car robberies, domestic violence, malicious destruction, inadvertent and unintentional discharges, hunting and firing range incidents, self-inflicted wounds, drive-by shootings, self-defense, negligent and unsafe firearms safety discharges, military and combat injuries from gunshots, organized crime, terrorist activities, friendly fire, spontaneous disassembly and catastrophic firearms and ammunition failures, homemade and prison made firearms and silencers, international assassination attempts resulting in gunshot injury, shooting incidents in international waters and other types of shooting investigations and reconstruction.

During my experience and training I have utilized and analyzed several hundred video and audio recordings of shooting incidents to reach scientific conclusions, including the existence and use of a firearm, the rate of fire, muzzle flash, type of firearm in the video, time, speed, and motion over distance using slow-motion and frame-by-frame sequencing. These video and audio recordings have included private monitoring systems, surveillance systems, police observation units, police in-car dash camera video, on-body camera and audio devices, Go-Pro camera digital video, civilian recordings on cell phones and digital cameras, and video and/or audio recording evidence provided by the news media or other sources.

As an expert witness I have testified over 350 times in all areas of firearms, ballistics, shooting reconstruction, and shooting dynamics at all levels of the court system including Federal Court and Military Hearings. Testimony also has been given before the Massachusetts Legislature and consultation provided to Massachusetts Congressmen to assist with legislative issues.

My U.S. Army active duty career was within the Ordnance Corps and included extensive training and assignment in the testing, evaluation, repair and research of small arms and training in Explosive Ordnance Reconnaissance. I attended the U.S. Army Ordnance School at Ft. Dix and Small Arms Repair School, at Aberdeen Proving Ground, MD and spent most of my military career researching and testing Eastern Bloc weapons systems during the mid-1960's while assigned to an Ordnance Company in Germany where I was the Company Armorer and Crew Chief of the Headquarters Weapons Platoon responsible for the training and operating of .45 Auto Model 1911 Pistols, M14 Rifles, M14A1 Full Automatic Rifles, Browning M2 HB crew served machine gun, M79 Grenade Launcher, AR-15 Assault Rifles, M16 Full Auto Assault Machine Rifles, M72 LAW Rocket, M20 Super Bazooka, and various types of explosive ordnance (grenades, claymore mines, etc).

I was qualified to perform the highest level of repairs to the M2 and most small arms and machine guns. I was qualified as both a "Direct Support" level technician and a "General Support Level" technician and armorer. At the unit level I was the Armorer for the 40th Ordnance Company located at Neureut Kaserne in Karlsruhe, Germany.

I have trained with the MSP Special Tactical Operations (STOP) team, been involved in shooting incident reconstruction from airborne platforms including police and military helicopters, and with the 10th Special Forces Group at Fort Devens, MA for special weapons and tactics.

My weapons proficiency includes significant professional competition championships including World International Handgun Metallic Silhouette Championship 1980 winner, being the first Massachusetts



State Police Officer to fire a perfect combat course score with a revolver; I hold a proficiency rating of Master Shooter and was a firearms instructor for several decades, and have had both a Federal and State Firearms License for full automatic firearms; I am currently a Federally Licensed Firearms Dealer and have taught Firearms and Hunter Safety Courses.

In 2002 I became an independent forensic consultant and provide services including firearms, ballistics, shooting reconstruction, ballistic testing, gyroscopic stability; internal, external, and terminal ballistics; reaction time, analysis of time and motion in a shooting incident, trajectory and drag model analysis and other specialized services. I have been retained by the U.S. Military, engineers, insurance companies, attorneys, prosecutors, authors, architects, Innocence Projects, and conducted work for both plaintiffs and defendants in civil litigation matters.

Since 2002 I have been involved in over 900 investigations requiring shooting reconstruction and/or forensic investigation in every state, and in Haiti, Virgin Islands, United Kingdom, Israel, Afghanistan, Iraq, Canada, Nigeria, the Philippines, Colombia, and Pakistan.

My forensic training, education, and experience are over 35 years, and my overall experience with firearms, ballistics, etc., exceeds 57 years. I have testified on numerous occasions regarding discharged cartridge case ejection and received advanced training and have personally conducted hundreds of generally accepted tests for determining discharged cartridge case ejection patterns, including actual testing of semi-automatic pistols, full automatic pistols, and machine guns and submachine guns, as well as studied literature on ejection pattern testing protocols published in the Journal of the Association of Firearms and Tool Mark Examiners, the Journal of Forensic Science published by the American Academy of Forensic Sciences, the FBI Bulletin, during factory Armorer Courses, Investigative Science Journal, and numerous books on shooting reconstruction including those by Dr. Vincent J. M. DiMaio, Edward Hueske and Lucien Haag, the Indiana Professional Engineer Magazine, blood splatter analysis, gunshot distance, wound ballistics, angles of gunshot impact, and the elements of time, motion, and distance in shooting incidents including reaction time for various shooting motions, rate of fire, holster retention levels, gunshots occurring during struggle over a firearm, and other issues.

I voluntarily submit to proficiency testing with the Collaborative Testing Service and I am one of approximately 24 voting members of the American Academy of Sciences *Academy Standards Board* (ASB) which is developing Best Practices, Technical Reports, and the national standards required by the Congressional Forensic Science Act in the area of firearms and tool mark examinations through the Consensus Board for Firearms and Tool Marks.

I have given peer-reviewed scientific forensic presentations at numerous colleges and universities, seminars for District Attorneys and private attorneys, emergency medical service responders, police academies, private investigator meetings, and at annual meetings of several professional organizations of which I am a member or former member.

## Exhibit C

**LYNDSAY ELLIOTT, PSY.D., Inc.**

Clinical and Forensic Psychologist, Mitigation Specialist • PSY 21342

1550 Bayside Drive  
Corona Del Mar, CA 92625  
949-280-7729 phone  
888-830-8285 fax  
DrLyndsayElliott@me.com

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**EDUCATION**

**Doctor of Psychology – Clinical Psychology**

*June, 2005*

Individual, Family, and Child Emphasis  
California School of Professional Psychology  
Alliant International University - Alhambra, California

**Master of Arts - Clinical Psychology**

*August, 2003*

California School of Professional Psychology  
Alliant International University - Alhambra, California

**Bachelor of Arts - Psychology**

*August, 1998*

California State University, Northridge

**PRIVATE  
PRACTICE**

Mitigation Specialist  
Non-Capital Psychological Sentencing Evaluations  
Capital Psychosocial Consultation  
Psychosocial Chronological and/or History Preparation  
Competency Evaluations  
Social Historian  
Psychodynamic Psychotherapy

**ACADEMIC  
APPOINTMENTS**

**University of California, Los Angeles**

*February 2006 to February 2007*

Lecturer

**CLINICAL  
EXPERIENCE**

**University of California, Los Angeles**

Neuropsychiatric Institute - Department of Psychiatry

Orofacial Pain Clinic - School of Dentistry

*July 2004 to June 2005*

Population: Adults with Chronic Pain Conditions and Secondary Psychiatric Diagnoses

**Wright Institute Los Angeles**

*July 2003 to June 2004*

Population: Adults, Adolescents, Couples

**Valley Community Clinic**

*September 2002 to August 2003*

Population: Adults, Adolescents, Children, Families

**Eating Disorder Center of California**

*April 2002 to October 2002*

Population: Adults, Adolescents

**ASSESSMENT  
EXPERIENCE**

**Pasadena City College - Pasadena, California**

Psychological and Learning Disability Assessment Clerk

*September 2001 to May 2002*

**RESEARCH  
EXPERIENCE**

**University of California, Los Angeles**

Research Assistant/Site Coordinator - Freidreich's Ataxia Genetic Study

*September 2003 to December 2006*

**PRESENTATIONS**

**Psychology of Violence: Role of the Forensic Psychologist**

University of California at Irvine

*July 2008*

*April 2009*

**FORENSIC  
WORKSHOPS  
ATTENDED**

**Capital Case Defense Seminar**

California Attorneys for Criminal Justice

*February 2011*

Teaching Jurors Mitigation - Craig Haney

Legal and Investigative Issues for Non-Attorneys - *Katy O'Donnell and Nancy Pemberton*

Prosecution Mental Health Exams - *Michael Burt and Michael McMahon*

DSM V - *Dale Watson, Lisa Greenman and Kathy Wayland*

Addressing Psychopathy in the Courtroom - *John Edens and Lisa Greenman*

Frontloading Drug Use/Making it Mitigation - *Christopher Adams and Denny LeBoeuf*

Deconstructing MMPI and Personality Tests - *Denise Gragg*

**Capital Case Defense Seminar**

California Attorneys for Criminal Justice

*February 2009*

Legal Developments for Non-Attorneys - *Elizabeth Semel and Nancy Pemberton*

Lessons from the Capital Jury Project - *Scott Sundby*

When Clients Want No Mitigation - *Sean O'Brien and Denise Young*

Age Zero to Three: Neurobiological and Psychological Aspects of the First Three Years of Life - *Kathy Wayland, PhD and Juliana Humphrey*

Emerging Mental health Theories and Technologies - *Kathy Wayland, PhD, Jack Earley, and Dale Watson, MD*

Anatomy of a Mental Retardation Hearing - *Sean Bolser and Edward Sousa*

Exploiting Atkins, Simmons and Kennedy - *Mark Olive*

**Capital Defense Training**

National Consortium for Capital Defense Training

*June 2008*

Investigation Issues in a Capital Case - *Jeffrey Thoma*

Considerations in Presenting the Penalty Phase Case and Storytelling – *Steven Harmon*  
When fact and Mitigation Investigations Overlap and Integrating Guilt and Penalty Phase Themes and Theories – *Danallynn Rercer*  
The Whys and Hows of Victim Work – *Lisa Eager*  
Brainstorming Strategies for Getting Enough Funds and Time to do the Right Thing, and How Everyone on the Team Must be Involved – *Jeffrey Thoma*  
Penalty Phase Closing Demonstration – *Steven Harmon*

### **Capital Case Defense Seminar**

California Attorneys for Criminal Justice

*February 2008*

Legal Issues for Non-Attorneys – *Michael Ogul and Nancy Pemberton*  
Habeas Fundamentals – *Denise Kendall and Pamela Siller*  
Race Matters – *Bryan Stevenson and Jennifer Eberhart, PhD*  
Handling an Insanity Case – *Robert Sanger and Charles Scott, MD*  
Understanding Responses to Traumatic Stress – *Lisa Greenman and Rebekah Bradley, PhD*  
Mental Health Issues in Our Cases – *Kathy Wayland, PhD, Rick Dudley, MD and George Woods, MD*  
Brainstorming Your Case  
Childhood Trauma/Attachment Disorders – *Danny LeBeouf*  
Representing Foreign Nationals/Mexican Clients – *Greg Kuykendall and John Cotsirilos*  
Finding and Presenting the Mitigation in Your Case – *Russ Stetler and Craig Haney, PhD*

### **The Faces of Wrongful Conviction**

UCLA Law School

*April 2006*

Post-Conviction DNA Testing – *Susan Rutberg, Mary Litkins and Cynthia Jones*  
Effects of Incarceration – *Lola Vollen, MD, Heather Weigand, Alejandro Villansenor*  
Future Directions – *Ken Starr, Bryan Stevenson, Linda Starr and Gloria Killian*

### **Pre-Trial Competencies**

Richard Rogers, Ph.D., ABPP

American Academy of Forensic Psychology

*April 2006*

Miranda Warnings and Waivers

Competency to Stand Trial

### **Capital Case Defense Seminar**

California Attorneys for Criminal Justice

*February 2006*

How to Make New Cases Work for Our Clients – *Lynne Coffin, Michael Ogul and Elisabeth Semel*  
Child Development: Effects of Trauma – *Patricia Van Horn, Ph.D. and George Woods, M.D.*

Finding the Link Between Mitigation and the Crime – *Kevin Doyle and Russ Stetler*  
Working with Trial Counsel and Trial Experts – *Lynne Coffin and Marcia Morrissey*  
Why Miranda Warnings are Not Understood – *Richard Rogers, Ph.D., Jacqueline Crowle and Charles Weisselberg*  
Mental Health Issues After Smith – *Denise Gragg and James Thomson*  
Understanding Competency and It's Assessment – *Richard Rogers, Ph.D. and John Philipsborn*

## **Development and Integration of Mitigation Evidence**

Administrative Courts of the United States

*April 2005*

Wiggins: Its Impact and Future – *Mark Olive*

A Unified Theory of Investigation and Case Theory: It's Not Just Mitigation – *Dick Burr and Scharlette Holdman*

Mitigation in the Trenches: Lessons for Trial and Post-Conviction – *Kevin McNally*

Acceptable Standard of Care for Investigators in Capital Cases – *Scharlette Holdman, Russ Stetler and Kathy Wayland, Ph.D.*

The Development and Presentation of Our Clients' Cognitive Functioning – *Dick Burr, Pam Leonard and Dale Watson, M.D.*

Pervasive Developmental Disorders: Autism Spectrum Disorders – *Margo Rocconi, Arturo Silva, M.D. and Harry Simon*

Investigating Your First Capital Case – *Scharlette Holdman and Russ Stetler*

Understanding Brain Development – *Ruben Gur, M.D.*

Schizophrenia: The Positive and Negative Symptoms – *Ruben Gur, M.D. and Gary Sowards*

APD, Psychopathy and Heinousness – *Kathy Wayland, Ph.D.*

Trauma: Recognizing and Understanding its Effects – *Kathy Wayland, Ph.D.*

Records Review – *Russ Stetler and Kathy Wayland, Ph.D.*

Post-Conviction – *Sean O'Brien and Julie Hall*

Client Context: Understanding and Explaining the Role of Race, Religion and Culture – *Scharlette Holdman and Skip Gant*

Trial: Frontloading Mitigation – *Sean O'Brien*

Victim Outreach – *Tammy Krause and Kelly Branham*

Working with Experts – *Gary Sowards and Dale Watson, M.D.*

Recruitment and Training Issues – *Scharlette Holdman, Russ Stetler and Kathy Wayland, Ph.D.*

## **Advocacy in a New Era**

The Habeas Corpus Resources Center

*March 2005*

The Standard of Care in Mitigation and the ABA Guidelines – *Mark Olive and Russ Stetler*

Atkins Update – *James Ellis*

Litigating Adaptive Functioning – *Richard Burr*

International Law – *Mark Warren*

Interviewing Traumatized Witnesses, Including Sexual Trauma Survivors – *Kathy Wayland*

Challenges to Lethal Injections – *Gary Clements and Mark Heath*

Understanding Psychotic or Paranoid Conditions – *Xavier Amador*  
Pervasive Developmental Disorders: The Autism Spectrum – *Peter Gerhardt*

**Role of Forensic Psychologist in Death Penalty Litigation**

Mark D. Cunningham, Ph.D., ABPP  
American Academy of Forensic Psychology  
*March 2005*

**Forensic Opportunities in Clinical Psychology**

Reuben Vaisman, Ph.D.  
Alliant International University  
*March 2005*

**Capital Case Defense Seminar**

California Attorneys for Criminal Justice  
*February 2005*

Plenary for Non-Lawyers – *Lee Norton and Jackie Walsh*

Storytelling – *Jerome Brumer and Anthony Amsterdam*

Understanding Psychotic States: Including High Functioning Individuals – *Jack Early and Rod Pettis, M.D.*

Underdeveloped Brains and Damaged Brains – *Erin Bigler, M.D. and Gary Sowards*

Pseudoscience vs. Real Science – *Michael Burt*

Melding Social History with Mental Health Issues – *Scharlette Holdman and Jack Early*

How Conditions of Confinement Affect Our Clients Throughout the Case – *Craig Haney, Ph.D. and Terry Kupers, M.D.*

False Confessions – *Jason Cox and Richard Leo, Ph.D.*

Preparing the Mental Health Expert for Cross Examination – *Gary Sowards and Scharlette Holdman*

Poverty, Trauma and Gangs – *James Diego Vigil, Ph.D. and Jeannie Sternberg*

**SEMINARS  
ORGANIZED**

**Forensic Opportunities in Clinical Psychology**

Alliant International University  
*March 2005*

**Professional Development Seminar**

Alliant International University  
*October 2004*

**PROFESSIONAL  
TRAINING**

**Private Practice Supervision Group**

Jane Van Buren, Ph.D.  
*September 2004 to June 2005*

**University of California, Los Angeles**

Neuropsychiatric Institute - Department of Psychiatry  
*July 2004 to June 2005*

Thoracic Outlet Syndrome, Musculoskeletal Screening for EMG Biofeedback

Myokynetic Training, Clinical Hypnosis, Psychology and Psychopharmacology in Pain

**University of California, Los Angeles**

Neuropsychiatric Institute - Eating Disorders Conference

*October 2003 to May 2004*

Phenomenology of Eating Disorders, Medical Complications, Etiology and Pathogenesis of Eating Disorders, Psychopharmacology of Eating Disorders, Psychotherapeutic Aspects of Eating Disorders, Characterological Aspects of Eating Disorders, Transference and Countertransference, Cognitive Behavioral Treatments of Eating Disorders, Laxative Abuse, Family Therapy for Anorexia Nervosa, Chronic Recalcitrant Patients with Eating Disorders, Males with Eating Disorders, Obesity and Eating Disorders, Pregnancy in Eating Disorders, Private Practice Panel

**Wright Institute Los Angeles**

Psychoanalytic Training

*July 2003 to June 2004*

Psychodiagnostic Testing, Eating Disorders, Treatment of Primitive Mental States, Role of Imitation in Intersubjective Experience and Violence, Freud, History of Psychoanalysis, Clinical Use of Dreams, Conjoint Therapy, Core Issues in Psychotherapy, Legal Issues in Psychotherapy, Building a Private Practice, Psychoanalysis in APA Division 39, Contextualizing Gender Identity: Social and Political Issues, Reflective Parenting Attachment Theory in Practice, the Curative Factors of Analytic Therapy

**Pepperdine University - Graduate School of Education and Psychology**

*Fall 2000*

Courses Completed: Group Therapy, Theories of Personality, Assessment for Marriage and Family Therapists

**CLINICAL  
WORKSHOPS  
ATTENDED**

Child Abuse and Neglect - *Margie Dominguez, Ph.D.*

Alcoholism and Chemical Dependency - *Steven Sideroff, Ph.D.*

Current Trends in Neuropsychology - *Robert Leark, Ph.D.*

An Interpersonal Neurobiology of Psychotherapy - *Daniel J. Siegel, M.D.*

Dopaminergic Alterations in Human Cocaine Users - *Karley Little, M.D.*

Psychopharmacology Update - *Michael J. Gitlin, M.D.*

Chemical Dependency in Therapy - *Drew Pinsky, M.D.*

Broken Connections: Children and Domestic Violence - *Karen Jackson, Ph.D.*

**TEACHING  
EXPERIENCE**

**Psychology 350 - Principles of Learning**

Student Teacher

*August 1996 to May 1997*

**PROFESSIONAL  
APPOINTMENTS**

**Communications Coordinator**

California School of Professional Psychology - Student Senate

*2003 to 2005*

**Consultant**

California School of Professional Psychology - Strategic Planning Task Force

Lyndsay Elliott, PSY.D.

page 6

**Bates No. 0053**

**Bates no.**



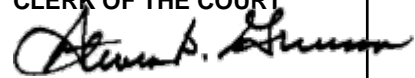
*April 2004 to June 2005*

**HONORS  
AND AWARDS**

**California School of Professional Psychology**  
Academic Scholarship  
2001 to 2005

**PROFESSIONAL  
MEMBERSHIPS**

California Attorneys for Criminal Justice  
National Association of Criminal Defense Lawyers  
National Association of Sentencing and Mitigation Specialists  
Death Penalty Focus  
American Psychological Association  
American Psychological Association - Division 41 (*Forensic Psychology*)  
California Psychological Association  
Orange County Psychological Association



**NWEW**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JOHN GIORDANI**  
Chief Deputy District Attorney  
Nevada Bar #012381  
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-

JEMAR MATTHEWS, aka,  
Jemar Demon Matthews, #1956579  
  
Defendant.

CASE NO: 06C228460-2

DEPT NO: XII

**STATE'S SUPPLEMENTAL NOTICE OF WITNESSES  
AND/OR EXPERT WITNESSES**

TO: JEMAR MATTHEWS, aka, Jemar Demon Matthews, Defendant; and  
TO: TODD M. LEVENTHAL, Counsel of Record:  
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief:

ADAM, Z. – LVMPD #9028  
ALBY, ROCKY – LVMPD #1810  
ANKENY, J. – LVMPD #9155  
ATKINSON, K. - LVMPD #8542  
BAKER, CHAD - LVMPD #6266  
BALLEJOS. J. - LVMPD #8406  
BANEZ, N. – LVMPD #9030  
BARNETT, J. - LVMPD #8733

1 BASSLOTT, G. - LVMPD #8447  
2 BECK, S. – LVMPD #6275  
3 BEITEL, M. - LVMPD #8092  
4 BENTLEY, BETTY - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
5 BOLDEN, MELVIN - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
6 BOYD, FRED - LVMPD #5216  
7 BRIGGS, D. – LVMPD #6201  
8 BROOKS, NIKOLE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
9 BROWN, C. - LVMPD #4973  
10 BRUINS, SANDRA – 4805 PALM TREE COURT, NLV NV  
11 BURGESS, D - LVMPD #4004  
12 BURKE, A. – LVMPD #8802  
13 BURKS, MICHAEL – c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
14 CALARCO, MICHAEL - LVMPD  
15 CAMPBELL, MARION - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
16 CARTER, A. – 333 S. Las Vegas Blvd., Las Vegas, NV 89101: Expert on the  
17 identification, activities, monikers, associations between and interactions of criminal street  
18 gangs, including, but not limited to: Squad Up and Wood gangs, and will testify thereto, as  
19 contemplated by NRS 193.168, as well as to the culture and subculture of those groups,  
20 including but not limited to, beliefs, customs, language, lifestyle, codes of conduct, criminal  
21 activity including felonious activities, nomenclature, symbols, weapons, attire, image, and  
22 rivalries as well as relevant factors related to the conduct, status and customs of criminal street  
23 gangs including, but not limited to those listed in NRS 193.168(7).  
24 CAVARICCI, A. - LVMPD #9024  
25 CONN, T. - LVMPD #8101  
26 COOK, MYNIECE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
27 CROCKETT, ELIZABETH, 2909 MULLIGAN, LV NV  
28 CULVER, D. – LVMPD

1 CUP, BRADLEY - LVMPD #8104  
2 DALE, G. - LVMPD #2731  
3 DEPIERRO, M. - LVMPD #9027  
4 DONEGAN, C. – LVMPD #5591  
5 DUKES, J. - LVMPD #5656  
6 DUNN, C. - LVMPD #8253  
7 ERICSON, E. – LVMPD #6218  
8 EVANS, R. – LVMPD #8372  
9 EWING, B. - LVMPD #8412  
10 FAIRFAX, STEVE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
11 FANBELLENA, R. - LVMPD #6834  
12 FASULO, T. - LVMPD #4061  
13 FENDER, K. - LVMPD #8896  
14 FLETCHER (SMITH), STEPHANIE - LVMPD P#6650 (or designee): CRIME  
15 SCENE ANALYST: Expert in the identification, documentation, collection and preservation  
16 of evidence and is expected to testify as an expert to the identification, documentation,  
17 collection and preservation of the evidence in this case.  
18 FULLER, P. - LVMPD #8774  
19 GARRETT, R. - LVMPD #9408  
20 GAUTHIER, KELLIE - LVMPD P#8691 (or designee): Expert in the field of DNA  
21 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to  
22 testify thereto.  
23 GILBERT, L. – LVMPD #6513  
24 GUYER, J. - LVMPD #7430  
25 HARDWICK, J. - LVMPD #6056  
26 HARDY, KENNETH - LVMPD #3031  
27 HERNANDEZ, MONICA – 4805 PALM TREE COURT, NLV NV  
28 HICKMAN, NAURICE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

1 HOOKS, GARY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
2 HOWARD, D. - LVMPD #6824  
3 HOWARD, MATTHEW – 1001 W. ADAMS, LV NV  
4 HUBBARD, R. - LVMPD #7181  
5 HUGHES, P. – LVMPD #9084  
6 HUNT, R. - LVMPD #3833  
7 IBARRA, NESTOR – 259 N. LAMB BLVD #A, LV NV  
8 JENSEN, B. - LVMPD #3662  
9 JOHNSON, R. - LVMPD #4395  
10 JONES, ANTWON – c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
11 KELLY, T. - LVMPD #3807  
12 KENT, R. – LVMPD #6179  
13 KOPF, M. – LVMPD #8420  
14 KRYLO, JAMES - LVMPD P#5945 (or designee): FIREARMS/TOOLMARK  
15 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert in the field  
16 of firearm and toolmark comparisons and is expected to testify thereto.  
17 KYGER, T. - LVMPD #4191  
18 LEON, RUTH - DA INVESTIGATOR  
19 LEWIS, A. - LVMPD #8898  
20 LEWIS, P. - LVMPD #8559  
21 LOEFFLER, M. - LVMPD #9247  
22 MARTINEZ, MICHAEL - BEXAR COUNTY LAB  
23 MATTISON, DANIELLE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
24 MCLAUGHLIN, RANDAL - LVMPD P#4170 (or designee): CRIME SCENE  
25 ANALYST: Expert in the identification, documentation, collection and preservation of  
26 evidence and is expected to testify as an expert to the identification, documentation, collection  
27 and preservation of the evidence in this case.  
28

1 MCPHAIL, RANDALL - LVMPD P#3326 (or designee): SENIOR CRIME SCENE  
2 ANALYST: Expert in the identification, documentation, collection and preservation of  
3 evidence and is expected to testify as an expert to the identification, documentation, collection  
4 and preservation of the evidence in this case.

5 MEAD, K. – LVMPD #5831

6 MITCHELL, J. – LVMDP #1829

7 MOGG, CLIFFORD - LVMPD #5096

8 MOON, RIC – DA INVESTIGATOR

9 MOORE, KYLE – 2770 S. MARYLAND PKWY, LV NV

10 MOUTIMER, P. - LVMPD #8572

11 MURRAY, S. - LVMPD #4147

12 NELSON, J. – LVMPD #6825

13 NEMCIK, AMY - LVMPD P#8504 (or designee): CRIME SCENE ANALYST:  
14 Expert in the identification, documentation, collection and preservation of evidence and is  
15 expected to testify as an expert to the identification, documentation, collection and  
16 preservation of the evidence in this case.

17 NEWTON, D. - LVMPD #5278

18 NICOLS - LVMPD #4398

19 O'KELLEY, D. – LVMPD #4209

20 OLSON, DR. ALANE (or designee): A medical doctor, employed by the Clark County  
21 Coroner's Office as a Deputy Medical Examiner/Forensic Pathologist. She is an expert in the  
22 area of forensic pathology and will give scientific opinions related thereto. She is expected to  
23 testify regarding the cause and manner of death of Mercy Williams.

24 ORDUNO, GEISHE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

25 OVERSON, C. - LVMPD #6035

26 OWENS, NICOLAS – NEVADA DEPARTMENT OF CORRECTIONS #1016817

27 PEACOCK, J. - LVMPD #8276

1 PERKINS, MIKE – LVMPD #4242 (or designee): CRIME SCENE ANALYST II:  
2 Expert in the identification, documentation, collection and preservation of evidence and is  
3 expected to testify as an expert to the identification, documentation, collection and  
4 preservation of the evidence in this case.

5 PETRUCCI, D. – LVMPD #6733

6 POLLOCK, W. – LVMPD #7203

7 PRICE, R. - LVMPD #7925

8 PUNNUCCI, A. – LVMPD #7063

9 RENHARD, LOUISE - LVMPD P#5223 (or designee): CRIME SCENE ANALYST:  
10 Expert in the identification, documentation, collection and preservation of evidence and is  
11 expected to testify as an expert to the identification, documentation, collection and  
12 preservation of the evidence in this case.

13 RICHTER, J. - LVMPD #5629

14 RIOS, K. - LVMPD #8422

15 RISSO, LEANNA - LVMPD P#8175 (or designee): CRIME SCENE ANALYST:  
16 Expert in the identification, documentation, collection and preservation of evidence and is  
17 expected to testify as an expert to the identification, documentation, collection and  
18 preservation of the evidence in this case.

19 ROBERTS, L. – LVMPD #3379

20 ROBINSON, RICARDO - CITY OF HENDERSON

21 RUFFINO, DAVID - LVMPD P#1502 (or designee): CRIME SCENE ANALYST:  
22 Expert in the identification, documentation, collection and preservation of evidence and is  
23 expected to testify as an expert to the identification, documentation, collection and  
24 preservation of the evidence in this case.

25 RUNDELL, R. 0 LVMPD #8719

26 SABRA, J. – LVMPD #7299

27 SAMS, JESSIE – LVMPD P#4793 (or designee): CRIME SCENE ANALYST: Expert  
28 in the identification, documentation, collection and preservation of evidence and is expected

1 to testify as an expert to the identification, documentation, collection and preservation of the  
2 evidence in this case.

3 SCHOFIELD, G. - LVMPD #2930

4 SEED, M. – LVMPD #6724

5 SHANE, D. – LVMPD #6727

6 SHOEMAKER, R. - LVMPD #2096

7 SHRUM, SHELLY - LVMPD P#7917 (or designee): CRIME SCENE ANALYST:  
8 Expert in the identification, documentation, collection and preservation of evidence and is  
9 expected to testify as an expert to the identification, documentation, collection and  
10 preservation of the evidence in this case.

11 SINK, J. - LVMPD #8528

12 SMINK, JEFF - LVMPD P#6556 (or designee): CRIME SCENE ANALYST: Expert  
13 in the identification, documentation, collection and preservation of evidence and is expected  
14 to testify as an expert to the identification, documentation, collection and preservation of the  
15 evidence in this case.

16 SPEAS, WILLIAM - LVMPD P#5228 (or designee): CRIME SCENE ANALYST:  
17 Expert in the identification, documentation, collection and preservation of evidence and is  
18 expected to testify as an expert to the identification, documentation, collection and  
19 preservation of the evidence in this case.

20 STEIMETZ, B. - LVMPD #8902

21 THACKER, R. – LVMPD #4440

22 TOLEFREE, JAY - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

23 TOLEFREE, MICHEL-LE - c/o CCDA, 200 Lewis Avenue, LV, NV 89101

24 TOTH, CHERYL – 6099 CARLSBAD AVE, LV NV

25 TOTH, JENNIFER – 900 DOOLITTLE #226, LV NV

26 TRAMMELL, MATTHEW - DA INVESTIGATOR

27 TREMAL, DONALD - LVMPD #2038

28 TREMEL, DON – LVMPD #2038



1 TWIGGER, K. – LVMPD #9060  
2 VACCARO, JAMES - LVMPD #1480  
3 VACHON, CRYSTINA (or designee): FORENSIC SCIENTIST with Bexar County  
4 Criminal Investigation Laboratory, San Antonio, Texas - She is an expert in forensic testing  
5 and analysis in the area of Trace Evidence and is expected to testify thereto.

6 WACT, M. – LVMPD #9165  
7 WALKER, SHARON – 2930 MOUNTIAIN VISTA, #203, LV NV  
8 WALTER, BRIAN - LVMPD #8080  
9 WALTON, MARVIS - ME #0011  
10 WASHINGTON, DARVEL – 2113 LAWRY, NLV NV  
11 WASHINGTON, MARC - LVMPD P#4725 (or designee): CRIME SCENE  
12 ANALYST: Expert in the identification, documentation, collection and preservation of  
13 evidence and is expected to testify as an expert to the identification, documentation, collection  
14 and preservation of the evidence in this case.

15 WIGGINS, R. – LVMPD #9192  
16 WILDEMAN, MARTIN - LVMPD #3516  
17 WILLIAMS, CORA - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
18 WILLIAMS, JOE – 8185 HUMMING LANE, LV NV  
19 WILLIAMS, SHAUNA - c/o CCDA, 200 Lewis Avenue, LV, NV 89101  
20 WILLIS, J. - LVMPD #6683  
21 WILSON, ROBERT - LVMPD #3836  
22 YU, M., - LVMPD #5808

23 These witnesses are in addition to those witnesses endorsed on the Information or  
24 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
25 Witnesses has been filed.

26 //

27 //

28 //

1 The substance of each expert witness' testimony and copy of all reports made by or at  
2 the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.  
4

5 STEVEN B. WOLFSON  
6 Clark County District Attorney  
7 Nevada Bar #001565

8 BY /s// JOHN GIRODANI  
9 JOHN GIORDANI  
10 Chief Deputy District Attorney  
11 Nevada Bar #012381

12 CERTIFICATE OF ELECTRONIC TRANSMISSION

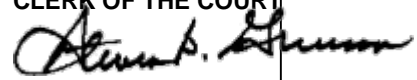
13 I hereby certify that service of the above and foregoing was made this 22nd day of  
14 October 2021, by electronic transmission to:

15 TODD LEVENTHAL  
16 [leventhalandassociates@gmail.com](mailto:leventhalandassociates@gmail.com)

17 RICHARD TANASI, ESQ.  
18 [rtanasi@tanasilaw.com](mailto:rtanasi@tanasilaw.com)

19  
20 BY /s/ Stephanie Johnson  
21 Secretary for the District Attorney's Office  
22  
23  
24  
25  
26  
27

28 06F19196B/saj/MVU



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff(s),

vs.

JEMAR MATTHEWS  
(AKA) JEMAR DEMON MATTHEWS,

Defendant(s).

Case No. 06C228460-2

DEPT. XII

BEFORE THE HONORABLE MICHELLE LEAVITT,  
DISTRICT COURT JUDGE

THURSDAY, NOVEMBER 4, 2021

***TRANSCRIPT OF PROCEEDINGS RE:***  
**JURY TRIAL – DAY 1**

(Appearances on page 2.)

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 APPEARANCES:

2 For the State: JOHN L. GIORDANI, III, ESQ.  
3 (Chief Deputy District Attorney)  
4 AGNES M. BOTELHO, ESQ.  
(Chief Deputy District Attorney)

5 For the Defendant(s): TODD M. LEVENTHAL, ESQ.  
6 RICHARD E. TANASI, ESQ.

7 Also Present:  
8 Samantha Goett, State's intern  
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1 **LAS VEGAS, NEVADA, THURSDAY, NOVEMBER 4, 2021**

2 [Proceeding commenced at 10:05 a.m.]

3  
4 [Outside the presence of the prospective jury panel.]

5 THE COURT: State versus Jemar Matthews.

6 Mr. Matthews is present, he's in custody. Do the attorneys -- and  
7 this hearing is taking place outside of a jury panel. Do the attorneys  
8 want to make the appearances?

9 MR. TANASI: Good morning. Richard Tanasi and Todd  
10 Leventhal for Mr. Matthews, who's present in custody.

11 MR. GIORDANI: And good morning, Your Honor. John  
12 Giordani and Agnes Botelho on behalf of the State. Also present  
13 with us is one of our interns who's been assisting with jury  
14 selection. In the last trial and hopefully in this trial, if the Court is  
15 okay with it. Her name is Samantha Goett.

16 THE COURT: Okay. Good morning.

17 MS. BOTELHO: Good morning, Your Honor.

18 MR. LEVENTHAL: Good morning, Judge.

19 THE CLERK: I'm sorry, do you have your bar number?

20 MR. GIORDANI: No, she doesn't.

21 THE COURT: She's their intern.

22 THE CLERK: Okay.

23 THE COURT: You're in school, correct?

24 [Pause in proceedings.]

25 THE COURT: We can't get the panel for another 10

1 minutes.

2 MR. GIORDANI: It's all right. We actually have several  
3 things to put on the record.

4 THE COURT: Okay.

5 MR. GIORDANI: One of which just kind of popped up.

6 THE COURT: Well, the first thing, I know on the last trial  
7 he waived the penalty hearing. Is that going to happen again?

8 MR. LEVENTHAL: Yes.

9 THE COURT: Okay.

10 MR. LEVENTHAL: We've got the stip right here.

11 THE COURT: Okay. Go ahead.

12 MR. GIORDANI: May I approach?

13 THE COURT: Uh-huh. Okay. So this is a little different  
14 than the last one.

15 MR. GIORDANI: It is.

16 THE COURT: So I just -- and that was intentional, I'm  
17 assuming?

18 MR. GIORDANI: Yes, Your Honor.

19 THE COURT: Okay.

20 MR. TANASI: That's correct, Your Honor.

21 THE COURT: All right. So Mr. Matthews, I have --

22 MR. TANASI: I'm sorry, Your Honor.

23 THE COURT: Let's see, I just want to make sure there's a  
24 signature.

25 Mr. Matthews, I have before me a stipulation and order

1 indicating that you are stipulating to waive a penalty hearing if the  
2 jury returns a verdict of first-degree murder; is that correct?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: And you understand that you stipulated  
5 that, instead of the jury panel, that the Court would determine any  
6 sentence, and, again, only if they return a first-degree murder  
7 conviction, that the Court would determine the sentence --

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: -- after reviewing a PSI and, obviously,  
10 hearing from both sides. So it appears both sides would be able to  
11 argue for any lawful -- well, I guess life without would not be  
12 possible.

13 MR. GIORDANI: No, I disagree.

14 THE COURT: Okay. All right.

15 MR. GIORDANI: And we had -- we --

16 THE COURT: Okay.

17 MR. GIORDANI: The parties argued a bit over this. I think  
18 we can deal with that at a later date.

19 THE COURT: Absolutely.

20 MR. LEVENTHAL: I think that's fair. Exactly.

21 MR. TANASI: That doesn't disrupt the stipulation.

22 THE COURT: Right.

23 MR. TANASI: But we are still reserving that right to  
24 address that point.

25 THE COURT: Okay. So you understand both sides would

1 be an opportunity to argue to the Court for any lawful sentence; do  
2 you understand that?

3 THE DEFENDANT: What is any lawful sentence?

4 THE COURT: I'm sorry?

5 THE DEFENDANT: What is any lawful sentence?

6 THE COURT: There would be three --

7 THE DEFENDANT: A lawful sentence --

8 THE COURT: -- possibilities.

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Life without the possibility of parole.

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Life with the possible of parole after serving  
13 a minimum of 20 years.

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Or a term of years, 50 years with parole  
16 eligibility beginning after a minimum of 20 years has been served,  
17 plus the equal and consecutive for the deadly weapon  
18 enhancement.

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And you understand that, correct?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: All right. And you've had an opportunity to  
23 discuss all this with your lawyers?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And you believe it's in your best interest to



1 enter into this stipulation, correct?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: And that is your signature on page 2?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And you read it before you signed it?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: And you discussed it with your attorneys  
8 prior to signing it?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: And did they answer all your questions to  
11 your satisfaction?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: And do you have any questions of the  
14 Court?

15 THE DEFENDANT: Once I -- once it's going on right now,  
16 if [indiscernible] would I be able to take that back?

17 THE COURT: No.

18 THE DEFENDANT: No? All right.

19 THE COURT: No. All right, that's why it's important,  
20 because --

21 THE DEFENDANT: I just wanted to ask that.

22 THE COURT: Okay. Because the parties are also agreeing  
23 not to say anything about sentencing and penalty during voir dire.

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Okay? So neither side will be able to talk

1 about punishment at all during jury selection.

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: Do you understand that?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: Okay. I just want to make sure, because you  
6 can't take it back. I mean, if the jury returns that specific verdict,  
7 then the Court would determine the appropriate sentence, not the  
8 jury.

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Okay. And, again, that's what you want to  
11 do?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. So it'll be filed with the clerk.  
14 Anything else?

15 MR. GIORDANI: Yes. Several items, Your Honor.

16 THE COURT: Go ahead.

17 MR. GIORDANI: The defense did file a motion regarding  
18 the gang affiliation. I've communicated, obviously, off the record to  
19 defense counsel that we intend to not elicit the term gang or gang  
20 affiliation, similar to the agreement we had in the 2018 trial.

21 THE COURT: Uh-huh.

22 MR. GIORDANI: There are certain things that we will have  
23 to sanitize, such as, I guess most importantly, the fact that  
24 Mr. Matthews and Mr. Joshlin were in the same gang and fellow  
25 gang members. We had discussed that I believe at the bench last

1 time and agreed that we would use the term friends or something  
2 to that effect. And Mr. Tanasi's nodding his head. I didn't go back  
3 and read that transcript, but I recall that conversation. And that's  
4 what we intend to do this time.

5 There is one caveat and something that's changed a bit  
6 since 2018. So, back then, you'll recall we informed the Court that  
7 this murder was a retaliation --

8 THE COURT: Uh-huh.

9 MR. GIORDANI: -- for a murder that occurred the day  
10 before.

11 THE COURT: Right.

12 MR. GIORDANI: There was -- were plainclothes  
13 detectives --

14 THE COURT: Uh-huh.

15 MR. GIORDANI: -- detectives in the area and the next  
16 block over, essentially, when the shooting went down and they  
17 were able to get there so quickly, because they were in the area,  
18 because they thought retaliation was going to occur.

19 At the last trial, we did not have this particular witness by  
20 the name of Nicholas Owens.

21 THE COURT: Nicholas?

22 MR. GIORDANI: Owens.

23 THE COURT: Okay.

24 MR. GIORDANI: I've informed defense counsel that we  
25 know his location this time, because he's in custody.

1 THE COURT: Okay.

2 MR. GIORDANI: So last time, we were unable to locate  
3 him. Now he's in custody, we know where he is.

4 THE COURT: If --

5 MR. GIORDANI: No.

6 THE COURT: Okay.

7 MR. GIORDANI: With that said, we've not spoken with  
8 him yet, so I've no idea what he's going to say. However, we did  
9 notice him and we also noticed a detective, Andre Carter, who  
10 interviewed him back in '07 or '08 -- '06 or '07. It was a long time  
11 ago -- it was back then.

12 THE COURT: Okay.

13 MR. GIORDANI: That detective was a gang detective at  
14 the time and did an officers' report that indicated that Mr. Joshlin  
15 and Mr. Matthews were at that murder the day before. Their  
16 buddies wanted -- or fellow gang members, as the guy who got  
17 killed, Marty [sic] Williams -- and they were going to make a move  
18 on someone.

19 So I'm telling the Court this now because it changes the  
20 dynamic. Right? And I think defense counsel might disagree. But  
21 to me, we -- that's clearly admissible for motive and we can sanitize  
22 it and say, look, a friend got killed and they wanted revenge. Not --  
23 we don't have to say it's a gang rivalry and Mr. Williams, who was  
24 killed the day before, is part of this gang, et cetera.

25 So there are many things that may happen in this trial,

1 including talk to that -- or putting that witness up that might change  
2 the dynamic. We, the State, do not intend to elicit or, I'm sorry,  
3 present this during the course of jury selection and opening, of  
4 course. So it's not really something we need to address now. But I  
5 did want to put it on the record up front.

6 And for the record, as well, the defense has had the  
7 homicide case filed for the September 29th murder that preceded  
8 this murder since our last trial in '18.

9 THE COURT: What do you think Nicholas Owens would  
10 testify to?

11 MR. GIORDANI: Well --

12 THE COURT: Do you know? I mean, if you haven't  
13 spoken to him?

14 MR. GIORDANI: I know what he said back then.

15 THE COURT: Okay.

16 MR. GIORDANI: If he testifies to what he said back then,  
17 then, then motive plainly and clearly, right? But I don't know what  
18 he's going to say. I've no idea what he's going to say --

19 THE COURT: Was he present --

20 MR. GIORDANI: -- 15 years later.

21 THE COURT: -- at the murder the night before?

22 MR. GIORDANI: That's what the report seems to indicate.

23 THE COURT: Okay.

24 MR. GIORDANI: But we haven't --

25 THE COURT: Okay.

1 MR. GIORDANI: -- again, haven't spoken to him, so we  
2 don't we don't know exactly the dynamic. It's not like it's a  
3 interview that we can just read and we know exactly what he said;  
4 it's a report documenting the interview.

5 THE COURT: Okay. So when are you going to know  
6 whether you're going to call him or not?

7 MR. GIORDANI: Well, once we transport him down and  
8 talk to him.

9 THE COURT: Okay.

10 MR. LEVENTHAL: Judge, I -- we don't have -- and I know  
11 that the State can probably provide it, but we don't have that report.  
12 We don't have a statement by Mr. Owens, nor do we have a report,  
13 we've got a, I believe, an intake and that's about all we have from  
14 Mr. Owens at this time, which is nothing. Or Detective Carter, we  
15 don't have anything from him, as well.

16 THE COURT: So he -- you don't have that -- because  
17 wouldn't that be in the homicide file from the murder the night  
18 before? I mean, because the transcript from the prior trial indicates  
19 that the defense had --

20 MR. TANASI: Yes.

21 THE COURT: -- all the discovery.

22 MR. TANASI: Judge, we did a file review, as well, that is --

23 THE COURT: Okay.

24 MR. TANASI: -- earlier this week. And then we went back  
25 and looked through the file and tried to find anything related to

1 Detective or Officer Carter. And the only thing that I was able to  
2 find was the temporary custody record, which is not a statement.

3 THE COURT: For who?

4 MR. TANASI: For --

5 THE COURT: For Owens?

6 MR. TANASI: For Mr. Carter. He filled out the temporary  
7 custody record for Mr. Matthews.

8 THE COURT: Oh.

9 MR. TANASI: That's the only document that I was able to  
10 find.

11 Again, I'm not saying -- I'm saying we don't have it.  
12 Right? And I think it can be cured at this point, as long as we can  
13 get it. And then we certainly don't have anything with respect to  
14 Mr. Owens' current statements.

15 THE COURT: Well, sounds like the State doesn't, either.

16 MR. TANASI: Right.

17 MR. GIORDANI: I can't tell if the gamesmanship has  
18 already begun or not. But I disclosed this to these guys yesterday  
19 and they said nothing about not having it. They've had it since '18.  
20 So I've got it in my electronic file, which is the same file that has  
21 been copied and disclosed to the defense. I've got it right here, I  
22 can pull it up and show them and maybe they can double-check.  
23 But it's --

24 MR. TANASI: So no gamesmanship. It is --

25 MR. LEVENTHAL: No, I --

1 THE COURT: Yeah, if you want to e-mail it to me --  
2 MR. LEVENTHAL: -- very possible that we don't have it.  
3 THE COURT: -- I'll print it right now and hand it to him.  
4 MR. LEVENTHAL: Not exactly sure about the  
5 gamesmanship. He did mention it. But we were sitting there  
6 looking at our folder for this.  
7 THE CLERK: Mr. Giordani, do you want to e-mail it to me?  
8 MR. GIORDANI: Sure.  
9 [Pause in proceedings.]  
10 THE COURT: And the only thing relevant to that witness  
11 would be the detective's officer report. Right?  
12 MR. GIORDANI: In this -- yes.  
13 THE COURT: Okay.  
14 MR. GIORDANI: In the discovery, yes.  
15 THE COURT: Okay.  
16 MR. GIORDANI: Right. And it's three pages long, for the  
17 record.  
18 THE COURT: Okay.  
19 MR. GIORDANI: So you -- I'll e-mail that to defense  
20 counsel and --  
21 [Pause in proceedings.]  
22 MR. GIORDANI: And, Judge, one final thing on this gang  
23 issue. It was -- I believe it was previously addressed in '18, as well.  
24 There are two main officers who identify Mr. Matthews as jumping  
25 out of the wrecked getaway vehicle. I can't recall which one, but I



1 know at least one of them, maybe both, had interacted with him in  
2 the past, knew him or knew of him or something to that effect, I'm  
3 drawing a blank. But I believe what we did last time was say, very  
4 neutrally, that they had interacted in the past, but the reality of the  
5 situation is it was field interview cards or something like that. We  
6 stayed away from the field interviews. Again, we can address it at a  
7 later point, I just wanted to put that on the record.

8 THE COURT: Mr. Leventhal, do you want to approach?

9 MR. LEVENTHAL: Yes, thank you.

10 [Pause in proceedings.]

11 THE COURT: Anything else?

12 MR. GIORDANI: Yes.

13 THE COURT: Okay.

14 MR. GIORDANI: Previously, we addressed the prior trial  
15 as a prior hearing.

16 THE COURT: Uh-huh.

17 MR. GIORDANI: I think we'd be willing to agree that that's  
18 how we refer to it this time as well. The reason I bring it up is we  
19 looked at the evidence from the last trial and we intend to admit the  
20 same evidence.

21 THE COURT: Okay.

22 MR. GIORDANI: Which was admitted back then by  
23 stipulation, at least the State's were.

24 The evidence tags on there have the 2018 date on them,  
25 and I guess we cannot cover those up, because it would then be

1 tampering with the 2018 evidence. So the new stickers cannot go  
2 over the 2018 stickers.

3 THE COURT: Uh-huh.

4 MR. GIORDANI: So what we intend to do is just refer to  
5 the prior trial as a prior hearing.

6 THE COURT: Right. I believe that's what we did last time.  
7 So when you're referring to a preliminary hearing or any type of  
8 testimony, just refer to it as the prior hearing.

9 MR. TANASI: Understood, Judge.

10 MS. BOTELHO: And, Your Honor, for the record,  
11 concerning the officers' report written by Detective Andre Carter, it  
12 was disclosed to the defense in -- on August 3rd of 2018 in a set of  
13 discovery, specifically, the officers' report is Bates stamp  
14 Number 509, 510, and 511, to account for the three pages.

15 And the entire homicide file from that September 29th  
16 homicide was also disclosed, beginning with Bates stamp 481 and  
17 ending in 717.

18 MR. LEVENTHAL: I think it's moot, we have it now.

19 THE COURT: Okay.

20 MR. LEVENTHAL: We're good.

21 THE COURT: All right.

22 MR. GIORDANI: Well, there we go.

23 MR. LEVENTHAL: I'm not sure why we 're still talking  
24 about it. We've got it, we're good.

25 MR. GIORDANI: Well, because you said you didn't have it.

1 That's why I was so --

2 MR. LEVENTHAL: We did. Now we do.

3 MR. GIORDANI: Okay.

4 MR. LEVENTHAL: And we'll deal with it when the time  
5 arises.

6 THE COURT: Thank you.

7 THE CLERK: Judge, I'll go through those.

8 THE COURT: They're all of them, right?

9 MR. GIORDANI: Yes, ma'am. They're the snapshots.

10 THE COURT: Okay. So the attorneys have the same  
11 copy?

12 MR. GIORDANI: Yes, ma'am.

13 THE COURT: Okay. So just so you know, the discovery  
14 commissioner, you get every single questionnaire of every juror.  
15 So you have questionnaires of other panels that went someplace  
16 else. So, I mean, I don't know how helpful these are, but you have  
17 to, like, go through them and take out the ones that are not on our  
18 panel. So that's why it's so thick. Because I think we only got 55.

19 THE CLERK: Yeah, 55.

20 MR. GIORDANI: There's one more issue, Judge.

21 THE COURT: Sure. Go ahead.

22 MR. GIORDANI: So this just came up very recently. I was  
23 just provided with two jail calls that I forwarded to defense counsel  
24 and the Court. I just received them within the last, like, 10 minutes  
25 or 15 minutes.

1 THE COURT: All right. Just today?  
2 MR. GIORDANI: Just now.  
3 THE COURT: Okay.  
4 MR. GIORDANI: Literally, just now.  
5 Apparently, Mr. Matthews intends on having people print  
6 out shirts to intentionally influence the jury outside of the  
7 courtroom. I've --  
8 MR. LEVENTHAL: Judge, I spoke to the family. They are  
9 not going to -- I spoke to them last night, I told them not to.  
10 Straight up, I said --  
11 MR. GIORDANI: Okay.  
12 MR. LEVENTHAL: -- you're going to get kicked out. The  
13 judge doesn't appreciate it. And I'd rather you hear, if you're going  
14 to be here and support him, just be in plain clothes and support him  
15 and sit. And so I took care of that last night.  
16 MR. GIORDANI: Well, my record's not done.  
17 MR. LEVENTHAL: So they won't be here.  
18 MR. GIORDANI: So --  
19 THE COURT: I do appreciate that.  
20 MR. GIORDANI: -- the jail calls indicate that, specifically --  
21 THE CLERK: Do you want me to play what you sent me  
22 for Judge?  
23 MR. GIORDANI: Well, that's up to the judge. I just -- I  
24 wanted to provide both calls.  
25 THE COURT: Okay.

1 MR. GIORDANI: So Call Number 1, at -- starting at  
2 around 2 minutes is where he discusses the shirts. But the real  
3 troubling one and the one I want to make a clear record about is  
4 Jail Call 2. Starting around 4 minutes, 44 seconds, where the  
5 defendant, Jemar Matthews, admits the objective is to  
6 communicate things to the jury that can't be said in court. That is  
7 extremely troubling to the State.

8 And while I appreciate the fact that Mr. Leventhal  
9 stopped -- attempted to stop them from doing this, apparently knew  
10 about it in advance, I have some concerns, right? If there are -- is  
11 even a single t-shirt in the hallway that refers to a prior trial or says  
12 anything that is not evidence, then that's improperly influencing the  
13 jury. And it's clear Mr. Matthews wants to do that.

14 So I don't know how we address that, Judge. I wanted to  
15 bring it up to the Court before we start bringing these folks from the  
16 public up to the courtroom.

17 THE COURT: Well, if there's anyone out there and -- while  
18 the jury's around trying to influence the jury panel, they will be  
19 escorted out of the courthouse and they will not be permitted to  
20 come back.

21 MR. LEVENTHAL: Judge, I made that perfectly clear that  
22 they are not -- because that question was asked.

23 THE COURT: Sure.

24 MR. LEVENTHAL: What if we don't go in? I said, no. No  
25 t-shirts in the hallway, no t-shirts outside, nothing that would

1 influence. Otherwise, you know, you're going to deprive him of  
2 coming -- being able to come in and support him if you want to.

3 THE COURT: Well, sure, I want him to be able to have his  
4 family here.

5 MR. LEVENTHAL: And so I want them here if they want to  
6 be here, and I don't want them kicked out. So we addressed the  
7 Court, we addressed the hallway, we addressed outside. So that  
8 was all addressed. They understood. I don't even think the t-shirts  
9 are made, to be honest with you.

10 MR. GIORDANI: Oh, they are. It's in the written -- it's in  
11 the jail call. I know the exact --

12 THE COURT: The t-shirt that says what?

13 MR. GIORDANI: Something like Free Jemar, or  
14 Wrongfully Convicted, or something like that. They say the number  
15 of shirts that they were able to get done was 14, I believe.

16 MS. BOTELHO: Yeah.

17 THE COURT: Oh, my goodness.

18 MS. BOTELHO: With six more.

19 MR. GIORDANI: And the concern would be down at  
20 security, I mean, down at the front, outside the courthouse, what --  
21 attempting to influence a jury in any way is improper in that  
22 respect.

23 THE MARSHAL: I can tell you there's nothing out there  
24 this morning.

25 THE COURT: Okay.

1 MR. GIORDANI: Out where, though? In the hallway,  
2 right?

3 THE MARSHAL: Out in the hallway.

4 MR. GIORDANI: Yeah.

5 THE MARSHAL: This morning.

6 MR. GIORDANI: We can't --

7 THE COURT: I mean, the problem is, is that I can't be in  
8 every place in the courthouse. But if there is any type of attempt to  
9 influence this jury panel, number one, it'll cause a mistrial.

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: So I just have to believe that's not what you  
12 want.

13 THE DEFENDANT: No, ma'am.

14 THE COURT: Okay. Because it'll just cause a mistrial.

15 THE DEFENDANT: No, I mean, I know what's in --

16 THE COURT: If I have people interfering with the jury  
17 panel.

18 THE DEFENDANT: I didn't know that -- my [indiscernible]  
19 was just -- I didn't know that we couldn't bring -- before we found  
20 out about we couldn't bring up [indiscernible] trials. I was just  
21 speaking, like, this is my third time. Yes, I want the -- I -- I felt like  
22 the jury should know that, but my attorney tells me we're not going  
23 to -- we've got to refer to it as prior -- event prior --

24 THE COURT: You think it would be good for this jury to  
25 hear that two prior juries have convicted you?

1 THE DEFENDANT: I didn't -- I didn't know.

2 THE COURT: I don't think that would be good for the jury  
3 to hear.

4 THE DEFENDANT: Okay. That's is what -- I'm just telling  
5 you what my thought process was. Before it was even completed,  
6 my family contacted my attorney. My attorney tells them no. I talk  
7 to my brother on the phone, like, bro, it's over with.

8 THE COURT: Okay.

9 THE DEFENDANT: You-all going to have to do that after --  
10 you need to do that after this case is all the way -- everything is  
11 done. It's a no-go. So yes, I did -- I can't deny what I said about  
12 making the shirts, yes, ma'am.

13 THE COURT: Okay.

14 THE DEFENDANT: But my attorney made me aware that  
15 we cannot do that, we're not going to do that. And it's not going to  
16 happen. So this is -- that's not going to happen. You've got --

17 THE COURT: Okay. Because now we're going to be  
18 aware of it.

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: And we're going to be watching for it.

21 And, again, I would never, ever let the State tell a new jury  
22 panel that you were convicted by a prior jury. I think that would be  
23 too prejudicial.

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: To you I think it would be prejudicial.



1 THE DEFENDANT: I didn't know -- I didn't -- jitters, you  
2 could say the jitters or whatever, just trying to, I don't know, I got  
3 my attorneys let me know. So I'm done.

4 THE COURT: Okay.

5 THE DEFENDANT: It won't happen.

6 THE COURT: Okay.

7 THE MARSHAL: I can't control outside the building, but I  
8 can let the sergeant know that if he sees any of those shirts, they're  
9 not allowed in.

10 THE COURT: Well, we sure can. Someone's outside the  
11 building trying to intimate, influence the jury panel, I sure can  
12 control it.

13 THE MARSHAL: No, I understand. But I can let the  
14 sergeant know that if somebody tries to come in the building with  
15 that word, that they're not allowed to --

16 MS. BOTELHO: Absolutely. That's what -- yes, we would  
17 request that, Your Honor.

18 THE COURT: Okay.

19 [Pause in proceedings; counsel and client confer.]

20 MR. LEVENTHAL: So my client thinks that the t-shirt --

21 THE COURT: You need to have your mask up too.

22 THE DEFENDANT: Sorry.

23 MR. LEVENTHAL: What he indicated was he -- maybe  
24 we're belabored at this point, but he saw that Mersey's -- the  
25 victim's family came with RIP Mersey. I didn't see that during trial

1 and he says he did, that's where he came up with the idea. If we  
2 see that, I'm sure that Mr. Giordani would let them know that they  
3 can't do that as well. But I didn't see it at the last trial, that's  
4 where -- my client said he saw it, I didn't see it.

5 THE COURT: Well, the jury --

6 MR. LEVENTHAL: Maybe for sentencing.

7 THE COURT: -- is going to know that the victim is dead.  
8 Right? Because it's a murder trial. I mean, that's not  
9 communicating something to them that they don't know or not -- is  
10 not appropriate for them to know. But, yeah, I don't want anybody  
11 influence this jury panel.

12 Anything else?

13 MR. GIORDANI: No, Your Honor.

14 THE COURT: That wasn't that bad.

15 MR. LEVENTHAL: Nothing further from the defense, Your  
16 Honor.

17 THE CLERK: So, Judge, is there a motion? Or it's just --

18 THE COURT: Right. I mean, the motion is, obviously, the  
19 parties are not going to talk about gang activity and they're not  
20 going to refer to gangs. So the defense's motion is granted.

21 MR. GIORDANI: And we would, of course, like last time,  
22 reserve the right, if a door's open for some crazy reason, which I  
23 don't expect, but if a door's open --

24 THE COURT: I don't expect that, either. So -- but  
25 absolutely.

1 Are you guys ready?

2 MR. GIORDANI: Yes, Your Honor.

3 MR. LEVENTHAL: Yes, Your Honor.

4 THE COURT: Okay. Bring them in.

5 [Pause in proceedings.]

6 MR. GIORDANI: Judge?

7 THE COURT: Yeah?

8 MR. GIORDANI: I've now received another jail call --

9 THE COURT: Yeah, don't bring the panel in.

10 [Pause in proceedings.]

11 MR. GIORDANI: So, Judge, obviously, the jury's out of

12 the room. I just received another jail call. Apparently, the new plan

13 is to do a photo shoot with the shirts in front of RJC. Also,

14 Matthews wants the crew to wear shirts outside the building on the

15 last day of trial. His girl's trying to explain things to him.

16 Bottom line is they're going to make the effort for the jury

17 to see their shorts that say "Third trial, innocent man, free Jemar!"

18 with his picture on it.

19 So I don't know the exact date and time, but I'll forward

20 this to defense counsel and you as well. When he says new plan,

21 that is --

22 THE COURT: Who said new plan?

23 MR. GIORDANI: That is the detective who's listening to

24 the calls conveying that to me. So I don't know if that is -- well,

25 actually, I can check the call for the date.

1 THE DEFENDANT: Your Honor, he ain't got to check the  
2 calls today.

3 THE COURT: Pardon me?

4 THE DEFENDANT: Call was today and Todd told them  
5 you don't do that -- this and up in there. So it's not going to  
6 happen.

7 MR. LEVENTHAL: And like I said, I spoke to the -- last  
8 night, late last night. So --

9 MR. GIORDANI: Yeah, so now he's saying it after his  
10 lawyer told him not to say it. He told him last night not to do it and  
11 the call's today.

12 MR. LEVENTHAL: Oh, my God. No. I told the family last  
13 night not to do it. I didn't speak to Jemar last night.

14 THE COURT: All right. And that call was when?

15 MR. LEVENTHAL: Jeez.

16 THE COURT: This morning at what time? And who is he  
17 speaking to?

18 MR. GIORDANI: A female -- I'm just trying to get a fair  
19 trial. I mean, they're acting outraged that I'm upset about this.

20 THE COURT: Look, it's kind of -- I think it's kind of  
21 outrageous to try to influence a jury panel and --

22 MR. GIORDANI: So do I.

23 THE COURT: -- have a plan about it before we even start.  
24 I mean, I just can't imagine you would want a mistrial.

25 THE DEFENDANT: I didn't want -- my intention wasn't to

1 get a mistrial, Judge. My intention wasn't to try to convince the  
2 jury, I just want it to be known -- I didn't know that we couldn't  
3 make it -- this is my third trial. So I wanted to put I'm a innocent  
4 man. I didn't know -- but I seen shirts last time with RIP Mersey,  
5 Justice for Mersey, things of this nature. So I felt I could do the  
6 same thing when I talked to my --

7 THE COURT: You've got to keep your mask up. Sorry.

8 THE DEFENDANT: Sorry about that. When I talked to --  
9 when I talked about it to my attorney and I -- when he came here  
10 today, he could see -- he talked to my friend last night. He scold me  
11 when we up in that thing, you cannot do this, do not have this  
12 done. Okay. When I get back -- I can't just -- I can't get on the  
13 phone when I get ready. When I get back up, everything has to be  
14 cancelled. It wasn't intention, oh, the jurors -- juror -- I want them --  
15 and, yes, I thought it would be the [indiscernible] they start seeing, I  
16 thought we would be able to do the same. Now that I know we  
17 can't do that, it will not be done.

18 THE COURT: Yeah. I promise you your attorneys do not  
19 want to introduce evidence to this jury panel that this is your third  
20 trial and that you've been convicted by two prior trials. That is, in  
21 my opinion, very prejudicial to you. So why you would try to get  
22 your family to convey that to a jury panel, it's beyond  
23 comprehension. I mean, do you want a jury to say, well, two other  
24 juries found him guilty, so we'll be the third. That would be  
25 outrageous.

1 THE DEFENDANT: I think I just put the wagon before the  
2 horse. Sorry.

3 THE COURT: I'm sorry?

4 THE DEFENDANT: I mean, I -- I put the wagon before the  
5 horse and I'm sorry and it won't -- it's not going to happen.

6 THE COURT: Okay.

7 MR. GIORDANI: For the record, I've sent that third call.  
8 Can we have all three of those calls marked as court exhibits if I put  
9 them on discs or --

10 THE CLERK: Yeah, if you put them on discs.

11 THE COURT: Yeah, you have to --

12 MR. GIORDANI: Okay.

13 THE COURT: Can we bring the panel in now?

14 MR. GIORDANI: Sure, Judge.

15 THE COURT: Thank you.

16 [Prospective jury panel convened at 10:38 a.m.]

17 THE COURT: Does the State stipulate to the presence of  
18 the jury venire?

19 MR. GIORDANI: We do, Your Honor.

20 THE COURT: And the defense?

21 MR. LEVENTHAL: Yes, Your Honor.

22 MR. TANASI: Yes, Judge.

23 THE COURT: Thank you.

24 Good morning, ladies and gentlemen. Welcome to  
25 Department 12 of the Eighth Judicial District Court. My name is

1 Michelle Leavitt and I'm the presiding judge in Department 12.  
2 You've been summonsed here today to serve as jurors in a criminal  
3 case entitled State of Nevada versus Jemar Matthews.

4 Before I do allow the attorneys to introduce themselves,  
5 I'm going to introduce the staff in Department 12 and give you a  
6 brief description of what they do.

7 Officer Hawks is the court marshal in this department.  
8 He's is in charge of the security. He is also the person that you will  
9 have the most contact with. Throughout this process of selecting a  
10 jury and after we do have a jury selected, myself, the staff in  
11 Department 12 with the exception of Officer Hawks, the parties and  
12 the attorneys are not permitted to have any communication with  
13 you whatsoever outside of the courtroom. So if there's anything  
14 that you need to communicate to the Court, I ask that you do so  
15 inside the courtroom in the presence of both sides or you can  
16 communicate with Officer Hawks.

17 Throughout this process of selecting a jury, we will see  
18 you in the hallway. We may see you in the elevator or coming in  
19 and out of the courthouse. We are not ignoring you. We will not  
20 acknowledge you, we won't even respond if you say hello to us.  
21 Please do not be offended by that. We are all just maintaining our  
22 ethical obligation to maintain the integrity of the jury system.

23 So, again, outside of the courtroom, Officer Hawks is the  
24 only one that you can have any communication with.

25 To my right is Sara. Sara is the court recorder in

1 Department 12. It's her job to take down everything that's being  
2 said during these proceedings. At some point she'll be called upon  
3 by myself to prepare what we call a written transcript, which means  
4 that she will type a written transcript, verbatim, of everything that is  
5 said during these proceedings. Therefore, when you are called  
6 upon to address the Court, I just ask that prior to responding, you  
7 give your name, the badge number that's been provided to you by  
8 the jury commissioner before responding, so that we have a clear  
9 and accurate record of who is speaking at all times.

10 To my right is Hailey, and Hailey is the clerk of the court.  
11 She keeps the official minutes. She's also the person that will take  
12 charge of all of the evidence when it's introduced at the time of  
13 trial.

14 To my left is Sheree and Sheree is the law clerk in  
15 Department 12. She's a licensed attorney in the state of Nevada  
16 and she assists the Court with legal issues.

17 Both sides are now going to give you a brief statement of  
18 the facts. They will also read to you their witness lists. I ask that  
19 you pay close attention to the names of the witnesses who will be  
20 called to testify in this matter, because at some point, I will ask if  
21 you're familiar with any of the witnesses who will be called to  
22 testify.

23 Mr. Giordani?

24 MR. GIORDANI: Thank you, Your Honor.

25 Good morning, ladies and gentlemen. My name is John



1 Giordani, I'm a chief deputy district attorney with the homicide unit  
2 at the Clark County District Attorney's Office. Seated over to my  
3 right is Agnes Botelho, she's also a chief deputy district attorney  
4 with the DA's office. And then Samantha Goett is a certified intern  
5 through the Nevada Supreme Court.

6 We have alleged, ladies and gentlemen, that on  
7 September 30th of 2006, the defendant, Jemar Matthews, shot and  
8 killed Mersey Williams here within Las Vegas, Clark County,  
9 Nevada. We further allege that the defendant conspired with  
10 multiple other individuals to murder someone at Mersey's location.

11 After the shooting, we've alleged that the defendant and  
12 his co-conspirators fled the scene on foot where they car jacked an  
13 elderly couple. A high-speed pursuit ensued after the carjacking.  
14 They wrecked the vehicle and an officer-involved shooting  
15 occurred, as well.

16 As a result of those allegations, we've charged the  
17 defendant, Jemar Matthews, with conspiracy to commit murder,  
18 murder with use of a deadly weapon, multiple counts of attempt  
19 murder with use of a deadly weapon for some of the other folks  
20 that were next to Mersey, robbery with use of a deadly weapon,  
21 conspiracy to commit robbery, possession of a short-barreled rifle,  
22 as well as assault with a deadly weapon.

23 I'm about to read you a witness list. Not all of these folks  
24 will necessarily testify this week. However, if you -- this week and  
25 next -- however, if you do recognize any of these names, please let

1 the Court know, we can't have jurors that know personally or  
2 witnesses in the case.

3 Now, the following are lay witnesses or named victims.  
4 Myniece Cook; Michel'le Tolefree; Geishe Orduno; Mel Bolden;  
5 Melvin Bolden.

6 The following are Las Vegas Metropolitan Police  
7 Department employees: Officer -- or now Lieutenant Bradley Cupp;  
8 Officer Brian Walter; K-9 Officer Cord Overson; Officer Michael  
9 Calarco; Retired Crime Scene Analyst David Ruffino; Amy Nemcik,  
10 also a crime scene analyst; former crime scene analyst and now lab  
11 worker Stephanie Fletcher; Crime Scene Analyst now retired Randy  
12 McPhail; Clark County Coroner's Office Medical Examiner to discuss  
13 the autopsy of Mersey is Dr. Lisa Gavin; Crime Scene Analyst  
14 Leanna Risso, now retired; gunshot residue expert Crystina Vachon,  
15 she resides in Bexar County, but will be coming in to testify; retired  
16 homicide detective Marty Wildemann; retired firearms analyst  
17 James Krylo; former detective -- retired Detective Andre Carter.

18 And lay people or lay witnesses by the names of Nicholas  
19 Owens and Maurice Hickman.

20 Thank you all for your time and attention this week and  
21 next.

22 THE COURT: Thank you.

23 MR. GIORDANI: Thank you.

24 THE COURT: Mr. Leventhal?

25 MR. LEVENTHAL: Good morning, everybody.

1 My name is Todd Leventhal and with me is Rich Tanasi  
2 and Jemar Matthews to his left.

3 As tragic as it was with the death of Mersey,  
4 Mr. Matthews has maintained his innocence and continues to do so  
5 to this day. The only witnesses at this point that we'll be calling is a  
6 Mark Chambers, as well as a Ronald Scott. And, again, if you know  
7 any of us or know of any of these two people, please bring it to the  
8 Court's attention.

9 Thank you for your time.

10 THE COURT: Okay. Thank you.

11 At this time, the clerk will call the role of the panel of  
12 prospective jurors. When your name is called, if you'll please  
13 indicate present or here.

14 [Prospective jury panel roll called.]

15 THE COURT: Anyone whose name was not called by the  
16 clerk of the court? Okay. The record will reflect no response by the  
17 panel.

18 If you'll please stand, raise your right hand so the clerk  
19 can administer the oath.

20 [Prospective jury panel sworn.]

21 THE COURT: Thank you very much.

22 Ladies and gentlemen, the jury, prior to the voir dire, has  
23 the right to have the charges read to you. The clerk is going to read  
24 the charging document. Just wanted to remind everybody that as  
25 Mr. Matthews sits here today, he is presumed innocent.

1 [Information read.]

2 THE COURT: Thank you very much.

3 We're about to commence what is called voir dire  
4 examination. The term voir dire means to tell the truth. During this  
5 process, you'll be asked questions bearing upon your ability to sit  
6 as fair and impartial jurors. To accomplish this result, various  
7 questions will be asked of you by myself or counsel for the parties.  
8 On occasion some of these questions will seem somewhat  
9 personal. While we do not wish to unnecessarily pry into your  
10 personal lives, the questions are necessary so that counsel and the  
11 Court can make an intelligent determination as to your capabilities  
12 to serve fairly and impartially. I want you to know that myself and  
13 the attorneys and all persons involved in this case are concerned  
14 with having this matter tried by jurors who are completely  
15 open-minded, neutral, objective, and unbiased in their thinking.

16 Wide discretion is vested in the trial judges to the method  
17 of examination of jurors. As I stated previously, I will personally  
18 conduct the voir dire, but I will give the attorneys the opportunity to  
19 participate in the questioning. It is important that you know the  
20 significance of full, complete, and honest answers to all the  
21 questions we're about to ask you. I caution you not to try to hide or  
22 withhold anything which might indicate bias or prejudice of any  
23 sort by any of you.

24 Should you fail to answer truthfully, if you hide or  
25 withhold anything touching upon your qualifications, that fact may

1 tend to contaminate your verdict and subject you to further inquiry  
2 even after you're discharged as jurors.

3 Your decision should be based upon all of the evidence  
4 presented during the trial and not based upon preconceived  
5 prejudice or bias. I will conduct a general voir dire examination of  
6 all of you while you're seated in the audience. After those general  
7 questions, the clerk will call the first 32 names using the order  
8 provided to us by the jury commissioner to fill the jury box.

9 At some point during the process of selecting a jury, the  
10 attorneys for both sides will have the right to ask that a particular  
11 person not serve as a juror. These requests are called challenges.  
12 There are two types of challenges. Challenges for cause and  
13 peremptory challenges. A challenge for cause means that a juror's  
14 been excused because his or her answers to some of the voir dire  
15 questions indicate that he or she would have a difficult time in  
16 giving a fair and impartial hearing to the case.

17 I will ask the attorneys to pass or waive the prospective  
18 jurors for a cause challenge. When they are done questioning the  
19 prospective jury panel. A peremptory challenge means that a juror  
20 can be excused from duty without counsel having to give a reason  
21 for the excusal. Please do not be offended should you be excused  
22 by either of the challenge procedures. They are simply a part of the  
23 procedure designed to protect the rights of the parties under our  
24 system of government.

25 And, again, if you wish to respond in the affirmative, I just

1 ask that you raise your hand. We'll make sure the microphone gets  
2 to you and you state your name and badge number before  
3 responding.

4 Has anyone on the panel been convicted of a felony? The  
5 record will reflect no response from the panel.

6 Is there anyone on the panel who is not a United States  
7 citizen?

8 Officer Hawks?

9 If you would state your name and badge number.

10 PROSPECTIVE JUROR NO. 448: Ninfa Sana, 0448.

11 THE COURT: 0448? And you're not a U.S. citizen?

12 PROSPECTIVE JUROR NO. 448: No.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 448: I'm a green card holder.

15 THE COURT: Pardon?

16 PROSPECTIVE JUROR NO. 448: A green card holder.

17 THE COURT: Okay. All right. And did you tell the jury  
18 commissioner you were not a U.S. citizen?

19 PROSPECTIVE JUROR NO. 448: When I --

20 THE COURT: When you checked in, did you tell them you  
21 were not a U.S. citizen?

22 PROSPECTIVE JUROR NO. 448: No.

23 THE COURT: Okay. Thank you. You can have a seat.

24 Anyone else on the panel who is not a U.S. citizen? The  
25 record will reflect no further response from the panel.

1 Is there anyone who is not a resident of Clark County,  
2 Nevada? Okay. The record will reflect no response from the panel.

3 Is there anyone on the panel who have such a sympathy,  
4 prejudice, or bias relating to age, religion, race, gender, or national  
5 origin that you feel would affect your ability to be an open-minded,  
6 fair, and impartial juror? The record will reflect no response from  
7 the panel.

8 Are there any of you on the panel who are acquainted  
9 with the defendant in this matter? The record will reflect no  
10 response from the panel.

11 Are there any of you on the panel who are familiar with  
12 his attorneys? The record will reflect no response from the panel.

13 Are there any of you on the panel who are familiar with  
14 the deputy district attorneys that have been assigned to prosecute  
15 this matter? The record will reflect no response from the panel.

16 The district attorney's office employs many deputies and  
17 other personnel. Is there anyone who has such a close relationship  
18 with either the district attorney, Mr. Steve Wolfson, his deputies, or  
19 other members of his staff that you feel would affect your ability to  
20 serve as a fair and impartial juror in this particular case? The record  
21 will reflect no response from the panel.

22 Are there any of you on the panel who are acquainted  
23 with any of the witnesses whose names were previously stated by  
24 the attorneys? The record will reflect no response from the panel.

25 I do expect this case, today's Thursday, so we'll go

1 Thursday, Friday, and I do expect it to last into next week. So is  
2 there anybody that serving for that amount of time would present  
3 such an undue burden or hardship, such as would make it -- I'm  
4 going to let everybody talk -- such as would make it impossible for  
5 you to be here? So the officer will pass the microphone.

6 If you'll state your name and badge number?

7 PROSPECTIVE JUROR NO. 332: Jacob Sinchak, 0332.

8 THE COURT: Go ahead.

9 PROSPECTIVE JUROR NO. 332: My wife is going to be  
10 traveling for education and she'll be in Dallas, Texas, as of all of  
11 next week starting on Sunday night. I've already taken all I can for  
12 work PTO, and I don't have anybody else to cover childcare at this  
13 time. I have two young daughters.

14 THE COURT: Oh, so the kids are, obviously, staying  
15 home. How old are they?

16 PROSPECTIVE JUROR NO. 332: 7 and 4.

17 THE COURT: Okay. And so, obviously, you're employed.

18 PROSPECTIVE JUROR NO. 332: Correct.

19 THE COURT: And where do you work?

20 PROSPECTIVE JUROR NO. 332: American Medical  
21 Response.

22 THE COURT: Does your employer pay you for jury duty?

23 PROSPECTIVE JUROR NO. 332: No. Oh, I get the -- I get  
24 time off, but I do not get paid for it, I don't believe.

25 THE COURT: You don't believe or you haven't asked?



1 PROSPECTIVE JUROR NO. 332: I haven't asked.

2 THE COURT: Okay. But -- you know, setting that aside, if  
3 you were selected to be here, would you be able to find somebody,  
4 having the next few days, that would be able to take care of -- I  
5 mean, I'm assuming one's home full time and then the 7-year-old's  
6 in school?

7 PROSPECTIVE JUROR NO. 332: No. The 4-year-old  
8 currently is in a pre-education program --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 332: -- at the 7-year-old's  
11 school, but she is an afternoon pre-K classes, so drop off the first  
12 one at 8:00, drop off the second one at, like, 11:30.

13 THE COURT: Okay. So --

14 PROSPECTIVE JUROR NO. 332: I do have family in town  
15 that are currently helping with Tuesday, Wednesday, and Thursday.  
16 My problem right now lies with Monday and Friday.

17 THE COURT: Okay. Because your wife's going to be  
18 gone, but you're going to be working.

19 PROSPECTIVE JUROR NO. 332: Correct.

20 THE COURT: Okay. So if you were here, it would be the  
21 same thing. So I'm just asking --

22 PROSPECTIVE JUROR NO. 332: No, I -- I'm sorry to  
23 interrupt, Your Honor.

24 THE COURT: -- would you be able to find, you know,  
25 someone to -- I mean, I understand, childcare is very, very

1 important. But if you were selected to serve, would you be able to  
2 find someone that would fill in those responsibilities?

3 PROSPECTIVE JUROR NO. 332: At this time, no. That's  
4 why I've taken off the allotted time from work to take care of the  
5 childcare. I've taken PTO off from work in order to watch my kids  
6 on Monday and Friday currently.

7 THE COURT: Okay. So you were --

8 PROSPECTIVE JUROR NO. 332: I've already -- yes.

9 THE COURT: All right. But, again, you have family  
10 members that are helping with the other days?

11 PROSPECTIVE JUROR NO. 332: Correct.

12 THE COURT: Correct?

13 PROSPECTIVE JUROR NO. 332: Tuesday, Wednesday,  
14 Thursday.

15 THE COURT: And they -- you wouldn't be able to get  
16 them to help with the Monday and Friday?

17 PROSPECTIVE JUROR NO. 332: Not with their current  
18 schedules. Otherwise, I wouldn't take off the time.

19 THE COURT: Okay. Thank you, sir.

20 Anyone else on that top row?

21 PROSPECTIVE JUROR NO. 372: Your Honor, I'd ask to be  
22 excused only because --

23 THE COURT: Can you please state your name and badge  
24 number?

25 PROSPECTIVE JUROR NO. 372: Oh. Tina Svinning,

1 Badge Number 040372.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 372: I own my own company  
4 and I'm -- I fly out on Monday to New York for a convention show.  
5 And I'm responsible for a lot of major things.

6 THE COURT: How long have you had your jury  
7 summons?

8 PROSPECTIVE JUROR NO. 372: I -- about a month. But  
9 I --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 372: -- went ahead and did it,  
12 but it was already scheduled for me. And I was, like, I never  
13 thought that I would be in a long-term thing. I guess I never  
14 thought of that because I've never done this, so I really didn't know  
15 what I was getting into.

16 THE COURT: Okay. So if you're selected to serve, how  
17 will that affect you?

18 PROSPECTIVE JUROR NO. 372: I --

19 THE COURT: Because you wouldn't be able to go out of  
20 town, you'd, obviously, have to be here.

21 PROSPECTIVE JUROR NO. 372: My company would take  
22 a big loss and I have no one to replace me. And it would be a  
23 financial burden.

24 THE COURT: Okay. What kind of company do you own?

25 PROSPECTIVE JUROR NO. 372: A convention company.

1 We do conventions.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 372: And we already took a  
4 big hit and this means a lot to keep us -- doors open.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 372: Because there's not that  
7 many --

8 THE COURT: Would you be able to pay your bills if you  
9 were --

10 PROSPECTIVE JUROR NO. 372: No.

11 THE COURT: -- required to be here?

12 PROSPECTIVE JUROR NO. 372: No. No, I would not.

13 THE COURT: Okay. All right.

14 PROSPECTIVE JUROR NO. 372: So.

15 THE COURT: Thank you.

16 PROSPECTIVE JUROR NO. 372: Okay. Thank you.

17 THE COURT: Thank you for being here.

18 Good morning.

19 PROSPECTIVE JUROR NO. 512: Good morning. My name  
20 is Robert Puckett, Badge Number 0512. I am a nursing student at  
21 College of Southern Nevada. And I have classes Monday through  
22 Wednesday. I have clinicals on Wednesdays that go from early  
23 mornings into the afternoon. If I miss one of those, it's very  
24 detrimental to my grade. I also have an exam to prepare for on  
25 Tuesday.

1 THE COURT: I'm sorry, what do you have on Tuesday?

2 PROSPECTIVE JUROR NO. 512: An exam.

3 THE COURT: Okay. So if you're required to be here, how  
4 would that involve your schooling? I mean, obviously, I wouldn't  
5 want you to flunk out.

6 PROSPECTIVE JUROR NO. 512: Yeah, it's just that I really  
7 need time for the -- to study for my exam.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 512: And also, Wednesday's  
10 very important for me to have time for clinical.

11 THE COURT: Okay. Thank you, sir. Thank you very much  
12 for being here.

13 PROSPECTIVE JUROR NO. 512: Thank you.

14 PROSPECTIVE JUROR NO. 459: My name is James  
15 Langford and my badge number is 0459. I don't have a  
16 business-related thing, but I do have a son traveling with his family  
17 that are coming to visit beginning Sunday, leaving next Saturday.

18 THE COURT: Oh.

19 PROSPECTIVE JUROR NO. 459: He's in the military, he's  
20 transferring from North Carolina to Idaho and visiting with us for  
21 that time and this has been planned for a little bit.

22 THE COURT: Okay. All right. Thank you, Mr. Langford.  
23 Thank you for being here.

24 PROSPECTIVE JUROR NO. 558: Hello. My name is Ivy  
25 Tran, Badge Number 558. I have a daughter, 2 years old.

1 THE COURT: I can't hear you. You're going to have to  
2 speak up.

3 PROSPECTIVE JUROR NO. 558: Ivy Tran, Badge  
4 Number 558. I have 2-years-old daughter. And she have difficult  
5 sleeping at night. So she woke up a few time at night, so when she  
6 able to sleep, I usually let her sleep until she wake up in the  
7 morning. So I'm just afraid [indiscernible] a trial, if it too long it  
8 might affect her sleeping.

9 THE COURT: Does she sleep at night?

10 PROSPECTIVE JUROR NO. 558: She's sleeping, but she  
11 wake up. So when she able to sleep until the morning, I wait until  
12 she wake up.

13 THE COURT: How old is your daughter?

14 PROSPECTIVE JUROR NO. 558: 2 year old.

15 THE COURT: Okay. Thank you. Thank you for being  
16 here.

17 PROSPECTIVE JUROR NO. 621: Hello. My name is Chevy  
18 Ana, 0621. I have a flight on Saturday.

19 THE COURT: For?

20 PROSPECTIVE JUROR NO. 621: For -- me and my  
21 daughter planned this six months ago, we going to Portland,  
22 because I'm not spending Christmas with her this year, because I'm  
23 going to the Philippines for one month. So we're, like, planned  
24 [indiscernible] like, long time ago.

25 THE COURT: Okay. Thank you.

1 PROSPECTIVE JUROR NO. 621: Thank you so much.  
2 THE COURT: Thank you for being here.  
3 Okay. Anyone else over there?  
4 PROSPECTIVE JUROR NO. 662: My name is Yuliya Fohel,  
5 Badge Number 0662. I have a newborn and I'm breastfeeding. And  
6 I'd have to pump, I guess, you know, in the middle of the trial every  
7 few hours. So that would be complicated for me.  
8 THE COURT: Okay. Well, I would offer I would get you a  
9 room to do that. Would -- if I did make that accommodation, would  
10 you be willing to stay?  
11 PROSPECTIVE JUROR NO. 662: Sure.  
12 THE COURT: Did you say sure?  
13 PROSPECTIVE JUROR NO. 662: Yes.  
14 THE COURT: Okay. Thank you. So I don't know what  
15 your schedule is, so about what time would you need a break?  
16 PROSPECTIVE JUROR NO. 662: Like every two hours.  
17 THE COURT: Every two hours?  
18 PROSPECTIVE JUROR NO. 662: Yes.  
19 THE COURT: But how --  
20 PROSPECTIVE JUROR NO. 662: For about 30 minutes.  
21 THE COURT: But how close are we now to that break?  
22 PROSPECTIVE JUROR NO. 662: 12:00.  
23 THE COURT: 12:00?  
24 PROSPECTIVE JUROR NO. 662: Yeah.  
25 THE COURT: You need to break at noon?

1 PROSPECTIVE JUROR NO. 662: Thank you.

2 THE COURT: Okay. All right. Thank you.

3 PROSPECTIVE JUROR NO. 648: Badge number is 0648,  
4 my name is Tracy Goupil. I want -- I would like to be here, but I  
5 totally cannot understand the case.

6 THE COURT: You can't understand --

7 PROSPECTIVE JUROR NO. 648: Yeah, I cannot --

8 THE COURT: -- English?

9 PROSPECTIVE JUROR NO. 648: I can communicate, but,  
10 you know, you want me to read it? You want me to write it down?  
11 I have a little bit problem. Even the lady, she read everything. I told  
12 her I don't understand.

13 THE COURT: Okay. You didn't understand the words or it  
14 was legal and you --

15 PROSPECTIVE JUROR NO. 648: Yeah.

16 THE COURT: -- didn't understand it because it was legal?

17 PROSPECTIVE JUROR NO. 648: The legal and the  
18 [indiscernible.]

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 648: Yeah, this --

21 THE COURT: And how long have you been in the United  
22 States?

23 PROSPECTIVE JUROR NO. 648: Oh, 25 years.

24 THE COURT: And do you work?

25 PROSPECTIVE JUROR NO. 648: No.



1 THE COURT: Have you ever been employed?  
2 PROSPECTIVE JUROR NO. 648: Yes.  
3 THE COURT: Okay. What was the last job that you had?  
4 PROSPECTIVE JUROR NO. 648: I work in the casino,  
5 dealer.  
6 THE COURT: Okay. What did you do in the casino?  
7 PROSPECTIVE JUROR NO. 648: Just dealer, dealing the  
8 card.  
9 THE COURT: Okay. All right. Thank you.  
10 Anyone else that wants to respond? Okay. The record  
11 will reflect no further response from the panel.  
12 Is there anyone on the panel who's ever been engaged in  
13 law enforcement work or have a spouse or close relative who's ever  
14 been engaged in law enforcement work?  
15 PROSPECTIVE JUROR NO. 360: Karen Collins, Badge  
16 Number 0360. I work for Nevada Parole and Probation. I'm a DPS  
17 supervisor for Interstate Compact --  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR NO. 360: -- and former court  
20 services supervisor and PSI writer.  
21 THE COURT: Okay. How long have you been working  
22 with P&P?  
23 PROSPECTIVE JUROR NO. 360: I've been working with  
24 P&P since 2010.  
25 THE COURT: Okay. So quite a while.

1 PROSPECTIVE JUROR NO. 360: And my husband is also a  
2 parole and probation officer.

3 THE COURT: I'm sorry, who is --

4 PROSPECTIVE JUROR NO. 360: My husband.

5 THE COURT: Okay. All right. Anything about your  
6 employment or that of your husband's that would affect your ability  
7 to be a fair and impartial juror if you were selected to serve?

8 PROSPECTIVE JUROR NO. 360: No, but I can't honestly  
9 say that I haven't seen any codefendants' cases that have come  
10 across my desk and/or have written PSI reports on them, if any.  
11 Because I was in court services prior to Interstate Compact.

12 THE COURT: Okay. Do you know anything about this  
13 case other than what's been --

14 PROSPECTIVE JUROR NO. 360: No.

15 THE COURT: -- stated in the courtroom here today?

16 PROSPECTIVE JUROR NO. 360: No, ma'am.

17 THE COURT: Okay. And so -- and you know that if you  
18 were selected to serve as a panel -- on the panel, you would not be  
19 permitted to discuss this case with anyone, including your fellow  
20 jurors, until you went back to deliberate upon your verdict?

21 PROSPECTIVE JUROR NO. 360: Yes.

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

23 PROSPECTIVE JUROR NO. 360: Yes.

24 THE COURT: So you know you couldn't talk about the  
25 case to your friends at work, your husband, you couldn't do any

1 independent research. I mean, you couldn't do anything except rely  
2 on what is stated here in the courtroom; do you understand that?

3 PROSPECTIVE JUROR NO. 360: Yes, Your Honor.

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

6 PROSPECTIVE JUROR NO. 360: Yes, Your Honor.

7 THE COURT: But is there anything about your  
8 employment that would affect your ability to sit as a fair and  
9 impartial juror if you were selected to serve?

10 PROSPECTIVE JUROR NO. 360: No, Your Honor.

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

13 PROSPECTIVE JUROR NO. 402: My name is Jennifer  
14 Nieves and I'm Badge Number 0402. My younger brother is a Las  
15 Vegas Metro police officer.

16 THE COURT: How long has he worked with Metro?

17 PROSPECTIVE JUROR NO. 402: 13 years.

18 THE COURT: And do you know what beat he's on? Is he  
19 patrol? Is he a detective? What does he do?

20 PROSPECTIVE JUROR NO. 402: Right now he works  
21 where all the cameras are. He's on light duty.

22 THE COURT: The fusion center?

23 PROSPECTIVE JUROR NO. 402: Yes.

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

1 PROSPECTIVE JUROR NO. 402: No.

2 THE COURT: Okay. And you understand, like I just told  
3 your fellow juror, that if you were selected to serve, that you could  
4 not talk about this case to anyone, including your fellow jurors until  
5 you went back to deliberate upon your verdict?

6 PROSPECTIVE JUROR NO. 402: Yes.

7 THE COURT: You would comply with that order?

8 PROSPECTIVE JUROR NO. 402: Yes.

9 THE COURT: So you understanding you couldn't call your  
10 brother up and say, hey, do you know about this? Can we talk  
11 about it? If you were selected to serve during this trial; do you  
12 understand that?

13 PROSPECTIVE JUROR NO. 402: Yes.

14 THE COURT: And you, obviously, would comply with that  
15 order, correct?

16 PROSPECTIVE JUROR NO. 402: Yes, correct.

17 THE COURT: Okay. Thank you.

18 PROSPECTIVE JUROR NO. 463: Scott Marcus, Badge  
19 Number 0463. I'm not sure this meets the question, but my wife  
20 works for City of Las Vegas Municipal Court as a court specialist.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 463: I just --

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

25 PROSPECTIVE JUROR NO. 463: No.

1 THE COURT: Okay. And, again, you've heard me tell your  
2 fellow jurors you couldn't talk about this case with anyone,  
3 including your fellow jurors, until you went back to deliberate. And  
4 you understand that?

5 PROSPECTIVE JUROR NO. 463: Yes.

6 THE COURT: So when you went home, you could say I  
7 am a juror in a criminal case, but you couldn't tell you wife anything  
8 else; do you understand that?

9 PROSPECTIVE JUROR NO. 463: Yes.

10 THE COURT: Okay. And you would comply with that  
11 order, correct?

12 PROSPECTIVE JUROR NO. 463: Yes.

13 THE COURT: Thank you, sir.

14 Mr. Langford?

15 PROSPECTIVE JUROR NO. 459: Yes, Your Honor. James  
16 Langford, Badge 0459. My brother, my brother-in-law are retired  
17 California State Corrections Officers and are still involved in  
18 contracting work associated with things of that nature. And I have a  
19 nephew who's a California State sheriff.

20 THE COURT: Okay. Anything about their former  
21 employment or the nephew's current employment that would affect  
22 your ability to be fair and impartial if you were selected to serve?

23 PROSPECTIVE JUROR NO. 459: No.

24 THE COURT: Okay. And, again, you understand you  
25 wouldn't be able to discuss this case with anyone, including your

1 fellow jurors, until you went back to deliberate upon your verdict?

2 PROSPECTIVE JUROR NO. 459: Yes, Your Honor.

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

4 PROSPECTIVE JUROR NO. 459: Yes.

5 THE COURT: Okay. Thank you, Mr. Langford. Thank you  
6 very much for being here.

7 PROSPECTIVE JUROR NO. 537: Jeannie Schlotter, Badge  
8 Number 0537. I was married to a retired Metro police officer.

9 THE COURT: Who's the retired?

10 PROSPECTIVE JUROR NO. 537: What's his name?

11 THE COURT: Will you just repeat what you just said?

12 PROSPECTIVE JUROR NO. 537: Okay. My name is  
13 Jeannie Schlotter and my badge number is 0537, and I was married  
14 to a -- what is -- he is now a retired police officer -- Metro police  
15 officer.

16 THE COURT: Okay. You were, so former spouse?

17 PROSPECTIVE JUROR NO. 537: I was married to him  
18 while he was a police officer.

19 THE COURT: Okay. And --

20 PROSPECTIVE JUROR NO. 537: But we're divorced now.

21 THE COURT: Okay. And how long has he been your  
22 former spouse?

23 PROSPECTIVE JUROR NO. 537: Excuse me?

24 THE COURT: How long has he been your former spouse?

25 PROSPECTIVE JUROR NO. 537: Oh, for about 15 years.

1 THE COURT: Okay. So is there any --

2 PROSPECTIVE JUROR NO. 537: But we're close friends.

3 THE COURT: Is there anything about his employment that  
4 would affect your ability to be fair and impartial if we selected you  
5 to serve?

6 PROSPECTIVE JUROR NO. 537: No.

7 THE COURT: Okay. Thank you. Thank you for being  
8 here.

9 PROSPECTIVE JUROR NO. 602: Troy Barney, 0602. My  
10 wife's a -- she's a retired DOC officer. And I've got two nephews  
11 that are police officers in Salt Lake City.

12 THE COURT: I'm sorry, your what -- what are the last four  
13 numbers? Did you -- 0602?

14 PROSPECTIVE JUROR NO. 602: It's 0602.

15 THE COURT: And you said your wife is?

16 PROSPECTIVE JUROR NO. 602: She's a -- she retired DOC  
17 officer, Department of Corrections.

18 THE COURT: Okay. Nevada?

19 PROSPECTIVE JUROR NO. 602: It was in Arizona.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 602: And I've got two  
22 nephews that are police officers in Salt Lake City.

23 THE COURT: Anything about your wife's former  
24 employment or your nephews' current employment that would  
25 affect your ability to be fair and impartial?

1 PROSPECTIVE JUROR NO. 602: No.  
2 THE COURT: And, again, you understand if you were  
3 selected to serve --  
4 PROSPECTIVE JUROR NO. 602: Yes.  
5 THE COURT: -- that you would not be permitted to  
6 discuss this case with anyone --  
7 PROSPECTIVE JUROR NO. 602: Yes.  
8 THE COURT: -- including your fellow jurors, until you  
9 went back to deliberate upon your verdict?  
10 PROSPECTIVE JUROR NO. 602: Yes.  
11 THE COURT: And you would comply with that order?  
12 PROSPECTIVE JUROR NO. 602: Yes.  
13 THE COURT: Thank you, sir.  
14 PROSPECTIVE JUROR NO. 602: Thank you.  
15 THE COURT: Okay. Anyone else that wants to respond to  
16 that question? Okay.  
17 PROSPECTIVE JUROR NO. 692: Hi. My name is Krystle  
18 Chappell, Badge Number 0692. And my uncle is a retired LAPD  
19 detective.  
20 THE COURT: Okay. Anything about his former  
21 employment that would affect your ability to be fair and impartial?  
22 PROSPECTIVE JUROR NO. 692: No.  
23 THE COURT: All right. Is that uncle live here locally?  
24 PROSPECTIVE JUROR NO. 692: No, he's in L.A.  
25 THE COURT: Okay. Do you have much communication



1 with him?

2 PROSPECTIVE JUROR NO. 692: I see him for holidays.

3 THE COURT: Okay. But you understand, like I told your  
4 fellow jurors, that you couldn't discuss this case with anyone until  
5 you went back to deliberate upon your verdict?

6 PROSPECTIVE JUROR NO. 692: Yes.

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

8 PROSPECTIVE JUROR NO. 692: Yes.

9 THE COURT: Thank you.

10 Anyone else? Okay. The record will reflect no further  
11 response from the panel.

12 Is there anyone on this panel who may not be able to  
13 follow all the instructions of the Court on the law, even if these  
14 instructions differ from your personal conceptions of what the law  
15 ought to be? Is there anyone who believes they cannot follow the  
16 law as give to you by the Court even if you don't agree with it?  
17 Okay. The record will reflect no response from the panel.

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

1 With that in mind, is there anyone who feels that they  
2 cannot be fact-finders and follow my instructions on the applicable  
3 law in this case? The record will reflect no response from the panel.

4 Under our system, there are certain principles of law that  
5 apply in every criminal trial. They are that the information filed in  
6 this case is a mere accusation and is not evidence of guilt. As  
7 Mr. Matthews sits here today, he is presumed innocent and the  
8 State therefore must prove that the defendant is guilty by proof  
9 beyond a reasonable doubt. Does anyone not understand or  
10 believe in these basic precepts of American justice? The record will  
11 reflect no response from the panel.

12 Does anyone on this panel know anything about this case  
13 other than what's been stated in the courtroom here today? Okay.  
14 The record will reflect no response from the panel.

15 What I'm going to do, because it'll be quicker, instead of  
16 excusing you, I'm going to ask the lawyers to meet me out in the  
17 hallway. We will still be on the record. The court marshal will stay  
18 in here. As soon as I have a brief discussion with the lawyers, we  
19 will come right back in, so it'll just take a couple of minutes.

20 [Off-record bench conference.]

21 THE COURT: Does the State stipulate to the presence of  
22 the panel?

23 MR. GIORDANI: Yes, Your Honor.

24 THE COURT: And the defense?

25 MR. LEVENTHAL: Yes, Your Honor. We do.

1 THE COURT: Thank you. Okay.

2 Thank you very much for your patience. At this time, the  
3 clerk's going to call the first 32 names as provided to us bey the jury  
4 commissioner. Some of you I'll ask to step out. If I ask you to step  
5 out of the box, you can just take any open seat out in the gallery.

6 THE CLERK: Seat 1 is going to be Shawn Larkin, 2  
7 Kenneth Hammond.

8 THE COURT: So, Mr. Jacob Sincak?

9 PROSPECTIVE JUROR NO. 332: Sinchak.

10 THE COURT: Sinchak. Okay. You can step down, you can  
11 take any seat out in the gallery.

12 THE CLERK: Christina Hughes, you're going to move over  
13 to Seat 3; Seat 4 is going to be Jason O'Dell; Seat 5, Joseph Rekrut;  
14 Seat 6, Karen Collins; Seat 7, John Brown; Seat 8, Jaiden Zimmer.

15 THE COURT: Okay. And then I'm going to ask you, Ms. --  
16 is it Svinning? You can step down. You can take a empty seat out  
17 in the gallery.

18 THE CLERK: Seat 9 is going to be Maria Luisa Burgos;  
19 Seat 10 is going to be Annie Watts, you're going to come up here?

20 THE COURT: Yeah. You can take a seat out there.

21 THE CLERK: Seat 11, you're also going to go up to the  
22 back row, is going to be Robin Follmer; Seat 12, Clifford Dam.

23 THE COURT: So we're just going to -- Seat 12 is this one  
24 right here.

25 THE CLERK: You're just going to slide right down. There

1 you go.

2 THE COURT: Thank you.

3 THE CLERK: Seat 13, Stephen Deering; Seat 14, Jennifer  
4 Nieves; Seat 15, Gladys Morales; Seat 16, Linda Clark; Seat 17, Amy  
5 Harbison; Seat 18, John Claros.

6 THE COURT: Okay. And Ms. Sana, you can take an empty  
7 seat in the gallery.

8 THE CLERK: Seat 19, you're going to go up to the second  
9 row, is going to be Clayval Becenti.

10 THE COURT: So you're just going to change seats and  
11 rows.

12 Mr. Langford, you can take a seat out in the gallery.

13 THE CLERK: Seat 20 in the middle row is going to be  
14 Scott Marcus; Seat 21, Samantha Mangacat.

15 THE COURT: So you'll just slide all the way down to the  
16 end chair.

17 THE CLERK: Seat 22, Marc Minami; Seat 23, Lori  
18 Gourley -- no, you're just going to slide right on down.

19 THE COURT: Right.

20 THE CLERK: Seat 24, Francine Schartz.

21 THE COURT: Okay. Now, Robert Puckett, you can take a  
22 seat out in the -- just take any empty seat in the gallery.

23 THE CLERK: Seat 25 is going to be Monica Takashima;  
24 Seat 26 is going to be Jeannie Schlotter.

25 THE COURT: So you'll come up and sit in the -- one of the

1 chairs in the front of the jury box.

2 THE CLERK: Seat 27, Marilou Sichon; Seat 28, Roxana  
3 Ortega; Seat 29, Thomas Willer; Seat 30, Ivy Tran; Seat 31 -- so  
4 you're just going to slide over to the end -- is going to Eric Sanchez;  
5 Seat 32 is going to be Mark Paragas, you're going to slide all the  
6 way down.

7 THE COURT: Okay. Thank you very much.

8 So we have -- do we have the microphone?

9 THE MARSHAL: Yes, ma'am.

10 THE COURT: Okay. All right. So Mr. Larkin, I'm going to  
11 start with you.

12 Good morning. How long lived in Clark County?

13 PROSPECTIVE JUROR NO. 312: I'm sorry, what was that?

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

15 PROSPECTIVE JUROR NO. 312: About 40 years.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 312: A little over.

18 THE COURT: And your education background?

19 PROSPECTIVE JUROR NO. 312: College and further -- a  
20 doctor.

21 THE COURT: Okay. So you --

22 PROSPECTIVE JUROR NO. 312: Chiropractor.

23 THE COURT: All right.

24 PROSPECTIVE JUROR NO. 312: Yeah.

25 THE COURT: So you have a doctorate degree?

1 PROSPECTIVE JUROR NO. 312: Yes.  
2 THE COURT: Okay. In chiropractic?  
3 PROSPECTIVE JUROR NO. 312: Correct.  
4 THE COURT: So I'm assuming you're a practicing  
5 chiropractor?  
6 PROSPECTIVE JUROR NO. 312: Yes.  
7 THE COURT: How long have you been doing that?  
8 PROSPECTIVE JUROR NO. 312: About seven years.  
9 THE COURT: Okay. Your marital status?  
10 PROSPECTIVE JUROR NO. 312: Married.  
11 THE COURT: Is your spouse employed?  
12 PROSPECTIVE JUROR NO. 312: Yes.  
13 THE COURT: What does your spouse do for a living?  
14 PROSPECTIVE JUROR NO. 312: She does hair, hair stylist.  
15 THE COURT: Okay. Do you have children?  
16 PROSPECTIVE JUROR NO. 312: Yes, three.  
17 THE COURT: Okay. Are any of those children old enough  
18 to be employed?  
19 PROSPECTIVE JUROR NO. 312: No.  
20 THE COURT: Okay. Do you know of any reason why you  
21 could not be a fair and impartial juror if we selected you to serve?  
22 PROSPECTIVE JUROR NO. 312: No.  
23 THE COURT: Thank you, Mr. Larkin. Thank you again for  
24 being here.  
25 PROSPECTIVE JUROR NO. 312: Thanks.

1 THE COURT: Mr. Hammond?  
2 PROSPECTIVE JUROR NO. 321: Yes.  
3 THE COURT: Okay. How long have you lived in Clark  
4 County?  
5 PROSPECTIVE JUROR NO. 321: 55 years.  
6 THE COURT: And your education background?  
7 PROSPECTIVE JUROR NO. 321: I have a bachelor's  
8 degree.  
9 THE COURT: And what's your bachelor's degree in?  
10 PROSPECTIVE JUROR NO. 321: I have one in science and  
11 one in arts. So I have two.  
12 THE COURT: Okay. And what do you do for a living?  
13 PROSPECTIVE JUROR NO. 321: I am a manager at a  
14 nonemergency medical transport company.  
15 THE COURT: Okay. And your marital status?  
16 PROSPECTIVE JUROR NO. 321: I am divorced.  
17 THE COURT: Okay. Do you have children?  
18 PROSPECTIVE JUROR NO. 321: I have two daughters,  
19 yes.  
20 THE COURT: Okay. Are either of them old enough to be  
21 employed?  
22 PROSPECTIVE JUROR NO. 321: No.  
23 THE COURT: Do you know of any reason why you could  
24 not be a fair and impartial juror --  
25 PROSPECTIVE JUROR NO. 321: No.

1 THE COURT: -- if we selected you to serve on this panel?

2 PROSPECTIVE JUROR NO. 321: No.

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

5 Ms. Hughes, good morning. How long have you lived in  
6 Clark County?

7 PROSPECTIVE JUROR NO. 344: I've been in Clark  
8 County 10 years.

9 THE COURT: Okay. And your education background?

10 PROSPECTIVE JUROR NO. 344: I'm a high school  
11 graduate.

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

13 PROSPECTIVE JUROR NO. 344: I'm a single mother of  
14 four. I currently receive disability for two of my children and --

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 344: -- unemployed at the  
17 moment.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR NO. 344: Unemployed.

20 THE COURT: Okay. And do you know of any reason why  
21 you could not be a fair and impartial juror if you were selected to  
22 serve?

23 PROSPECTIVE JUROR NO. 344: No, I do not.

24 THE COURT: Okay. And I know -- having four kids, I just  
25 want to make sure: Your kids would be covered if you were here



1 into next week?

2 PROSPECTIVE JUROR NO. 344: Yes, they would be.

3 THE COURT: Okay. Thank you. Thank you very much for  
4 your willingness to be here.

5 Mr. O'Dell, good morning.

6 PROSPECTIVE JUROR NO. 354: Good morning.

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

9 PROSPECTIVE JUROR NO. 354: For 11 years.

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

11 PROSPECTIVE JUROR NO. 354: Mechanic.

12 THE COURT: Okay. And can you tell me your education  
13 background?

14 PROSPECTIVE JUROR NO. 354: GED.

15 THE COURT: Okay. And your marital status?

16 PROSPECTIVE JUROR NO. 354: Married.

17 THE COURT: Okay. Is your spouse employed?

18 PROSPECTIVE JUROR NO. 354: No.

19 THE COURT: Do you have kids?

20 PROSPECTIVE JUROR NO. 354: I do.

21 THE COURT: How many?

22 PROSPECTIVE JUROR NO. 354: One.

23 THE COURT: Okay. Is that child a minor?

24 PROSPECTIVE JUROR NO. 354: Yes. He's 2 years old.

25 THE COURT: Do you know of any reason why you could

1 not be a fair and impartial juror if you were selected to serve on this  
2 panel?

3 PROSPECTIVE JUROR NO. 354: No.

4 THE COURT: Okay. Thank you, sir. And thank you very  
5 much for being here.

6 Mr. Rekrut?

7 PROSPECTIVE JUROR NO. 355: Hi. Yes, Your Honor.

8 THE COURT: Okay. Good morning.

9 How long have you lived in Clark County?

10 PROSPECTIVE JUROR NO. 355: 30 years.

11 THE COURT: Your education background?

12 PROSPECTIVE JUROR NO. 355: I have a master's degree.

13 THE COURT: And your master's degree is in?

14 PROSPECTIVE JUROR NO. 355: Educational leadership.

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

16 PROSPECTIVE JUROR NO. 355: I'm a retired elementary  
17 school principal. I'm now a dean at a K-8 charter school.

18 THE COURT: Okay. So you worked for the Clark County  
19 School District?

20 PROSPECTIVE JUROR NO. 355: 30 years, yes, ma'am.

21 THE COURT: Okay. Your marital status?

22 PROSPECTIVE JUROR NO. 355: I'm married.

23 THE COURT: Is your spouse employed?

24 PROSPECTIVE JUROR NO. 355: Yes, ma'am.

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

1 PROSPECTIVE JUROR NO. 355: She's the accounts  
2 payable supervisor at Southwest Gas.

3 THE COURT: Do you have children?

4 PROSPECTIVE JUROR NO. 355: I do.

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

6 PROSPECTIVE JUROR NO. 355: Yes.

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

8 PROSPECTIVE JUROR NO. 355: My oldest is a corporate  
9 tax attorney in Buffalo, New York. And my youngest is, well,  
10 majoring in college.

11 THE COURT: Okay. So he's a student in school?

12 PROSPECTIVE JUROR NO. 355: His major is changing his  
13 major, Your Honor.

14 THE COURT: Oh, so he's been in school a while?

15 PROSPECTIVE JUROR NO. 355: Yes.

16 THE COURT: Okay. Well, that's not bad.

17 PROSPECTIVE JUROR NO. 355: Yeah, okay.

18 THE COURT: Yeah, he'll find what he wants to do here  
19 soon.

20 Now, you said your oldest son is a tax attorney, correct?

21 PROSPECTIVE JUROR NO. 355: Yes.

22 THE COURT: And so you've heard me tell some of other  
23 jurors that you can't communicate with anyone about this case,  
24 even your fellow jurors, until you go back to deliberate upon your  
25 verdict.

1 PROSPECTIVE JUROR NO. 355: Yes, ma'am.  
2 THE COURT: Do you understand that?  
3 PROSPECTIVE JUROR NO. 355: Yes, I do.  
4 THE COURT: So you couldn't call up your son and say,  
5 hey, I've got this really great -- you know, trial I'm on, can you  
6 answer some of my questions; do you understand that?  
7 PROSPECTIVE JUROR NO. 355: I do.  
8 THE COURT: Okay. And you, obviously, would comply  
9 with that order, correct?  
10 PROSPECTIVE JUROR NO. 355: Yes, ma'am.  
11 THE COURT: Okay. Do you know of any reason why you  
12 could not be a fair and impartial juror if you were selected to serve?  
13 PROSPECTIVE JUROR NO. 355: No.  
14 THE COURT: Thank you. And thank you so much for  
15 being here.  
16 Ms. Collins, how long have you lived in Clark County?  
17 PROSPECTIVE JUROR NO. 360: Since 1989.  
18 THE COURT: Okay. And your education background?  
19 PROSPECTIVE JUROR NO. 360: I have an associate's in  
20 cardiorespiratory science and a bachelor's in business and applied  
21 management.  
22 THE COURT: And you're at Nevada Parole and Probation  
23 and you've held several different jobs, correct?  
24 PROSPECTIVE JUROR NO. 360: Correct.  
25 THE COURT: How long have you been with Nevada P&P?

1 PROSPECTIVE JUROR NO. 360: Since January of 2010.

2 THE COURT: Okay. And you indicated you're married,  
3 correct?

4 PROSPECTIVE JUROR NO. 360: Yes, I am.

5 THE COURT: And your spouse is also working with P&P  
6 and is a probation officer, correct?

7 PROSPECTIVE JUROR NO. 360: Yes, he is an officer too  
8 with the DUI court parole --

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

10 PROSPECTIVE JUROR NO. 360: Yes, I do. We have two.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 360: My oldest is 31 and  
13 unemployed -- currently unemployed, and my youngest is 24 and  
14 self-employed as a cinematographer/videographer.

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

17 PROSPECTIVE JUROR NO. 360: No, Your Honor.

18 THE COURT: Okay. Thank you. Thank you very much for  
19 your willingness to be here.

20 Mr. Brown?

21 PROSPECTIVE JUROR NO. 368: Yes.

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

24 PROSPECTIVE JUROR NO. 368: 22 years.

25 THE COURT: Okay. Your education background?

1 PROSPECTIVE JUROR NO. 368: Two years of college.  
2 THE COURT: Okay. What did you study?  
3 PROSPECTIVE JUROR NO. 368: History.  
4 THE COURT: And what do you do for a living?  
5 PROSPECTIVE JUROR NO. 368: I work for the City of  
6 North Las Vegas as an environmental tech.  
7 THE COURT: How long have you worked for North Las  
8 Vegas?  
9 PROSPECTIVE JUROR NO. 368: 15 years.  
10 THE COURT: Okay. Your marital status?  
11 PROSPECTIVE JUROR NO. 368: Divorce.  
12 THE COURT: Do you have children?  
13 PROSPECTIVE JUROR NO. 368: Four.  
14 THE COURT: Okay. Are they old enough to be employed?  
15 PROSPECTIVE JUROR NO. 368: Yes.  
16 THE COURT: Can you tell me what each does for a living?  
17 PROSPECTIVE JUROR NO. 368: One is a nurse, two are  
18 CNAs, and one work for the housing authorities.  
19 THE COURT: Okay. Do you know of any reason why you  
20 could not be a fair and impartial juror if you were selected to serve  
21 on this panel?  
22 PROSPECTIVE JUROR NO. 368: No.  
23 THE COURT: Thank you, sir. Thank you very much for  
24 being here.  
25 Ms. Zimmer?

1 PROSPECTIVE JUROR NO. 369: Hi.

2 THE COURT: Good morning. How long have you lived in

3 Clark County?

4 PROSPECTIVE JUROR NO. 369: 24 years.

5 THE COURT: And can you tell me your education

6 background?

7 PROSPECTIVE JUROR NO. 369: Bachelor's at Pepperdine

8 University.

9 THE COURT: And what's your bachelor's in?

10 PROSPECTIVE JUROR NO. 369: Integrated marketing

11 communications.

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

13 PROSPECTIVE JUROR NO. 369: I'm an independent

14 marketing and social media manager.

15 THE COURT: So I'm assuming you spend a lot of time on

16 social media?

17 PROSPECTIVE JUROR NO. 369: Yes, I do.

18 THE COURT: Okay. Well, one of the things that you'll

19 hear if you're selected to serve on this panel, and I will tell it to you

20 repeatedly --

21 PROSPECTIVE JUROR NO. 369: Yes.

22 THE COURT: -- you know, once you're -- you know,

23 throughout this process of selecting a jury and after we do have a

24 jury panel empaneled, you can't -- I mean, you can't go doing any

25 extra research looking for something.

1 PROSPECTIVE JUROR NO. 369: Yes.

2 THE COURT: You cannot post anything on social media  
3 that, you know, obviously -- it sounds so obvious, but I have to tell  
4 you because it's happened -- you can't post anything about the case  
5 on social media. You couldn't even post a picture of yourself with  
6 your badge indicating that you are a juror in Department 12,  
7 because in a case I had, that got people talking on Facebook about  
8 the specific case. So you can't talk about the case on social media,  
9 you can't do anything to, I guess, start a conversation --

10 PROSPECTIVE JUROR NO. 369: Uh-huh.

11 THE COURT: -- so that other people are talking about the  
12 case while you are empaneled on this jury panel. And -- do you  
13 understand that?

14 PROSPECTIVE JUROR NO. 369: Yes.

15 THE COURT: I mean, what I usually tell people sometimes  
16 is, you know, if you can put the phone down and not go on social  
17 media while you're empaneled on the jury, that would be a really  
18 good idea. Obviously, that's what you do for a living, it might not  
19 be feasible for you. But I just want to make sure you understand  
20 that you can't post anything, you can't -- about the case or post  
21 anything that would cause other people to start talking about the  
22 case.

23 PROSPECTIVE JUROR NO. 369: Yes, I understand.

24 THE COURT: And you understand that?

25 PROSPECTIVE JUROR NO. 369: Yes.



1 THE COURT: And do you have any questions about that?  
2 PROSPECTIVE JUROR NO. 369: No.  
3 THE COURT: And you would, obviously, comply with that  
4 request --  
5 PROSPECTIVE JUROR NO. 369: Yes.  
6 THE COURT: -- correct? Okay.  
7 And your marital status?  
8 PROSPECTIVE JUROR NO. 369: Not married.  
9 THE COURT: Okay. Do you have children?  
10 PROSPECTIVE JUROR NO. 369: No kids.  
11 THE COURT: Do you know of any reason why you could  
12 not be a fair and impartial juror if you were selected to serve?  
13 PROSPECTIVE JUROR NO. 369: No.  
14 THE COURT: Thank you and thank you very much for  
15 being here.  
16 Okay. Maria Burgos?  
17 PROSPECTIVE JUROR NO. 383: Hi.  
18 THE COURT: Good morning.  
19 PROSPECTIVE JUROR NO. 383: Good morning.  
20 THE COURT: How long have you lived in Clark County?  
21 PROSPECTIVE JUROR NO. 383: 16 years.  
22 THE COURT: Okay. And your education background?  
23 PROSPECTIVE JUROR NO. 383: Bachelor's degree.  
24 THE COURT: And what's your bachelor's degree in?  
25 PROSPECTIVE JUROR NO. 383: Bachelor's of science and

1 nursing.

2 THE COURT: Okay. So are you an RN?

3 PROSPECTIVE JUROR NO. 383: Yes.

4 THE COURT: Okay. Do you work in the hospital?

5 PROSPECTIVE JUROR NO. 383: I work at the VA  
6 Southwest Primary Clinic.

7 THE COURT: Okay. The VA Southwest what clinic?

8 PROSPECTIVE JUROR NO. 383: Primary Care Clinic.

9 THE COURT: Okay. How long have you worked there?

10 PROSPECTIVE JUROR NO. 383: 12 years.

11 THE COURT: Okay. Your marital status?

12 PROSPECTIVE JUROR NO. 383: Married.

13 THE COURT: Is your spouse employed?

14 PROSPECTIVE JUROR NO. 383: Yes.

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

16 PROSPECTIVE JUROR NO. 383: Coder specialist.

17 THE COURT: Okay. Do you have kids?

18 PROSPECTIVE JUROR NO. 383: No.

19 THE COURT: Do you know of any reason why you could  
20 not be a fair and impartial juror if you were selected to serve on this  
21 panel?

22 PROSPECTIVE JUROR NO. 383: No.

23 THE COURT: Thank you. Thank you again for being here.

24 Annie Watts?

25 PROSPECTIVE JUROR NO. 390: Yes.

1 THE COURT: Okay. Good morning. How long have you  
2 lived in Clark County?

3 PROSPECTIVE JUROR NO. 390: I've lived here for  
4 approximately 17 years.

5 THE COURT: And your education background?

6 PROSPECTIVE JUROR NO. 390: Three years' college,  
7 which includes one year of mortuary science.

8 THE COURT: Okay. What do you do for a living?

9 PROSPECTIVE JUROR NO. 390: I am retired.

10 THE COURT: What did you do before you -- good for you.  
11 Congratulations. What did you do before you retired?

12 PROSPECTIVE JUROR NO. 390: I worked in security.

13 THE COURT: Okay. Your marital status?

14 PROSPECTIVE JUROR NO. 390: Single.

15 THE COURT: Do you have kids?

16 PROSPECTIVE JUROR NO. 390: Two sons.

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

18 PROSPECTIVE JUROR NO. 390: Yes.

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

20 PROSPECTIVE JUROR NO. 390: Yes. My oldest son is a  
21 mechanic and my youngest boy, he is a manager in retail.

22 THE COURT: Do you know of any reason why you could  
23 not be a fair and impartial juror if you were selected to serve on this  
24 panel?

25 PROSPECTIVE JUROR NO. 390: No, ma'am.

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

3 PROSPECTIVE JUROR NO. 390: You're welcome.

4 THE COURT: Robin Follmer?

5 PROSPECTIVE JUROR NO. 396: Yes.

6 THE COURT: Okay. Good morning.

7 PROSPECTIVE JUROR NO. 396: Good morning.

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

9 PROSPECTIVE JUROR NO. 396: 44 years.

10 THE COURT: And your education background?

11 PROSPECTIVE JUROR NO. 396: Master's.

12 THE COURT: And what's your master's degree in?

13 PROSPECTIVE JUROR NO. 396: Elementary mathematics  
14 instruction.

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

16 PROSPECTIVE JUROR NO. 396: I'm a teacher.

17 THE COURT: And what age do you teach?

18 PROSPECTIVE JUROR NO. 396: I teach kindergarten  
19 through eighth grade. I teach art currently.

20 THE COURT: Okay. Your marital status?

21 PROSPECTIVE JUROR NO. 396: I'm married.

22 THE COURT: Is your spouse employed?

23 PROSPECTIVE JUROR NO. 396: Yes.

24 THE COURT: Can you tell me what your spouse does?

25 PROSPECTIVE JUROR NO. 396: He's in commercial real

1 estate.

2 THE COURT: Do you have children?

3 PROSPECTIVE JUROR NO. 396: Yes.

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

5 PROSPECTIVE JUROR NO. 396: Yes.

6 THE COURT: Okay. Can you tell me what each does?

7 PROSPECTIVE JUROR NO. 396: My oldest is also a  
8 teacher.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 396: And my younger two just  
11 entered college.

12 THE COURT: Okay. So both are students?

13 PROSPECTIVE JUROR NO. 396: Yes.

14 THE COURT: Do you have any reason why you could not  
15 be a fair and impartial juror --

16 PROSPECTIVE JUROR NO. 396: No.

17 THE COURT: -- if you were selected to serve?

18 PROSPECTIVE JUROR NO. 396: No.

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

21 Clifford Dam?

22 PROSPECTIVE JUROR NO. 398: Yes, ma'am.

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

25 PROSPECTIVE JUROR NO. 398: 38 years.

1 THE COURT: Okay. And your education background?

2 PROSPECTIVE JUROR NO. 396: Bachelor degrees in  
3 electrical engineering.

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

5 PROSPECTIVE JUROR NO. 396: I'm currently a software  
6 engineer at the slot gaming company [indiscernible] game  
7 technology.

8 THE COURT: Okay. Your marital status?

9 PROSPECTIVE JUROR NO. 398: Married, ma'am.

10 THE COURT: Okay. Is your spouse employed?

11 PROSPECTIVE JUROR NO. 398: Yes. She's currently a  
12 table games dealer.

13 THE COURT: Do you have children?

14 PROSPECTIVE JUROR NO. 398: I got three, ma'am.

15 THE COURT: Okay. Are any of them old enough to be  
16 employed?

17 PROSPECTIVE JUROR NO. 398: No. My oldest is school  
18 at the ASU, at the -- attending college.

19 THE COURT: Okay. Do you know of any reason why you  
20 could not be a fair and impartial juror if you were selected to serve  
21 on this panel?

22 PROSPECTIVE JUROR NO. 398: No, ma'am.

23 THE COURT: Thank you. Thank you very much for being  
24 here.

25 Mr. Deering?

1 PROSPECTIVE JUROR NO. 399: Yes.  
2 THE COURT: Okay. How long have you lived in Clark  
3 County?  
4 PROSPECTIVE JUROR NO. 399: About eight years now.  
5 THE COURT: Okay. And your education background?  
6 PROSPECTIVE JUROR NO. 399: High school diploma.  
7 THE COURT: And what do you do for a living?  
8 PROSPECTIVE JUROR NO. 399: I work at a thrift store.  
9 THE COURT: At a?  
10 PROSPECTIVE JUROR NO. 399: Thrift store.  
11 THE COURT: Okay. And your marital status?  
12 PROSPECTIVE JUROR NO. 399: I'm married.  
13 THE COURT: Is your spouse employed?  
14 PROSPECTIVE JUROR NO. 399: Yes.  
15 THE COURT: Can you tell me what your spouse does?  
16 PROSPECTIVE JUROR NO. 399: She's a Clark County  
17 teacher.  
18 THE COURT: What does she teach?  
19 PROSPECTIVE JUROR NO. 399: She's high school.  
20 THE COURT: High school? Do you have children?  
21 PROSPECTIVE JUROR NO. 399: No, ma'am.  
22 THE COURT: Any reason why you could not be a fair and  
23 impartial juror if we selected you to serve on this panel?  
24 PROSPECTIVE JUROR NO. 399: No, Your Honor.  
25 THE COURT: Okay. Thank you, and thank you very much

1 for your willingness to be here.

2 Jennifer -- is it Nieves?

3 PROSPECTIVE JUROR NO. 402: Yes.

4 THE COURT: Okay. How long have you lived in Clark

5 County?

6 PROSPECTIVE JUROR NO. 402: 17 years.

7 THE COURT: And your education background?

8 PROSPECTIVE JUROR NO. 402: Bachelor's and a master's

9 in English.

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

11 PROSPECTIVE JUROR NO. 402: I'm a writer.

12 THE COURT: And your marital status?

13 PROSPECTIVE JUROR NO. 402: Single.

14 THE COURT: Do you have kids?

15 PROSPECTIVE JUROR NO. 402: No.

16 THE COURT: Any reason why you could not be a fair and

17 impartial juror if you were selected to serve?

18 PROSPECTIVE JUROR NO. 402: No, Your Honor.

19 THE COURT: Okay. Thank you. Thank you very much for

20 being here.

21 Ms. Morales?

22 PROSPECTIVE JUROR NO. 411: Yes.

23 THE COURT: Good morning.

24 PROSPECTIVE JUROR NO. 411: Good morning.

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



1 PROSPECTIVE JUROR NO. 411: 28 years.  
2 THE COURT: And your education background?  
3 PROSPECTIVE JUROR NO. 411: Bachelor's in psychology.  
4 THE COURT: Okay. And what do you do for a living?  
5 PROSPECTIVE JUROR NO. 411: Financial manager for a  
6 nonprofit.  
7 THE COURT: I'm sorry, could you speak up just a little?  
8 PROSPECTIVE JUROR NO. 411: Financial manager for a  
9 nonprofit.  
10 THE COURT: Okay. Your marital status?  
11 PROSPECTIVE JUROR NO. 411: Single.  
12 THE COURT: Do you have kids?  
13 PROSPECTIVE JUROR NO. 411: No.  
14 THE COURT: Do you know of any reason why you could  
15 not be a fair and impartial juror if you were selected to serve?  
16 PROSPECTIVE JUROR NO. 411: No.  
17 THE COURT: Thank you. Thank you very much for being  
18 here.  
19 Ms. Clark, good morning.  
20 PROSPECTIVE JUROR NO. 422: Good morning.  
21 THE COURT: How long have you lived in Clark County?  
22 PROSPECTIVE JUROR NO. 422: 45 years.  
23 THE COURT: Your education background?  
24 PROSPECTIVE JUROR NO. 422: High school  
25 [indiscernible].

1 THE COURT: And what do you do for a living?  
2 PROSPECTIVE JUROR NO. 422: I'm retired.  
3 THE COURT: Okay. What did you do before you retired?  
4 PROSPECTIVE JUROR NO. 422: I was in grocery retail.  
5 THE COURT: I'm sorry?  
6 PROSPECTIVE JUROR NO. 422: Grocery retail.  
7 THE COURT: Okay. Your marital status?  
8 PROSPECTIVE JUROR NO. 422: Married.  
9 THE COURT: Okay. Is your spouse employed?  
10 PROSPECTIVE JUROR NO. 422: No, he's retired also.  
11 THE COURT: Okay. And what did your spouse do prior to  
12 retirement?  
13 PROSPECTIVE JUROR NO. 422: He worked at one of the  
14 casinos.  
15 THE COURT: Okay. What did he do?  
16 PROSPECTIVE JUROR NO. 422: Receiving.  
17 THE COURT: Pardon?  
18 PROSPECTIVE JUROR NO. 422: Receiving.  
19 THE COURT: Okay. Do you have kids?  
20 PROSPECTIVE JUROR NO. 422: Yes. Two.  
21 THE COURT: Are they old enough to be employed?  
22 PROSPECTIVE JUROR NO. 422: Yes.  
23 THE COURT: Can you tell me what each does for a living?  
24 PROSPECTIVE JUROR NO. 422: My son is in computers,  
25 rentals, and my daughter works for a grocery store.

1 THE COURT: Okay. Do you know of any reason why you  
2 could not be a fair and impartial juror if you were selected to serve?

3 PROSPECTIVE JUROR NO. 422: No.

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

6 So, Mr. Harbison?

7 PROSPECTIVE JUROR NO. 439: Yes.

8 THE COURT: Good morning.

9 PROSPECTIVE JUROR NO. 439: Good morning.

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

11 PROSPECTIVE JUROR NO. 439: 10 years.

12 THE COURT: Your education background?

13 PROSPECTIVE JUROR NO. 439: High school graduate.

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

15 PROSPECTIVE JUROR NO. 439: I'm a fine art  
16 photographer.

17 THE COURT: Okay. Your marital status?

18 PROSPECTIVE JUROR NO. 439: I'm married.

19 THE COURT: And is your spouse employed?

20 PROSPECTIVE JUROR NO. 439: Yes, he is.

21 THE COURT: What does your spouse do?

22 PROSPECTIVE JUROR NO. 439: He's a real estate  
23 investor.

24 THE COURT: Okay. And do you have kids?

25 PROSPECTIVE JUROR NO. 439: No, we do not.

1 THE COURT: Do you know of any reason why you could  
2 not be a fair and impartial juror if you were selected to serve on this  
3 panel?

4 PROSPECTIVE JUROR NO. 439: No, Your Honor.

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

7 John Claros?

8 PROSPECTIVE JUROR NO. 447: Claros.

9 THE COURT: Claros?

10 PROSPECTIVE JUROR NO. 447: Claros.

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

13 PROSPECTIVE JUROR NO. 447: 22 years.

14 THE COURT: And your education background?

15 PROSPECTIVE JUROR NO. 447: Eleventh.

16 THE COURT: Pardon?

17 PROSPECTIVE JUROR NO. 447: Eleventh.

18 THE COURT: Okay. I can't hear you. If you --

19 PROSPECTIVE JUROR NO. 447: Oh. Eleventh.

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

21 PROSPECTIVE JUROR NO. 447: Bartender at Caesar's  
22 Palace.

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

24 PROSPECTIVE JUROR NO. 447: About four years now.

25 THE COURT: Okay. Your marital status?

1 PROSPECTIVE JUROR NO. 447: Single.  
2 THE COURT: Do you have kids?  
3 PROSPECTIVE JUROR NO. 447: No.  
4 THE COURT: Do you know of any reason why you could  
5 not be a fair and impartial juror if you were selected to serve?  
6 PROSPECTIVE JUROR NO. 447: No, ma'am.  
7 THE COURT: Thank you. Thank you very much for being  
8 here.  
9 Good morning. Mr. Becenti, how long have you lived in  
10 Clark County?  
11 PROSPECTIVE JUROR NO. 456: Three years.  
12 THE COURT: Okay. Where did you move from?  
13 PROSPECTIVE JUROR NO. 456: San Diego, California.  
14 THE COURT: Okay. Your education background?  
15 PROSPECTIVE JUROR NO. 456: Some college and  
16 certifications.  
17 THE COURT: Okay. What did you study in college?  
18 PROSPECTIVE JUROR NO. 456: IT.  
19 THE COURT: Okay. And what are your certifications in?  
20 PROSPECTIVE JUROR NO. 456: In Enterprise IT Software,  
21 it's their [indiscernible] from Adobe, Microsoft, and Gmware.  
22 THE COURT: Okay. And what do you do for a living?  
23 PROSPECTIVE JUROR NO. 456: IT engineer and support.  
24 THE COURT: Your marital status?  
25 PROSPECTIVE JUROR NO. 456: Single.

1 THE COURT: Okay. Do you have kids?  
2 PROSPECTIVE JUROR NO. 456: One.  
3 THE COURT: Is that child old enough to be employed?  
4 PROSPECTIVE JUROR NO. 456: Yes.  
5 THE COURT: Okay. What does that child do for a living?  
6 PROSPECTIVE JUROR NO. 456: Currently in fast food.  
7 THE COURT: Currently?  
8 PROSPECTIVE JUROR NO. 456: In fast food, selling --  
9 THE COURT: Okay.  
10 PROSPECTIVE JUROR NO. 456: -- sandwiches.  
11 THE COURT: Do you know of any reason why you could  
12 not be a fair and impartial juror if you were selected to serve?  
13 PROSPECTIVE JUROR NO. 456: No.  
14 THE COURT: Okay. Thank you, sir. Thank you for being  
15 here.  
16 All right. So Mr. Marcus?  
17 PROSPECTIVE JUROR NO. 463: Yes, ma'am.  
18 THE COURT: Okay. You were there, so I was looking for  
19 you over there.  
20 Can you tell me how long you've lived in Clark County?  
21 PROSPECTIVE JUROR NO. 463: Approximately 40 years.  
22 THE COURT: Okay. And your education background?  
23 PROSPECTIVE JUROR NO. 463: MBA in technology  
24 management?  
25 THE COURT: What do you do for a living?

1 PROSPECTIVE JUROR NO. 463: I'm a business  
2 applications analyst for the City of Las Vegas.

3 THE COURT: Okay. How long have you worked for the  
4 City?

5 PROSPECTIVE JUROR NO. 463: About 16 years.

6 THE COURT: Okay. And I know you told me that you're  
7 married and your wife works for Las Vegas Municipal Court?

8 PROSPECTIVE JUROR NO. 463: Yes.

9 THE COURT: Does she work in the courtroom?

10 PROSPECTIVE JUROR NO. 463: She actually works -- she  
11 works, I think, on the first or second floor. I don't know exactly  
12 what she does, because she kind of flips around from different  
13 position to position. But she has done the ankle monitor stuff and  
14 things like that. So.

15 THE COURT: Okay. All right. Do you have kids?

16 PROSPECTIVE JUROR NO. 463: Yes. Two stepchildren.

17 THE COURT: Okay. And are they minors?

18 PROSPECTIVE JUROR NO. 463: No, they're older. One  
19 is 28 and the other one's 24.

20 THE COURT: Okay. Are they employed?

21 PROSPECTIVE JUROR NO. 463: Yes.

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

23 PROSPECTIVE JUROR NO. 463: The youngest one works  
24 for Target, the oldest one works for King County Court, Seattle,  
25 Washington.

1 THE COURT: Do you know of any reason why you could  
2 not be a fair and impartial juror if you were selected to serve --

3 PROSPECTIVE JUROR NO. 463: No, I do -- oh, sorry.

4 THE COURT: -- on this panel?

5 PROSPECTIVE JUROR NO. 463: No, I do not.

6 THE COURT: Okay. Thank you, sir.

7 PROSPECTIVE JUROR NO. 463: Thank you, Your Honor.

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

9 Okay. At this time, we're going to recess for lunch. You  
10 have to come back, obviously, after lunch. The people that are  
11 sitting in the box, the 32, please pay attention to where you're  
12 sitting, because when you come back, I'm going to ask you to sit in  
13 the same seats. You will come up to the 14th floor. Officer Hawks  
14 will greet you and he'll bring you in when we are ready.

15 During this recess you're admonished not to discuss or  
16 communicate with anyone, including your fellow jurors, in any way  
17 regarding the case or its merits either by voice, phone, e-mail, text,  
18 Internet, or other means of communication or social media, read,  
19 watch, or listen to any news or media accounts or commentary  
20 about the case, or do any research, such as consulting dictionaries,  
21 using the Internet, or using reference materials or make any  
22 investigation, test a theory of the case, recreate any aspect of the  
23 case, or in any other way investigate or learn about the case on  
24 your own or form or express any opinion regarding the case until  
25 it's finally submitted to you.



1 We'll be in recess till 1:15. Thank you very much and we'll  
2 see you after lunch.

3 Before -- I want Ms. Fohel, Badge Number 0662, if you'll  
4 just stay for a few minutes.

5 Everybody else is excused. Thank you.

6 [Prospective jury panel recessed at 12:01 p.m.]

7 THE COURT: Okay. Let the record reflect that the hearing  
8 is taking place outside the presence of the jury panel. I have asked  
9 Ms. -- it's Ms. Fohel?

10 PROSPECTIVE JUROR NO. 662: Fohel, yes.

11 THE COURT: Fohel? I just wanted to let you know that I  
12 will make accommodations for you if you want me to.

13 PROSPECTIVE JUROR NO. 662: Okay.

14 THE COURT: But I will also excuse you if you ask to be  
15 excused.

16 PROSPECTIVE JUROR NO. 662: Okay.

17 THE COURT: Because sometimes -- I mean, maybe  
18 another time is better, so it's really up to you. Do you want to be  
19 excused?

20 PROSPECTIVE JUROR NO. 662: I would prefer to be  
21 excused, but if you need me --

22 THE COURT: Okay. All right. I just wanted to make sure.  
23 You are excused, you do not need to come back after lunch. But  
24 thank you very, very much for your willingness to be here.

25 PROSPECTIVE JUROR NO. 662: Thank you.

1 [Court recessed at 12:03 p.m., until 1:36 p.m.]  
2 [Outside the presence of the prospective jury panel.]  
3 MR. GIORDANI: Hey, Judge, while we're off -- or on --  
4 THE COURT: Sure.  
5 MR. GIORDANI: -- I realized when I read our witness list to  
6 the jury, I didn't read the name Dean O'Kelley.  
7 THE COURT: Okay.  
8 MR. GIORDANI: And I think we need to add that name,  
9 considering some of the calls.  
10 THE COURT: Okay. Did you --  
11 MR. GIORDANI: In case we intend to present --  
12 THE COURT: Dean O'Kelley?  
13 MR. GIORDANI: Yes, ma'am. So would maybe the Court  
14 be able to just say --  
15 THE COURT: Sure.  
16 MR. GIORDANI: -- there's one additional witness who  
17 might testify.  
18 THE COURT: All right. Are they all ready?  
19 THE MARSHAL: Yes, ma'am.  
20 THE COURT: Okay. You can bring them in.  
21 [Prospective jury panel reconvened at 1:39 p.m.]  
22 THE COURT: Will the State stipulate to the presence of  
23 the panel?  
24 MR. GIORDANI: Yes, Your Honor.  
25 THE COURT: And the defense?

1 MR. LEVENTHAL: Yes, Your Honor.  
2 THE COURT: Okay. Thank you very much.  
3 Ladies and gentlemen, there's a name of a witness that  
4 may not have been read to you, so another witness that may be  
5 called to testify in this matter is Dean O'Kelley. Is there anyone who  
6 knows that witness? Okay. The record will reflect no response  
7 from the panel.  
8 So at this time, I'm on Samantha -- will you pronounce  
9 your last name?  
10 PROSPECTIVE JUROR NO. 466: Mangacat.  
11 THE COURT: Okay. Thank you.  
12 How long have you lived in Clark County?  
13 PROSPECTIVE JUROR NO. 466: For about 23 years.  
14 THE COURT: Okay. And what do you do for a living?  
15 PROSPECTIVE JUROR NO. 466: I am a nurse.  
16 THE COURT: Okay.  
17 PROSPECTIVE JUROR NO. 466: Yes.  
18 THE COURT: Are you -- do you work at a hospital?  
19 PROSPECTIVE JUROR NO. 466: Yes. MountainView  
20 Hospital.  
21 THE COURT: Okay. Are you an RN?  
22 PROSPECTIVE JUROR NO. 466: I am.  
23 THE COURT: Okay. Do you have a bachelor's in nursing?  
24 PROSPECTIVE JUROR NO. 466: Yes.  
25 THE COURT: Okay. Your marital status?

1 PROSPECTIVE JUROR NO. 466: Single.  
2 THE COURT: Do you have kids?  
3 PROSPECTIVE JUROR NO. 466: No.  
4 THE COURT: Do you know of any reason why you could  
5 not be a fair and impartial juror if you were selected to serve?  
6 PROSPECTIVE JUROR NO. 466: No.  
7 THE COURT: Thank you. Thank you very much for being  
8 here.  
9 Mr. Minami?  
10 PROSPECTIVE JUROR NO. 497: Yes.  
11 THE COURT: Okay. Good afternoon. How long have you  
12 lived in Clark County?  
13 PROSPECTIVE JUROR NO. 497: Going on eight years.  
14 THE COURT: Okay. And your education background?  
15 PROSPECTIVE JUROR NO. 497: I got an associate's in  
16 education and a bachelor's in computer forensics.  
17 THE COURT: Okay. What do you do for a living?  
18 PROSPECTIVE JUROR NO. 497: I'm retired.  
19 THE COURT: Okay. What did you retire from?  
20 PROSPECTIVE JUROR NO. 497: Air Force, 20 years.  
21 THE COURT: What did you do in the Air Force?  
22 PROSPECTIVE JUROR NO. 497: Multiple jobs, educator, I  
23 was aircraft mechanic primarily. I did security, personnel security,  
24 computer security.  
25 THE COURT: Okay. Your marital status?

1 PROSPECTIVE JUROR NO. 497: I'm divorced with one son  
2 at 15 years old.

3 THE COURT: Okay. Do you know of any reason why you  
4 could not be a fair and impartial juror if selected to serve?

5 PROSPECTIVE JUROR NO. 497: Not really. I mean, I like  
6 to say I'm not, but I also like to believe that a lot of cases shouldn't  
7 really go beyond preliminaries or evidentiary hearings, especially if  
8 the forensic data is there to support it. When it conflicts, then that's  
9 why we're here.

10 THE COURT: Okay. I'm not sure what you mean. So do  
11 you have any legal education?

12 PROSPECTIVE JUROR NO. 497: No.

13 THE COURT: Do you have any experience in the law  
14 profession?

15 PROSPECTIVE JUROR NO. 497: No.

16 THE COURT: Okay. So maybe, you know, maybe you can  
17 articulate it -- I don't really understand. You don't like people going  
18 to trial?

19 PROSPECTIVE JUROR NO. 497: No, I completely support  
20 it. I mean, it's our given rights and everything.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 497: During my time in the Air  
23 Force, we -- I did a lot of -- I was a security manager and I did a lot  
24 of background investigations for a lot of people.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 497: I had to dig into a lot of  
2 things where they claimed they didn't know certain things, and  
3 when I uncovered it, they still claimed their innocence, and they got  
4 a lot of people in trouble.

5 THE COURT: Okay. But that -- I mean, thank you for  
6 telling me that. But does your experience in the Air Force and what  
7 you did, is that going to interfere with your ability to be fair and  
8 impartial in this case?

9 PROSPECTIVE JUROR NO. 497: No, it shouldn't.

10 THE COURT: Okay. Well, see, you're the only one that  
11 can tell me. If you think it will, I need to know that.

12 PROSPECTIVE JUROR NO. 497: It's hard to say. I mean, I  
13 don't really know until we get into the details of the case.

14 THE COURT: Okay. See, now that's what I can't have. I  
15 have to have jurors that, before they hear the evidence, they're  
16 going to promise me and make a commitment to the Court that  
17 they will judge this case slowly on the evidence --

18 PROSPECTIVE JUROR NO. 497: Yes.

19 THE COURT: -- that they see and hear in the court and the  
20 instructions on the law. And I would never tell you, hey, why don't  
21 you decide this case based on what you did in the Air Force? I  
22 would never do that, because that would be not fair; do you  
23 understand that?

24 PROSPECTIVE JUROR NO. 497: Yes, I completely agree  
25 with that statement. Thank you.

1 THE COURT: Okay. So do I have to worry about that with  
2 you?

3 PROSPECTIVE JUROR NO. 497: No.

4 THE COURT: Okay. So you can make a commitment to  
5 me today that if you're selected to serve, that you will judge this  
6 case solely upon what you see and hear in the courtroom and  
7 nothing else?

8 PROSPECTIVE JUROR NO. 497: Yes.

9 THE COURT: So you'll leave your life experience at the  
10 door?

11 PROSPECTIVE JUROR NO. 497: Correct.

12 THE COURT: And judge this case solely upon the  
13 evidence presented in the courtroom?

14 PROSPECTIVE JUROR NO. 497: Yes.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 497: Yes.

17 THE COURT: Thank you, sir. Thank you for being here.  
18 Number 23, Ms. -- it's Ms. Gourley?

19 PROSPECTIVE JUROR NO. 499: Yes.

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

22 PROSPECTIVE JUROR NO. 499: 48 years.

23 THE COURT: And your education background?

24 PROSPECTIVE JUROR NO. 499: High school.

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

1 PROSPECTIVE JUROR NO. 499: Table games dealer.  
2 THE COURT: Okay. How long have you done that?  
3 PROSPECTIVE JUROR NO. 499: 27 years.  
4 THE COURT: Your marital status?  
5 PROSPECTIVE JUROR NO. 499: Single.  
6 THE COURT: Do you have kids?  
7 PROSPECTIVE JUROR NO. 499: One son.  
8 THE COURT: Is he old enough to be employed?  
9 PROSPECTIVE JUROR NO. 499: Yes.  
10 THE COURT: Can you tell me what he does for a living?  
11 PROSPECTIVE JUROR NO. 499: He's currently disabled.  
12 THE COURT: Okay. Do you know of any reason why you  
13 could not be a fair and impartial juror if you were selected to serve?  
14 PROSPECTIVE JUROR NO. 499: No.  
15 THE COURT: Okay. Thank you. Thank you very much for  
16 being here.  
17 Okay. Ms. Swartz?  
18 PROSPECTIVE JUROR NO. 505: Schartz, yes.  
19 THE COURT: Okay. Good afternoon. Now long have you  
20 lived in Clark County?  
21 PROSPECTIVE JUROR NO. 505: 36 years.  
22 THE COURT: Okay. And what do you do for a living?  
23 PROSPECTIVE JUROR NO. 505: I'm retired.  
24 THE COURT: What did you do before you retired?  
25 PROSPECTIVE JUROR NO. 505: Trust officer in a bank.



1 THE COURT: Okay. And can you tell me your education  
2 background?

3 PROSPECTIVE JUROR NO. 505: Bachelor degree in  
4 modern languages.

5 THE COURT: Your marital status?

6 PROSPECTIVE JUROR NO. 505: Divorced.

7 THE COURT: Do you have kids?

8 PROSPECTIVE JUROR NO. 505: Two adult children.

9 THE COURT: Can you tell me what they -- each does for a  
10 living?

11 PROSPECTIVE JUROR NO. 505: Beg your pardon?

12 THE COURT: Can you tell me what each of your adult  
13 children does for a living?

14 PROSPECTIVE JUROR NO. 505: One is a graphic designer  
15 and the other one works for TSA.

16 THE COURT: Do you know of any reason why you could  
17 not be a fair and impartial juror if you were selected to serve?

18 PROSPECTIVE JUROR NO. 505: No.

19 THE COURT: Thank you. Thank you very much for being  
20 here.

21 Ms. Takashima?

22 PROSPECTIVE JUROR NO. 530: Takashima.

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

25 PROSPECTIVE JUROR NO. 530: 33 years.

1 THE COURT: And your education background?  
2 PROSPECTIVE JUROR NO. 530: Some college.  
3 THE COURT: What did you study?  
4 PROSPECTIVE JUROR NO. 530: Education.  
5 THE COURT: And what do you do for a living?  
6 PROSPECTIVE JUROR NO. 530: I'm retired.  
7 THE COURT: Okay. What did you do before you retired?  
8 PROSPECTIVE JUROR NO. 530: I was concierge at one of  
9 the hotels.  
10 THE COURT: Your marital status?  
11 PROSPECTIVE JUROR NO. 530: Married.  
12 THE COURT: Okay. Is your spouse employed?  
13 PROSPECTIVE JUROR NO. 530: He's retired.  
14 THE COURT: Okay. What did your spouse retire from?  
15 PROSPECTIVE JUROR NO. 530: He was the in-flight  
16 catering manager for a airline.  
17 THE COURT: Okay. Do you have children?  
18 PROSPECTIVE JUROR NO. 530: Yes, two.  
19 THE COURT: Okay. Are they old enough to be employed?  
20 PROSPECTIVE JUROR NO. 530: Yes, they are.  
21 THE COURT: Can you tell me what each does for a living?  
22 PROSPECTIVE JUROR NO. 530: My son's an architect and  
23 my daughter works for a health -- a medical health services.  
24 THE COURT: Do you know of any reason why you could  
25 not be a fair and impartial juror if we selected you to serve?

1 PROSPECTIVE JUROR NO. 530: No.  
2 THE COURT: Thank you. Thank you very much for being  
3 here.  
4 Ms. -- is it Schlotter? How long have you lived in Clark  
5 County?  
6 PROSPECTIVE JUROR NO. 537: 41 years.  
7 THE COURT: And your education background?  
8 PROSPECTIVE JUROR NO. 537: Yes. I have a bachelor's  
9 in teaching and a master's in teaching.  
10 THE COURT: Are you a teacher?  
11 PROSPECTIVE JUROR NO. 537: Yes. I teach  
12 seventh-grade history.  
13 THE COURT: How do you like that?  
14 PROSPECTIVE JUROR NO. 537: Challenging.  
15 THE COURT: Seventh grade, whoo. Do you like it?  
16 PROSPECTIVE JUROR NO. 537: Yeah, I like it.  
17 THE COURT: That's challenging. I can't imagine.  
18 Your marital status?  
19 PROSPECTIVE JUROR NO. 537: Divorced.  
20 THE COURT: Do you have kids?  
21 PROSPECTIVE JUROR NO. 537: One son.  
22 THE COURT: Is he old enough to be employed?  
23 PROSPECTIVE JUROR NO. 537: Yes, he's also a history  
24 teacher in high school.  
25 THE COURT: Okay. Do you know of any reason why you

1 could not be a fair and impartial juror if selected to serve?  
2 PROSPECTIVE JUROR NO. 537: No.  
3 THE COURT: Okay. Thank you. And thank you for being  
4 here.  
5 Okay. Is it Marilou --  
6 PROSPECTIVE JUROR NO. 541: Sichon.  
7 THE COURT: -- Sichon?  
8 PROSPECTIVE JUROR NO. 541: Yes.  
9 THE COURT: Okay. How long have you lived in Clark  
10 County?  
11 PROSPECTIVE JUROR NO. 541: 12 years.  
12 THE COURT: Okay. And your education background?  
13 PROSPECTIVE JUROR NO. 541: College graduate,  
14 business administration.  
15 THE COURT: What do you do for a living?  
16 PROSPECTIVE JUROR NO. 541: I'm working at the airport  
17 ramp.  
18 THE COURT: Do you work at McCarron?  
19 PROSPECTIVE JUROR NO. 541: Yeah.  
20 THE COURT: Okay.  
21 PROSPECTIVE JUROR NO. 541: As a ramp, yeah.  
22 THE COURT: And your marital status?  
23 PROSPECTIVE JUROR NO. 541: Single.  
24 THE COURT: Do you have kids?  
25 PROSPECTIVE JUROR NO. 541: No.

1 THE COURT: Do you know of any reason why you could  
2 not be a fair and impartial juror if you were selected to serve?

3 PROSPECTIVE JUROR NO. 541: No.

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

6 Ms. Ortega?

7 PROSPECTIVE JUROR NO. 542: Hi.

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

9 PROSPECTIVE JUROR NO. 542: About 25 years.

10 THE COURT: And your education background?

11 PROSPECTIVE JUROR NO. 542: Bachelor's degree in  
12 nutrition.

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

14 PROSPECTIVE JUROR NO. 542: I'm currently a dental  
15 assistant.

16 THE COURT: Okay. And your marital status?

17 PROSPECTIVE JUROR NO. 542: Not married.

18 THE COURT: Do you have children?

19 PROSPECTIVE JUROR NO. 542: No.

20 THE COURT: Do you know of any reason why you could  
21 not be a fair and impartial juror if you were selected to serve?

22 PROSPECTIVE JUROR NO. 542: No, ma'am.

23 THE COURT: Okay. Thank you. Thank you for being  
24 here.

25 Mr. Thomas Willer?

1 PROSPECTIVE JUROR NO. 550: Yes.  
2 THE COURT: How long have you lived in Clark County?  
3 PROSPECTIVE JUROR NO. 550: 43 years.  
4 THE COURT: And your education background?  
5 PROSPECTIVE JUROR NO. 550: I have a BS degree in  
6 human resource economics.  
7 THE COURT: And what do you do for a living?  
8 PROSPECTIVE JUROR NO. 550: I've now retired.  
9 THE COURT: Okay. And what did you do before you  
10 retired?  
11 PROSPECTIVE JUROR NO. 550: I was VP in marketing  
12 entertainment and sportsbook at several Las Vegas casinos.  
13 THE COURT: Okay. How long have you been retired?  
14 How long have you been --  
15 PROSPECTIVE JUROR NO. 550: About two years.  
16 THE COURT: Okay. Your marital status? Your marital  
17 status?  
18 PROSPECTIVE JUROR NO. 550: Divorced.  
19 THE COURT: Okay. Do you have children?  
20 PROSPECTIVE JUROR NO. 550: I have two daughters.  
21 One of them sells lab products that are used by hospitals for organ  
22 transplantations. And the other is an agent in L.A. for  
23 entertainment.  
24 THE COURT: Okay. Do you know of any reason why you  
25 could not be a fair and impartial juror if selected to serve?

1 PROSPECTIVE JUROR NO. 550: Well, I wouldn't be  
2 impartial, but I do have a problem, I believe. And that is I can only  
3 hear about 40 percent of what's being said.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 550: I can't discern anything,  
6 you know, from high-pitched voices.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 550: I've gone to too many  
9 concerts and I cannot even --

10 THE COURT: You've been to too many concerts? That's  
11 the greatest.

12 PROSPECTIVE JUROR NO. 550: I can't go to a movie  
13 theater, because they're not loud enough.

14 THE COURT: Okay. Well, I do have earphones, and so I'm  
15 going to let you test them out and see if that helps.

16 PROSPECTIVE JUROR NO. 550: Sure. Okay. That's so  
17 weird.

18 THE COURT: Okay. Is that better?

19 PROSPECTIVE JUROR NO. 550: Yeah.

20 THE COURT: Okay. So when you're in the courtroom,  
21 we'll just make sure those are there for you. And you can just  
22 utilize those.

23 PROSPECTIVE JUROR NO. 550: Okay.

24 THE COURT: Usually, when I give those to people, they  
25 say it's much better. Is it much better?

1 PROSPECTIVE JUROR NO. 550: [Indiscernible.]  
2 THE COURT: Okay. Can you hear everything?  
3 PROSPECTIVE JUROR NO. 550: I can hear you perfectly.  
4 THE COURT: Okay. All right.  
5 PROSPECTIVE JUROR NO. 550: [Indiscernible.] Because  
6 you -- your volume is going up and down.  
7 THE COURT: Okay. Well, thank you very much for being  
8 here.  
9 Ms. Tran?  
10 PROSPECTIVE JUROR NO. 558: Yes, Your Honor.  
11 THE COURT: How long have you lived in Clark County?  
12 PROSPECTIVE JUROR NO. 558: Six years.  
13 THE COURT: Okay. And your education background?  
14 PROSPECTIVE JUROR NO. 558: I have bachelor degree in  
15 food and nutrition.  
16 THE COURT: And what do you do for a living?  
17 PROSPECTIVE JUROR NO. 558: I'm a dietician.  
18 THE COURT: And your marital status?  
19 PROSPECTIVE JUROR NO. 558: I'm married.  
20 THE COURT: Okay. Is your spouse employed?  
21 PROSPECTIVE JUROR NO. 558: Yes.  
22 THE COURT: What does your spouse do for a living?  
23 PROSPECTIVE JUROR NO. 558: He work in the casino. He  
24 does civil and engineer.  
25 THE COURT: And you have at least one child, correct?



1 PROSPECTIVE JUROR NO. 558: I have one daughter, yes.  
2 THE COURT: Okay. And she's a minor, she's 2, right?  
3 PROSPECTIVE JUROR NO. 558: She's 2.  
4 THE COURT: Okay. Do you know of any reason why you  
5 could not be a fair and impartial juror if you were selected to serve?  
6 PROSPECTIVE JUROR NO. 558: No.  
7 THE COURT: Okay. Thank you and thank you very much  
8 for being here.  
9 Mr. Sanchez, if you don't mind standing up, because  
10 sometimes it's heard to hear that end of the courtroom.  
11 Can you tell me how long you've lived in Clark County?  
12 PROSPECTIVE JUROR NO. 570: About 20 years.  
13 THE COURT: Okay. And your education background?  
14 PROSPECTIVE JUROR NO. 570: High school graduate.  
15 THE COURT: And what do you do for a living?  
16 PROSPECTIVE JUROR NO. 570: I am a barber.  
17 THE COURT: I'm sorry?  
18 PROSPECTIVE JUROR NO. 570: A barber.  
19 THE COURT: Okay. And your marital status?  
20 PROSPECTIVE JUROR NO. 570: Single.  
21 THE COURT: Do you have kids?  
22 PROSPECTIVE JUROR NO. 570: No.  
23 THE COURT: Do you know of any reason why you could  
24 not be a fair and impartial juror if selected to serve?  
25 PROSPECTIVE JUROR NO. 570: No.

1 THE COURT: I'm sorry?  
2 PROSPECTIVE JUROR NO. 570: No.  
3 THE COURT: Okay. Thank you. Thank you very much for  
4 being here.  
5 And then Mr. -- is it Paragas?  
6 PROSPECTIVE JUROR NO. 577: Yes.  
7 THE COURT: Okay. How long have you lived in Clark  
8 County?  
9 PROSPECTIVE JUROR NO. 577: 21 years.  
10 THE COURT: Okay. And your education background?  
11 PROSPECTIVE JUROR NO. 577: A high school graduate.  
12 THE COURT: Okay. And what do you do for a living?  
13 PROSPECTIVE JUROR NO. 577: I'm currently in college.  
14 THE COURT: Okay. What are you studying?  
15 PROSPECTIVE JUROR NO. 577: Psychology.  
16 THE COURT: Okay. Are you at UNLV?  
17 PROSPECTIVE JUROR NO. 577: CSN.  
18 THE COURT: Okay. Are you employed?  
19 PROSPECTIVE JUROR NO. 577: Yes, I am also.  
20 THE COURT: Okay. Where do you work?  
21 PROSPECTIVE JUROR NO. 577: I work at retail, Adidas.  
22 THE COURT: Okay. Your marital status?  
23 PROSPECTIVE JUROR NO. 577: Single.  
24 THE COURT: Okay. Do you have children?  
25 PROSPECTIVE JUROR NO. 577: No.

1 THE COURT: Do you know of any reason why you could  
2 not be a fair and impartial juror if selected to serve?

3 PROSPECTIVE JUROR NO. 577: I have classes from  
4 Monday through Wednesday.

5 THE COURT: Okay. You understand that if you're  
6 selected to serve on this panel, that you would have to be here; you  
7 understand that, correct?

8 PROSPECTIVE JUROR NO. 577: Yes.

9 THE COURT: Okay. So how would that affect you with  
10 school? Would you be --

11 PROSPECTIVE JUROR NO. 577: It's --

12 THE COURT: -- able to do both?

13 PROSPECTIVE JUROR NO. 577: I don't think I can,  
14 because I have a test next week.

15 THE COURT: Okay. Would that affect your -- I mean, tell  
16 me the times you go to school on Monday through Wednesday.

17 PROSPECTIVE JUROR NO. 577: Monday, Tuesday, I go all  
18 day. And then I have one class on Wednesday.

19 THE COURT: Okay. All right. I'm just going to ask you to  
20 put the microphone down and you can take a seat in the gallery.

21 And I'm just going to ask Neil Ballinger to take Seat 32, so  
22 you can just slide over.

23 And, Mr. Ballinger, can you tell me how long you've lived  
24 in Clark County?

25 PROSPECTIVE JUROR NO. 579: About 10 years.

1 THE COURT: Okay. And your education background?

2 PROSPECTIVE JUROR NO. 579: Eleventh grade only.

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

4 PROSPECTIVE JUROR NO. 579: I'm retired.

5 THE COURT: What did you do before you retired?

6 PROSPECTIVE JUROR NO. 579: I'm a manufacturing

7 manager of Boeing Aircraft.

8 THE COURT: Your marital status?

9 PROSPECTIVE JUROR NO. 579: Married.

10 THE COURT: Okay. Is your spouse employed?

11 PROSPECTIVE JUROR NO. 579: No. She's also retired

12 from Boeing.

13 THE COURT: Okay. Do you have kids?

14 PROSPECTIVE JUROR NO. 579: Yes, I have one son who

15 also works at Boeing.

16 THE COURT: Do you know of any reason why you could

17 not be a fair and impartial juror if you were selected to serve?

18 PROSPECTIVE JUROR NO. 579: No.

19 THE COURT: Okay. Thank you, sir. Thank you very much

20 for being here.

21 So I have a few questions for the panel of 32 as a whole.

22 So if you want to respond to this question, just raise your hand,

23 we'll make sure the microphone gets to you. And if you'll just

24 please state your name and badge number before responding.

25 Anyone on the panel of 32 that has ever served as a juror

1 before?

2 PROSPECTIVE JUROR NO. 355: Joseph Rekrut, 355.

3 THE COURT: Okay. How many times have you served?

4 PROSPECTIVE JUROR NO. 355: Once.

5 THE COURT: Were you selected to be the foreperson?

6 PROSPECTIVE JUROR NO. 355: No.

7 THE COURT: Was it civil or criminal?

8 PROSPECTIVE JUROR NO. 355: Criminal.

9 THE COURT: Was that here, in Clark County?

10 PROSPECTIVE JUROR NO. 355: Yes, it was.

11 THE COURT: Was it in this building?

12 PROSPECTIVE JUROR NO. 355: Yes.

13 THE COURT: Okay. Without telling me what your verdict  
14 was, were you able to reach a verdict?

15 PROSPECTIVE JUROR NO. 355: Yes, we were.

16 THE COURT: Anything about that experience that would  
17 affect your ability to be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 355: I don't believe so.

19 THE COURT: Well, you're the only one who can tell me.

20 PROSPECTIVE JUROR NO. 355: No, ma'am.

21 THE COURT: Okay. Thank you.

22 Anyone else?

23 If you just don't mind passing the microphone down.

24 PROSPECTIVE JUROR NO. 396: Robin Follmer,  
25 Number 396.

1 THE COURT: And you've served before?  
2 PROSPECTIVE JUROR NO. 396: Twice.  
3 THE COURT: All right. Civil or criminal?  
4 PROSPECTIVE JUROR NO. 396: Both criminal.  
5 THE COURT: Was that here in Clark County?  
6 PROSPECTIVE JUROR NO. 396: Yes.  
7 THE COURT: All right. When was the last time you  
8 served?  
9 PROSPECTIVE JUROR NO. 396: About 15 years ago.  
10 THE COURT: Okay. And were you selected to be the  
11 foreperson in either one of those?  
12 PROSPECTIVE JUROR NO. 396: No.  
13 THE COURT: Without telling me what your verdict was,  
14 were you able to reach a verdict in both cases?  
15 PROSPECTIVE JUROR NO. 396: Yes.  
16 THE COURT: Anything about those experiences that  
17 would affect your ability to be fair and impartial in this case?  
18 PROSPECTIVE JUROR NO. 396: No.  
19 THE COURT: Thank you. And thank you for your service.  
20 Anyone on the second row?  
21 PROSPECTIVE JUROR NO. 456: Clayval Becenti,  
22 Badge 0456. I've been on two juries in my previous residence in  
23 San Diego, California.  
24 THE COURT: Okay. And were you selected to be the  
25 foreperson?

1 PROSPECTIVE JUROR NO. 456: No.  
2 THE COURT: Were they --  
3 PROSPECTIVE JUROR NO. 456: In neither case.  
4 THE COURT: I'm sorry?  
5 PROSPECTIVE JUROR NO. 456: Oh, no, I wasn't chosen in  
6 either case.  
7 THE COURT: Okay. Were they civil or criminal?  
8 PROSPECTIVE JUROR NO. 456: Both were civil.  
9 THE COURT: All right. Without telling me your verdict,  
10 were you able to reach a verdict?  
11 PROSPECTIVE JUROR NO. 456: Yes.  
12 THE COURT: Okay. Anything about that prior service that  
13 would affect your ability to be fair and impartial in this case?  
14 PROSPECTIVE JUROR NO. 456: No.  
15 THE COURT: Okay. Thank you, sir.  
16 Anyone else that's ever served as a juror before?  
17 If you don't mind passing it down.  
18 PROSPECTIVE JUROR NO. 537: Yes.  
19 THE COURT: Your name and badge number?  
20 PROSPECTIVE JUROR NO. 537: Jeannie Schlotter, 0537.  
21 THE COURT: Okay. And you've served as a juror before?  
22 PROSPECTIVE JUROR NO. 537: Yeah. I think it was  
23 about 15 years ago.  
24 THE COURT: Okay. So one time?  
25 PROSPECTIVE JUROR NO. 537: Yes.

1 THE COURT: Was it civil or criminal?  
2 PROSPECTIVE JUROR NO. 537: Criminal.  
3 THE COURT: Were you selected to be the foreperson?  
4 PROSPECTIVE JUROR NO. 537: No.  
5 THE COURT: Without telling me your verdict, were you  
6 able to reach a verdict?  
7 PROSPECTIVE JUROR NO. 537: No, I think there was  
8 some sort of deal made.  
9 THE COURT: Okay. So you didn't have to deliberate?  
10 PROSPECTIVE JUROR NO. 537: No.  
11 THE COURT: Okay. So anything about that experience  
12 that would affect your ability to be fair and impartial in this case?  
13 PROSPECTIVE JUROR NO. 537: No.  
14 THE COURT: Okay. Thank you. Thank you very much.  
15 Anyone else that's ever served as a juror before? Okay.  
16 The record will reflect no further response from the panel.  
17 These questions right now are only for the panel of 32.  
18 So have you or anyone close to you, such as a family  
19 member, friend, ever been the victim of a crime? Okay. We'll just  
20 start passing the microphone down.  
21 PROSPECTIVE JUROR NO. 360: Karen Collins, Badge  
22 Number 0360. Burglary. I was a victim of a burglary.  
23 THE COURT: Okay. A burglary at your home?  
24 PROSPECTIVE JUROR NO. 360: Yes.  
25 THE COURT: And was that here in Clark County?



1 PROSPECTIVE JUROR NO. 360: Yes, it was.  
2 THE COURT: How long ago?  
3 PROSPECTIVE JUROR NO. 360: 2012 or 2013.  
4 THE COURT: Okay. And you called the police?  
5 PROSPECTIVE JUROR NO. 360: Yes, I did.  
6 THE COURT: And they came out and investigated?  
7 PROSPECTIVE JUROR NO. 360: Eight hours later.  
8 THE COURT: Okay. Were you satisfied with the way it  
9 was handled?  
10 PROSPECTIVE JUROR NO. 360: Yes.  
11 THE COURT: Okay. Was there anything about that  
12 experience that would affect your ability to be fair and impartial in  
13 this case?  
14 PROSPECTIVE JUROR NO. 360: No.  
15 THE COURT: Okay. Thank you.  
16 Anyone else?  
17 PROSPECTIVE JUROR NO. 369: Hi. Jaiden Zimmer,  
18 Badge 396. A close family friend of ours, he was a police officer in  
19 Buffalo, New York. And he was responding to a domestic violence  
20 call, and he was shot and paralyzed.  
21 THE COURT: Oh. How long was that?  
22 PROSPECTIVE JUROR NO. 369: Like, 10 years.  
23 THE COURT: Okay. And so you know about it through  
24 hearing from your family members?  
25 PROSPECTIVE JUROR NO. 369: We're close friends with

1 him.

2 THE COURT: Okay. Is there anything about that  
3 experience that would affect your ability to be fair and impartial in  
4 this case?

5 PROSPECTIVE JUROR NO. 369: No.

6 THE COURT: Okay. Thank you.

7 PROSPECTIVE JUROR NO. 396: Robin Follmer, Badge  
8 Number 396.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 396: My mother's house was  
11 broken into twice.

12 THE COURT: Is that here in Clark County?

13 PROSPECTIVE JUROR NO. 396: Yes.

14 THE COURT: And I'm assuming the police were called?

15 PROSPECTIVE JUROR NO. 396: Yes.

16 THE COURT: Okay. And they came out?

17 PROSPECTIVE JUROR NO. 396: Yes.

18 THE COURT: Were you -- I -- were you involved in it?

19 PROSPECTIVE JUROR NO. 396: I was not involved, no.

20 THE COURT: Okay. Anything about that experience that  
21 would affect your ability to be fair and impartial in this case?

22 PROSPECTIVE JUROR NO. 396: No.

23 THE COURT: Okay. Thank you.

24 PROSPECTIVE JUROR NO. 456: Clayval Becenti, 0456.  
25 One, I guess, burglary of a -- our house about 14 years ago, and,

1 actually, one armed robbery about eight years ago, both in San  
2 Diego, California.

3 THE COURT: Okay. So the armed robbery, you were a  
4 victim of an armed robbery?

5 PROSPECTIVE JUROR NO. 456: Yes. Me and two others,  
6 we were just downtown San Diego and got held up.

7 THE COURT: Okay. Whoo. And I'm assuming the police  
8 were called?

9 PROSPECTIVE JUROR NO. 456: Yes. Uh-huh.

10 THE COURT: Okay. And did they catch the person that  
11 did it?

12 PROSPECTIVE JUROR NO. 456: No. Not in this case, no.

13 THE COURT: Okay. Not in the case in San Diego?

14 PROSPECTIVE JUROR NO. 456: Yeah.

15 THE COURT: So --

16 PROSPECTIVE JUROR NO. 456: Oh -- yeah, both of them  
17 are in San Diego. But I'm just saying that --

18 THE COURT: Okay. So they never arrested anybody in  
19 the armed robbery?

20 PROSPECTIVE JUROR NO. 456: Yes, correct.

21 THE COURT: Okay. And how about the burglary? Did  
22 you call the police for that one?

23 PROSPECTIVE JUROR NO. 456: Yes. But it was when we  
24 weren't home, so there was nothing they could really do. So in  
25 both cases, there was no charges pressed or no one -- pointed for a

1 crime.

2 THE COURT: Okay. Were you satisfied with the way both  
3 incidents were handled?

4 PROSPECTIVE JUROR NO. 456: Yes. I -- again, with the  
5 amount of information we could really have, they could only do so  
6 much.

7 THE COURT: Okay. Anything about those experiences  
8 that would affect your ability to be a fair and impartial juror in this  
9 case?

10 PROSPECTIVE JUROR NO. 456: No.

11 THE COURT: Okay. Thank you, sir.

12 Anyone else?

13 Go ahead.

14 PROSPECTIVE JUROR NO. 422: Hi. Linda Clark, Juror  
15 Number 422. I was held up at gunpoint in the parking lot of a  
16 supermarket. My purse was stolen.

17 THE COURT: Was it when you were at work?

18 PROSPECTIVE JUROR NO. 422: No. I was shopping.

19 THE COURT: Okay. And you were just at the grocery  
20 store and --

21 PROSPECTIVE JUROR NO. 422: In the parking lot, yes.

22 THE COURT: Okay. And the person had a firearm?

23 PROSPECTIVE JUROR NO. 422: Yes. I couldn't tell if it  
24 was real or not, but I didn't want to take the chance.

25 THE COURT: Okay. And I'm assuming you called the

1 police?

2 PROSPECTIVE JUROR NO. 422: Yes.

3 THE COURT: And they responded?

4 PROSPECTIVE JUROR NO. 422: Yes.

5 THE COURT: Did they ever catch the person?

6 PROSPECTIVE JUROR NO. 422: I think later on, yes.

7 THE COURT: You think later on, or that you know they  
8 did?

9 PROSPECTIVE JUROR NO. 422: I don't know for sure.

10 The -- but my purse was recovered, but it was empty.

11 THE COURT: Oh, okay. So did you ever have to come to  
12 court and testify?

13 PROSPECTIVE JUROR NO. 422: No.

14 THE COURT: Okay. Anything about that experience that  
15 would affect your ability to be fair and impartial in this case?

16 PROSPECTIVE JUROR NO. 422: No, I don't think so.

17 THE COURT: Okay. Well, you're the only one that can tell  
18 me. Is there anything about your prior experience that would  
19 interfere with your ability to judge this case solely upon what you  
20 see and hear in the courtroom?

21 PROSPECTIVE JUROR NO. 422: No.

22 THE COURT: Okay. Thank you.

23 Anyone else?

24 PROSPECTIVE JUROR NO. 411: Gladys Morales, 0411.  
25 My cousin was shot and killed about 20 years ago.

1 THE COURT: Oh, I'm sorry. Was that here in Clark  
2 County?

3 PROSPECTIVE JUROR NO. 411: Yes, ma'am.

4 THE COURT: Yes? And I'm assuming the police  
5 investigated it?

6 PROSPECTIVE JUROR NO. 411: Yes.

7 THE COURT: Did they solve it?

8 PROSPECTIVE JUROR NO. 411: Yes.

9 THE COURT: So someone was arrested?

10 PROSPECTIVE JUROR NO. 411: Yes.

11 THE COURT: And were they charged?

12 PROSPECTIVE JUROR NO. 411: Yes.

13 THE COURT: Did it go to trial? How -- what was the end  
14 result?

15 PROSPECTIVE JUROR NO. 411: There was a lot of people  
16 involved, so some of them were just given house arrest and I think  
17 the older people were -- a couple people were imprisoned.

18 THE COURT: Okay. Were you satisfied with the way it  
19 was handled?

20 PROSPECTIVE JUROR NO. 411: No.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR NO. 411: No.

23 THE COURT: No? Okay. Tell me why.

24 PROSPECTIVE JUROR NO. 411: All the more involved, all  
25 of them had guns and not everybody was given charges.

1 THE COURT: Okay. Did you follow the case?

2 PROSPECTIVE JUROR NO. 411: Yes.

3 THE COURT: All right. So you came to the courthouse  
4 and you followed the proceeding?

5 PROSPECTIVE JUROR NO. 411: I was too young to come  
6 to the courthouse. They were -- my family did not allow me to  
7 come to court.

8 THE COURT: Okay. So how old were you when this --

9 PROSPECTIVE JUROR NO. 411: 13.

10 THE COURT: Okay. So you were just a teenager?

11 PROSPECTIVE JUROR NO. 411: Yes.

12 THE COURT: Okay. So how did you follow the case?  
13 Who told you what was happening?

14 PROSPECTIVE JUROR NO. 411: My family, my mom, my  
15 sisters. We were -- he was like a brother to me --

16 THE COURT: Yeah, and I'm sorry. I'm sorry that  
17 happened. So you don't -- I'm assuming you think people weren't  
18 treated harsh enough?

19 PROSPECTIVE JUROR NO. 411: I'm sorry, one more time?

20 THE COURT: I mean, do you think people were treated  
21 too harshly, not harsh enough?

22 PROSPECTIVE JUROR NO. 411: Probably not harsh  
23 enough.

24 THE COURT: Okay. And so you know that the Clark  
25 County District Attorneys' Office was probably the office that

1 prosecuted the perpetrators, correct?

2 PROSPECTIVE JUROR NO. 411: Yes, ma'am.

3 THE COURT: Okay. Anything about that and the fact that  
4 I have attorneys from that office that are here prosecuting this  
5 matter that would affect your ability to be fair and impartial in this  
6 case?

7 PROSPECTIVE JUROR NO. 411: I've never placed in a  
8 position like this, but I would say no.

9 THE COURT: Okay. I'm sorry, you're going to have to  
10 repeat that.

11 PROSPECTIVE JUROR NO. 411: I said I've never been in a  
12 place, in a position like this, so my guess would be no. But I don't  
13 know that any, you know, emotions or anything like that would  
14 come out.

15 THE COURT: Okay. So, again, I have to tell you, if you  
16 don't know, then I can't have you serve. Because, again, I have to  
17 have jurors that are committed from the beginning that they will  
18 judge this case solely upon the evidence that they see and hear in  
19 the courtroom.

20 PROSPECTIVE JUROR NO. 411: Yes.

21 THE COURT: Okay. Are you a person that can do that?

22 PROSPECTIVE JUROR NO. 411: Yes.

23 THE COURT: All right. So you can set aside any life  
24 experiences and just this case based on the evidence you hear in  
25 the courtroom?



1 PROSPECTIVE JUROR NO. 411: Yes.  
2 THE COURT: Okay. Thank you.  
3 Anyone else?  
4 PROSPECTIVE JUROR NO. 398: My name is Clifford  
5 Dam, 0398. We got a burglary in our house back in 2011.  
6 THE COURT: Okay. And were the police called?  
7 PROSPECTIVE JUROR NO. 398: Yes, ma'am.  
8 THE COURT: Were you satisfied with the way it was  
9 handled?  
10 PROSPECTIVE JUROR NO. 398: Yes, ma'am.  
11 THE COURT: Anything about that experience that would  
12 affect your ability to be fair and impartial in this case?  
13 PROSPECTIVE JUROR NO. 398: No, ma'am.  
14 THE COURT: Okay. Thank you, sir.  
15 Anyone else?  
16 PROSPECTIVE JUROR NO. 312: Shawn Larkin, 312.  
17 Parents' house was burglarized --  
18 THE COURT: Okay.  
19 PROSPECTIVE JUROR NO. 312: -- about 15 years ago.  
20 THE COURT: Were you living there?  
21 PROSPECTIVE JUROR NO. 312: No.  
22 THE COURT: Okay.  
23 PROSPECTIVE JUROR NO. 312: We walked in on it,  
24 though.  
25 THE COURT: Oh. That -- mean persons will still in the

1 house?

2 PROSPECTIVE JUROR NO. 312: Yeah.

3 THE COURT: What happened?

4 PROSPECTIVE JUROR NO. 312: They saw us and ran out  
5 the back door.

6 THE COURT: Okay. So, again, I'm assuming the police  
7 were called?

8 PROSPECTIVE JUROR NO. 312: Yeah.

9 THE COURT: Did they ever solve it?

10 PROSPECTIVE JUROR NO. 312: No.

11 THE COURT: Okay. Were you satisfied with the way that  
12 was handled?

13 PROSPECTIVE JUROR NO. 312: Yeah.

14 THE COURT: Anything about that experience --

15 PROSPECTIVE JUROR NO. 312: No.

16 THE COURT: -- that would affect your ability to be a fair  
17 and impartial juror in this case?

18 PROSPECTIVE JUROR NO. 312: No.

19 THE COURT: Thank you, sir.

20 I have a juror down here in front. Right here. I can see  
21 her, so I'm going to tell you, I could see her just fine.

22 Go ahead.

23 PROSPECTIVE JUROR NO. 505: Francine Schartz, 0505.  
24 My house was burglarized.

25 THE COURT: Oh, I'm sorry. How long ago was it?

1 PROSPECTIVE JUROR NO. 505: Three years.  
2 THE COURT: And I'm assuming you called the police?  
3 PROSPECTIVE JUROR NO. 505: Yes.  
4 THE COURT: And they responded?  
5 PROSPECTIVE JUROR NO. 505: Yes.  
6 THE COURT: Did they ever solve it or find the person or  
7 persons that did it?  
8 PROSPECTIVE JUROR NO. 505: Yes.  
9 THE COURT: Okay. Did you have to testify?  
10 PROSPECTIVE JUROR NO. 505: No. They were on  
11 probation -- or the perpetrator was on probation, and so the  
12 detective said it would be too hard to prove. They had my  
13 belongings, but they claimed they found it on the street. And so he  
14 said that he was -- the perpetrator would be going away because he  
15 was on probation, there was no point in pursuing it.  
16 THE COURT: Okay. So were you satisfied with the way  
17 that was handled?  
18 PROSPECTIVE JUROR NO. 505: No. I know how many  
19 cases there are, so I wasn't totally happy. But I understand. And  
20 the guy was off the street, so.  
21 THE COURT: I don't understand. How was the person off  
22 the street if the --  
23 PROSPECTIVE JUROR NO. 505: Well, he was on  
24 probation, so he was going to back to school -- back to jail.  
25 THE COURT: Oh, so is that what the officer told you?

1 PROSPECTIVE JUROR NO. 505: Yes.  
2 THE COURT: That his probation was going to be --  
3 PROSPECTIVE JUROR NO. 505: Yes.  
4 THE COURT: -- like, revoked?  
5 PROSPECTIVE JUROR NO. 505: Right.  
6 THE COURT: Okay. All right. Were you satisfied with the  
7 way it was handled?  
8 PROSPECTIVE JUROR NO. 505: Yes.  
9 THE COURT: Anything about that experience that would  
10 affect your ability to be fair and impartial in this case?  
11 PROSPECTIVE JUROR NO. 505: No.  
12 THE COURT: Thank you.  
13 Anyone else that wants to respond to that question? The  
14 record will reflect no further response from the panel.  
15 Have you or anyone close to you, such as a family  
16 member or friend, ever been accused of a crime? Okay. The record  
17 will reflect no response from the panel.  
18 Is there anyone on the panel who would have a tendency  
19 to give more weight or credence or less weight or credence to the  
20 testimony of a witness simply because that witness is a police  
21 officer? The record will reflect no further response from the panel.  
22 At this time, I'm going to turn the panel over to the State  
23 of Nevada.  
24 MR. GIORDANI: Thank you, Your Honor.  
25 THE MARSHAL: Are you going to stand at the podium or

1 do you want [indiscernible]?

2 MR. GIORDANI: I was going to probably pull up that other  
3 podium, so I might need that. Thank you.

4 That sounds really loud.

5 At this point, ladies and gentlemen, I think you've all kind  
6 of gathered that what we're looking for are jurors who can be fair,  
7 can be impartial, and who are going to follow the law. That is,  
8 essentially, what we want out of this process. The defense, of  
9 course, wants fair jurors as well. So both sides here really just want  
10 a group of folks who can come in, listen to the evidence, make a  
11 judgment based upon the evidence, and then render a verdict at the  
12 end of this, which is about a week from now.

13 What we don't want are folks who come in with  
14 predispositions one way or another. Right? Anyone in this room  
15 ever gets accused of a crime, you want fair people on your jury.  
16 You don't want people who are predisposed to convict or  
17 predisposed to acquit. Does everyone agree with that sentiment? I  
18 should ask, I guess, is there anyone that disagrees with that idea,  
19 that we should go back and forth and discuss that at this point?  
20 Okay. I'm seeing no hands.

21 There are -- this lapel mic is killing me. Can we turn the  
22 volume down on this? Is that possible?

23 [Pause in proceedings.]

24 MR. GIORDANI: I've never been accused of being quiet so  
25 or now --

1 THE COURT: I thought you might be able to go without  
2 the microphone.

3 MR. GIORDANI: Thank you. Yes, I appreciate that.

4 THE COURT: I think -- the transcriber, she wants you to  
5 use the microphone.

6 MR. GIORDANI: Okay.

7 So, essentially, ladies and gentlemen, what we're looking  
8 for on both sides, both tables are looking for a fair shake. There's a  
9 bunch of questions that I have to ask you in order to determine  
10 whether each and every one of you is fit for this jury. There are  
11 other types of cases that are going on in this courthouse and there  
12 are other types of cases that are tried daily, weekly, in this same  
13 building.

14 And some of you might end up being a better fit for that.  
15 Some of you might say, eh, criminal justice system, not my cup of  
16 tea, and I don't think I can be fair to one side or another. And that's  
17 okay. We want the honest truth, that's why we're doing this. That's  
18 why we're going to go through this process today and maybe a  
19 portion of tomorrow, as well.

20 With that said, we have received not only the information  
21 from today's questioning, but we've also received some jury  
22 questionnaires from some of you which have some information and  
23 some questions. Everyone know what I'm talking about? Or some  
24 people know what I'm talking about? It's my understanding that  
25 not everyone has filled these out prior to coming down today. And

1 this was -- would have been a process that was done online. So I  
2 might ask you each individual questions about questionnaires and  
3 some people I won't ask, because I don't have the questionnaire for  
4 you.

5 So let me start with a couple of general concepts within  
6 the criminal justice system. Has anyone not heard the term beyond  
7 a reasonable doubt? So no one's raising their hand, everyone's  
8 heard the term beyond a reasonable doubt?

9 Does everyone understand that we, the State of Nevada,  
10 meaning Ms. Botelho and I in this case, we have the burden of  
11 proof. We have to prove that the defendant, Mr. Matthews, did  
12 what we've accused him of doing. And that is the same burden of  
13 proof in every criminal case. I cannot legally define it for you now  
14 at this stage in the proceedings. The judge will define what beyond  
15 a reasonable doubt is for you at the end of this, but I want you to  
16 understand, that's a burden that we have, we the State.

17 Mr. Matthews, his lawyers, they don't have to do a thing,  
18 they don't have to prove a thing or disprove a thing. It's up to us to  
19 prove the case against Mr. Matthews.

20 Does anyone have a problem with that idea? Does  
21 anyone think, you know, that doesn't jive with my personal beliefs, I  
22 don't like it, and I can't be fair in this particular case? Good. I was  
23 hoping no one would raise their hands.

24 There's also this idea of it's a general principle and a  
25 foundation and bedrock of our system that everyone in the United

1 States is presumed innocent until or unless the contrary's proven.

2 Does everyone -- is there anyone that disagrees with that sentence?

3 Sir, if I could pass the microphone up. I don't mean to  
4 point you out, but I'm going to.

5 Can you pass the microphone up there?

6 And your badge number, again, sir?

7 PROSPECTIVE JUROR NO. 497: Marc Minami, 494 -- 497,  
8 I'm sorry.

9 MR. GIORDANI: Okay. Previously, you were talking with  
10 the judge a little bit, and it's kind of on point with this subject. And  
11 what I got from your conversation with the judge was this idea that  
12 kind of where there's smoke, there's fire.

13 PROSPECTIVE JUROR NO. 497: Correct.

14 MR. GIORDANI: Is that kind of accurate? Does that  
15 somewhat convey, maybe oversimplify, but somewhat convey what  
16 you were getting at?

17 PROSPECTIVE JUROR NO. 497: Yes.

18 MR. GIORDANI: Do you understand now that we've kind  
19 of talked this out a little bit, that that's not fair to Mr. Matthews,  
20 specifically, and it wouldn't be fair in a trial for you to prejudge  
21 someone just because they're accused?

22 PROSPECTIVE JUROR NO. 497: Correct. I was never  
23 insinuating the fact that it was prejudging. It's just the fact that if  
24 there's empirical evidence one way or the other, you know, why  
25 bring it to this point when it could be determined at a different



1 stage in the legal system?

2 MR. GIORDANI: Okay. Well, let me, respectfully, go down  
3 that road for a moment.

4 PROSPECTIVE JUROR NO. 497: Okay.

5 MR. GIORDANI: Anyone accused of a crime is entitled to  
6 a trial by jury under our system of law; do you agree with me there?

7 PROSPECTIVE JUROR NO. 497: Yes.

8 MR. GIORDANI: And we, the State, Ms. Botelho and I,  
9 have the burden of proof beyond a reasonable doubt; you get that?

10 PROSPECTIVE JUROR NO. 497: Yes.

11 MR. GIORDANI: Unless we meet that burden, you cannot  
12 convict Mr. Matthews or anybody else in America; you get that?

13 PROSPECTIVE JUROR NO. 497: Yes.

14 MR. GIORDANI: Okay. Can you sit fairly, listen to what  
15 evidence we present, and then make a decision?

16 PROSPECTIVE JUROR NO. 497: Yes.

17 MR. GIORDANI: There may be 50 reasons why you end  
18 up at a jury trial, but none of that matters. What matters is did we,  
19 the State, prove our case; you agree with me there?

20 PROSPECTIVE JUROR NO. 497: Correct. Yes, I do.

21 MR. GIORDANI: And sympathy, prejudice, bias, those  
22 things don't have a place in this courtroom; does that make sense?

23 PROSPECTIVE JUROR NO. 497: Correct. It doesn't have a  
24 place anywhere. Yeah.

25 MR. GIORDANI: Well, it shouldn't, right? But especially

1 here. I mean, this is a court of law, this -- no place for any of that in  
2 this courtroom. What matters is the evidence that comes from the  
3 witness stand; would you agree with that?

4 PROSPECTIVE JUROR NO. 497: Yes.

5 MR. GIORDANI: Considering all that in this discussion  
6 now, do you think that you could be fair entirely to Mr. Matthews?

7 PROSPECTIVE JUROR NO. 497: Yes, I could.

8 MR. GIORDANI: Okay. And can you be fair to us, the  
9 State, give us a fair shake and listen to our evidence before you  
10 prejudge it?

11 PROSPECTIVE JUROR NO. 497: Oh, definitely. Both  
12 ways.

13 MR. GIORDANI: Thank you, sir.

14 Is there anyone who feels similarly or dissimilarly who  
15 would like to chime in or have a discussion about this? Is there  
16 anyone who thinks they might not be a good fit for this jury? I'm  
17 seeing no hands at this point.

18 There are going to be some photographs in this case of  
19 Ms. Mersey Williams, the 22-year-old young woman who was,  
20 tragically, killed. Those photographs are necessary pieces of  
21 evidence and you're going to hear from a medical examiner who  
22 conducted her autopsy. Is there anyone in the room or in the  
23 first 32 or in the group back here that thinks they cannot consider  
24 that evidence for what it is or look at that evidence? All right. I'm  
25 seeing no hands.

1           You heard, ladies and gentlemen, that we listed out the  
2 charges and the allegations in this case. The date was from 2006.  
3 Now, there are many reasons why a murder trial might not go  
4 forward until that many -- this many years later, but what all the  
5 parties here and the judge are going to agree on and tell you is you  
6 are not to speculate or consider the time lapse for any purpose  
7 whatsoever. Is there anyone who's going to have a problem with  
8 that? And I understand no one wants to really raise their hand at  
9 this point, but we need to know. It wouldn't be fair of anyone in  
10 this group to presume what happened between 2006 and 2021 to  
11 get to this point. Is there anyone who's going to prejudge or have  
12 issues with that idea? All right. Seeing no hands. Tough crowd  
13 today.

14           I have a -- some individual questions for each and every  
15 one of you, so it's going to be a while. I'd like to pass the  
16 microphone, if you could now, Mr. Hawks, up to Number 1,  
17 Mr. Larkin.

18           And you're Badge Number 312.

19           PROSPECTIVE JUROR NO. 312: Correct.

20           MR. GIORDANI: How are you, sir?

21           PROSPECTIVE JUROR NO. 312: Good, thanks.

22           MR. GIORDANI: Good. You indicated that your parents'  
23 house was broken into and you actually walked in on the burglary.

24           PROSPECTIVE JUROR NO. 312: Yeah.

25           MR. GIORDANI: I don't recall if you said anyone was ever

1 caught, but you did indicate you were okay with how it was  
2 handled.

3 PROSPECTIVE JUROR NO. 312: Yeah. No one was  
4 caught.

5 [Cell phone interruption.]

6 THE COURT: What was that?

7 MS. BOTELHO: Siri.

8 THE COURT: That sounded like Siri, didn't it?

9 MS. BOTELHO: It was Siri.

10 MR. GIORDANI: The reason the judge asked that, we do  
11 this in every criminal case, is, you know, we want to know if people  
12 have had negative or positive interactions with law enforcement.  
13 This is a criminal case, the nature of it, there's law enforcement  
14 involved.

15 PROSPECTIVE JUROR NO. 312: Right.

16 MR. GIORDANI: Sounds like you are kind of neutral, not a  
17 big deal, how that was handled and it didn't really -- or wouldn't  
18 really affect you; is that fair?

19 PROSPECTIVE JUROR NO. 312: Fair.

20 MR. GIORDANI: Okay. How about the system in general,  
21 the criminal justice system; do you have any feelings about it one  
22 way or another?

23 PROSPECTIVE JUROR NO. 312: No, I think it's fair.

24 MR. GIORDANI: Okay. You would agree with me, sir, that  
25 lately, over the last, I guess, less than a decade, maybe, maybe

1 more, there's been a whole lot of news stories and things in the  
2 media and a lot of tension kind of in general in our country?

3 PROSPECTIVE JUROR NO. 312: Sure.

4 MR. GIORDANI: Is there anything about, I guess, the  
5 social climate as it stands now that might cause you to be unfair to  
6 either side in this case?

7 PROSPECTIVE JUROR NO. 312: No.

8 MR. GIORDANI: Okay. You understand this idea -- I'm --  
9 myself, Ms. Botelho, we're looking for fair jurors. Same thing, I'm  
10 sure, with Mr. Matthews and his lawyers; is that fair?

11 PROSPECTIVE JUROR NO. 312: Yeah.

12 MR. GIORDANI: And you think that you're that type of  
13 person, sir?

14 PROSPECTIVE JUROR NO. 312: Yes.

15 MR. GIORDANI: Okay. And what is it that you do for a  
16 living?

17 PROSPECTIVE JUROR NO. 312: Chiropractor.

18 MR. GIORDANI: Oh, that's right. Okay. And your spouse  
19 is a hair stylist, I believe?

20 PROSPECTIVE JUROR NO. 312: Yes.

21 MR. GIORDANI: Three kids and all under 18, I presume?

22 PROSPECTIVE JUROR NO. 312: Yes.

23 MR. GIORDANI: Do you think, sir, that you can sit and  
24 listen to our evidence, whatever it may be that we present from this  
25 witness stand and make a judgment based upon that and that

1 alone?

2 PROSPECTIVE JUROR NO. 312: Sure.

3 MR. GIORDANI: The idea that this crime is alleged to have  
4 occurred in 2006 and now we're here, you know, 15 years later, can  
5 you set that idea aside or not consider that or speculate as to why  
6 that may be?

7 PROSPECTIVE JUROR NO. 312: Yes.

8 MR. GIORDANI: Okay. Is there anything I haven't asked  
9 you that I should have?

10 PROSPECTIVE JUROR NO. 312: Not at all.

11 MR. GIORDANI: Thank you, sir. You can pass the  
12 microphone down.

13 Mr. Hammond?

14 PROSPECTIVE JUROR NO. 321: Yes.

15 MR. GIORDANI: And it's Badge 321?

16 PROSPECTIVE JUROR NO. 321: Yes.

17 MR. GIORDANI: You work for a nonemergency medical  
18 company; is that similar to AMR?

19 PROSPECTIVE JUROR NO. 321: Yes.

20 MR. GIORDANI: Okay. Do you have any strong feelings  
21 one way or another about the criminal justice system, sir?

22 PROSPECTIVE JUROR NO. 321: No.

23 MR. GIORDANI: You have any feelings about it?

24 PROSPECTIVE JUROR NO. 321: I mean, it's as fair as can  
25 be, you know, in my opinion.

1 MR. GIORDANI: Not a perfect system?  
2 PROSPECTIVE JUROR NO. 321: No, not a perfect system,  
3 no. But I think overall fair.  
4 MR. GIORDANI: Okay.  
5 PROSPECTIVE JUROR NO. 321: Yeah.  
6 MR. GIORDANI: What do you think about law  
7 enforcement in general, sir?  
8 PROSPECTIVE JUROR NO. 321: I'm for law enforcement.  
9 MR. GIORDANI: When you say for law enforcement --  
10 PROSPECTIVE JUROR NO. 321: I think it's a necessary  
11 thing that we need in society, yeah.  
12 MR. GIORDANI: Sure. Okay. You -- would you agree with  
13 me that police officers are human beings like you and I --  
14 PROSPECTIVE JUROR NO. 321: Yes.  
15 MR. GIORDANI: -- and everyone else in this room?  
16 PROSPECTIVE JUROR NO. 321: Sure. Yes.  
17 MR. GIORDANI: Some good ones, some bad ones --  
18 PROSPECTIVE JUROR NO. 321: Yes.  
19 MR. GIORDANI: -- is that fair?  
20 PROSPECTIVE JUROR NO. 321: Yes.  
21 MR. GIORDANI: Can you promise the Court that you will  
22 judge whatever any law enforcement that walks into this room and  
23 testifies, you will judge what they have to say based upon what  
24 they have to say and not anything else out in the world that you've  
25 heard of?

1 PROSPECTIVE JUROR NO. 321: Yes.  
2 MR. GIORDANI: Or experienced, I guess.  
3 PROSPECTIVE JUROR NO. 321: Yes, correct. Yes.  
4 MR. GIORDANI: You think you can do that, sir?  
5 PROSPECTIVE JUROR NO. 321: Yes.  
6 MR. GIORDANI: One of these questionnaires, the  
7 questions in your questionnaire -- oh, I apologize. Have you served  
8 on a jury, sir?  
9 PROSPECTIVE JUROR NO. 321: No.  
10 MR. GIORDANI: Okay. I'm looking at the wrong  
11 questionnaire. I apologize. All right. Thank you, sir. And you can  
12 pass the microphone down to -- is it Ms. Collins?  
13 PROSPECTIVE JUROR NO. 344: Hughes.  
14 MR. GIORDANI: Oh, Ms. Hughes. I apologize.  
15 I believe you are one of the folks that we do not have a  
16 questionnaire for. Do you remember --  
17 PROSPECTIVE JUROR NO. 344: No.  
18 MR. GIORDANI: -- filling out one of these?  
19 PROSPECTIVE JUROR NO. 344: I didn't.  
20 MR. GIORDANI: I'm sorry?  
21 PROSPECTIVE JUROR NO. 344: I didn't fill out a  
22 questionnaire.  
23 MR. GIORDANI: Oh, okay. So, Ms. Hughes, do you have  
24 feelings one way or another about the criminal justice system?  
25 PROSPECTIVE JUROR NO. 344: No, I don't.



1 MR. GIORDANI: You're just neutral? Is that a yes,  
2 ma'am?

3 PROSPECTIVE JUROR NO. 344: Yes.

4 MR. GIORDANI: I don't mean to keep asking, but we -- the  
5 lady back here is taking all this down, so we have to have a record  
6 of it.

7 How do you feel about law enforcement?

8 PROSPECTIVE JUROR NO. 344: Law enforcement? I  
9 mean, they've been help to me in my situations that I've had. So  
10 they can help.

11 MR. GIORDANI: Just -- I'm sorry, I --

12 PROSPECTIVE JUROR NO. 344: They could be of help.

13 MR. GIORDANI: Okay.

14 PROSPECTIVE JUROR NO. 344: At times.

15 MR. GIORDANI: Okay. And, you know, I'm talking to your  
16 fellow jurors about it, so I'm going to try to streamline this a little  
17 bit. Do you think that you'd be a good fit for this particular jury?

18 PROSPECTIVE JUROR NO. 344: I do.

19 MR. GIORDANI: Do you think that you could be fair to  
20 Mr. Matthews and his lawyers and give them a fair shake?

21 PROSPECTIVE JUROR NO. 344: I do.

22 MR. GIORDANI: Do you think that you can be fair to  
23 Ms. Botelho and I and give us a fair shake?

24 PROSPECTIVE JUROR NO. 344: I do.

25 MR. GIORDANI: Was that a yes?

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PROSPECTIVE JUROR NO. 344: Yes.

MR. GIORDANI: Have you ever had any experience with court in any way? Have you been a juror or anything like that?

PROSPECTIVE JUROR NO. 344: Never been a juror.

MR. GIORDANI: And so you have the four kids at home and two that have --

PROSPECTIVE JUROR NO. 344: Disabilities.

MR. GIORDANI: Is it --

PROSPECTIVE JUROR NO. 344: Speech and language.

MR. GIORDANI: Okay. So do they do IEPs?

PROSPECTIVE JUROR NO. 344: Yes.

MR. GIORDANI: Okay. Are you required to assist with that at home or is that something that's just done through the school?

PROSPECTIVE JUROR NO. 344: They do that at the school --

MR. GIORDANI: Okay.

PROSPECTIVE JUROR NO. 344: -- and I just participate in the meetings.

MR. GIORDANI: Okay. All right. Is there anything about the idea that this happened in 2006 and we're at trial 15 years later that might cause you any concern?

PROSPECTIVE JUROR NO. 344: No.

MR. GIORDANI: And I should have asked your fellow jurors.

1           This and I will pose this to basically everybody at this  
2 point. You heard the judge admonish everyone, you can't be on  
3 social media or you know anything about the case, we need to  
4 know about it. Can you promise, and then this goes out to the rest  
5 of the jurors -- to say off any social media, not tweet about what  
6 you're doing and kind of just stay focused on this and keep your  
7 knowledge limited to what happens in the courtroom?

8           PROSPECTIVE JUROR NO. 344: I could promise that.

9           MR. GIORDANI: Okay. Anyone else who cannot do that?  
10 Anyone who just can't go a week without Instagram or tweeting?

11          PROSPECTIVE JUROR NO. 369: I can't.

12          MR. GIORDANI: Okay.

13          PROSPECTIVE JUROR NO. 369: I mean, I'm not going to  
14 post about this case --

15          MR. GIORDANI: And we --

16          THE COURT: Okay. Your name -- I've got it -- your name  
17 and badge number?

18          PROSPECTIVE JUROR NO. 369: Jaiden Zimmer, 0396.  
19 Jaiden Ziller.

20          MR. GIORDANI: 369, Judge.

21          And, Ms. Zimmer, I heard you. I'm going to follow up and  
22 ask you --

23          PROSPECTIVE JUROR NO. 369: Yeah.

24          MR. GIORDANI: -- the questions when I get to you.

25          PROSPECTIVE JUROR NO. 369: Okay.

1 MR. GIORDANI: Thank you for raising your hand.  
2 Anyone else who thinks that they cannot avoid media or  
3 social media?

4 Can we pass the microphone.

5 Yes, sir?

6 PROSPECTIVE JUROR NO. 550: Yeah, I don't post, but I  
7 read. It's like reading the newspaper.

8 MR. GIORDANI: Sure.

9 PROSPECTIVE JUROR NO. 550: And I follow the NBA very  
10 closely and football and national politics. But there's a big  
11 difference between being on social media, which, for probably the  
12 majority of people, they just read it.

13 MR. GIORDANI: Sure.

14 PROSPECTIVE JUROR NO. 550: So that's where I'm at.

15 MR. GIORDANI: Okay.

16 THE COURT: Well, what do you do on social media? I  
17 don't know if I followed that. What -- like, what sites do --

18 PROSPECTIVE JUROR NO. 550: Well, Twitter is really a  
19 newspaper.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 550: Like, everybody in the  
22 sports betting business, that's what they go to is Twitter. They  
23 don't go to Facebook or anything else, because it allows a dialogue  
24 to take place. So people write something and then others write  
25 back. And you just read them, because some of them are kind of

1 interesting.

2 THE COURT: Okay. Well, that's fine.

3 PROSPECTIVE JUROR NO. 550: There's funny stuff,  
4 there's humorous stuff.

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 550: But I think you guys need  
7 to revise your outlook. It's sort of like do you post on social media?  
8 That's the, key thing.

9 MR. GIORDANI: Well, it's --

10 THE COURT: Well, no, that's not the key. The key is that  
11 you don't see any news reports or media about the case. Because I  
12 can't control what anybody else does.

13 PROSPECTIVE JUROR NO. 550: Oh, yeah.

14 THE COURT: But what I am trying to get --

15 PROSPECTIVE JUROR NO. 550: Oh, yeah.

16 THE COURT: -- across to you is that if you're on Twitter or  
17 if you pull out the *R-J* and you see something about the case,  
18 you're under court order to not read it, to set it aside.

19 PROSPECTIVE JUROR NO. 550: Yeah, I can do that.

20 THE COURT: Okay. That's just what I wanted to make  
21 sure. Thank you.

22 MR. GIORDANI: Thank you, Your Honor.

23 And what was your badge number? I'm sorry.

24 PROSPECTIVE JUROR NO. 550: 550.

25 MR. GIORDANI: Thank you.

1 Can you pass the microphone back up to Ms. Hughes, 344.  
2 Ms. Hughes, same question to you as this gentleman up  
3 here: Do you think that you can avoid reading or researching  
4 anything that may be related to this case?  
5 PROSPECTIVE JUROR NO. 344: Yes, I can avoid --  
6 MR. GIORDANI: Okay.  
7 PROSPECTIVE JUROR NO. 344: -- social media.  
8 MR. GIORDANI: Thank you very much, ma'am. You can  
9 pass the microphone down.  
10 Mr. O'Dell?  
11 PROSPECTIVE JUROR NO. 354: Yes.  
12 MR. GIORDANI: 354?  
13 PROSPECTIVE JUROR NO. 354: Correct.  
14 MR. GIORDANI: Good afternoon, sir.  
15 PROSPECTIVE JUROR NO. 354: Good afternoon.  
16 MR. GIORDANI: So you did a questionnaire, correct?  
17 PROSPECTIVE JUROR NO. 354: Correct.  
18 MR. GIORDANI: Is that a yes?  
19 PROSPECTIVE JUROR NO. 354: Correct.  
20 MR. GIORDANI: Yes. And in that questionnaire, I believe  
21 you indicated that you did not feel the criminal justice system was  
22 effective or fair; is that accurate?  
23 PROSPECTIVE JUROR NO. 354: Yes, that's correct.  
24 MR. GIORDANI: Why do you say that, sir?  
25 PROSPECTIVE JUROR NO. 354: Just from my past and

1 experiences.

2 MR. GIORDANI: Personal or?

3 PROSPECTIVE JUROR NO. 354: No. What I've seen  
4 with -- as far as friends or stories I've heard.

5 MR. GIORDANI: Friends or stories, so I need to break it  
6 down a little bit. Have you known someone that was accused of a  
7 crime?

8 PROSPECTIVE JUROR NO. 354: I've known -- yes.

9 MR. GIORDANI: Okay. I don't think you raised your hand  
10 when the judge asked that earlier, so we need to know about that.

11 PROSPECTIVE JUROR NO. 354: It was -- I don't know how  
12 to word that. I guess, the way that I look at it, or from the past  
13 experiences that I've seen, it's more based on who you know and  
14 who they know to get you out of stuff.

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 354: For the cases that I've  
17 heard about or saw or been through.

18 MR. GIORDANI: Okay. So, again, I don't mean to pry too  
19 much, but we have to understand where you're coming from here,  
20 okay? Are you talking about people you know?

21 PROSPECTIVE JUROR NO. 354: Yes.

22 MR. GIORDANI: Or stories you saw, like, in the media or  
23 read or --

24 PROSPECTIVE JUROR NO. 354: No, people who I know.  
25 For example, my good friend years ago, his brother beat his girl

1 into a bloody pulp and got a slap on the wrist because his dad knew  
2 the right lawyer to get him out of what could have been charged for  
3 him.

4 MR. GIORDANI: I see. Okay. I can understand why you  
5 may have the opinions you have based upon that.

6 PROSPECTIVE JUROR NO. 354: Uh-huh.

7 MR. GIORDANI: Is there something else or is it that one  
8 experience?

9 PROSPECTIVE JUROR NO. 354: I mean, that's the one  
10 that stands out to me. I'm sure I can't think of other ones right now,  
11 but I know it wasn't just that one case.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR NO. 354: You know.

14 MR. GIORDANI: Would you -- do you think that your  
15 feelings, that you put not only in the questionnaire, but what you're  
16 saying here in court, that that might cause you to be unfair in this  
17 particular case?

18 PROSPECTIVE JUROR NO. 354: I'd say no.

19 MR. GIORDANI: Okay. You're a little hesitant. And the  
20 masks are horrible, because I cannot tell if you're smiling or  
21 scowling at me. There's a little hesitation and we need to know.

22 PROSPECTIVE JUROR NO. 354: I would say no.

23 MR. GIORDANI: Okay. You'd agree that Mr. Matthews,  
24 me, his lawyers, Ms. Botelho, we had nothing to do with what  
25 happened to your friend or associate or whoever you --



1 PROSPECTIVE JUROR NO. 354: Correct.

2 MR. GIORDANI: Right? We're going to present evidence

3 to you and all we want is for you to consider that for what it is and

4 make a fair judgment based on that.

5 PROSPECTIVE JUROR NO. 354: Right.

6 MR. GIORDANI: So everyone has their own opinions

7 outside this courtroom, but what we need are people who are

8 unbiased; can you be that person for this trial?

9 PROSPECTIVE JUROR NO. 354: Yes.

10 MR. GIORDANI: You then went on in the questionnaire

11 and you said, basically, you had positive thoughts about law.

12 [Recording interruption.]

13 MR. GIORDANI: Someone's trying to get a hold --

14 THE COURT: Yeah, whoever's phone that is, could you

15 just make sure you turn it off.

16 PROSPECTIVE JUROR NO. 354: Sorry, what was that?

17 MR. GIORDANI: You went on to say, after you answered

18 no, you went on to answer yes to the question: Would you say you

19 have positive thoughts about law enforcement?

20 PROSPECTIVE JUROR NO. 354: Uh-huh.

21 MR. GIORDANI: Is that --

22 PROSPECTIVE JUROR NO. 354: Yes, that's correct.

23 MR. GIORDANI: -- fair? Okay. So is it fair to say your

24 issues are kind of what you previously described with the system

25 treating people differently and not with the law enforcement side of

1 things?

2 PROSPECTIVE JUROR NO. 354: Yeah. I mean, I've  
3 never -- I wouldn't say I've always had a good experience with law  
4 enforcement, but it was for a reason.

5 MR. GIORDANI: Okay.

6 PROSPECTIVE JUROR NO. 354: You know.

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR NO. 354: So I don't have a problem  
9 with them. No.

10 MR. GIORDANI: Okay. Have you had personal  
11 interactions with law enforcement?

12 PROSPECTIVE JUROR NO. 354: Whether in was a kid.

13 MR. GIORDANI: Yeah?

14 PROSPECTIVE JUROR NO. 354: Yeah. Just doing stupid  
15 stuff, but --

16 MR. GIORDANI: Okay.

17 PROSPECTIVE JUROR NO. 354: -- nothing serious.

18 MR. GIORDANI: Anything about those interactions that  
19 might bleed into this case or can you set it aside?

20 PROSPECTIVE JUROR NO. 354: I can set it aside.

21 MR. GIORDANI: You get the gist here, right?

22 PROSPECTIVE JUROR NO. 354: Yeah.

23 MR. GIORDANI: I mean, we're looking for fair people, we  
24 don't want people with predispositions one way or another.  
25 You're -- is that you?

1 PROSPECTIVE JUROR NO. 354: Yeah.

2 MR. GIORDANI: Okay. Thank you. You can pass the

3 microphone down.

4 Good afternoon, sir.

5 PROSPECTIVE JUROR NO. 355: Hi.

6 MR. GIORDANI: Mr. Rekrut, correct?

7 PROSPECTIVE JUROR NO. 355: Yes, sir.

8 MR. GIORDANI: 355? So you've been in this situation

9 before?

10 PROSPECTIVE JUROR NO. 355: Yes, sir.

11 MR. GIORDANI: You actually made it all the way through,

12 went back in the room, deliberated --

13 PROSPECTIVE JUROR NO. 355: The whole sh-bang, yes,

14 sir.

15 MR. GIORDANI: How long ago was that, sir?

16 PROSPECTIVE JUROR NO. 355: About 25 years ago,

17 actually.

18 MR. GIORDANI: Okay. So you didn't raise your hand or

19 tell the Court you knew anybody in this room, you don't recognize

20 anyone from that particular case or trial?

21 PROSPECTIVE JUROR NO. 355: No, sir.

22 MR. GIORDANI: Did you feel that was a positive

23 experience, sir?

24 PROSPECTIVE JUROR NO. 355: Yes. It was an important

25 job and we got it done. So yes, sir.

1 MR. GIORDANI: You can never say what your verdict was,  
2 you understand that. Can you tell me what the charges were?

3 PROSPECTIVE JUROR NO. 355: It was a capital murder  
4 case.

5 MR. GIORDANI: Oh, okay. So over the course of 25 years,  
6 I can assure you that the law has changed a bit. Okay? What the  
7 judge will tell you and the parties will tell you is you cannot  
8 consider what you may know or have learned back then. You have  
9 to consider the law and the facts as they are in this case. Can you  
10 do that, sir?

11 PROSPECTIVE JUROR NO. 355: Yes, sir.

12 MR. GIORDANI: Anything you may have retained from  
13 the jury instructions you were given then has to be disregarded.

14 PROSPECTIVE JUROR NO. 355: I get it. Yes.

15 MR. GIORDANI: You've heard the questions I posed to  
16 your prior jurors. Do you think that the system is fair? Law  
17 enforcement is fair?

18 PROSPECTIVE JUROR NO. 355: I do.

19 MR. GIORDANI: Have you ever had any interactions with  
20 law enforcement yourself?

21 PROSPECTIVE JUROR NO. 355: Only working in schools,  
22 when they would respond to the school for, you know, various  
23 issues. None personal.

24 MR. GIORDANI: Okay. And what school are you referring  
25 to?

1 PROSPECTIVE JUROR NO. 355: Oh, my goodness. I  
2 spent 20 years as an elementary school principal at a number of  
3 schools.

4 THE COURT: So you mean just -- is it mandatory --

5 PROSPECTIVE JUROR NO. 355: Call them on  
6 disturbances in the parking lot, parents fighting in the parking lot,  
7 CPS, all that sort of -- we see all sorts of cool stuff.

8 MR. GIORDANI: And you're, as a retired principal, you  
9 were a mandatory reporter then and you probably still are, right.

10 PROSPECTIVE JUROR NO. 355: I am. I'm a middle school  
11 dean now.

12 MR. GIORDANI: Yeah, okay.

13 So, overall, just work-related interactions with law  
14 enforcement?

15 PROSPECTIVE JUROR NO. 355: Yes, sir.

16 MR. GIORDANI: Your son I believe you said is a tax  
17 attorney; is that right?

18 PROSPECTIVE JUROR NO. 355: That's correct.

19 MR. GIORDANI: Is he local?

20 PROSPECTIVE JUROR NO. 355: Buffalo, New York.

21 MR. GIORDANI: Oh, thank you. You said that, I apologize.  
22 Anything about that relationship that might cause you to  
23 be unfair to either side in this case?

24 PROSPECTIVE JUROR NO. 355: No, sir.

25 MR. GIORDANI: Do you have positive/negative/neutral

1 outlook on lawyers?

2 PROSPECTIVE JUROR NO. 355: The one I'm related to  
3 obviously knows so much more than me, but that started when he  
4 was 14, so we're good.

5 MR. GIORDANI: Nice. Hate to oversimplify it, but do you  
6 think that you're just -- you're a good fit for this jury?

7 PROSPECTIVE JUROR NO. 355: I mean, I'm happy to help  
8 if you need me.

9 MR. GIORDANI: All right.

10 PROSPECTIVE JUROR NO. 355: Yes.

11 MR. GIORDANI: Do you have a predisposition one way or  
12 another?

13 PROSPECTIVE JUROR NO. 355: No, sir.

14 MR. GIORDANI: Can you give Mr. Matthews a fair trial?

15 PROSPECTIVE JUROR NO. 355: Yes, sir.

16 MR. GIORDANI: Okay. And can you give us, the State, a  
17 fair trial?

18 PROSPECTIVE JUROR NO. 355: Yes, sir.

19 MR. GIORDANI: All right. Thank you.

20 Ms. Collins?

21 PROSPECTIVE JUROR NO. 360: Yes, sir.

22 MR. GIORDANI: 360. How are you, ma'am?

23 PROSPECTIVE JUROR NO. 360: Fine. Here and accounted  
24 for.

25 MR. GIORDANI: Yes. You are.

1                   How long have you been with P&P? Is it over 10 years?

2                   PROSPECTIVE JUROR NO. 360: Yes. Over 10 years. I've  
3 been with the State since 2002.

4                   MR. GIORDANI: Okay. You actually did a questionnaire,  
5 which I have, I believe, and there are a couple of questions that,  
6 based upon your employment, the answers kind of surprise me. So  
7 I want to ask you about them. Okay?

8                   You answered that you believe the system is effective.

9                   PROSPECTIVE JUROR NO. 360: Yes.

10                  MR. GIORDANI: But then the next question is do you  
11 think the system is fair? And you put no.

12                  PROSPECTIVE JUROR NO. 360: I did answer no, because  
13 at times, as -- working at Parole and Probation as a presentence  
14 investigator, of course, they've already -- the defendant has already  
15 been to trial. And when looking at everything just as -- looking at  
16 everything and preparing the report, it's already -- the decision has  
17 already been made, whether they've been -- they obviously are  
18 guilty -- or guilty by jury trial or -- and it's just looking at everything,  
19 it looks one way versus what the verdict was. So that's why I say  
20 that.

21                  MR. GIORDANI: Okay. No, it makes sense. I just want to  
22 break it down a little bit more. I can't really tell which side you're  
23 falling on here. When you say it looks one way, but it's obviously  
24 another.

25                  PROSPECTIVE JUROR NO. 360: Well, obviously, the State

1 has to prove beyond a reasonable doubt; the defense had to prove  
2 nothing. And, again, they've been found guilty, but sometimes just  
3 looking at everything, you -- I've wondered, really, were they  
4 beyond a reasonable doubt, did the State prove their case?  
5 Obviously, the State won. But just looking at everything, I  
6 sometimes would think did they really --

7 THE COURT: What would you be looking at when you say  
8 you're looking at everything?

9 PROSPECTIVE JUROR NO. 360: Well, I -- as the  
10 presentence investigator, when I was on the court services side, I  
11 saw the entire DA's file and all of the evidence and all of the  
12 pictures and all of the memos and everything else.

13 THE COURT: So you don't really know, though, what was  
14 admitted into evidence, right? Because the DA's file --

15 PROSPECTIVE JUROR NO. 360: That is correct.

16 THE COURT: -- is not evidence.

17 PROSPECTIVE JUROR NO. 360: That is correct. But just  
18 what I saw. So.

19 THE COURT: Okay.

20 MR. GIORDANI: Okay. Thank you for that, ma'am.

21 PROSPECTIVE JUROR NO. 360: You're welcome.

22 MR. GIORDANI: And then you said -- you went on to state  
23 that you had positive thoughts about law enforcement; is that  
24 correct?

25 PROSPECTIVE JUROR NO. 360: Yeah, for the most part.



1 Yeah.

2 MR. GIORDANI: Okay. So similar to your fellow jurors  
3 who I've already talked to, we need to, you know, we want people  
4 who can be fair to both sides. I don't want to be sitting there  
5 presenting my evidence and think, well, this -- Ms. Collins, this juror  
6 is thinking about other cases that she may have written about five  
7 or six years ago and might, I don't know, cause you to lean one way  
8 or another or make a judgment based upon other cases that has no  
9 application here; does that make sense?

10 PROSPECTIVE JUROR NO. 360: It makes sense.

11 MR. GIORDANI: Do you think that you can be fair?

12 PROSPECTIVE JUROR NO. 360: I think I can be fair. I,  
13 again, just don't know any point in my tenure with court services  
14 did I perhaps write a presentence investigation report on  
15 co-defendant related. Because we see so many cases, it's literally a  
16 case a day. And we're preparing -- I can't even tell you --

17 MR. GIORDANI: Okay.

18 PROSPECTIVE JUROR NO. 360: -- who I've written cases  
19 on or reports on.

20 MR. GIORDANI: Yeah, I can see what you're getting at  
21 there. When I read the allegations from the date is 2006, the Court  
22 read the conspiracy charges, and there was only one other name in  
23 there; do you remember that.

24 PROSPECTIVE JUROR NO. 360: There were -- I don't  
25 remember.

1 MR. GIORDANI: Okay. So the only named co-conspirator  
2 in this case is Pierre Joshlin, J-O-S-H-L-I-N. Does that name ring a  
3 bell in any way, shape, or form?

4 PROSPECTIVE JUROR NO. 360: No, it doesn't ring a bell.

5 MR. GIORDANI: Okay. And, you know, this is going to  
6 last about a week. If you do end up on our jury, can you promise  
7 the Court that if someone walks in or something is said and you  
8 recognize something about this case, that you will let the Court  
9 know?

10 PROSPECTIVE JUROR NO. 360: I will.

11 MR. GIORDANI: You, obviously, your husband is law  
12 enforcement, as well?

13 PROSPECTIVE JUROR NO. 360: Yes, he is.

14 MR. GIORDANI: P&P?

15 PROSPECTIVE JUROR NO. 360: Yes, he is.

16 MR. GIORDANI: What is his role there?

17 PROSPECTIVE JUROR NO. 360: He is an officer, a P&P  
18 officer, parole and probation officer 2. He's actually with the DUI  
19 court or DUI side of it, so he's a DUI officer.

20 MR. GIORDANI: Gotcha.

21 PROSPECTIVE JUROR NO. 360: He's with the felony court  
22 program.

23 MR. GIORDANI: Okay. Would you say that you -- I guess,  
24 would you say that you would lend more or less weight or credence  
25 to a law enforcement officer's testimony because of what you do

1 and what your husband does?

2 PROSPECTIVE JUROR NO. 360: No. I wouldn't get it one  
3 way or the other more credence either way.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 360: Because not all are equal.  
6 So, no, I wouldn't say I'd be either -- more one way or another.

7 MR. GIORDANI: Okay. Obviously, there are going to be  
8 law enforcement officers who testify here. You heard the  
9 witnesses, and none of those names popped out to you.

10 PROSPECTIVE JUROR NO. 360: No. None of the names  
11 popped out to me.

12 MR. GIORDANI: I'm going to leave it at that for now,  
13 ma'am. I might have further questions or the Court might a little  
14 later.

15 PROSPECTIVE JUROR NO. 360: Okay.

16 MR. GIORDANI: Any problems with this idea that this  
17 is '06 the occurred, and now we're here, 15 years later?

18 PROSPECTIVE JUROR NO. 360: No.

19 MR. GIORDANI: Can you set any speculation aside and  
20 wait to hear the evidence play out before you make any judgments?

21 PROSPECTIVE JUROR NO. 360: Yes, I can.

22 MR. GIORDANI: All right. Thank you very much, ma'am.

23 PROSPECTIVE JUROR NO. 360: You're welcome.

24 MR. GIORDANI: You can pass that over.

25 Mr. Brown?

1 PROSPECTIVE JUROR NO. 368: Yeah.  
2 MR. GIORDANI: And it's Badge Number --  
3 PROSPECTIVE JUROR NO. 368: 368.  
4 MR. GIORDANI: Thank you, sir.  
5 I believe you did do a questionnaire, sir?  
6 PROSPECTIVE JUROR NO. 368: I think I did.  
7 MR. GIORDANI: Yep. You graduated from Grambling,  
8 right?  
9 PROSPECTIVE JUROR NO. 368: Two years.  
10 MR. GIORDANI: Okay. Yeah, this is -- how do you feel  
11 about the system, the criminal justice system in general, sir?  
12 PROSPECTIVE JUROR NO. 368: Well, like you say, it's  
13 some good, it's some bad. You know, the way things been going  
14 this past two or three years, man, it's -- it's just been up and down,  
15 you know what I mean?  
16 MR. GIORDANI: Uh-huh.  
17 PROSPECTIVE JUROR NO. 368: So you have to look at  
18 the system, sometime it's good and sometime it's not.  
19 MR. GIORDANI: Yep. I agree with you. You've,  
20 obviously, heard me going back and forth with your fellow jurors.  
21 PROSPECTIVE JUROR NO. 368: Yes.  
22 MR. GIORDANI: What we -- ever -- we're going to have  
23 jurors from different walks of life and with different opinions and all  
24 that and that's a good thing, right?  
25 PROSPECTIVE JUROR NO. 368: Correct.

1 MR. GIORDANI: Would you agree with me that this part  
2 of the system, the jury trial system, this, where we're asking  
3 questions and trying to find the truth, this is as fair as it gets; would  
4 you agree with me there?

5 PROSPECTIVE JUROR NO. 368: Correct.

6 MR. GIORDANI: Do you think that anything that's  
7 happened over the last couple of years that you can set that aside, I  
8 mean, it's part of our psyche, right? We've all been watching the  
9 news, we've all been involved in some way, shape, or form, in  
10 what's been going on in the world. Can you set that aside and give  
11 Mr. Matthews a fair shot?

12 PROSPECTIVE JUROR NO. 368: Absolutely.

13 MR. GIORDANI: Listen to the evidence, wait till it all plays  
14 out before you render a decision?

15 PROSPECTIVE JUROR NO. 368: Yeah.

16 MR. GIORDANI: Can you give us a fair shot, Ms. Botelho  
17 and I, the State of Nevada?

18 PROSPECTIVE JUROR NO. 368: Yes.

19 MR. GIORDANI: Same thing with law enforcement  
20 officers and victims?

21 PROSPECTIVE JUROR NO. 368: Yes, I can.

22 MR. GIORDANI: Okay. Whatever's happened in the last  
23 couple of years has nothing to do with Jemar Matthews and it  
24 certainly has nothing to do with the deceased victim, Mersey  
25 Williams.

1 PROSPECTIVE JUROR NO. 368: Absolutely.  
2 MR. GIORDANI: Thank you very much. Okay. That's all  
3 we want is people willing to be fair in this case.  
4 PROSPECTIVE JUROR NO. 368: Okay.  
5 MR. GIORDANI: All right.  
6 Is there anything I haven't asked you, sir, that you think I  
7 should know about your or either side should know about you?  
8 PROSPECTIVE JUROR NO. 368: Nope.  
9 MR. GIORDANI: Do you recall that conversation I had  
10 about the date of the offense, 2006?  
11 PROSPECTIVE JUROR NO. 368: Yes.  
12 MR. GIORDANI: Can you refrain from speculating as to  
13 why that may be and not hold that against either side in this case?  
14 PROSPECTIVE JUROR NO. 368: Yes, I can.  
15 MR. GIORDANI: And wait to hear the evidence as it plays  
16 out?  
17 PROSPECTIVE JUROR NO. 368: Yep.  
18 MR. GIORDANI: All right. Thank you, sir. You can pass  
19 the microphone down.  
20 And, Ms. Zimmer, 369, correct?  
21 PROSPECTIVE JUROR NO. 369: Yes.  
22 MR. GIORDANI: I don't believe you did a questionnaire.  
23 PROSPECTIVE JUROR NO. 369: I thought I did. Maybe  
24 not.  
25 MR. GIORDANI: Did you? No, that wouldn't be

1 surprising. I -- we don't et all of them, it's kind of a -- been an issue.

2 I want to talk to you specifically, ma'am, about the social  
3 media stuff.

4 PROSPECTIVE JUROR NO. 369: Okay.

5 MR. GIORDANI: You heard the judge with your fellow  
6 juror talking about why it's an -- why it may be an issue or present  
7 an issue?

8 PROSPECTIVE JUROR NO. 369: Yes.

9 MR. GIORDANI: Do you want to change your prior answer  
10 or do you understand where we're coming from and can you  
11 promise --

12 PROSPECTIVE JUROR NO. 369: I can't go off of social  
13 media for a week. I post for my clients every single day.

14 MR. GIORDANI: Okay.

15 PROSPECTIVE JUROR NO. 369: So -- and they pay me  
16 based on that. So I can't not perform that job.

17 MR. GIORDANI: I get that.

18 PROSPECTIVE JUROR NO. 369: That's where I get all --  
19 my livelihood comes from.

20 MR. GIORDANI: I understand that. The problem is, is that  
21 media reports, stuff outside this courtroom, it's not evidence.

22 PROSPECTIVE JUROR NO. 369: Yeah.

23 MR. GIORDANI: Right? There's stuff on --

24 PROSPECTIVE JUROR NO. 369: Yeah, exactly.

25 MR. GIORDANI: -- both sides of the aisle and all --

1 PROSPECTIVE JUROR NO. 369: Uh-huh.  
2 MR. GIORDANI: -- everywhere in between that's  
3 inaccurate. What matters is the evidence that comes from the  
4 witness.  
5 PROSPECTIVE JUROR NO. 369: Yes.  
6 MR. GIORDANI: You agree there?  
7 PROSPECTIVE JUROR NO. 369: Yes.  
8 MR. GIORDANI: So if some *R-J* reporter or whoever  
9 writes a report, their opinion may improperly influence a juror.  
10 PROSPECTIVE JUROR NO. 369: I understand.  
11 MR. GIORDANI: So can you -- if you do see anything, I'm  
12 not saying anyone's going to write about this case, they may or  
13 may not, but if you do see something, can you at least pause --  
14 PROSPECTIVE JUROR NO. 369: Yeah.  
15 MR. GIORDANI: -- and close that out and not --  
16 PROSPECTIVE JUROR NO. 369: Yeah. I mean, I'm just  
17 going on and just posting stuff for them. I design the add and then  
18 I just go on their thing and post it. I'm not, like, going on and  
19 posting my own stuff.  
20 MR. GIORDANI: Okay. Back to the system as a whole,  
21 ma'am. Do you have any feelings one way or another about the  
22 criminal justice system?  
23 PROSPECTIVE JUROR NO. 369: I think it's fair.  
24 MR. GIORDANI: Okay. What about law enforcement?  
25 PROSPECTIVE JUROR NO. 369: Good to me. I'm pro law



1 enforcement.

2 MR. GIORDANI: Pro law enforcement?

3 PROSPECTIVE JUROR NO. 369: Uh-huh.

4 MR. GIORDANI: Okay. Kind of the same thing I've been  
5 asking the fellow jurors, ma'am. We -- what we don't want is  
6 someone who might lean one way from the beginning. And that  
7 goes to both sides, both ways.

8 PROSPECTIVE JUROR NO. 369: Yeah.

9 MR. GIORDANI: Can you consider a law enforcement's  
10 officer's testimony for what they have to say?

11 PROSPECTIVE JUROR NO. 369: Yes.

12 MR. GIORDANI: We don't want you prejudging them just  
13 because they have a badge. I'm just going to blindly accept  
14 everything they say and case closed, right?

15 PROSPECTIVE JUROR NO. 369: Uh-huh.

16 MR. GIORDANI: Can you do that?

17 PROSPECTIVE JUROR NO. 369: Yes.

18 MR. GIORDANI: Bear with me here.

19 Could I have the Court's indulgence for a moment?

20 THE COURT: Absolutely.

21 MR. GIORDANI: Okay. I might come back to you, ma'am.

22 PROSPECTIVE JUROR NO. 369: Okay.

23 MR. GIORDANI: Thank you for your time, I appreciate it.

24 Is it Ms. Burgos, 383?

25 PROSPECTIVE JUROR NO. 383: That's correct.

1 MR. GIORDANI: Good afternoon, ma'am.  
2 PROSPECTIVE JUROR NO. 383: Good afternoon.  
3 MR. GIORDANI: At this point, I assume you're getting the  
4 gist of what I'm getting at.  
5 PROSPECTIVE JUROR NO. 383: Yes.  
6 MR. GIORDANI: Jurors who are fair, impartial, and will  
7 follow the law as this judge gives it.  
8 PROSPECTIVE JUROR NO. 383: Yes.  
9 MR. GIORDANI: Do you think that's you, ma'am?  
10 PROSPECTIVE JUROR NO. 383: Yes.  
11 MR. GIORDANI: How do you feel about the criminal  
12 justice system as a whole?  
13 PROSPECTIVE JUROR NO. 383: It's fair.  
14 MR. GIORDANI: What about law enforcement; do you do  
15 you feel about law enforcement?  
16 PROSPECTIVE JUROR NO. 383: Also fair.  
17 MR. GIORDANI: Have you had any personal interactions  
18 with law enforcement?  
19 PROSPECTIVE JUROR NO. 383: Not at all.  
20 MR. GIORDANI: Okay. What is it that you do for a living,  
21 ma'am?  
22 PROSPECTIVE JUROR NO. 383: I'm a nurse.  
23 MR. GIORDANI: So you -- have you ever worked in  
24 trauma?  
25 PROSPECTIVE JUROR NO. 383: Trauma, yes.

1 MR. GIORDANI: Currently, Southwest Primary Care Clinic;  
2 that -- is that based out of the hospital?

3 PROSPECTIVE JUROR NO. 383: No, it's a different setting.  
4 It's in the clinic.

5 MR. GIORDANI: Okay. Have you dealt with gunshot  
6 wounds in your career?

7 PROSPECTIVE JUROR NO. 383: No.

8 MR. GIORDANI: Okay. So not even when you worked in  
9 trauma, no gunshot wounds?

10 PROSPECTIVE JUROR NO. 383: No.

11 MR. GIORDANI: Do you think that you are the type of  
12 person that can give both sides in this case, the State and then  
13 Mr. Matthews and his lawyers, you can give us both a fair trial?

14 PROSPECTIVE JUROR NO. 383: Yes.

15 MR. GIORDANI: And wait to hear the evidence?

16 PROSPECTIVE JUROR NO. 383: Yes.

17 MR. GIORDANI: Before you make a decision?

18 PROSPECTIVE JUROR NO. 383: Yes.

19 MR. GIORDANI: Are you going to be able to not speculate  
20 as to why there's a 15-year lapse between the crime and this trial?

21 PROSPECTIVE JUROR NO. 383: Yes.

22 MR. GIORDANI: There's a little pause there, a little  
23 hesitation.

24 PROSPECTIVE JUROR NO. 383: I just don't --

25 MR. GIORDANI: That was probably a wordy question.

1 You get what I'm getting at?

2 PROSPECTIVE JUROR NO. 383: Yes. Yes.

3 MR. GIORDANI: There may be a thousand reasons why a  
4 trial might not go for 15 years --

5 PROSPECTIVE JUROR NO. 383: Right.

6 MR. GIORDANI: -- especially murder, right?

7 PROSPECTIVE JUROR NO. 383: Right.

8 MR. GIORDANI: So can you not speculate, don't consider  
9 the time gap, and just consider the evidence that we present during  
10 the course of this trial.

11 PROSPECTIVE JUROR NO. 383: Yes.

12 MR. GIORDANI: Thank you very much, ma'am. And you  
13 can pass that down.

14 Ms. Watts?

15 PROSPECTIVE JUROR NO. 390: Yes, that's me.

16 MR. GIORDANI: Good afternoon. How are you?

17 PROSPECTIVE JUROR NO. 390: Fine, and you?

18 MR. GIORDANI: Great, thank you.

19 Badge Number 390. I have, like, two notes on you. It says  
20 retired and three years' college. So I'm going to ask you some  
21 questions.

22 PROSPECTIVE JUROR NO. 390: All right.

23 MR. GIORDANI: What did you do before you retired,  
24 ma'am?

25 PROSPECTIVE JUROR NO. 390: Well, I was working at the

1 VA Hospital in Detroit, Michigan.

2 MR. GIORDANI: Okay.

3 PROSPECTIVE JUROR NO. 390: Then the sleep lab at that  
4 time, I was working in the sleep lab.

5 MR. GIORDANI: And at the VA, did you work with only  
6 veterans?

7 PROSPECTIVE JUROR NO. 390: Primarily it was veterans.

8 MR. GIORDANI: Okay. Did you ever work in trauma or  
9 anything like that?

10 PROSPECTIVE JUROR NO. 390: Well, I got to see the  
11 trauma in my other job that I was doing.

12 MR. GIORDANI: What was that?

13 PROSPECTIVE JUROR NO. 390: When I worked for the  
14 Wayne County Medical Examiners.

15 MR. GIORDANI: Oh, okay.

16 PROSPECTIVE JUROR NO. 390: In Detroit, Michigan. So I  
17 got to see a lot of trauma.

18 MR. GIORDANI: Detroit was busy for trauma, I'm sure.

19 PROSPECTIVE JUROR NO. 390: Very busy.

20 MR. GIORDANI: Yeah. What was your role there?

21 PROSPECTIVE JUROR NO. 390: I was an autopsy  
22 technician and I also would make removals.

23 MR. GIORDANI: So --

24 PROSPECTIVE JUROR NO. 390: Take samples for the  
25 doctor --

1 MR. GIORDANI: Sure.

2 PROSPECTIVE JUROR NO. 390: -- and, you know,  
3 dissections. I just had a gift for dissections.

4 MR. GIORDANI: Okay. You heard the doctor's name here;  
5 you don't have any affiliation with the Clark County Coroner's  
6 Office --

7 PROSPECTIVE JUROR NO. 390: No.

8 MR. GIORDANI: -- correct? I assume that you're the type  
9 of person that's going to be just fine seeing photos of the young  
10 lady with a gunshot wound.

11 PROSPECTIVE JUROR NO. 390: Yes, sir, unfortunately.

12 MR. GIORDANI: Okay. Yeah.

13 PROSPECTIVE JUROR NO. 390: Yes.

14 MR. GIORDANI: Do you have any feelings on our criminal  
15 justice system as a whole?

16 PROSPECTIVE JUROR NO. 390: As a whole, I think it's  
17 pretty good.

18 MR. GIORDANI: Do you agree with the sentiment, this  
19 discussion I had with maybe one or two of your other jurors that  
20 this part of the process, this is supposed to be as fair as it can be,  
21 this being the jury trial.

22 PROSPECTIVE JUROR NO. 390: Oh, yes.

23 MR. GIORDANI: Right? Do you think that you can be fair  
24 to both sides in this case?

25 PROSPECTIVE JUROR NO. 390: Yes.

1 MR. GIORDANI: And do you have any issues or feelings  
2 one way or another about law enforcement?

3 PROSPECTIVE JUROR NO. 390: Well, in my job, when I  
4 was working at the medical assistant, I would work closely with the  
5 police sometimes.

6 MR. GIORDANI: Okay.

7 PROSPECTIVE JUROR NO. 390: Sometimes have to make  
8 the pickups and different things like that, so they would be there.

9 MR. GIORDANI: Okay. You were also in the room when  
10 you're doing the autopsies, right?

11 PROSPECTIVE JUROR NO. 390: Yes. I'm doing the  
12 dissections.

13 MR. GIORDANI: Right. So -- well, I guess maybe it might  
14 be different in Detroit, but there -- here, homicide detective, usually  
15 right there with the coroner looking, watching on.

16 PROSPECTIVE JUROR NO. 390: Well, we had that,  
17 they're -- they're there collecting evidence and bullets and --

18 MR. GIORDANI: Right.

19 PROSPECTIVE JUROR NO. 390: -- everything like that.

20 MR. GIORDANI: Okay. What I'm getting at and the reason  
21 I'm asking is do you think that you can be fair in this case and  
22 consider law enforcement testimony like you would anyone else --

23 PROSPECTIVE JUROR NO. 390: Yes.

24 MR. GIORDANI: -- off the street? Thank you, ma'am.  
25 Pass it down.

1 And is it Ms. Follmer?  
2 PROSPECTIVE JUROR NO. 396: Yes.  
3 MR. GIORDANI: Good afternoon, ma'am.  
4 PROSPECTIVE JUROR NO. 396: Good afternoon.  
5 MR. GIORDANI: I do have a questionnaire for you, I  
6 believe.  
7 PROSPECTIVE JUROR NO. 396: Yes.  
8 MR. GIORDANI: And then in that questionnaire, you  
9 indicated you think the system -- criminal justice system is fair, but  
10 then the next question, you don't -- I'm sorry, you think it's  
11 effective, but you don't think it's fair; is that accurate?  
12 PROSPECTIVE JUROR NO. 396: I guess in light of recent  
13 things in the news, that might have swayed my answer. I --  
14 MR. GIORDANI: Swayed it to be this answer?  
15 PROSPECTIVE JUROR NO. 396: Yeah. And I think, like, as  
16 other people have said, I think it's not a perfect system.  
17 MR. GIORDANI: Uh-huh.  
18 PROSPECTIVE JUROR NO. 396: I think I would stand by  
19 that statement, that I don't think it's a perfect system.  
20 MR. GIORDANI: Sure. It's the system we have.  
21 PROSPECTIVE JUROR NO. 396: Right.  
22 MR. GIORDANI: Right? And certainly not perfect, because  
23 humans are involved.  
24 PROSPECTIVE JUROR NO. 396: Right.  
25 MR. GIORDANI: Right? But do you think --



1 PROSPECTIVE JUROR NO. 396: I would also tell you I feel  
2 the same way about the education system. I mean, I just feel like --

3 MR. GIORDANI: Okay.

4 PROSPECTIVE JUROR NO. 396: -- a system made of  
5 people isn't perfect.

6 MR. GIORDANI: Right. This part of the system, this jury  
7 selection, it's called voir dire, to tell the truth, right? This part of the  
8 system is meant to be fair to give everyone a fair shake that's been  
9 accused of a crime. You agree with that?

10 PROSPECTIVE JUROR NO. 396: I agree. I think this is a  
11 very thorough process.

12 MR. GIORDANI: Okay. Do you have issues or feelings  
13 one way or another with law enforcement?

14 PROSPECTIVE JUROR NO. 396: Neutral.

15 MR. GIORDANI: Neutral? Okay. Your mom's home was  
16 burglarized and I don't have any other notes, so it appears to me  
17 that that won't bleed into your feelings here?

18 PROSPECTIVE JUROR NO. 396: No. No.

19 MR. GIORDANI: And you've been on a jury twice before?

20 PROSPECTIVE JUROR NO. 396: Yes.

21 MR. GIORDANI: Both criminal?

22 PROSPECTIVE JUROR NO. 396: Yes.

23 MR. GIORDANI: In this building?

24 PROSPECTIVE JUROR NO. 396: No. Was some time ago.

25 MR. GIORDANI: How long? The most recent.

1 PROSPECTIVE JUROR NO. 396: Probably 20 years ago.

2 MR. GIORDANI: Okay.

3 PROSPECTIVE JUROR NO. 396: Yeah.

4 MR. GIORDANI: You went through this process then, I  
5 presume?

6 PROSPECTIVE JUROR NO. 396: Yes.

7 MR. GIORDANI: Where the judge and the lawyers  
8 questioned you, right?

9 PROSPECTIVE JUROR NO. 396: Yes.

10 MR. GIORDANI: And then they apparently thought you  
11 were a fair juror, because you ended up all the way back in the  
12 room.

13 PROSPECTIVE JUROR NO. 396: Yes.

14 MR. GIORDANI: Do you see those experiences as positive  
15 ones?

16 PROSPECTIVE JUROR NO. 396: Yes.

17 MR. GIORDANI: And do you think that you'd be a good fit  
18 for this particular case?

19 PROSPECTIVE JUROR NO. 396: Yes.

20 MR. GIORDANI: You heard the charges I read -- or the  
21 Court read and I spoke about?

22 PROSPECTIVE JUROR NO. 396: Uh-huh.

23 MR. GIORDANI: It's as serious as it gets, it's a murder  
24 trial; you get that.

25 PROSPECTIVE JUROR NO. 396: Yeah.

1 MR. GIORDANI: Mr. Matthews is accused of a very  
2 serious crime and there's a woman who's dead and never coming  
3 back; do you think you're a good fit for this type of case?

4 PROSPECTIVE JUROR NO. 396: Yes.

5 MR. GIORDANI: Okay. Thank you. You can pass that  
6 microphone on.

7 THE COURT: Okay. So at this time we're going to take a  
8 recess. During this recess you're not to discuss or communicate  
9 with anyone, including your fellow jurors, in any way regarding the  
10 case or its merits either by voice, phone, e-mail, text, Internet, or  
11 other means of communication or social media, read, watch, or  
12 listen to any news or media accounts or commentary about the  
13 case, or do any research, such as consulting dictionaries, using the  
14 Internet, or using reference materials or make any investigation,  
15 test a theory of the case, recreate any aspect of the case, or in any  
16 other way investigate or learn about the case on your own or form  
17 or express any opinion regarding the case until it's finally submitted  
18 to you.

19 And we'll be in recess for the next 15 minutes. Thank you.

20 [Court recessed at 3:04 p.m., until 3:33 p.m.]

21 [In the presence of the prospective jury panel.]

22 THE COURT: Does the State stipulate to the presence?

23 MR. GIORDANI: Yes, Your Honor.

24 THE COURT: And the defense?

25 MR. LEVENTHAL: Yes, Your Honor. Thank you.

1 THE COURT: Okay. It's my understanding

2 Ms. Samantha --

3 UNIDENTIFIED SPEAKER: Oh, right here, Your Honor.

4 THE COURT: Okay. It's my understanding you want to  
5 address the Court?

6 UNIDENTIFIED SPEAKER: Yes, Your Honor.

7 PROSPECTIVE JUROR NO. 466: Hello. I just wanted to  
8 apologize first, I should have brought this up earlier. But I just  
9 wanted to make sure and -- I called -- when I mentioned earlier I  
10 was a nurse, I called up my nurse manager to make sure I had  
11 enough PTO, finding out that this case may go on for a whole week  
12 next week. I do not have -- she told me you do not have enough  
13 PTO. I'm a little worried and scared, because that's the only  
14 financial earnings I get to keep my rent. And I'm going to be  
15 truthful and honest as much as possible in order to be fair to you  
16 and for everyone involved in this case. I just wanted to let you  
17 know my situation right now.

18 THE COURT: Okay. So now -- so the hospital does not  
19 pay you if you're here?

20 PROSPECTIVE JUROR NO. 466: No. If I -- I do not -- like,  
21 mentioned before from the other juror, I do not get paid if I don't  
22 have enough PTO hours.

23 THE COURT: Okay. So you have to take, like, your paid  
24 time off. Okay. But if you don't have enough, the hospital won't  
25 pay you.

1 PROSPECTIVE JUROR NO. 466: No, unfortunately.

2 THE COURT: Okay. How would that affect you  
3 financially? Would you be able to pay your bills?

4 PROSPECTIVE JUROR NO. 466: I will not be able to.

5 THE COURT: Okay. All right. So I'm just going ask you to  
6 step out. You can put the microphone right down on the seat. I  
7 appreciate you letting me know that. And I'm going to ask Leah  
8 Delapaz to take Seat Number 21.

9 You can come right up here and take Seat Number 21.  
10 Okay.

11 Ms. Delapaz, can you tell me how long you've lived in  
12 Clark County?

13 PROSPECTIVE JUROR NO. 584: 16 years.

14 THE COURT: You can grab the microphone. The nice  
15 juror next to you was holding it for you.

16 PROSPECTIVE JUROR NO. 584: 16 years. Sorry.

17 THE COURT: Thank you, sir.

18 And your education background?

19 PROSPECTIVE JUROR NO. 584: Bachelor's in business  
20 administration.

21 THE COURT: Okay. What do you do for a living?

22 PROSPECTIVE JUROR NO. 584: I'm a gaming auditor.

23 THE COURT: Okay. So do you work for the Gaming  
24 Control Board?

25 PROSPECTIVE JUROR NO. 584: No, in the casino.

1 THE COURT: Okay. What does that mean? You, like,  
2 audit the money?

3 PROSPECTIVE JUROR NO. 584: We audit the -- yes.

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

5 PROSPECTIVE JUROR NO. 584: Six years.

6 THE COURT: Okay. Your marital status?

7 PROSPECTIVE JUROR NO. 584: Married.

8 THE COURT: Okay. Is your spouse employed?

9 PROSPECTIVE JUROR NO. 584: Yes.

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

11 PROSPECTIVE JUROR NO. 584: He's a mechanic.

12 THE COURT: Okay. Do you have children?

13 PROSPECTIVE JUROR NO. 584: Yes.

14 THE COURT: Okay. Are they old enough to be employed?

15 PROSPECTIVE JUROR NO. 584: No.

16 THE COURT: Okay. Have you ever served as a juror  
17 before?

18 PROSPECTIVE JUROR NO. 584: No.

19 THE COURT: Okay. Have you or anyone close to you,  
20 such as a family member or friend, ever been the victim of a crime?

21 PROSPECTIVE JUROR NO. 584: No.

22 THE COURT: Have you or anyone close to you, such as a  
23 family member or friend, ever been accused of a crime?

24 PROSPECTIVE JUROR NO. 584: No.

25 THE COURT: Would you have a tendency to give weight

1 or credence or less weight or credence to the testimony of a  
2 witness simply because that witness is a police officer?

3 PROSPECTIVE JUROR NO. 584: No.

4 THE COURT: Do you know of any reason why you could  
5 not be a fair and impartial juror if you were selected to serve on this  
6 panel?

7 PROSPECTIVE JUROR NO. 584: No.

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

10 Mr. Giordani, you can --

11 MR. GIORDANI: Actually, Ms. Botelho's going to handle  
12 the next row.

13 THE COURT: Okay.

14 MS. BOTELHO: Sign me in.

15 Good afternoon, everyone. Mr. Giordani was getting a  
16 little scared that you all are so quiet. Okay. So we're going to pick  
17 up with Mr. Dam?

18 PROSPECTIVE JUROR NO. 398: Yes.

19 MS. BOTELHO: Hi, sir. And you are in --

20 THE MARSHAL: Sorry, Agnes?

21 MS. BOTELHO: Oh, I don't have this on. Okay.

22 Hi, Mr. Dam.

23 PROSPECTIVE JUROR NO. 398: Hello.

24 MS. BOTELHO: For the record, you are in Seat  
25 Number 12, Juror Number 398?

1 PROSPECTIVE JUROR NO. 398: Yes.

2 MS. BOTELHO: Okay. Mr. Dam, I see that you filled out a  
3 questionnaire. But there's nothing really in here that I want to  
4 follow up with you. And so let me just kind of ask you something a  
5 little more general. Okay?

6 PROSPECTIVE JUROR NO. 398: Yes.

7 MS. BOTELHO: Have you ever had any positive or  
8 negative contact with law enforcement?

9 PROSPECTIVE JUROR NO. 398: I'm neutral.

10 MS. BOTELHO: Okay. But any kind of contract? Not so  
11 much what you think about law enforcement officers, but more so,  
12 you know, got a bad ticket one day when you didn't think you  
13 deserved one.

14 PROSPECTIVE JUROR NO. 398: I got pulled over a few  
15 times for driving in the wrong way when I was young.

16 MS. BOTELHO: Okay.

17 PROSPECTIVE JUROR NO. 398: You know.

18 MS. BOTELHO: Okay.

19 PROSPECTIVE JUROR NO. 398: Change lanes without  
20 turn on the [indiscernible].

21 MS. BOTELHO: Okay.

22 PROSPECTIVE JUROR NO. 398: That's all, just minor  
23 pull-over, nothing else.

24 MS. BOTELHO: Okay. And so nothing about that contact,  
25 as you say, changes your position; you're still neutral.



1 PROSPECTIVE JUROR NO. 398: No, I'm fine. Yeah. It's  
2 just my fault, in a way.

3 MS. BOTELHO: Okay. No prior jury service?

4 PROSPECTIVE JUROR NO. 398: No.

5 MS. BOTELHO: And I noticed when I was over the break  
6 looking over some of the questionnaires and some of the answers  
7 that we got when Judge Leavitt was questioning some of you,  
8 pertaining to the question of if you know of anyone or if yourself  
9 have ever been the victim of a crime, that includes, you know, DUIs,  
10 domestic violence, petty larceny, taking something from Walmart.  
11 So I want you guys to think about that and if, for some reason, you  
12 failed to mention something like that, let us know and we can  
13 always go back. Okay?

14 But I show that no one in your family, no close friends,  
15 yourself, you have not been the victim of a crime?

16 PROSPECTIVE JUROR NO. 398: When I say crime, I was  
17 thinking about, like, a human death involved.

18 MS. BOTELHO: Oh, okay.

19 PROSPECTIVE JUROR NO. 398: That why I -- when I  
20 answered the question on the questionnaire, I didn't put in anything  
21 until I heard a lot of jurors say something about burglary. That's  
22 why I mentioned the burglary in there.

23 MS. BOTELHO: Okay. Yeah. Your house was broken  
24 into, right?

25 PROSPECTIVE JUROR NO. 398: Yes.

1 MS. BOTELHO: Okay. How about knowing anyone close  
2 to you having been charged, arrested, or convicted of a criminal  
3 offense?

4 PROSPECTIVE JUROR NO. 398: None.

5 MS. BOTELHO: Okay. Do you want to serve on this jury,  
6 sir?

7 PROSPECTIVE JUROR NO. 398: Yes.

8 MS. BOTELHO: Why?

9 PROSPECTIVE JUROR NO. 398: I never been a jury duty  
10 before, this is my first time doing it, so maybe it's just a learning  
11 experience to do it.

12 MS. BOTELHO: Okay. Okay. Anything about the age of  
13 this case that would cause you any concern?

14 PROSPECTIVE JUROR NO. 398: No, not to my knowledge.  
15 No.

16 MS. BOTELHO: Okay. You -- as you sit here today, you're  
17 telling us almost absolutely that you can abide by any instructions  
18 that Judge Leavitt would give concerning this case?

19 PROSPECTIVE JUROR NO. 398: Yes, ma'am.

20 MS. BOTELHO: If you were charged with a crime, would  
21 you want someone like yourself sitting as a juror?

22 PROSPECTIVE JUROR NO. 398: Absolutely.

23 MS. BOTELHO: Okay. Someone with your mind frame,  
24 your experience, you would be okay with that?

25 PROSPECTIVE JUROR NO. 398: Yes.

1 MS. BOTELHO: Okay. Thank you, sir.  
2 Mr. Deering?  
3 PROSPECTIVE JUROR NO. 399: Yes?  
4 MS. BOTELHO: Seat Number 13, Juror Number 399?  
5 PROSPECTIVE JUROR NO. 399: That is correct.  
6 MS. BOTELHO: Hello, sir.  
7 PROSPECTIVE JUROR NO. 399: Hello.  
8 MS. BOTELHO: Do you want to be on this jury?  
9 PROSPECTIVE JUROR NO. 399: Sure.  
10 MS. BOTELHO: Why?  
11 PROSPECTIVE JUROR NO. 399: I grew up in Michigan,  
12 and I never made it to the full process. So it's interesting and I  
13 understand the value and the importance of it.  
14 MS. BOTELHO: When you say full process, have you  
15 made it this far?  
16 PROSPECTIVE JUROR NO. 399: Uh-uh. I was only there  
17 for, like, maybe hour, two hours, and then we were all sent home. I  
18 don't remember the reason why, but.  
19 MS. BOTELHO: Okay. And so you think -- you see this as  
20 an opportunity to see our criminal justice system at work.  
21 PROSPECTIVE JUROR NO. 399: To some degree, yeah.  
22 But I more so just understand the importance of what we do.  
23 MS. BOTELHO: Your civic duty?  
24 PROSPECTIVE JUROR NO. 399: Yeah.  
25 MS. BOTELHO: Okay. You did indicate -- you filled out a

1 questionnaire; is that right?

2 PROSPECTIVE JUROR NO. 399: That is correct.

3 MS. BOTELHO: Okay. And one of the questions involved  
4 in the questionnaire said: Do you feel the criminal justice system is  
5 affective? And you said no.

6 PROSPECTIVE JUROR NO. 399: Correct.

7 MS. BOTELHO: Why is that?

8 PROSPECTIVE JUROR NO. 399: Well, it's complicated and  
9 I don't want to waste the Court's time with my personal opinions.  
10 But I understand why we're doing this process and how they have  
11 weight on everything. Long story short, I grew up in a small town  
12 in Michigan. Obviously, I'm white, but time has shown me that I've  
13 been treated differently by law enforcement. So while my  
14 experiences were positive through, like, minor crimes or things with  
15 neighbors or family, my interactions were positive, it wasn't till later  
16 in life that I kind of really realized how disproportionate being sort  
17 of white to others and people in my own peer group just because  
18 they were different. And --

19 MS. BOTELHO: Okay. And so we're talking people being  
20 treated differently because race.

21 PROSPECTIVE JUROR NO. 399: Correct.

22 MS. BOTELHO: Okay. Because you mentioned, you  
23 know, you are --

24 PROSPECTIVE JUROR NO. 399: Correct.

25 MS. BOTELHO: -- Caucasian. Okay. And so your life

1 experience has kind of made you realize this?

2 PROSPECTIVE JUROR NO. 399: Well, just getting older,  
3 but mostly the current events that we're all kind of finding our own  
4 way through.

5 MS. BOTELHO: Okay. And so I understand that we don't  
6 want to, you know, make this a personal thing where I -- we all try  
7 to get into your head too much. But as Mr. Giordani indicated  
8 earlier, what you all come into the courthouse or the courtroom  
9 thinking or believing does matter.

10 PROSPECTIVE JUROR NO. 399: Right.

11 MS. BOTELHO: In that we are looking for people who can  
12 be fair.

13 PROSPECTIVE JUROR NO. 399: Uh-huh.

14 MS. BOTELHO: And we don't want people who are going  
15 to give, you know, little bit more to one side, because you're -- I  
16 don't want to say correct, because of something you've observed  
17 outside of these four walls; does that make sense?

18 PROSPECTIVE JUROR NO. 399: It does make sense.

19 MS. BOTELHO: Okay. And so when you say that -- well,  
20 let me go to the next question that you answered. It said:

21 In general, do you feel the criminal justice system is fair?  
22 And you indicated no.

23 PROSPECTIVE JUROR NO. 399: Correct.

24 MS. BOTELHO: Okay. And is that due to the same  
25 reason? People -- you see people being treated differently?

1 PROSPECTIVE JUROR NO. 399: Like I said earlier, it's the  
2 combination of everything. It's just the passage of time and getting  
3 older, reflecting on my own experiences and then seeing the  
4 current events and how things have unfolded.

5 MS. BOTELHO: How does that thought and that  
6 experience play into you potentially being a juror here? Because, I  
7 mean, we have an African-American defendant --

8 PROSPECTIVE JUROR NO. 399: Right.

9 MS. BOTELHO: -- right? Current events just happened.  
10 While this crime occurred in 2006, the current events that you're  
11 talking about are still going on, as a matter of fact, right?

12 PROSPECTIVE JUROR NO. 399: Well, it's not really the  
13 specific current events that have changed my mind. It's just the  
14 systematic sign of, you know, broken system. Like, somebody  
15 mentioned the teachers and how the schooling is. It's very similar.  
16 It's, like, it's the best we've got, but it has a lot of problems.

17 MS. BOTELHO: Okay. Do you -- would you agree with me  
18 that individuals like yourself wanting to serve in a jury, you know,  
19 and kind of see the criminal justice system at least through the trial  
20 stage, that that would assist in making the system more fair?

21 PROSPECTIVE JUROR NO. 399: I would say yes. I think if  
22 there was more like me who kind of see the bigger picture but still  
23 make a conscious effort to not play it one way or the other, then  
24 yes, I think -- I mean, that's the best place for change, with us.

25 MS. BOTELHO: As you sit here right now, are you in any

1 way looking at Mr. Giordani or myself, or maybe even thinking  
2 about the police officers who were involved in this case, and  
3 thinking somehow we, as a system, you know, law enforcement,  
4 the DA's office, prosecutors, that we've treated Mr. Matthews  
5 differently because of his race?

6 PROSPECTIVE JUROR NO. 399: I would say absolutely  
7 not.

8 MS. BOTELHO: Okay.

9 PROSPECTIVE JUROR NO. 399: And -- but, no. No. To  
10 answer your question, I think it -- my worry is, like, I could give you  
11 my word and promise you that I can be unbiased and just judge  
12 what the facts of the case and how the law applies to that and  
13 nothing else around it, but, ultimately, it's up to you guys to decide  
14 if I'm right for it. But my worry is that, like, as time has shifted my  
15 opinions on things, that I might be more likely to look for things  
16 that aren't there. In the past, I guess I would say my opinions  
17 toward law enforcement were kind of just, like, overwhelmingly  
18 positive. And I think now I might be overly critical. But I don't -- I  
19 can give you my word that, you know, I would still do my best and I  
20 do understand the importance of what we do and how we have to  
21 be unbiased and give everyone a fair shake.

22 MS. BOTELHO: Okay. So let's kind of flesh this out just a  
23 little bit. You said you would look for things that may not  
24 necessarily be there; what do you mean?

25 PROSPECTIVE JUROR NO. 399: I didn't say I would. My --

1 I do have a worry --

2 MS. BOTELHO: You worry.

3 PROSPECTIVE JUROR NO. 399: -- which is why I think it  
4 would be dishonest for me to not share these feelings and things.

5 MS. BOTELHO: Oh, of course. And I'm thankful. Frankly,  
6 I didn't have many questions for you, but I -- you know, I'm glad.  
7 These are the kind of things that we want to know about. A worry,  
8 that's a good way to phrase it, you know. The same way that  
9 Mr. Giordani was afraid that people weren't speaking, we want to  
10 know. We want to know what's in your head, because, ultimately,  
11 the same way I asked Mr. Dam, if you were charged with a crime  
12 and you were sitting in Mr. Matthews' seat, would you want  
13 someone with your mind frame, with your perspective sitting as a  
14 juror in judgment?

15 PROSPECTIVE JUROR NO. 399: I would say absolutely.

16 MS. BOTELHO: Okay. When you say you worry about  
17 potentially looking for things that aren't there, what are those  
18 things that you're worried about? Like an example.

19 PROSPECTIVE JUROR NO. 399: Well, again, never being  
20 in the setting, it's really hard to kind of pull something out of thin  
21 air. But just -- I don't really know how to describe it. Just, like --

22 MS. BOTELHO: Police misconduct?

23 PROSPECTIVE JUROR NO. 399: That sort of thing. Or  
24 covering for each other and that -- and the history that goes along  
25 with that.



1 MS. BOTELHO: Okay. And so you're -- and correct me if  
2 I'm wrong, which you have, you know, I did incorrectly phrase your  
3 answer. So you're worried that if you are selected as a juror, you  
4 might look for things like police misconduct because of your  
5 experience, even though there might not be, really, a basis to look  
6 for it.

7 PROSPECTIVE JUROR NO. 399: Correct.

8 MS. BOTELHO: Okay. And when you said, you know,  
9 initially, when you were younger, your experience was more  
10 positive.

11 PROSPECTIVE JUROR NO. 399: Correct.

12 MS. BOTELHO: And you would be a little bit -- forget the  
13 word that you used, it was opposite of overly critical, overly  
14 positive, is that what you said?

15 PROSPECTIVE JUROR NO. 399: Something along those  
16 lines, yeah.

17 MS. BOTELHO: Okay. But now your worry is that you  
18 might be overly critical.

19 PROSPECTIVE JUROR NO. 399: Correct.

20 MS. BOTELHO: Okay. Thank you for that, as well.  
21 Because that does play into, you know, our thought process, at  
22 least. Because what we want, and we've said this, you know, and  
23 Judge Leavitt even asked, you know, would you automatically give  
24 more or less credibility to the testimony of a police officer simply  
25 because they are police officers?