

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 12:31 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 2**

/s/ Todd M Leventhal

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Leventhal and Associates, PLLC  
Nevada Bar: 8543  
626 S. 3rd Street  
Las Vegas, NV 89101  
[Leventhalandassociates@gmail.com](mailto:Leventhalandassociates@gmail.com)  
702-472-8686  
Attorney for Appellant

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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

1 PROSPECTIVE JUROR NO. 399: Consciously I would say  
2 no.

3 MS. BOTELHO: Right.

4 PROSPECTIVE JUROR NO. 399: But, again, that's a  
5 decision not really up to me. But I can give you my word that I'll be  
6 as impartial and fair as I can be.

7 MS. BOTELHO: Okay. But with the understanding that  
8 there is this worry --

9 PROSPECTIVE JUROR NO. 399: Yes.

10 MS. BOTELHO: -- perhaps, about being overly critical with  
11 law enforcement?

12 PROSPECTIVE JUROR NO. 399: Correct.

13 MS. BOTELHO: Okay. Anything about the age of this case  
14 that worries you?

15 PROSPECTIVE JUROR NO. 399: No, because I understand  
16 with criminal cases, it can take time for evidence to show up or  
17 witnesses to come forward. So.

18 MS. BOTELHO: Okay. Have you -- I got logged out of my  
19 computer here. Did you respond to: Have you ever been the victim  
20 of a crime?

21 PROSPECTIVE JUROR NO. 399: I believe so. I put yes.

22 MS. BOTELHO: Okay.

23 PROSPECTIVE JUROR NO. 399: I haven't spoken in court  
24 about it, because hearing the stories of others, I realize it really has  
25 no bearing. Like, I was -- had my Halloween candy robbed at

1 gunpoint as a child. And, again --

2 MS. BOTELHO: I'm sorry, how old were you?

3 PROSPECTIVE JUROR NO. 399: I was probably about 11  
4 or 12 maybe.

5 MS. BOTELHO: Okay.

6 PROSPECTIVE JUROR NO. 399: Somewhere around  
7 there. I don't really -- it's been a long time. But, you know, just  
8 smaller things. But I never -- it was never enough to sour my  
9 opinion toward law enforcement. If anything, my experiences, like I  
10 said earlier, were positive. It's just with the passage of time and  
11 events and --

12 MS. BOTELHO: Okay. So I'm going to flesh this out a  
13 little bit.

14 PROSPECTIVE JUROR NO. 399: Sorry.

15 MS. BOTELHO: Your candy was taken from you when you  
16 were 11 or 12 years old at gunpoint?

17 PROSPECTIVE JUROR NO. 399: Right.

18 MS. BOTELHO: Okay. It -- you didn't mention it because  
19 you didn't -- after hearing the severity of some of the experiences of  
20 the other jurors who had been victims of a crime, you decided not  
21 to just tell us about it because it wasn't enough to change your  
22 opinion?

23 PROSPECTIVE JUROR NO. 399: Correct.

24 MS. BOTELHO: Okay.

25 PROSPECTIVE JUROR NO. 399: Because, if anything,

1 even in that time, up until fairly recently, like, my opinions, as I  
2 stated, were ultimately positive toward police. But --

3 MS. BOTELHO: Okay.

4 PROSPECTIVE JUROR NO. 399: -- like, a shift has  
5 happened.

6 MS. BOTELHO: Okay. And this is kind of what I was  
7 worried about as I was sitting at this table is the question is really  
8 just the question. Okay. Have you ever been the victim of a crime?  
9 Has your family? Have your friends? Close friends? Any of those  
10 same people been accused of a crime? And -- we need to know.  
11 And we'll -- like you indicated, then it's up to us to decide, you  
12 know, how that plays into you potentially serving on the jury. So  
13 was someone caught or did you report the -- this -- this is -- it's an  
14 armed robbery; did you report that?

15 PROSPECTIVE JUROR NO. 399: It wasn't reported,  
16 because we -- I had recognized -- it was me and several friends, two  
17 of them got, like, beaten up and stuff. I recognized the person, who  
18 was a little bit older, kind of a bully, you know, typical story. Went  
19 home, told my father. And he ended up -- looking back now, it was  
20 really dangerous, but, you know, we all hopped in the car and went  
21 to where it happened and we found the kid and he went out and  
22 talked to him, took the candy back, and found out it was a BB gun,  
23 and then it just kind of left -- never made it to a police report or  
24 anything like that.

25 MS. BOTELHO: Okay. And so that's why it wasn't enough

1 to sour your opinion with law enforcement or anything like that --

2 PROSPECTIVE JUROR NO. 399: Right.

3 MS. BOTELHO: -- because it was police --

4 PROSPECTIVE JUROR NO. 399: It was still a crime, but it  
5 was never reported and, you know --

6 MS. BOTELHO: Okay.

7 PROSPECTIVE JUROR NO. 399: -- there was no injuries or  
8 anything.

9 MS. BOTELHO: Okay. How about the opposite side of  
10 that; anyone you know been charged, arrested, or convicted of any  
11 criminal offense?

12 PROSPECTIVE JUROR NO. 399: I mean, probably growing  
13 up, but my memory would be fuzzy. But there was a lot in our peer  
14 group who were singled out police for really no reason. So there  
15 was a lot of that.

16 MS. BOTELHO: Okay.

17 PROSPECTIVE JUROR NO. 399: A lot of, you know, traffic  
18 stops where they just recognized the car and that kind of thing, but  
19 never found anything. And no trials or anything or anything that I  
20 can think of.

21 MS. BOTELHO: Okay. So earlier in your life, nothing  
22 close to the present?

23 PROSPECTIVE JUROR NO. 399: Right.

24 MS. BOTELHO: Okay. Thank you, sir.

25 PROSPECTIVE JUROR NO. 399: You're welcome.

1 MS. BOTELHO: Ms. Nieves, Seat Number 14, Juror  
2 Number 402.

3 Hello.

4 PROSPECTIVE JUROR NO. 402: Yes. Hello.

5 MS. BOTELHO: Hi. Let's see, not ever been the victim of  
6 a crime or accused of a crime.

7 PROSPECTIVE JUROR NO. 402: No.

8 MS. BOTELHO: And you filled out a questionnaire.  
9 Nothing in here. Do you want to sit on this jury, ma'am?

10 PROSPECTIVE JUROR NO. 402: Sure.

11 MS. BOTELHO: Yeah? Why?

12 PROSPECTIVE JUROR NO. 402: I think it would be an  
13 interesting learning experience and it's important for society that  
14 we do our duty.

15 MS. BOTELHO: Okay. Have you ever been called for jury  
16 service before?

17 PROSPECTIVE JUROR NO. 402: I've been to this point,  
18 but I've never been selected.

19 MS. BOTELHO: Okay. But now you're interested to see,  
20 you know, potentially what happens after this?

21 PROSPECTIVE JUROR NO. 402: Sure.

22 MS. BOTELHO: This fun experience that you're going  
23 through right now. You want to know what happens after this,  
24 right?

25 PROSPECTIVE JUROR NO. 402: Yes.



1 MS. BOTELHO: It can only get better, right? Okay.  
2 So you are currently a writer?  
3 PROSPECTIVE JUROR NO. 402: Yes.  
4 MS. BOTELHO: What do you write?  
5 PROSPECTIVE JUROR NO. 402: Technical documentation.  
6 In --  
7 MS. BOTELHO: I don't know what that is.  
8 PROSPECTIVE JUROR NO. 402: Engineering experiments.  
9 I work out at the Nevada test site.  
10 MS. BOTELHO: Okay.  
11 PROSPECTIVE JUROR NO. 402: Where they used to do all  
12 the bomb tests back in the day. So I work out there with engineers.  
13 MS. BOTELHO: Okay. Let me see. If you were charged  
14 with a crime, ma'am, would you want someone like yourself, with  
15 your experience, your mindset, sitting as a juror?  
16 PROSPECTIVE JUROR NO. 402: Yes.  
17 MS. BOTELHO: Okay. And, I'm sorry, how long have you  
18 been in Las Vegas?  
19 PROSPECTIVE JUROR NO. 402: 17 years.  
20 MS. BOTELHO: And where were you before?  
21 PROSPECTIVE JUROR NO. 402: Utah.  
22 MS. BOTELHO: Okay. And your brother is an LVMPD  
23 officer.  
24 PROSPECTIVE JUROR NO. 402: Yes, correct.  
25 MS. BOTELHO: Okay. I think with fusion, because of the

1 cameras.

2 PROSPECTIVE JUROR NO. 402: Yes.

3 MS. BOTELHO: Are you close to this brother?

4 PROSPECTIVE JUROR NO. 402: Yes.

5 MS. BOTELHO: Do you guys ever talk about his work?

6 PROSPECTIVE JUROR NO. 402: Just generally.

7 MS. BOTELHO: Okay.

8 PROSPECTIVE JUROR NO. 402: Like you had a good day,  
9 had a bad day. That kind of thing.

10 MS. BOTELHO: Oh. Nothing like, oh, there's a shooting  
11 on the Strip and I, you know, captured the video and --

12 PROSPECTIVE JUROR NO. 402: No, he doesn't generally  
13 talk specifics of cases.

14 MS. BOTELHO: Okay. All right. And how long has your  
15 brother been a cop?

16 PROSPECTIVE JUROR NO. 402: About 13 years.

17 MS. BOTELHO: Okay. Now, what's kind of interesting is  
18 he works at the fusion center, which was developed, really, in the  
19 last few years here in Las Vegas.

20 PROSPECTIVE JUROR NO. 402: Yeah. He's moved  
21 around. He's been at different area commands around town. I  
22 think currently his actual assignment is -- I want to say Enterprise  
23 Area Command.

24 MS. BOTELHO: Okay. All right.

25 PROSPECTIVE JUROR NO. 402: I'm not sure.

1 MS. BOTELHO: So is he back as a patrol officer?  
2 PROSPECTIVE JUROR NO. 402: But he's not back as a  
3 patrol officer because he had COVID. And he's had residual effects  
4 from COVID that he's still suffering. So he's not cleared to go back  
5 to full duty.  
6 MS. BOTELHO: Okay.  
7 PROSPECTIVE JUROR NO. 402: So that's why they put  
8 him in the cameras.  
9 MS. BOTELHO: That's what you said, light duty.  
10 PROSPECTIVE JUROR NO. 402: Yeah.  
11 MS. BOTELHO: Okay. Anything about the age of this  
12 case? Your brother works for this high-end tech -- you know, this  
13 camera -- right now he's in the fusion center where they monitor  
14 the Strip with, like, HD cameras and things like that. Anything  
15 about the age of this case going to concern you? This was 2006, I  
16 don't think fusion center was open yet. I don't know how good our  
17 cameras were on the Strip.  
18 PROSPECTIVE JUROR NO. 402: No.  
19 MS. BOTELHO: Anything about that?  
20 PROSPECTIVE JUROR NO. 402: No.  
21 MS. BOTELHO: Okay. Okay, ma'am, thank you.  
22 Ms. Morales?  
23 PROSPECTIVE JUROR NO. 411: Yes.  
24 MS. BOTELHO: Seat Number 15, Juror Number 411. Hi.  
25 PROSPECTIVE JUROR NO. 411: Hi.

1 MS. BOTELHO: I'm not going to delve too much into what  
2 you've already talked about. I don't think we need to do that,  
3 actually, in this case. You didn't fill out a questionnaire, though,  
4 right?

5 PROSPECTIVE JUROR NO. 411: No.

6 MS. BOTELHO: Okay. So, I mean, what you went  
7 through, even at your young age, I mean, I can't even imagine.  
8 Okay. Your brother -- excuse me, your cousin was shot. This case  
9 involves a shooting. This was -- he was -- what year did this  
10 happen?

11 PROSPECTIVE JUROR NO. 411: 2000.

12 MS. BOTELHO: 2000? Okay. So it happened, you know,  
13 closer in time, at least, to this crime as now -- than now. You  
14 indicated you weren't happy with how the case was handled.

15 PROSPECTIVE JUROR NO. 411: Yeah.

16 MS. BOTELHO: Particularly by our office.

17 PROSPECTIVE JUROR NO. 411: Uh-huh.

18 MS. BOTELHO: Is that right?

19 PROSPECTIVE JUROR NO. 411: Yes.

20 MS. BOTELHO: Okay. But you indicated you could be  
21 fair.

22 PROSPECTIVE JUROR NO. 411: Yes.

23 MS. BOTELHO: You would wait to listen to all of the  
24 evidence?

25 PROSPECTIVE JUROR NO. 411: Yes.

1 MS. BOTELHO: Okay. Primarily, your unhappiness with  
2 how the case was handled dealt with, you know, some of the way  
3 that -- it was multiple people involved --

4 PROSPECTIVE JUROR NO. 411: Yes.

5 MS. BOTELHO: -- in your cousin's shooting?

6 PROSPECTIVE JUROR NO. 411: Uh-huh.

7 MS. BOTELHO: Right? And you believed only the ones  
8 that went to prison were handled properly?

9 PROSPECTIVE JUROR NO. 411: Yeah.

10 MS. BOTELHO: Okay. Do you understand that if you're  
11 chosen to be a juror in this case, that's -- that wouldn't be  
12 something that you would necessarily consider. You're a  
13 fact-finder.

14 PROSPECTIVE JUROR NO. 411: Uh-huh.

15 MS. BOTELHO: And so you would listen to the evidence  
16 and then if you're chosen -- if you're chosen, you would listen to all  
17 of the evidence presented and then you would deliberate with the  
18 other jury members.

19 PROSPECTIVE JUROR NO. 411: Correct.

20 MS. BOTELHO: And come to a verdict.

21 PROSPECTIVE JUROR NO. 411: Yes.

22 MS. BOTELHO: Okay. So we're not talking about  
23 sentencing or anything like that; do you understand that?

24 PROSPECTIVE JUROR NO. 411: Yes.

25 MS. BOTELHO: Okay. Also, in this particular case, as

1 Mr. Giordani had talked about, we do have a named co-defendant.  
2 He talked about it with one other juror. I believe it was the lady at  
3 P&P, Pierre Joshlin. But you understand that at least with this trial,  
4 this involves one person and you're going to be the fact-finder  
5 concerning Mr. Matthews.

6 PROSPECTIVE JUROR NO. 411: Yes.

7 MS. BOTELHO: Okay. So you're not going to be back  
8 there thinking, well, what about those other people?

9 PROSPECTIVE JUROR NO. 411: No.

10 MS. BOTELHO: Okay. Will you, at some point, I guess  
11 what I really wanted to ask, so I'll just ask it the way I say -- the way  
12 I'm thinking. Will you get back there if you're chosen and say, you  
13 know what, they never caught -- they never punished or, you know,  
14 went to trial or sent to prison all of the people who killed my cousin.  
15 I'm going to make sure he gets punished, meaning the defendant.

16 PROSPECTIVE JUROR NO. 411: No. That's not something  
17 I would do.

18 MS. BOTELHO: Okay. So as you told Judge Leavitt, you  
19 could wait until you've heard all of the evidence, deliberate, and  
20 then come to a verdict?

21 PROSPECTIVE JUROR NO. 411: Right.

22 MS. BOTELHO: Is there anything that you haven't been  
23 asked that you think would be important for us to know about you  
24 as we're trying to consider, as, you know, Mr. Deering told us, you  
25 know, ultimately, we just want some information so that we can

1 determine whether you would be, you know, the best fit for this  
2 particular case. Is there something we haven't asked you, a worry,  
3 like Mr. Deering has indicated that could serve as an issue?

4 PROSPECTIVE JUROR NO. 411: No.

5 MS. BOTELHO: Okay. Thank you, ma'am.

6 Ms. Clark, same thing. What you went through as well --  
7 sorry. Suspect wasn't caught, you've never had to come to court to  
8 testify, but you're not holding it against anyone.

9 PROSPECTIVE JUROR NO. 422: No.

10 MS. BOTELHO: Okay. When did that happen?

11 PROSPECTIVE JUROR NO. 422: About 30 years ago.

12 MS. BOTELHO: 30?

13 PROSPECTIVE JUROR NO. 422: Or 28, something like  
14 that. My son was going --

15 MS. BOTELHO: Okay.

16 PROSPECTIVE JUROR NO. 422: -- eight years old.

17 MS. BOTELHO: Okay. Was he with you?

18 PROSPECTIVE JUROR NO. 422: No.

19 MS. BOTELHO: Okay. Thank goodness. Okay. And so  
20 you can be fair and impartial even though, you know, your case  
21 involved a gun, this case involves a gun.

22 PROSPECTIVE JUROR NO. 422: Uh-huh.

23 MS. BOTELHO: There's an allegation of a carjacking, a  
24 robbery occurring. Is this too close in facts, you know, is it too  
25 similar such that this would cause a problem for you?

1 PROSPECTIVE JUROR NO. 422: No.

2 MS. BOTELHO: Okay. Like the others, can you wait until  
3 you -- if you're chosen, can you hear all of the evidence, weigh it,  
4 deliberate before coming to, you know, a verdict?

5 PROSPECTIVE JUROR NO. 422: Yeah, I think so.

6 MS. BOTELHO: Okay. Your answers to the questionnaire,  
7 you know, do you feel the criminal justice system is effective? You  
8 said no. In general, do you feel the criminal justice system is fair?  
9 You said no. Is that because of the experience that you had when  
10 you were robbed at gunpoint or is there something else to these  
11 answers?

12 PROSPECTIVE JUROR NO. 422: I don't have an  
13 explanation.

14 MS. BOTELHO: Okay. As you sit here today, how do you  
15 feel about the criminal justice system now?

16 PROSPECTIVE JUROR NO. 422: [Indiscernible.]

17 MS. BOTELHO: Okay. Like Mr. Giordani said, there's  
18 good, bad, but we're trying. Trying our best.

19 PROSPECTIVE JUROR NO. 422: Yeah.

20 MS. BOTELHO: Okay. If you could change something  
21 about it, what would you change?

22 PROSPECTIVE JUROR NO. 422: I don't know. I don't  
23 know that much [indiscernible].

24 MS. BOTELHO: Okay. Anything about the age of this  
25 crime or, you know, the --



1 PROSPECTIVE JUROR NO. 422: No.

2 MS. BOTELHO: -- this happening in 2006, 15 years ago,

3 that would cause you concern?

4 PROSPECTIVE JUROR NO. 422: No.

5 MS. BOTELHO: Okay.

6 PROSPECTIVE JUROR NO. 422: Will they explain that in

7 the trial? No?

8 MS. BOTELHO: Maybe, maybe not.

9 PROSPECTIVE JUROR NO. 422: Oh.

10 MS. BOTELHO: But it's just not something that you can

11 consider.

12 PROSPECTIVE JUROR NO. 422: Uh-huh.

13 MS. BOTELHO: All you can consider is what's presented.

14 You're not to speculate about it, you know, not to sit there and

15 think, oh, it's because of this, or maybe it's this or maybe it's that.

16 You just -- when Judge Leavitt said, you have to listen to the

17 evidence, the only thing that's considered evidence is what you

18 hear here from the witness stand, from the exhibits, from the

19 evidence that we give you, it's -- it really means that, you just

20 decide the case based on what you see here.

21 PROSPECTIVE JUROR NO. 422: Uh-huh.

22 MS. BOTELHO: No speculating about, oh, why did it take,

23 you know, 15 years; can you do that?

24 PROSPECTIVE JUROR NO. 422: Yeah.

25 MS. BOTELHO: Okay. And I'm sorry, are you retired or do

1 you work now?

2 PROSPECTIVE JUROR NO. 422: I'm retired.

3 MS. BOTELHO: You're retired. That's right. Okay.

4 Thank you, ma'am.

5 Hello.

6 PROSPECTIVE JUROR NO. 439: Hello.

7 MS. BOTELHO: Ms. Amy Harbison?

8 PROSPECTIVE JUROR NO. 439: Yes.

9 MS. BOTELHO: And for the record, you are in Seat  
10 Number 17, and your Badge Number is 439?

11 PROSPECTIVE JUROR NO. 439: That is correct.

12 MS. BOTELHO: What is a fine art photographer?

13 PROSPECTIVE JUROR NO. 439: I --

14 MS. BOTELHO: What do you do?

15 PROSPECTIVE JUROR NO. 439: I work a lot with children  
16 and I turn the art into, like, fantasy art, like, into fairies, superheroes,  
17 stuff like that, through Photoshop.

18 MS. BOTELHO: Oh, that's awesome. Okay.

19 PROSPECTIVE JUROR NO. 439: Yeah.

20 MS. BOTELHO: How long have you been doing that?

21 PROSPECTIVE JUROR NO. 439: Since 2010.

22 MS. BOTELHO: Okay.

23 PROSPECTIVE JUROR NO. 439: Yeah.

24 MS. BOTELHO: Did you have to go to, like, a special  
25 school for that?

1 PROSPECTIVE JUROR NO. 439: I'm all self-taught.  
2 MS. BOTELHO: Oh, awesome. Photoshop, huh?  
3 PROSPECTIVE JUROR NO. 439: Yeah.  
4 MS. BOTELHO: Sounds complicated.  
5 PROSPECTIVE JUROR NO. 439: It can be.  
6 MS. BOTELHO: And so you're okay schedule-wise? Do  
7 you work for a studio?  
8 PROSPECTIVE JUROR NO. 439: I -- nope, I'm my own  
9 owner, so I'm able to change my schedule for this if I do get  
10 chosen.  
11 MS. BOTELHO: Do you want to be chosen?  
12 PROSPECTIVE JUROR NO. 439: Yes, I do.  
13 MS. BOTELHO: Why?  
14 PROSPECTIVE JUROR NO. 439: I've always admired all of  
15 your work and what you do, and to be put onto a case to see both  
16 sides is something I've always wanted to try.  
17 MS. BOTELHO: Okay. If you were charged with a crime,  
18 would you want someone like yourself, your mindset, your, you  
19 know, perspective, your experience sitting as a juror?  
20 PROSPECTIVE JUROR NO. 439: Yes, I would.  
21 MS. BOTELHO: Okay. Is there anything that we've asked  
22 you that maybe, you know, we should know?  
23 PROSPECTIVE JUROR NO. 439: No, not at all.  
24 MS. BOTELHO: Okay. And, I'm sorry, there are so many  
25 of us taking notes and we're trying to combine them all, so I

1 apologize if I missed this -- I apologize to any of you -- but you filled  
2 out a questionnaire --

3 PROSPECTIVE JUROR NO. 439: Yes, I did.

4 MS. BOTELHO: -- as well, right?

5 PROSPECTIVE JUROR NO. 439: And I messed up on it  
6 and I tried to refix it, but it wouldn't let me.

7 MS. BOTELHO: Okay.

8 PROSPECTIVE JUROR NO. 439: Yeah.

9 MS. BOTELHO: These questionnaires are fairly new.

10 PROSPECTIVE JUROR NO. 439: Yeah.

11 MS. BOTELHO: Well, fairly new in, like, the last year or so,  
12 at least. And sometimes -- we've heard about problems.

13 PROSPECTIVE JUROR NO. 439: Yeah.

14 MS. BOTELHO: And so I never want to put too much into  
15 them.

16 PROSPECTIVE JUROR NO. 439: Of course.

17 MS. BOTELHO: And I don't know if there's a way to fix it.  
18 So --

19 PROSPECTIVE JUROR NO. 439: Yeah, I tried to second  
20 time, it wouldn't let me.

21 MS. BOTELHO: Okay.

22 PROSPECTIVE JUROR NO. 439: Yeah.

23 MS. BOTELHO: But, for the record, you did say you didn't  
24 think the criminal justice system was fair, but you thought it was  
25 effective.

1 PROSPECTIVE JUROR NO. 439: I think it's fair and I do  
2 think it's effective.

3 MS. BOTELHO: Okay, yeah.

4 PROSPECTIVE JUROR NO. 439: That's one of the ones  
5 that I wanted to fix.

6 MS. BOTELHO: Okay. Anything else in that questionnaire  
7 that you were trying to fix?

8 PROSPECTIVE JUROR NO. 439: Yes. The one that said  
9 the victim of the crime?

10 MS. BOTELHO: Yes.

11 PROSPECTIVE JUROR NO. 439: Should be a no.

12 MS. BOTELHO: Okay.

13 PROSPECTIVE JUROR NO. 439: Yes.

14 MS. BOTELHO: Okay. Yes.

15 PROSPECTIVE JUROR NO. 439: That --

16 MS. BOTELHO: Because I had that highlighted.

17 PROSPECTIVE JUROR NO. 439: Yep. Yeah.

18 MS. BOTELHO: Okay.

19 PROSPECTIVE JUROR NO. 439: That's a no.

20 MS. BOTELHO: So not have been a victim of a crime.

21 PROSPECTIVE JUROR NO. 439: Or knowing someone  
22 who is, like, a criminal or anything.

23 MS. BOTELHO: Okay.

24 PROSPECTIVE JUROR NO. 439: That is a no as well.

25 MS. BOTELHO: Not necessarily criminal, but --

1 PROSPECTIVE JUROR NO. 439: Well --  
2 MS. BOTELHO: -- accused.  
3 PROSPECTIVE JUROR NO. 439: Exactly.  
4 MS. BOTELHO: Okay. And your significant other is a real  
5 estate investment --  
6 PROSPECTIVE JUROR NO. 439: Yes. He is.  
7 MS. BOTELHO: -- or inventor? Okay.  
8 PROSPECTIVE JUROR NO. 439: Uh-huh.  
9 MS. BOTELHO: Probably doing well in this housing  
10 market.  
11 PROSPECTIVE JUROR NO. 439: He definitely is.  
12 MS. BOTELHO: The age of the case?  
13 PROSPECTIVE JUROR NO. 439: That does not bother me  
14 at all, because I understand it takes time.  
15 MS. BOTELHO: Okay. Positive or negative contacts with  
16 law enforcement?  
17 PROSPECTIVE JUROR NO. 439: Positive.  
18 MS. BOTELHO: Okay. You understand, though, that as  
19 Mr. Giordani indicated, in every profession, you have good doctors,  
20 bad doctors, people are just, blah. Same with police officers?  
21 PROSPECTIVE JUROR NO. 439: Yes, there's the good and  
22 the bad, but you have to outweigh the good over the bad.  
23 MS. BOTELHO: Okay.  
24 PROSPECTIVE JUROR NO. 439: As you can't just judge  
25 someone off of what someone else may have done.

1 MS. BOTELHO: Okay. What do you mean by that?  
2 PROSPECTIVE JUROR NO. 439: Well, like, if there's  
3 someone that's corrupted in the system --  
4 MS. BOTELHO: Okay.  
5 PROSPECTIVE JUROR NO. 439: -- and then there's the  
6 good one --  
7 MS. BOTELHO: Oh, yeah.  
8 PROSPECTIVE JUROR NO. 439: -- that's what I meant by  
9 that.  
10 MS. BOTELHO: Okay. I see. So one bad person's not  
11 going to spoil the entire --  
12 PROSPECTIVE JUROR NO. 439: Exactly.  
13 MS. BOTELHO: -- the entire --  
14 PROSPECTIVE JUROR NO. 430: You have to look at all the  
15 evidence.  
16 MS. BOTELHO: Okay. Thank you.  
17 PROSPECTIVE JUROR NO. 430: You're welcome.  
18 Mr. Claros?  
19 PROSPECTIVE JUROR NO. 447: Yes.  
20 MS. BOTELHO: Did you fill out a questionnaire?  
21 PROSPECTIVE JUROR NO. 447: No, I didn't.  
22 MS. BOTELHO: Okay. Thank you.  
23 Seat Number 18, Badge Number 447.  
24 PROSPECTIVE JUROR NO. 447: Yes.  
25 MS. BOTELHO: Come from a law enforcement family?

1 PROSPECTIVE JUROR NO. 447: No.

2 MS. BOTELHO: Okay. Sorry, that -- we put that in the  
3 wrong place. Do you have any family members that are law  
4 enforcement?

5 PROSPECTIVE JUROR NO. 447: No.

6 MS. BOTELHO: Okay. Positive or negative contacts with  
7 law enforcement?

8 PROSPECTIVE JUROR NO. 447: Positive.

9 MS. BOTELHO: Okay. Is that through your work as a  
10 bartender on the Strip?

11 PROSPECTIVE JUROR NO. 447: Through the October 1st  
12 shooting, yes.

13 MS. BOTELHO: Oh, okay. I'm sorry, sir.

14 PROSPECTIVE JUROR NO. 447: Yeah.

15 MS. BOTELHO: Now, being that, you know, you had that  
16 positive experience with law enforcement, not the event, but with  
17 law enforcement because of that event, are you going to  
18 automatically give more weight and credibility to the testimony of a  
19 police officer or are you going to be able to scrutinize it the same  
20 way that you would any other witness?

21 PROSPECTIVE JUROR NO. 447: No, it'll be fair.

22 MS. BOTELHO: Okay. Anything about being present at  
23 the October 1 event cause you concern about sitting as a juror --  
24 potentially as a juror in this case?

25 PROSPECTIVE JUROR NO. 447: No.



1 MS. BOTELHO: The age of this case, does that concern  
2 you?

3 PROSPECTIVE JUROR NO. 447: No. Like everybody else  
4 says, it does take time, so.

5 MS. BOTELHO: Okay.

6 PROSPECTIVE JUROR NO. 447: It's understandable.

7 MS. BOTELHO: Thoughts on the criminal justice system?

8 PROSPECTIVE JUROR NO. 447: Neutral.

9 MS. BOTELHO: Neutral meaning do you -- you haven't  
10 had experience in it to form one or --

11 PROSPECTIVE JUROR NO. 447: I haven't really had too  
12 much experience in it, but it's -- nothing's perfect.

13 MS. BOTELHO: Okay.

14 PROSPECTIVE JUROR NO. 447: So everybody does their  
15 best at it --

16 MS. BOTELHO: Okay.

17 PROSPECTIVE JUROR NO. 447: -- what's presented.

18 MS. BOTELHO: Okay. Do you want to sit as a juror?

19 PROSPECTIVE JUROR NO. 447: Yeah.

20 MS. BOTELHO: Why?

21 PROSPECTIVE JUROR NO. 447: Because everybody here  
22 is -- I really doubt that everybody knows one another. It's very slim.  
23 So it comes to being as fair as possible.

24 MS. BOTELHO: Okay.

25 PROSPECTIVE JUROR NO. 447: Being presented to the

1 case and to everybody else.

2 MS. BOTELHO: Okay. Are you the type of person who is  
3 okay with, like, being in a room with people who may disagree?

4 PROSPECTIVE JUROR NO. 447: Yeah.

5 MS. BOTELHO: You know, may not all agree?

6 PROSPECTIVE JUROR NO. 447: Everybody has their own  
7 opinions.

8 MS. BOTELHO: Okay. Are you okay with speaking out if  
9 you don't agree with something that someone said?

10 PROSPECTIVE JUROR NO. 447: Oh, of course.

11 MS. BOTELHO: And are you the type of person who can  
12 also listen to other peoples' opinion --

13 PROSPECTIVE JUROR NO. 447: Yeah.

14 MS. BOTELHO: -- and take that into consideration?

15 PROSPECTIVE JUROR NO. 447: Uh-huh.

16 MS. BOTELHO: Yes?

17 PROSPECTIVE JUROR NO. 447: Yeah.

18 MS. BOTELHO: Okay. Thank you, sir.

19 PROSPECTIVE JUROR NO. 447: Uh-huh.

20 MS. BOTELHO: Next up we have Mr. Becenti?

21 PROSPECTIVE JUROR NO. 456: Yeah, Becenti.

22 MS. BOTELHO: Did I say that right? Becenti?

23 PROSPECTIVE JUROR NO. 456: Yeah. It's -- that's  
24 straight phonetic, and Be-sent-y.

25 MS. BOTELHO: Thank you. Seat Number 19, Juror Badge

1 Number 456.

2 PROSPECTIVE JUROR NO. 456: Uh-huh. Correct.

3 MS. BOTELHO: Is that correct? Okay. So this one kind of  
4 the same thing, Mr. Becenti.

5 PROSPECTIVE JUROR NO. 456: Uh-huh.

6 MS. BOTELHO: I have a juror questionnaire, but I don't  
7 know if there -- was there a mistake on your juror questionnaire?

8 PROSPECTIVE JUROR NO. 456: Possibly. When doing it, I  
9 ended up having to do, like, the questionnaire two or three times.

10 MS. BOTELHO: Okay. Okay.

11 PROSPECTIVE JUROR NO. 456: Yeah, so --

12 MS. BOTELHO: Because --

13 PROSPECTIVE JUROR NO. 456: -- if there are any  
14 questions, yeah, with --

15 MS. BOTELHO: Okay.

16 PROSPECTIVE JUROR NO. 456: -- we have to go over.

17 MS. BOTELHO: In your questionnaire, it said you hadn't  
18 been the victim of a crime, but you knew you or someone close to  
19 you had been charged, arrested, or convicted of a criminal offense,  
20 and I have that vice versa.

21 PROSPECTIVE JUROR NO. 456: Yeah. Actually, they both  
22 should be yes.

23 MS. BOTELHO: Okay.

24 PROSPECTIVE JUROR NO. 456: I believe I stated before I  
25 was a victim of a robbery.

1 MS. BOTELHO: Yes.

2 PROSPECTIVE JUROR NO. 456: In which case, coming  
3 back and no one was at home, so at least there was no information  
4 and, basically, it was close out, because there was no progression,  
5 no arrests or anything.

6 MS. BOTELHO: Was that the home burglary?

7 PROSPECTIVE JUROR NO. 456: Home burglary, yes.  
8 Correct.

9 MS. BOTELHO: Okay. And then you were also the victim  
10 of an armed robbery.

11 PROSPECTIVE JUROR NO. 456: Uh-huh. Correct.

12 MS. BOTELHO: Also in San Diego.

13 PROSPECTIVE JUROR NO. 456: Uh-huh.

14 THE COURT: Is that a yes?

15 MS. BOTELHO: Is that --

16 PROSPECTIVE JUROR NO. 456: Yes. Yes.

17 MS. BOTELHO: Okay. And so who has been charged,  
18 arrested, or convicted of a criminal offense?

19 PROSPECTIVE JUROR NO. 456: It was a friend, DUI, I  
20 believe. But I never followed up what the deal was. But, yeah, he  
21 did something that he came up and we talked about a bit when he  
22 was first initially given the ticket and all.

23 MS. BOTELHO: Oh, he got a ticket?

24 PROSPECTIVE JUROR NO. 456: Well, not a ticket, but  
25 arrested.

1 MS. BOTELHO: Okay.

2 PROSPECTIVE JUROR NO. 456: That's what it was.

3 MS. BOTELHO: But you didn't follow it?

4 PROSPECTIVE JUROR NO. 456: No, we didn't follow up

5 on it and we just kind of just still just chatting. I believe it may be

6 done, but I've never seen or heard about the outcome or anything.

7 MS. BOTELHO: Okay. So you don't know enough about it

8 to necessarily get a taste of whether he was treated fairly or --

9 PROSPECTIVE JUROR NO. 456: Correct. Uh-huh.

10 MS. BOTELHO: I'm sorry, whether he or she was

11 treated --

12 PROSPECTIVE JUROR NO. 456: Yeah. So it's just,

13 basically, like, generally, hearsay and what came up in

14 conversation.

15 MS. BOTELHO: Okay. And so do you think you can be a

16 fair juror?

17 PROSPECTIVE JUROR NO. 456: Yes.

18 MS. BOTELHO: Do you want to be a juror?

19 PROSPECTIVE JUROR NO. 456: Yes.

20 MS. BOTELHO: Okay. I've never had so many yeses in

21 one place.

22 Why?

23 PROSPECTIVE JUROR NO. 456: Well, I've been in a

24 couple juries before and actually, with my experience, a lot of this is

25 pretty much new. After I originally came from a native reservation,

1 so, basically, having the experience of, like, larger cities and being  
2 involved and actually -- something, again, like the judicial system in  
3 this way is a unique -- and you don't usually hear about it, but  
4 actually taking part is different.

5 MS. BOTELHO: Okay. Now, I have that you took part, you  
6 were a civil juror -- or you were a juror for a civil case twice.

7 PROSPECTIVE JUROR NO. 456: Yes. In two --

8 MS. BOTELHO: In California; is that right?

9 PROSPECTIVE JUROR NO. 456: Yes. Uh-huh.

10 MS. BOTELHO: Okay. Now, this is a criminal case. And  
11 as -- I don't -- I can't remember if it was Mr. Giordani or Judge  
12 Leavitt who said, you know, you can't take what you've learned  
13 from another case and try to apply it here necessarily. And I'm  
14 more talking, like, the jury instructions and things like that. It could  
15 be different here. The gentleman who sat on the capital case a  
16 while back, Mr. Giordani told him, hey, the law may have changed,  
17 you're limited and you will be limited to the instructions given by  
18 Judge Leavitt in this case. Do you understand that that would apply  
19 to you as well?

20 PROSPECTIVE JUROR NO. 456: Yes, uh-huh.

21 MS. BOTELHO: Okay. The burden is different in a civil  
22 and in a criminal trial, and so you would listen to the evidence here,  
23 read the jury instructions, follow the law, and deliberate?

24 PROSPECTIVE JUROR NO. 456: Uh-huh. Yes.

25 MS. BOTELHO: Is that a yes?

1 PROSPECTIVE JUROR NO. 456: Yes.  
2 MS. BOTELHO: Okay. Thank you.  
3 Anything about the age of this case that causes you  
4 concern?  
5 PROSPECTIVE JUROR NO. 456: Not, not -- no.  
6 MS. BOTELHO: Okay. No scheduling conflicts or  
7 anything like that, either?  
8 PROSPECTIVE JUROR NO. 456: No, I'm good. And  
9 everything's open.  
10 MS. BOTELHO: Cool. Thank you, sir.  
11 Mr. Scott Marcus?  
12 PROSPECTIVE JUROR NO. 463: Yes.  
13 MS. BOTELHO: Seat Number 20, Badge Number 463?  
14 PROSPECTIVE JUROR NO. 463: Yes.  
15 MS. BOTELHO: You work for the City?  
16 PROSPECTIVE JUROR NO. 463: I do.  
17 MS. BOTELHO: Of Las Vegas.  
18 PROSPECTIVE JUROR NO. 463: Yes, I do.  
19 MS. BOTELHO: So is your office just, like, down here?  
20 PROSPECTIVE JUROR NO. 463: I work at -- yeah, I work at  
21 Fifth Street School.  
22 MS. BOTELHO: Okay.  
23 PROSPECTIVE JUROR NO. 463: That's where they have  
24 us. Yeah.  
25 MS. BOTELHO: And so what does a business applications

1 analyst do?

2 PROSPECTIVE JUROR NO. 463: Well, it's technically my  
3 title. What I do right now, I've been doing it for about six months,  
4 give or take, is I'm trying to work in the drone program for the City  
5 of Las Vegas. But really what the title is, is the applications that the  
6 City uses. So it's to better utilize them, more efficiency and things  
7 of that nature.

8 MS. BOTELHO: Okay.

9 PROSPECTIVE JUROR NO. 463: So it's just trying to make  
10 us a little -- a better organization.

11 MS. BOTELHO: Okay.

12 PROSPECTIVE JUROR NO. 463: From a software  
13 standpoint.

14 MS. BOTELHO: Right. You indicated your wife also works  
15 for the City --

16 PROSPECTIVE JUROR NO. 463: Yes.

17 MS. BOTELHO: -- of Las Vegas?

18 PROSPECTIVE JUROR NO. 463: Yes.

19 MS. BOTELHO: Yes? Okay. And you -- was she ever in a  
20 courtroom?

21 THE COURT: You need to ask your wife what she does  
22 when you go home tonight.

23 PROSPECTIVE JUROR NO. 463: You know, I -- it's, yeah,  
24 not good. It's bad for me. Yeah, so she actually did work with one  
25 of the judges. It was sort of one of those things where it was a



1 trial-type thing. Not a trial, but it was sort of a job trial type of  
2 thing.

3 MS. BOTELHO: Okay.

4 PROSPECTIVE JUROR NO. 463: And then she came back.  
5 So in that capacity --

6 MS. BOTELHO: Okay.

7 PROSPECTIVE JUROR NO. 463: -- that's what she did.

8 But --

9 MS. BOTELHO: Let me ask you this: Has she ever, like,  
10 come home and talked to you about cases that she might have  
11 heard about down at the City?

12 PROSPECTIVE JUROR NO. 463: No, she doesn't.

13 MS. BOTELHO: Okay. Positive or negative contacts with  
14 law enforcement?

15 PROSPECTIVE JUROR NO. 463: Positive.

16 MS. BOTELHO: Okay.

17 PROSPECTIVE JUROR NO. 463: Positive.

18 MS. BOTELHO: Okay. Is that positive contacts going to  
19 prevent you from scrutinizing police testimony?

20 PROSPECTIVE JUROR NO. 463: No. We're all human, so  
21 it's -- I mean, it's the person behind the badge to me.

22 MS. BOTELHO: Okay. Let's see, you did answer in the  
23 questionnaire. And your -- it was your friend that was arrested as a  
24 DUI, but you didn't -- you said you didn't know -- you don't know  
25 much about that?

1 PROSPECTIVE JUROR NO. 463: No, actually, that was me.

2 MS. BOTELHO: Oh, okay. Okay. How long ago was that?

3 PROSPECTIVE JUROR NO. 463: 2013.

4 MS. BOTELHO: Okay. And was it prosecuted by the City  
5 or by our office?

6 PROSPECTIVE JUROR NO. 463: It was actually in Kansas  
7 City, Kansas.

8 MS. BOTELHO: Okay. Anything about that experience  
9 cause you to, you know, question the criminal justice system, law  
10 enforcement?

11 PROSPECTIVE JUROR NO. 463: No. No, I mean, I knew at  
12 the time what I did was wrong, honestly. And so I was actually --  
13 kind of followed along with the way -- I actually pled guilty, so it  
14 followed along the way that I assumed that it would in my case.

15 MS. BOTELHO: Okay.

16 PROSPECTIVE JUROR NO. 463: So.

17 MS. BOTELHO: Okay. So you think you were treated  
18 fairly?

19 PROSPECTIVE JUROR NO. 463: Yes.

20 MS. BOTELHO: Okay. Oh, yeah, you could -- you talked  
21 to us about that. I'm sorry, I was looking at the wrong person.  
22 Okay.

23 If you were charged with a crime, if you're the criminal  
24 defendant in this case, would you want someone like yourself  
25 sitting in judgment?

1 PROSPECTIVE JUROR NO. 463: Yes.  
2 MS. BOTELHO: Let's see. Anything we didn't ask you  
3 about?  
4 PROSPECTIVE JUROR NO. 463: I think you're asking --  
5 MS. BOTELHO: That's concerning?  
6 PROSPECTIVE JUROR NO. 463: Oh, no.  
7 MS. BOTELHO: That would be concerning? Worrying?  
8 PROSPECTIVE JUROR NO. 463: No. The only thing that  
9 you were asking other folks is did they want to sit on the trial.  
10 MS. BOTELHO: Oh, yeah; do you want to sit on this jury?  
11 PROSPECTIVE JUROR NO. 463: Yes and no.  
12 MS. BOTELHO: Okay.  
13 PROSPECTIVE JUROR NO. 463: Yes, because I believe it's  
14 my civic duty. It's something that I've never done. And I just think  
15 it's something that a lot of folks should experience, because to is --  
16 MS. BOTELHO: Uh-huh.  
17 PROSPECTIVE JUROR NO. 463: -- you know, it's what we  
18 have. I say no only because we're supposed to visit our daughter in  
19 Seattle this weekend.  
20 MS. BOTELHO: Oh.  
21 PROSPECTIVE JUROR NO. 463: And I didn't want to bring  
22 that up as a major, because, you know, we can change it. But that's  
23 the no part of it, because we've had it planned for quite a while.  
24 And with things going on, we haven't been able to see her. So.  
25 MS. BOTELHO: Oh, okay.

1 THE COURT: Okay. You're -- I'm sorry. You have a trip  
2 planned?

3 PROSPECTIVE JUROR NO. 463: Yeah. Yes. It was  
4 planned for Seattle this weekend. But I didn't think it was -- I mean,  
5 it's something we could move. So I didn't think it was something  
6 that would prevent me majorly to be here.

7 THE COURT: Okay. Well, I mean, you're supposed to  
8 leave this weekend? What day?

9 PROSPECTIVE JUROR NO. 463: Tomorrow at 10:20 a.m.

10 THE COURT: And you didn't tell me that? When are you  
11 expected to return?

12 PROSPECTIVE JUROR NO. 463: I'm supposed to be I  
13 believe it's 11:00 p.m. on Sunday.

14 THE COURT: Okay. So you just -- you wouldn't be able to  
15 be here tomorrow.

16 PROSPECTIVE JUROR NO. 463: Well, with the flight --  
17 yeah. I mean, but if I was -- I would change things. But, yeah.

18 THE COURT: Well, that's up to you.

19 PROSPECTIVE JUROR NO. 463: I would love to visit my  
20 daughter.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 463: But I also believe this is a  
23 civic thing. So it's actually a conflicting thing for me, honestly.

24 THE COURT: No, I understand that and I appreciate it.  
25 But, I mean, especially with the way things are, if you'd like to be

1 excused, I would excuse you. But, of course, if you want to stay,  
2 we'd love for you to stay as well.

3 PROSPECTIVE JUROR NO. 463: I'd love to see my  
4 daughter.

5 THE COURT: Okay. All right. You can put the  
6 microphone down on the seat.

7 MS. BOTELHO: Thank you, sir.

8 THE COURT: Thank you, Mr. Marcus.

9 And I'm going to ask Diego Lopez to take Seat Number 20.

10 Okay. Mr. Lopez, good afternoon.

11 PROSPECTIVE JUROR NO. 586: Good afternoon.

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

14 PROSPECTIVE JUROR NO. 586: About 14 years.

15 THE COURT: Okay. And your education background?

16 PROSPECTIVE JUROR NO. 586: Some college.

17 THE COURT: Okay. What have you studied in college?

18 PROSPECTIVE JUROR NO. 586: Computer science.

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

20 PROSPECTIVE JUROR NO. 586: Currently as a computer  
21 technician.

22 THE COURT: Okay. And your marital status?

23 PROSPECTIVE JUROR NO. 586: Single.

24 THE COURT: Do you have children?

25 PROSPECTIVE JUROR NO. 586: No.

1 THE COURT: Have you ever served as a juror before?  
2 PROSPECTIVE JUROR NO. 586: No.  
3 THE COURT: Okay. Have you or anyone close to you,  
4 such as a family member or friend, ever been the victim of a crime?  
5 PROSPECTIVE JUROR NO. 586: Yes.  
6 THE COURT: Will you tell me about that?  
7 PROSPECTIVE JUROR NO. 586: Recently, within the past  
8 month, my mother was -- my mother and my brother, as well as my  
9 brother's girlfriend, was assaulted by my brother, as well as him  
10 causing damage to property.  
11 THE COURT: I'm sorry. Were the police called?  
12 PROSPECTIVE JUROR NO. 586: Yes.  
13 THE COURT: Was he arrested?  
14 PROSPECTIVE JUROR NO. 586: Yes.  
15 THE COURT: Okay. Have charges been filed?  
16 PROSPECTIVE JUROR NO. 586: Yes.  
17 THE COURT: Okay. So you're in -- they're in the middle  
18 of it?  
19 PROSPECTIVE JUROR NO. 586: Yes.  
20 THE COURT: I mean, is it set for trial? Have you been  
21 following the case?  
22 PROSPECTIVE JUROR NO. 586: No.  
23 THE COURT: Okay. Anything about that that would affect  
24 your ability to be fair and impartial in this case?  
25 PROSPECTIVE JUROR NO. 586: No.

1 THE COURT: Okay. And so you understand that this  
2 office may be the office that's prosecuting your brother, I don't  
3 know for sure, but it may be; do you understand that?

4 PROSPECTIVE JUROR NO. 586: I do.

5 THE COURT: Is there anything about the fact that these  
6 prosecutors work in the same DA's office that may be prosecuting  
7 your brother that would affect your ability to be fair and impartial in  
8 this case?

9 PROSPECTIVE JUROR NO. 586: No.

10 THE COURT: Okay. Have you or anyone close to you,  
11 such as a family member or friend ever been accused of a crime?  
12 Other than what you've already told us.

13 PROSPECTIVE JUROR NO. 586: No, it's only been him.

14 THE COURT: Okay. And do you know what the charges  
15 are against your brother?

16 PROSPECTIVE JUROR NO. 586: Assault and destruction  
17 of property.

18 THE COURT: Okay. And what property was destroyed?

19 PROSPECTIVE JUROR NO. 586: For my uncle, he, like,  
20 smashed out all the windows on his pickup truck, and he smashed  
21 out a window on the house.

22 THE COURT: Okay. What was -- what caused that? What  
23 was going on?

24 PROSPECTIVE JUROR NO. 586: I have no clue. I was not  
25 there when this happened.

1 THE COURT: Okay. Good. So you weren't home,  
2 correct?

3 PROSPECTIVE JUROR NO. 586: Correct.

4 THE COURT: Okay. Have you -- let's see, would you have  
5 a tendency to give more weight or credence or less weight or  
6 credence to the testimony of a witness simply because that witness  
7 is a police officer?

8 PROSPECTIVE JUROR NO. 586: No.

9 THE COURT: Okay. Do you know of any reason why you  
10 could not be a fair and impartial juror if we selected you to serve?

11 PROSPECTIVE JUROR NO. 586: No.

12 THE COURT: Okay. Thank you.

13 You may proceed.

14 MS. BOTEHO: Thank you, Your Honor.

15 Okay. So it was your brother who was recently charged  
16 and may be prosecuted by our office, it was your brother, right?

17 PROSPECTIVE JUROR NO. 586: Yes.

18 MS. BOTEHO: Okay. Do you live in that same house  
19 where the window was broken?

20 PROSPECTIVE JUROR NO. 586: Yes.

21 MS. BOTEHO: Okay.

22 PROSPECTIVE JUROR NO. 586: It's my property.

23 MS. BOTEHO: Okay. But you were not home, your  
24 mom, your brother, brother's girlfriend was?

25 PROSPECTIVE JUROR NO. 586: Uh-huh.



1 MS. BOTELHO: And then your uncle also?

2 PROSPECTIVE JUROR NO. 586: Yes.

3 MS. BOTELHO: Okay. Are you close to the brother that's  
4 charged?

5 PROSPECTIVE JUROR NO. 586: No, not at all.

6 MS. BOTELHO: Okay. And have you, you know, talked  
7 about it with your mom and your brother and your brother's  
8 girlfriend about that event?

9 PROSPECTIVE JUROR NO. 586: The most they have told  
10 me is they are pressing charges.

11 MS. BOTELHO: Okay. So it's not something that you all  
12 sat around and discussed?

13 PROSPECTIVE JUROR NO. 586: True.

14 MS. BOTELHO: Okay. You also filled out a questionnaire;  
15 is that right, Mr. Lopez?

16 PROSPECTIVE JUROR NO. 586: Correct.

17 MS. BOTELHO: Okay. Looks like here when you were  
18 asked: Do you feel the criminal justice system is effective in  
19 general? You said no. As well as, in general, do you feel the  
20 criminal justice system is fair, and you said no. Can we discuss that  
21 a little bit?

22 PROSPECTIVE JUROR NO. 586: Effectivity-wise, it's more  
23 for my brother. He's been arrested before. Charges almost never  
24 stick with him and I'm not sure why.

25 MS. BOTELHO: I see. Okay.

1 THE COURT: What was he arrested for previously?  
2 PROSPECTIVE JUROR NO. 586: Drunk driving and  
3 assaults.

4 THE COURT: I'm sorry?

5 PROSPECTIVE JUROR NO. 586: Drunk driving and  
6 assaults.

7 THE COURT: Okay. Well, how do you know the charges  
8 don't stick or how do you form that opinion?

9 PROSPECTIVE JUROR NO. 586: Because although he's  
10 been arrested for it, it's never gone to trial.

11 THE COURT: Okay. But that doesn't mean that the  
12 charges aren't sticking. I mean, have you looked up the case and  
13 come to court and followed the cases?

14 PROSPECTIVE JUROR NO. 586: It's never gone to court.

15 THE COURT: Okay. So what do you mean, he gets  
16 arrested, but charges are never filed?

17 PROSPECTIVE JUROR NO. 586: Yes.

18 THE COURT: Okay.

19 MS. BOTELHO: Okay. But you're not close to him, so it's  
20 not like you guys would talk about it --

21 PROSPECTIVE JUROR NO. 586: Correct.

22 MS. BOTELHO: -- right? Like, you wouldn't know if he  
23 had a court date today and --

24 PROSPECTIVE JUROR NO. 586: Correct.

25 MS. BOTELHO: -- you know, whether he went or didn't

1 go, you wouldn't know that.

2 PROSPECTIVE JUROR NO. 586: Correct.

3 MS. BOTELHO: Right? Okay. Because you don't have  
4 regular contact with him.

5 PROSPECTIVE JUROR NO. 586: Correct.

6 MS. BOTELHO: Okay. So -- okay. So the -- it being  
7 effective has to do with your brother --

8 PROSPECTIVE JUROR NO. 586: Uh-huh.

9 MS. BOTELHO: -- and what we just discussed, your  
10 opinion that charges don't stick, anyway.

11 Well, let me ask you this: With those cases that you feel  
12 like the charges don't stick, you don't know the facts of those cases,  
13 either, do you?

14 PROSPECTIVE JUROR NO. 586: Not usually.

15 MS. BOTELHO: Were you in the car with him, you know,  
16 when he was charged with a DUI or the assault?

17 PROSPECTIVE JUROR NO. 586: We had to go pick up the  
18 vehicle from him, because it was my mother's vehicle.

19 MS. BOTELHO: I see. Okay. But as he was, you know,  
20 getting arrested or the events that caused him to be arrested or  
21 charged or whatever, you were not present for that?

22 PROSPECTIVE JUROR NO. 586: No.

23 MS. BOTELHO: Okay. And so you don't know the facts  
24 anyway?

25 PROSPECTIVE JUROR NO. 586: No.

1 MS. BOTELHO: Such that you could even have an opinion  
2 as to whether or not the charges should stick; would you agree with  
3 me?

4 PROSPECTIVE JUROR NO. 586: Correct.

5 MS. BOTELHO: Okay. I ask that, because as you've heard  
6 us discussing with the other potential jurors, what we want are  
7 individuals here who can, you know, give us, basically, a promise  
8 that you will listen to the evidence. After you listen -- only after you  
9 listen to the evidence and you listen to the testimony will you form  
10 an opinion and you'd be willing to deliberate with other jurors  
11 before reaching a verdict; can you do that?

12 PROSPECTIVE JUROR NO. 586: I am able.

13 MS. BOTELHO: Okay. In terms of the question of would  
14 you say you have positive thoughts about law enforcement, you  
15 said no. What was -- what's that about?

16 PROSPECTIVE JUROR NO. 586: It's more like current  
17 event-type things, where it's been coming out of, like, systematic  
18 racism within police departments.

19 MS. BOTELHO: Okay. And so do you -- have you studied  
20 this in school or is this based on the news or anything like that?

21 PROSPECTIVE JUROR NO. 586: It's mainly based on the  
22 news.

23 MS. BOTELHO: Okay. And I'm going to ask you this,  
24 because you answered the question for Number 15, it says:

25 Do you believe that you have ever been a victim of racial

1 or ethnic prejudice? And you said yes.

2 PROSPECTIVE JUROR NO. 586: Oh, that might have been  
3 a mis-answer. I meant no.

4 MS. BOTELHO: Okay. Okay. That's why I'm going to --  
5 that's why I asked, because there's been a lot of mis-answers.  
6 Okay. So I'm going to change that to no.

7 Do you think your opinions, you know, about -- well, you  
8 form these opinions -- what's your opinion based on the current  
9 events that you've been seeing on the news? Systemic racism  
10 exists.

11 PROSPECTIVE JUROR NO. 586: Systemic racism exists  
12 and people of color are more often charged with crimes versus  
13 Caucasian individuals.

14 MS. BOTELHO: Okay. And this is just all based on the  
15 news, though?

16 PROSPECTIVE JUROR NO. 586: Yes.

17 MS. BOTELHO: Okay. Do you, as you sit here right now  
18 thinking that, okay, there's inherent -- or systemic racism involving  
19 law enforcement, potentially the prosecutors' office as well, we're  
20 part of the system, most definitely; do you think, as you sit here  
21 right now, that Mr. Matthews is automatically, you know, been  
22 subjected to some sort of systemic racism, mistreatment, because  
23 of his race?

24 PROSPECTIVE JUROR NO. 586: No.

25 MS. BOTELHO: Okay. And so you don't think the

1 system's fair based on the current events, but you don't necessarily  
2 think that here. Why?

3 PROSPECTIVE JUROR NO. 586: Because I have no facts to  
4 go over in this case. I haven't had any chance to go over this case  
5 to see whether -- what's presented, if he is being honest or if the  
6 evidence is actually showing that he committed the crime he's  
7 accused of.

8 MS. BOTELHO: Okay. But in terms of, you know, the  
9 news stories or whatever it is that you -- you've seen, do you feel  
10 like the snippets that you got from the news was enough for you to  
11 determine, based on what was shown, that that -- with whoever it  
12 was that was the subject of that news story, had been, let's say,  
13 mistreated because of race?

14 PROSPECTIVE JUROR NO. 586: Yes.

15 MS. BOTELHO: Okay. Do you watch the news a lot?

16 PROSPECTIVE JUROR NO. 586: Infrequently, but I often  
17 get news stories from family members.

18 MS. BOTELHO: Oh, okay. And so you don't watch it  
19 firsthand, necessarily?

20 PROSPECTIVE JUROR NO. 586: No.

21 MS. BOTELHO: And which family member do you get  
22 your news from?

23 PROSPECTIVE JUROR NO. 586: Mother and older brother.

24 MS. BOTELHO: Okay. And so let me get -- let me just get  
25 this straight. You believe systemic racism exists, however, you can,

1 as you sit here today, knowing that -- you don't automatically think  
2 anything, you don't make assumptions, you're not going to  
3 speculate, you're going to wait until you hear the evidence in this  
4 case to see if he was subjected to that --

5 PROSPECTIVE JUROR NO. 586: Correct.

6 MS. BOTELHO: -- if the defendant was? Okay. Does that  
7 mean you're automatically looking for it, kind of like what  
8 Mr. Deering said? Based on his perception and based on his  
9 perspective, based on the news that he's watched, he's more  
10 susceptible to [indiscernible] or he's worried that that'll, like, you  
11 know, creep into his mind as he goes further into this process; are  
12 you worried about that at all?

13 PROSPECTIVE JUROR NO. 586: No. I think the evidence  
14 will speak for itself.

15 MS. BOTELHO: Okay. You're not worried that you might  
16 be looking for things that may not necessarily be there in this case?

17 PROSPECTIVE JUROR NO. 586: No, I can look at the facts  
18 of the case and not look past what's just there.

19 MS. BOTELHO: Okay. Would you be overly critical of law  
20 enforcement --

21 PROSPECTIVE JUROR NO. 586: No.

22 MS. BOTELHO: -- because you yourself, you know,  
23 believe that, at least with that system, there's some sort of racism  
24 going on?

25 PROSPECTIVE JUROR NO. 586: No.

1 MS. BOTELHO: Okay. So you'd give them -- their  
2 testimony -- the same weight and credibility as you would any other  
3 witness?

4 PROSPECTIVE JUROR NO. 586: They're just normal  
5 people.

6 MS. BOTELHO: Do you want to sit on this jury?

7 PROSPECTIVE JUROR NO. 586: Yes.

8 MS. BOTELHO: Why?

9 PROSPECTIVE JUROR NO. 586: I believe it's my civic  
10 duty.

11 MS. BOTELHO: Okay. Anything about the age of this case  
12 that's -- that would cause you concern?

13 PROSPECTIVE JUROR NO. 586: No, I can understand it  
14 can take a while for evidence to be found or for people to be found,  
15 pretty much.

16 MS. BOTELHO: Okay. You understand that you can't  
17 speculate as to, you know, what it is that would have caused, you  
18 know, the time --

19 PROSPECTIVE JUROR NO. 586: Correct.

20 MS. BOTELHO: -- elapsing.

21 PROSPECTIVE JUROR NO. 586: Correct.

22 MS. BOTELHO: Okay. And you can stop yourself from  
23 doing that? Is that a yes?

24 PROSPECTIVE JUROR NO. 586: Correct.

25 MS. BOTELHO: Okay. Brief indulgence, Your Honor.



1 Okay. Mr. Giordani's back up.  
2 THE COURT: Pardon?  
3 MS. BOTELHO: Mr. Giordani's back up, Your Honor.  
4 THE COURT: Okay.  
5 MR. GIORDANI: And, thank you, sir, if you can pass the  
6 microphone.  
7 Ms. Delapaz, good afternoon, ma'am.  
8 PROSPECTIVE JUROR NO. 584: Hello.  
9 MR. GIORDANI: Are you as exhausted as everyone else in  
10 this room?  
11 PROSPECTIVE JUROR NO. 584: I believe so.  
12 MR. GIORDANI: Over it at this point? All right. Bear with  
13 me, okay?  
14 PROSPECTIVE JUROR NO. 584: Okay.  
15 MR. GIORDANI: We are going to try to get through this  
16 this afternoon. Did you fill out a questionnaire, ma'am?  
17 PROSPECTIVE JUROR NO. 584: I did not.  
18 MR. GIORDANI: You did not? What are your feelings on  
19 the criminal justice system?  
20 PROSPECTIVE JUROR NO. 584: I don't have any  
21 experience with it, but I'm staying neutral.  
22 MR. GIORDANI: Okay. No personal experience with it?  
23 PROSPECTIVE JUROR NO. 584: No.  
24 MR. GIORDANI: Do you watch television?  
25 PROSPECTIVE JUROR NO. 584: I do.

1 MR. GIORDANI: Do you watch news?  
2 PROSPECTIVE JUROR NO. 584: I do.  
3 MR. GIORDANI: Stay kind of up to date on current events,  
4 relatively?  
5 PROSPECTIVE JUROR NO. 584: Not really up to date, but  
6 sometimes I watch it.  
7 MR. GIORDANI: Okay. And I'm sure you've gathered at  
8 this point why we're asking these questions.  
9 PROSPECTIVE JUROR NO. 584: Yes.  
10 MR. GIORDANI: Is there anything that we should know  
11 about you as a person, with your particular life experience that  
12 might affect you as a juror in this case?  
13 PROSPECTIVE JUROR NO. 584: No, I don't think so.  
14 MR. GIORDANI: Do you have an opinion one way or  
15 another about this fact we've discussed that this crime occurred  
16 in '06 and now we're here in 2021?  
17 PROSPECTIVE JUROR NO. 584: No, I understand some  
18 cases take a while. So it's okay.  
19 MR. GIORDANI: Okay. That's not something that's going  
20 to cause you to be prejudiced against the defense or against the  
21 State --  
22 PROSPECTIVE JUROR NO. 584: No.  
23 MR. GIORDANI: -- is that fair?  
24 PROSPECTIVE JUROR NO. 584: Uh-huh.  
25 MR. GIORDANI: Okay. Have you ever served on a jury

1 before, ma'am?

2 PROSPECTIVE JUROR NO. 584: No.

3 MR. GIORDANI: And have you ever been a witness in a  
4 case or anything such that you might have come down to the  
5 courthouse?

6 PROSPECTIVE JUROR NO. 584: No.

7 MR. GIORDANI: There are going to be some photographs  
8 that you see in this case from the autopsy of Mersey Williams; are  
9 you going to be able to look at those and consider them for what  
10 they are, as just evidence --

11 PROSPECTIVE JUROR NO. 584: Yes.

12 MR. GIORDANI: -- in this case?

13 PROSPECTIVE JUROR NO. 584: Uh-huh.

14 MR. GIORDANI: Do you think that if you were sitting  
15 where Ms. Botelho and I are sitting, that you'd want a juror such as  
16 yourself?

17 PROSPECTIVE JUROR NO. 584: Yes.

18 MR. GIORDANI: And what about if you were accused of a  
19 crime like Mr. Matthews is, would you want a juror like yourself  
20 sitting in judgment?

21 PROSPECTIVE JUROR NO. 584: Yes.

22 MR. GIORDANI: Is there anything about the discussions  
23 we've had today that you thought that the parties, one side or the  
24 other, would probably want to know this about me?

25 PROSPECTIVE JUROR NO. 584: No.

1 MR. GIORDANI: Are you just trying to get me to shut up  
2 and pass the mic? All right.

3 Thank you very much, ma'am, and you can pass the  
4 microphone down.

5 Mr. Minami?

6 PROSPECTIVE JUROR NO. 497: Yes, sir.

7 MR. GIORDANI: It's 497?

8 PROSPECTIVE JUROR NO. 497: Yes, sir.

9 MR. GIORDANI: We spoke a little bit earlier and now  
10 you've had a chance to hear us discuss a whole bunch of subjects  
11 with your fellow jurors, right?

12 PROSPECTIVE JUROR NO. 497: Yes.

13 MR. GIORDANI: Can you give me your opinion on the  
14 system now? Has it changed? Is it the same? Any nuance you'd  
15 like to add to it or --

16 PROSPECTIVE JUROR NO. 497: Not really. I mean, I  
17 somewhat don't think the system is fair.

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 497: Simply because a simple  
20 clerical error can make somebody that's -- somebody that is -- if  
21 there's enough evidence that it's beyond a reasonable doubt that he  
22 is guilty, but there's a clerical error that happened that makes that  
23 person walk, we hear about it in the news, we see it in TV and  
24 movies, we know it happens, I don't know if that's fair.

25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 497: I don't think that's fair at  
2 all.

3 MR. GIORDANI: What do you mean by a clerical error?  
4 I'm trying to understand you.

5 PROSPECTIVE JUROR NO. 497: The arresting officer  
6 failed to read the rights. Chain of custody in evidence was broken.  
7 Just something crucial that should have been done didn't happen,  
8 even though that there is an over amount of evidence to support a  
9 conviction.

10 MR. GIORDANI: Okay. I think I get where you're going  
11 with that. So what you're talking about is speculation, right? I  
12 mean, you have no idea what evidence Ms. Botelho and I are going  
13 to present over the next week, you'd agree?

14 PROSPECTIVE JUROR NO. 497: I agree, correct.

15 MR. GIORDANI: You have no idea.

16 PROSPECTIVE JUROR NO. 497: No idea.

17 MR. GIORDANI: Are you the type of person that's going  
18 to come into this and think there's stuff out there I don't know? Or  
19 are you going to be able to base your verdict on what comes from  
20 the witness stand?

21 PROSPECTIVE JUROR NO. 497: Oh, definitely, I'll be able  
22 to base everything off of what's being presented.

23 MR. GIORDANI: Okay. You understand my concern, I  
24 hope.

25 PROSPECTIVE JUROR NO. 497: Yes.

1 MR. GIORDANI: We want a juror/jury that is going to be  
2 fair and to look at the evidence and not to speculate or add  
3 anything outside the walls of this courtroom that shouldn't be in  
4 this courtroom. Right?

5 PROSPECTIVE JUROR NO. 497: Correct.

6 MR. GIORDANI: And what you're saying to me now is a  
7 little concerning. I mean, to be frank, I hope I'm not offending you,  
8 but it's a little concerning that you're -- that you might create  
9 something that isn't present in this case, or create an issue that isn't  
10 present.

11 PROSPECTIVE JUROR NO. 497: I would not use my own  
12 judgment or -- I don't really have any experiences. If it's being  
13 presented that -- it's, obviously, taken into consideration, but  
14 beyond that, no.

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 497: If it doesn't come from  
17 the witness stand, I can -- I'll be fair and impartial.

18 MR. GIORDANI: Okay. And you understand  
19 Mr. Matthews here deserves a fair trial like anyone else in this room  
20 who may be accused of something --

21 PROSPECTIVE JUROR NO. 497: Oh, definitely.

22 MR. GIORDANI: -- right? Do you think that you can give  
23 him a fair trial like you could give the State a fair trial?

24 PROSPECTIVE JUROR NO. 497: Yes.

25 MR. GIORDANI: Okay.

1 PROSPECTIVE JUROR NO. 497: Yeah.

2 MR. GIORDANI: Thank you. You can pass the  
3 microphone over.

4 And it's Ms. Gourley, correct?

5 PROSPECTIVE JUROR NO. 499: Correct.

6 MR. GIORDANI: Ma'am, I have about three words of  
7 notes for you.

8 PROSPECTIVE JUROR NO. 499: Three words?

9 MR. GIORDANI: And I don't believe I have a  
10 questionnaire. Did you fill one out?

11 PROSPECTIVE JUROR NO. 499: I did. It's a very  
12 frustrating questionnaire.

13 MR. GIORDANI: Why do you say that? I agree with you,  
14 but why do you say that?

15 PROSPECTIVE JUROR NO. 499: [Indiscernible] asked  
16 enough, which I'm not always asked enough.

17 THE MARSHAL: Ma'am, could you hold the microphone  
18 up, please.

19 PROSPECTIVE JUROR NO. 499: It logs you out and then  
20 you have to go back.

21 MR. GIORDANI: Okay. I think another juror had that issue  
22 as well.

23 PROSPECTIVE JUROR NO. 499: Yeah. So just when you  
24 think you're there, all of a sudden, it's like, whoops, sorry, you're  
25 out of time.

1 MR. GIORDANI: Gotcha. I just found what I believe to be  
2 your questionnaire in this stack here.

3 PROSPECTIVE JUROR NO. 499: Oh, goody.

4 MR. GIORDANI: So there are a couple of notes here that  
5 say no, you do not believe the criminal justice system is effective,  
6 and no, you do not believe the system is fair. Are those accurate  
7 representations of your opinion?

8 PROSPECTIVE JUROR NO. 499: Yes.

9 MR. GIORDANI: Okay. That's not something where you  
10 got logged out or -- you believe that?

11 PROSPECTIVE JUROR NO. 499: Yes.

12 MR. GIORDANI: Why is that, ma'am?

13 PROSPECTIVE JUROR NO. 499: Mostly because a lot of  
14 things I watch on news and see things.

15 MR. GIORDANI: Okay.

16 PROSPECTIVE JUROR NO. 499: So, you know, I -- you  
17 know, there's a lot of stuff on TV. So I probably watch too much of  
18 it.

19 MR. GIORDANI: Okay. Well, that's insightful of you.

20 PROSPECTIVE JUROR NO. 499: Yeah.

21 MR. GIORDANI: Some of us probably do watch a little too  
22 much.

23 PROSPECTIVE JUROR NO. 499: I do, yeah, I do. It's  
24 mostly -- I watch the news a lot. Yeah, you see a lot of bad things  
25 happening and you just -- it's, like, why? So there's just a lot of



1 things going on in the world and it's -- I don't know.

2 MR. GIORDANI: Yeah. You know, what you're saying can  
3 go both ways, I think.

4 PROSPECTIVE JUROR NO. 499: Uh-huh. Yeah.

5 MR. GIORDANI: Some people who have exhibited  
6 concern over the system being prejudiced towards people of  
7 minority --

8 PROSPECTIVE JUROR NO. 499: Uh-huh.

9 MR. GIORDANI: -- descent, or, I guess, for lack of a better  
10 term, a minority. And then there's other folks who believe that  
11 maybe the system wasn't harsh enough on people who shot their  
12 cousin. Where do you lie? Where do you kind of fit in that  
13 spectrum?

14 PROSPECTIVE JUROR NO. 499: You know, I do believe in  
15 the system. I just feel that sometimes it probably just -- maybe just  
16 doesn't work. You know, you see things where somebody -- say,  
17 like, a tragic DUI accident, you know, and they're out of jail in 24  
18 hours. Stuff like that.

19 MR. GIORDANI: Yeah.

20 PROSPECTIVE JUROR NO. 499: Somebody dies and the  
21 person's out on bond. So.

22 MR. GIORDANI: Right.

23 PROSPECTIVE JUROR NO. 499: Things like that just kind  
24 of get to me.

25 MR. GIORDANI: Okay. I'm not going to disagree or argue

1 with you. I don't think most people would. But hear me out.

2 PROSPECTIVE JUROR NO. 499: Sure.

3 MR. GIORDANI: This part of the system, what we're doing  
4 right here is designed by our forefathers to be as fair as possible.  
5 Assuming everyone out here is telling us the truth, we ask these  
6 questions --

7 PROSPECTIVE JUROR NO. 499: Right.

8 MR. GIORDANI: -- we end up with 12 or 14 jurors who are  
9 fair. Would you agree with that?

10 PROSPECTIVE JUROR NO. 499: I agree with that, yes.

11 MR. GIORDANI: Okay. So any feelings you have about  
12 the DUI, I think which one -- I know which one you're referring to.  
13 That's fine to have those opinions, but it can't bleed into  
14 Mr. Matthews' trial.

15 PROSPECTIVE JUROR NO. 499: Oh, I understand that.

16 MR. GIORDANI: Okay. You think you can be fair to him  
17 and to us, the State?

18 PROSPECTIVE JUROR NO. 499: I'm fair -- I can be fair.  
19 I'm fair to everybody.

20 MR. GIORDANI: Okay. Is there anything that we  
21 discussed that you'd like to chime in on or think that we should ask  
22 you, ma'am?

23 PROSPECTIVE JUROR NO. 499: No.

24 MR. GIORDANI: The issue with the -- well, I'm not going  
25 to say it's an issue, but the time lapse between the crime and the

1 trial, do you have a concern or issue with that?

2 PROSPECTIVE JUROR NO. 499: I don't really feel that I  
3 have a concern as much as I'm a curious person.

4 MR. GIORDANI: Sure.

5 PROSPECTIVE JUROR NO. 499: For me, it's a curiosity as  
6 to why so many -- some things can take so long.

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR NO. 499: I do understand they can  
9 take a long time, but that's probably my only issue.

10 MR. GIORDANI: Curiosity is completely natural.

11 PROSPECTIVE JUROR NO. 499: Uh-huh.

12 MR. GIORDANI: And no one's going to begrudge you of  
13 that. But what we can't have is we can't have you speculating or  
14 thinking --

15 PROSPECTIVE JUROR NO. 499: Uh-huh.

16 MR. GIORDANI: -- this is why.

17 PROSPECTIVE JUROR NO. 499: Uh-huh.

18 MR. GIORDANI: There are a thousand reasons why it may  
19 happen, right?

20 PROSPECTIVE JUROR NO. 499: Sure.

21 MR. GIORDANI: So it can't hurt or benefit us in any way  
22 that there was a time lapse and it can't hurt or benefit them in any  
23 way that there was a time lapse; do you get what I'm saying there?

24 PROSPECTIVE JUROR NO. 499: Yep, I understand.

25 MR. GIORDANI: Okay. So although you're curious, can

1 you set that curiosity aside and not speculate as to why it may have  
2 happened?

3 PROSPECTIVE JUROR NO. 499: Yes, I can.

4 MR. GIORDANI: Okay. Thank you, ma'am. And you can  
5 pass the microphone over.

6 And it's Ms. Schartz, 505, correct?

7 PROSPECTIVE JUROR NO. 505: That's right.

8 MR. GIORDANI: You indicated, ma'am, that your house  
9 was burglarized. Were you present for that?

10 PROSPECTIVE JUROR NO. 505: Yes.

11 MR. GIORDANI: Okay. Probably a really scary situation?

12 PROSPECTIVE JUROR NO. 505: No, I was asleep.

13 MR. GIORDANI: Oh. Okay.

14 PROSPECTIVE JUROR NO. 505: And I didn't know until  
15 the phone rang and the credit company was telling me that  
16 somebody was using my cards.

17 MR. GIORDANI: So they had already left and started --

18 PROSPECTIVE JUROR NO. 505: They had left.

19 MR. GIORDANI: -- using your cards?

20 PROSPECTIVE JUROR NO. 505: Yeah.

21 MR. GIORDANI: Wow. I don't have a note, did that  
22 person or people get caught?

23 PROSPECTIVE JUROR NO. 505: Yes.

24 MR. GIORDANI: And did you -- were you a witness in the  
25 case?

1 PROSPECTIVE JUROR NO. 505: No, that was the one  
2 where they were on probation and the detective told me that they  
3 were going back to jail and he went -- and so they weren't even  
4 going to charge them.

5 MR. GIORDANI: Okay. So you never -- I mean, did you  
6 follow up at all or did you just get that statement from the officer  
7 and then you were never involved after that at all?

8 PROSPECTIVE JUROR NO. 505: Right.

9 MR. GIORDANI: Okay.

10 PROSPECTIVE JUROR NO. 505: They even recovered my  
11 things and they were down at the properties department, and the  
12 detective was supposed to go there with me to get my things, but  
13 he never could, he was always too busy. And so I never got my  
14 stuff back, either.

15 MR. GIORDANI: Okay. That's unfortunate.

16 PROSPECTIVE JUROR NO. 505: Well, there's bigger  
17 issues. There's bigger problems --

18 MR. GIORDANI: Fair enough.

19 PROSPECTIVE JUROR NO. 505: -- they have to deal with, I  
20 understand that.

21 MR. GIORDANI: Fair enough. Anything about that that  
22 might cause you to be unfair to Mr. Matthews or unfair to the State  
23 in this case?

24 PROSPECTIVE JUROR NO. 505: No.

25 MR. GIORDANI: Okay. Did you do a questionnaire,

1 ma'am?

2 PROSPECTIVE JUROR NO. 505: Yes.

3 MR. GIORDANI: Nothing's really highlighted or jumping  
4 out. However, there is a portion at the end of this where you can  
5 type in. It's not just a check box. And you just write no death  
6 penalty.

7 PROSPECTIVE JUROR NO. 505: Uh-huh.

8 MR. GIORDANI: What do you mean, what's that about?

9 PROSPECTIVE JUROR NO. 505: I don't believe in capital  
10 punishment.

11 MR. GIORDANI: You just don't believe in it?

12 PROSPECTIVE JUROR NO. 505: Nope.

13 MR. GIORDANI: Okay. Well, the good news is this is not a  
14 capital case, so there's no death penalty involved. And the judge is  
15 going to do any sentencing if we ever get there. Your job as a jury  
16 is to determine whether Mr. Matthews committed the crimes we've  
17 accused him of. That's it. Can you do that?

18 PROSPECTIVE JUROR NO. 505: Yes.

19 MR. GIORDANI: Notwithstanding your personal feelings  
20 on the death penalty?

21 PROSPECTIVE JUROR NO. 505: Yes.

22 MR. GIORDANI: Okay. Any concerns about the time lapse  
23 between 2006 and 2021?

24 PROSPECTIVE JUROR NO. 505: Frankly, that was the first  
25 thing I heard when the charges were read. And so I know what I

1 don't know. And so I don't jump to assumptions. I don't speculate  
2 about why. But I think it's very odd.

3 MR. GIORDANI: Okay. I know what I don't know.

4 PROSPECTIVE JUROR NO. 505: Right.

5 MR. GIORDANI: Gotcha. Yeah. I can understand where  
6 you're coming from. But can you understand when I say there can  
7 be a thousand reasons and you can't hold it against or let it benefit  
8 either side. It's just -- it's got to be a neutral fact.

9 PROSPECTIVE JUROR NO. 505: Yes.

10 MR. GIORDANI: You okay with that?

11 PROSPECTIVE JUROR NO. 505: And that's what I'm  
12 saying, that when I don't know something, I don't jump to  
13 assumptions and try to fill in the blanks. I don't know. So.

14 MR. GIORDANI: Okay. Fair enough.

15 PROSPECTIVE JUROR NO. 505: It's not going to be an  
16 issue.

17 MR. GIORDANI: Thank you, ma'am. You can pass the  
18 microphone over to Ms. Takashima, 530.

19 PROSPECTIVE JUROR NO. 530: Yes.

20 MR. GIORDANI: There's someone raising their hand  
21 behind you, I believe?

22 THE COURT: What's wrong?

23 MR. GIORDANI: What's your badge number?

24 PROSPECTIVE JUROR NO. 411: 411. Gladys.

25 MR. GIORDANI: 411. Yes, ma'am?

1 PROSPECTIVE JUROR NO. 411: Earlier when the other  
2 attorney asked if there was something -- if we wanted to be on this  
3 jury, I didn't think of the answer, but it is important to me and I  
4 wanted to express it. When she -- when the -- you guys asked that,  
5 I do feel that it is my civic duty to be here. However, it also, in my  
6 personal duty that I just -- I also just started a new job and the  
7 person that I am -- whose role I'm fulfilling is their last week is next  
8 week. And so while it's probably not as important as other reasons  
9 to be excused, I did want to point it out there that it is a position  
10 that I just got two days ago.

11 MR. GIORDANI: Okay.

12 PROSPECTIVE JUROR NO. 411: And so --

13 MR. GIORDANI: So did you start two days ago or you  
14 have a start date --

15 PROSPECTIVE JUROR NO. 411: Yeah, I started on  
16 Tuesday.

17 MR. GIORDANI: Gotcha.

18 PROSPECTIVE JUROR NO. 411: And so next week is her  
19 last week and it may run into that. So there's -- could be some  
20 consideration for that, I'd really appreciate it.

21 MR. GIORDANI: Okay.

22 PROSPECTIVE JUROR NO. 411: That's all I wanted to say.

23 MR. GIORDANI: There -- no, we'll certainly take that into  
24 consideration. It's, ultimately, going to be up to the judge. But we  
25 will thank you for noting that.



1 PROSPECTIVE JUROR NO. 411: Thank you.  
2 MR. GIORDANI: And if you could pass the microphone  
3 back up.  
4 Ms. Takashima, 530.  
5 PROSPECTIVE JUROR NO. 530: Yes.  
6 MR. GIORDANI: Good afternoon, ma'am.  
7 PROSPECTIVE JUROR NO. 530: Hi.  
8 MR. GIORDANI: You were a hotel concierge here in Las  
9 Vegas?  
10 PROSPECTIVE JUROR NO. 530: That's correct.  
11 MR. GIORDANI: And did you work on the Strip?  
12 PROSPECTIVE JUROR NO. 530: At the Rio.  
13 MR. GIORDANI: Off Strip?  
14 PROSPECTIVE JUROR NO. 530: Oh.  
15 MR. GIORDANI: Oh, the Rio?  
16 PROSPECTIVE JUROR NO. 530: Yeah.  
17 MR. GIORDANI: Okay. And I believe that you -- one of  
18 your children is involved in medical health services?  
19 PROSPECTIVE JUROR NO. 530: In Hawaii.  
20 MR. GIORDANI: Oh, okay.  
21 PROSPECTIVE JUROR NO. 530: It's a medical -- HMSA,  
22 which is a big medical insurance company.  
23 MR. GIORDANI: Gotcha. And that -- I thought it said  
24 mental health, but it says medical health.  
25 PROSPECTIVE JUROR NO. 530: Yes. Yes.

1 MR. GIORDANI: Okay. Ma'am, do you have an opinion  
2 on our criminal justice system as a whole?

3 PROSPECTIVE JUROR NO. 530: I think it's fair. I think  
4 there are some flaws. And over the decades that I've been around,  
5 you've seen it change considerably over the years.

6 MR. GIORDANI: Uh-huh.

7 PROSPECTIVE JUROR NO. 530: But I think it's fair.

8 MR. GIORDANI: Okay.

9 PROSPECTIVE JUROR NO. 530: And I think this whole  
10 process -- everybody is entitled to due process, to, you know, for it  
11 to come to that conclusion, you know, the right -- what we feel is  
12 fair.

13 MR. GIORDANI: Right. We being the jury, right?

14 PROSPECTIVE JUROR NO. 530: Yes.

15 MR. GIORDANI: Okay. Similarly, how do you feel about  
16 the, I guess, law enforcement? It's a portion of our system, but  
17 specific to criminal cases?

18 PROSPECTIVE JUROR NO. 530: I think we need it in  
19 society.

20 MR. GIORDANI: Yeah.

21 PROSPECTIVE JUROR NO. 530: I think there are good  
22 cops and bad cops. It's a job. There are good people and bad  
23 people.

24 MR. GIORDANI: Right.

25 PROSPECTIVE JUROR NO. 530: We all have to work

1 together in order for our society to run efficiently. We have ups and  
2 downs. I've been around for six decades, so when you see things  
3 happen, I've been here for three of them, so, you know, I've seen  
4 how this city has grown and how much -- how many changes there  
5 are. But you also have faith in the people. You know.

6 MR. GIORDANI: Very well said. Yeah. So based upon  
7 your answers, I think it sounds like you can be fair and just law  
8 enforcement officers like you -

9 PROSPECTIVE JUROR NO. 530: I believe I can.

10 MR. GIORDANI: Okay. Anything else that I haven't asked  
11 you that I should ask you?

12 PROSPECTIVE JUROR NO. 530: No.

13 MR. GIORDANI: Okay. Thank you very much, ma'am.  
14 And you can pass that over to Ms. Schlotter, 537.

15 PROSPECTIVE JUROR NO. 537: Yes.

16 MR. GIORDANI: You've already been through this process  
17 before.

18 PROSPECTIVE JUROR NO. 537: Yeah, I can't remember  
19 how it was -- a long time ago, probably been 10 years ago, but I  
20 think it was in this building.

21 MR. GIORDANI: Okay. And it was criminal. What were  
22 the charges? Not the verdict, the charges.

23 PROSPECTIVE JUROR NO. 537: It was about these -- this  
24 man who, when people die and they don't have people to leave  
25 their stuff to, it had to do with probate and he was willing

1 [indiscernible].

2 MR. GIORDANI: Oh. So it wasn't alleged that he killed the  
3 person, he just took their stuff after they were dead?

4 PROSPECTIVE JUROR NO. 537: [Indiscernible.]

5 MR. GIORDANI: And that did not go all the way to  
6 verdict?

7 PROSPECTIVE JUROR NO. 537: No. It was three days.

8 MR. GIORDANI: So you actually made it -- you made it on  
9 the final jury of 14, you heard some facts, and then it went away?  
10 Okay. And was that a positive experience? Negative experience?

11 PROSPECTIVE JUROR NO. 537: I think it was positive.

12 MR. GIORDANI: Why is that?

13 PROSPECTIVE JUROR NO. 537: Well, I -- I mean  
14 [indiscernible] kind of interesting to see it actually unfold.

15 MR. GIORDANI: Right.

16 PROSPECTIVE JUROR NO. 537: [Indiscernible.]

17 MR. GIORDANI: Sure. And understanding you probably  
18 know a lot about our criminal justice system, or at least the history  
19 and the Constitution.

20 PROSPECTIVE JUROR NO. 537: I don't know if I know a  
21 lot. I was married to a Metro police officer.

22 MR. GIORDANI: Okay. Do you think that you can be a fair  
23 juror in this case?

24 PROSPECTIVE JUROR NO. 537: I think so.

25 MR. GIORDANI: You understand we the State, me,

1 Ms. Botelho and I have the burden of proof beyond a reasonable  
2 doubt; you understand that?

3 PROSPECTIVE JUROR NO. 537: Yes.

4 MR. GIORDANI: And you're okay with that? And  
5 Mr. Matthews, you know, he doesn't have to do anything, he's  
6 presumed innocent. We, the State, have to prove the case against  
7 him.

8 Did you do a questionnaire? You knew I was going to ask  
9 that? All right. Moving along.

10 THE COURT: Okay. The recorder is having trouble  
11 hearing you.

12 PROSPECTIVE JUROR NO. 537: Oh.

13 THE COURT: So if you can keep the microphone --

14 PROSPECTIVE JUROR NO. 537: Okay.

15 THE COURT: I know it's difficult, because we're wearing  
16 masks, but if you would keep your voice up, I would appreciate it.

17 PROSPECTIVE JUROR NO. 537: Okay.

18 THE COURT: That's way better. Thank you.

19 PROSPECTIVE JUROR NO. 537: All right.

20 MR. GIORDANI: In your questionnaire, ma'am, you  
21 indicated you believe the system is effective, but not fair. Do you  
22 still feel that way?

23 PROSPECTIVE JUROR NO. 537: That might have been a  
24 mis-answer.

25 MR. GIORDANI: Okay. What's your real answer?

1 PROSPECTIVE JUROR NO. 537: I think it's fair.  
2 MR. GIORDANI: Okay.  
3 PROSPECTIVE JUROR NO. 537: Uh-huh.  
4 MR. GIORDANI: Anything else that you think I should ask  
5 you that I haven't, ma'am?  
6 PROSPECTIVE JUROR NO. 537: No.  
7 MR. GIORDANI: Thank you. You can pass the  
8 microphone down there.  
9 It's Ms. Sichon?  
10 PROSPECTIVE JUROR NO. 541: Yes, sir.  
11 MR. GIORDANI: How are you, ma'am?  
12 PROSPECTIVE JUROR NO. 541: Good, thank you.  
13 MR. GIORDANI: Good? We're getting to the end of the  
14 day here.  
15 PROSPECTIVE JUROR NO. 541: Yeah.  
16 MR. GIORDANI: Judge, you want me to keep going?  
17 It's 5:00.  
18 THE COURT: Yeah, this is probably a good place to stop.  
19 MR. GIORDANI: Okay.  
20 THE COURT: So thank you.  
21 Okay. We are going to conclude for the evening.  
22 During this recess you're admonished not to discuss or  
23 communicate with anyone, including your fellow jurors, in any way  
24 regarding the case or its merits either by voice, phone, e-mail, text,  
25 Internet, or other means of communication or social media, read,

1 watch, or listen to any news or media accounts or commentary  
2 about the case, or do any research, such as consulting dictionaries,  
3 using the Internet, or using reference materials, making any  
4 investigation, test a theory of the case, recreate any aspect of the  
5 case, or in any other way investigate or learn about the case on  
6 your own or form or express any opinion regarding the case until  
7 it's finally submitted to you.

8 We'll be in recess till tomorrow morning at 9:00 a.m.  
9 Before I excuse you, I'm going to read some names off. If your name  
10 is called, you would just stay in the courtroom.

11 Jacob Sinchak, Tina Svinning, Ninfa Sana, James  
12 Langford, Samantha Mangacat, Robert Puckett, Chevy Ana, Tracy  
13 Goupil. Okay. If your name was called, if you would just -- Mark  
14 Paragas, I don't know if I said Mark Paragas. Okay. If your name  
15 was called, if you would please stay.

16 Other than that, I will see you tomorrow morning at 9:00.  
17 Please come up to the 14th floor. Officer Hawks will greet you and  
18 bring you in.

19 [Prospective jury panel recessed at 5:02 p.m.]

20 THE COURT: Okay. Just a minute. Don't leave yet. What  
21 is your name?

22 PROSPECTIVE JUROR NO. 692: Krystle Chappell.

23 THE COURT: Okay. What can I do for you?

24 PROSPECTIVE JUROR NO. 692: I have a doctor's  
25 appointment tomorrow that I can reschedule, but I really like to go

1 to, because it's a procedure. I didn't mention it because I thought it  
2 would wrap up today and maybe I could still go to it. But --

3 THE COURT: What's your badge number?

4 PROSPECTIVE JUROR NO. 692: 592.

5 THE COURT: 0592?

6 PROSPECTIVE JUROR NO. 692: 692.

7 THE COURT: Okay. So Krystle --

8 PROSPECTIVE JUROR NO. 692: Chappell.

9 THE COURT: Okay. You have a doctor's appointment  
10 tomorrow?

11 PROSPECTIVE JUROR NO. 692: It's a procedure that I'd  
12 really like to have done tomorrow.

13 THE COURT: Okay. What time?

14 PROSPECTIVE JUROR NO. 692: It's at 9:00 -- 9:30.

15 THE COURT: Okay. Yeah. You can be excused. You  
16 don't need to come back.

17 PROSPECTIVE JUROR NO. 692: Okay. Thank you.

18 THE COURT: Thank you.

19 All right. So Jacob Sinchak.

20 PROSPECTIVE JUROR NO. 332: Here, Your Honor.

21 THE COURT: You're excused. You do not need to come  
22 back tomorrow. So you are excused.

23 PROSPECTIVE JUROR NO. 332: Go now?

24 THE COURT: You can go. Uh-huh.

25 PROSPECTIVE JUROR NO. 332: Thank you.



1 THE COURT: And then Tina Svinning, you're excused,  
2 you don't have to come back tomorrow.

3 Ninfa Sana, you're excused. You do not need to come  
4 back tomorrow.

5 Mr. Langford, you're excused. You do not need to come  
6 back tomorrow. Have a good week next week.

7 PROSPECTIVE JUROR NO. 459: Thank you.

8 THE COURT: Mr. Marcus, Scott Marcus, okay, you're  
9 excused.

10 UNIDENTIFIED SPEAKER: I'm not Marcus.

11 THE COURT: I know. He's right behind you.

12 UNIDENTIFIED SPEAKER: Oh. Okay.

13 THE COURT: I don't think I called your name. So thanks  
14 for staying after. Yeah.

15 PROSPECTIVE JUROR NO. 463: Thank you.

16 THE COURT: Go ahead. You're excused, you don't need  
17 to come back.

18 Mr. Puckett, oh, I'm sorry. You're excused, you don't need  
19 to come back.

20 Let's see, Chevy Ana, you're excused, you do not need to  
21 come back tomorrow.

22 Tracy Goupil, okay, you're excused, you don't need to  
23 come back tomorrow.

24 What's your name?

25 PROSPECTIVE JUROR NO. 619: Marty Silaran.

1 THE COURT: I'm sorry?  
2 PROSPECTIVE JUROR NO. 619: Marty Silaran. Silaran.  
3 THE COURT: You have to keep your mask on. What's  
4 your badge number?  
5 PROSPECTIVE JUROR NO. 619: My badge number  
6 is 0619, 040619.  
7 THE COURT: Yeah, I didn't call your name. So I'll see you  
8 tomorrow morning. Okay?  
9 PROSPECTIVE JUROR NO. 619: Because my  
10 [indiscernible] so I cannot come.  
11 THE COURT: I'm sorry, I can't hear you.  
12 PROSPECTIVE JUROR NO. 619: [Indiscernible.]  
13 THE COURT: I can't hear her, so.  
14 THE MARSHAL: Her sister works tomorrow, she can't  
15 come.  
16 PROSPECTIVE JUROR NO. 619: That's for my doctor's  
17 note.  
18 THE COURT: Okay.  
19 THE MARSHAL: She says she has a doctor's note.  
20 THE COURT: Hawks, will you get it.  
21 How come you didn't tell me this when we were  
22 questioning everybody? How come you didn't tell me earlier?  
23 PROSPECTIVE JUROR NO. 619: I forgot [indiscernible].  
24 THE COURT: Okay. This does not say you can't do jury  
25 duty.

1 PROSPECTIVE JUROR NO. 619: Okay. [Indiscernible]  
2 tomorrow?

3 THE COURT: Yeah. I mean, was there something else?  
4 Do you have a ride?

5 PROSPECTIVE JUROR NO. 619: My sister, because she's  
6 working for tomorrow.

7 THE COURT: Your sister's working tomorrow?

8 PROSPECTIVE JUROR NO. 619: Yes.

9 THE COURT: Okay. Is she the one that brought you here  
10 today?

11 PROSPECTIVE JUROR NO. 619: Yeah, she brought me  
12 today.

13 THE COURT: Okay. Do you have a way to get here  
14 tomorrow?

15 PROSPECTIVE JUROR NO. 619: Not for tomorrow.

16 THE COURT: Where do you live? How far away do you  
17 live?

18 PROSPECTIVE JUROR NO. 619: We live Boulder City.

19 THE COURT: You live in --

20 PROSPECTIVE JUROR NO. 619: Boulder City.

21 THE COURT: You live all the way in Boulder City?

22 PROSPECTIVE JUROR NO. 619: Yeah.

23 THE COURT: How are you getting home tonight?

24 PROSPECTIVE JUROR NO. 619: My sister drive.

25 THE COURT: Okay. You've got to keep your mask on.

1 PROSPECTIVE JUROR NO. 619: My sister drive me.  
2 THE COURT: I'll do my best to hear you. Okay. So you  
3 don't have a ride tomorrow?  
4 PROSPECTIVE JUROR NO. 619: Yeah.  
5 THE COURT: Okay. You're excused. You don't need to  
6 come back tomorrow.  
7 PROSPECTIVE JUROR NO. 619: Thank you, ma'am.  
8 Thank you so much.  
9 THE COURT: Thank you.  
10 MR. TANASI: Judge, what was her badge number? I'm  
11 sorry, I missed it.  
12 THE COURT: 0619.  
13 MR. TANASI: Thank you.  
14 THE COURT: Marty Silaran.  
15 And tell me your name again?  
16 PROSPECTIVE JUROR NO. 466: Samantha Mangacat.  
17 THE COURT: Okay. And you are excused.  
18 PROSPECTIVE JUROR NO. 466: Thank you, Your Honor.  
19 THE COURT: You don't need to come back tomorrow.  
20 And your name?  
21 PROSPECTIVE JUROR NO. 577: Mark Paragas.  
22 THE COURT: What's your badge number?  
23 Did I call his name?  
24 THE CLERK: He is -- he needs to be excused.  
25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 577: 0577.  
2 THE COURT: Zero what?  
3 PROSPECTIVE JUROR NO. 577: 0577.  
4 THE COURT: Yeah. I'm sorry, I meant to call your name.  
5 So Mark Paragas, you're excused as well. Thank you very much for  
6 hanging around.  
7 PROSPECTIVE JUROR NO. 577: Thank you.  
8 THE COURT: Thank you.  
9 All right. The record will reflect that the hearing's taking  
10 place outside the presence of the jury panel.  
11 First of all, what was that all about with that juror? What  
12 was he saying?  
13 MR. GIORDANI: The juror is the one who's hard of  
14 hearing. I don't know his badge number. But he leaned over and  
15 looked in my eyes and said, I'm being threatened for my life. So.  
16 THE COURT: What?  
17 MR. GIORDANI: I don't know where that came from.  
18 MR. LEVENTHAL: Wow.  
19 MR. GIORDANI: And he kept trying to talk to me and I was  
20 looking at you to try to get him to stop, so --  
21 THE COURT: Well, and then he got --  
22 MR. GIORDANI: -- that's all I heard.  
23 THE COURT: He got really angry at me.  
24 MR. GIORDANI: I know. Yeah.  
25 THE COURT: For telling -- I just was saying you can't talk

1 to him. And he said he's not talking to me. I'm like, yeah, but  
2 you're trying to talk to him. He said I'm being threatened for my  
3 life?

4 MR. GIORDANI: Yes.

5 MR. LEVENTHAL: Judge, I think it would be prudent  
6 tomorrow that maybe outside the presence of the jury to ask him  
7 about that statement, if he's unstable or something's going on.  
8 Because he's -- I mean, he's over here, so he's a potential --

9 THE COURT: Right. He was sitting right there.

10 MR. LEVENTHAL: He's on the end there, right?

11 THE COURT: Is he gone?

12 THE MARSHAL: Yes, ma'am.

13 THE COURT: Did he say anything to you?

14 THE MARSHAL: No, ma'am.

15 THE COURT: Okay. First --

16 THE MARSHAL: But I have had to tell him all day to pull  
17 his mask up and I've had to continually give him the same  
18 instructions.

19 THE COURT: You know, I think he's actually -- he can  
20 actually be excused for age, if he asks me to excuse him. That's  
21 my -- do you know his name?

22 MR. LEVENTHAL: Mr. Willer.

23 THE COURT: Willer?

24 MR. LEVENTHAL: Willer.

25 THE COURT: And he's number --

1 THE CLERK: It's 0550.

2 MR. GIORDANI: And, respectfully, Judge, I would like to  
3 inquire about the statement.

4 THE COURT: Yeah.

5 MR. GIORDANI: So can we just deal with it in the  
6 morning?

7 THE MARSHAL: I can tell you this much, after lunch,  
8 Judge, I don't know which one of them in that area, but one of them  
9 smelled like marijuana. And it might have been him.

10 THE COURT: Well, I'm being -- if I would have heard that  
11 statement, I, of course, would have asked him, who, what, what is  
12 going on? He just kept repeatedly trying to talk to you.

13 MR. GIORDANI: Yes. And I kept repeatedly looking away  
14 from him and not saying -- and he kept trying. So it was very odd.

15 THE COURT: Okay. Well, if he asks to be excused, he can  
16 be. He's 71. So I will for sure address that. I did not know that's  
17 what he said. That's really concerning. So I really do hope he's  
18 okay. I hope he was kidding.

19 MR. LEVENTHAL: But if I may, if he could speak to them --  
20 him, because maybe somebody did, another juror did, so he could  
21 speak to him outside the presence so we can figure out what the  
22 statement.

23 THE COURT: Of course. Absolutely.

24 MR. LEVENTHAL: Okay. I didn't know if we were just  
25 going to say goodbye.

1 THE COURT: Yeah, absolutely. I'm so upset now that I  
2 didn't hear what he was saying, because he kind of looked serious  
3 to me.

4 MS. BOTELHO: Yes.

5 THE COURT: I didn't --

6 MR. GIORDANI: Me as well.

7 THE COURT: It didn't seem to me like he was trying to  
8 make a joke or anything.

9 MS. BOTELHO: No.

10 THE COURT: So we will -- we'll do that first thing in the  
11 morning before we bring the panel in.

12 Okay. And I also -- we have to stop at 11:00?

13 THE CLERK: We need to stop at 10:45 so we can check on  
14 [indiscernible].

15 THE COURT: Okay. Because I have to do my homicide  
16 calendar tomorrow, so we'll be in recess from, like, 11:00 to 12:30.

17 MR. GIORDANI: Understood.

18 MR. TANASI: What was that start time, Judge? I missed  
19 it.

20 THE COURT: 9:00.

21 MR. TANASI: 9:00. Thank you.

22 THE COURT: So we'll -- we might be able to get done by  
23 then. You're almost done.

24 MR. GIORDANI: Maybe.

25 THE COURT: No, you're almost done.



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[Pause in proceedings; colloquy.]

MR. GIORDANI: Your Honor.

THE COURT: Yeah?

MR. GIORDANI: For scheduling purposes, so if you think we'll get done with jury selection in the morning, you anticipate we would open and call a couple of witnesses --

THE COURT: Oh, sure.

MR. GIORDANI: -- starting at 12:30 or 1:00?

THE COURT: Oh, sure. Absolutely. I mean, are you ready to call witnesses tomorrow?

MR. GIORDANI: Oh, sure. We can get some here, yeah.

THE COURT: Okay.

MR. GIORDANI: I just wanted to make sure. I don't want them to come down and wait for nothing. But I guess we can do that around lunch time.

THE COURT: Well, how much voir dire does the defense think they have?

MR. TANASI: Well, Judge, we do both plan to question the jurors. I would say at last another hour.

THE COURT: Oh, okay. Because that's what I thought.

MR. TANASI: Yeah.

THE COURT: You probably need --

MR. TANASI: So, I mean, it's possible --

THE COURT: -- about an hour.

MR. TANASI: -- we could be done by 11:00.

1 THE COURT: But, see, I don't -- I don't know. I can't  
2 imagine you're going to take another hour, there's only a few jurors  
3 left.

4 MR. GIORDANI: No.

5 THE COURT: So I really do think we may be able to get it  
6 done in the morning.

7 MR. GIORDANI: Okay.

8 MR. LEVENTHAL: And, Judge, did you say 11:00? I --

9 THE COURT: If not, I mean, I'm not going to limit your  
10 time. If not, we'll just keep going.

11 MR. TANASI: Understood.

12 MR. LEVENTHAL: Did you say we're going to take a break  
13 at 11:00? Because I have --

14 THE COURT: Yeah.

15 MR. LEVENTHAL: -- federal court at 11:00, so I'll be okay  
16 on that?

17 THE COURT: Okay. Say that again?

18 MR. LEVENTHAL: I have federal court at 11:00.


19 THE COURT: Yeah, you can go.

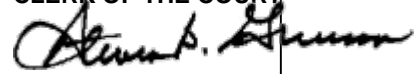
20 [Pause in proceedings; colloquy.]

21 [Court recessed for the evening at 5:15 p.m.]

22 ///

23 ATTEST: I do hereby certify that I have truly and correctly  
24 transcribed the audio/video proceedings in the above-entitled case  
25 to the best of my ability.

  
Shawna Ortega, CET\*562



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

FRIDAY, NOVEMBER 5, 2021

***TRANSCRIPT OF PROCEEDINGS RE:***  
**JURY TRIAL – DAY 2**

(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, FRIDAY, NOVEMBER 5, 2021**

2 [Proceeding commenced at 9:33 a.m.]

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

5 THE COURT: Good morning. Okay.

6 We were waiting for jurors that were missing. We're still  
7 missing one, but we have called, we have left messages, and I'm  
8 not getting any -- oh, I'm sorry.

9 The record will reflect the hearing is taking place outside  
10 the presence of the jury panel.

11 We are missing several jurors. We are now down to just  
12 one. Unfortunately, it's someone that's in the box, Number 4,  
13 Mr. O'Dell. We have tried contacting him, we've left messages, and  
14 he has not responded. So based on the time, I'd like to move  
15 forward and just seat someone else in that fourth seat.

16 MR. GIORDANI: If I may?

17 THE COURT: Yeah.

18 MR. GIORDANI: Aren't we going to bring in the other  
19 juror that tried to talk to me last night first?

20 THE COURT: Yeah.

21 MR. GIORDANI: Could we just wait to make that decision  
22 until -- that'll probably take five minutes and maybe he shows up.

23 THE COURT: You want to make sure O'Dell doesn't  
24 come --

25 MR. GIORDANI: Sure.

1 THE COURT: -- in the next five minutes? Okay.

2 MR. GIORDANI: But if he does not show up, then the

3 State would be okay with releasing him if the defense is okay with

4 it.

5 MR. LEVENTHAL: We would, Your Honor.

6 THE COURT: Okay. So remind me of his name again?

7 THE MARSHAL: Mr. Willer.

8 THE COURT: Willard.

9 THE MARSHAL: He's in Seat 29.

10 THE COURT: All right. He indicated to you his life was

11 being threatened, correct?

12 MR. GIORDANI: Correct.

13 THE COURT: Okay. Let's bring him in.

14 [Prospective Juror Number 550 entered courtroom at 9:36 a.m.]

15 THE COURT: Okay. Good morning, Mr. Willer.

16 Do you mind going right -- you can go right to the

17 podium.

18 THE MARSHAL: Right there, sir.

19 PROSPECTIVE JUROR NO. 550: Oh, this one?

20 THE COURT: Uh-huh.

21 THE MARSHAL: Yes, sir.

22 THE COURT: Officer Hawks, can you make -- his

23 earphones?

24 THE MARSHAL: Yes.

25 THE COURT: I just want to make sure he can hear.

1 Good morning, Mr. Willer. Thank you very much for  
2 being here.

3 PROSPECTIVE JUROR NO. 550: Hello, Your Honor.

4 THE COURT: This hearing is taking place outside the  
5 presence of the other jurors. It's Badge Number 0550.

6 At the end of the day yesterday, it appeared to me as  
7 though you were trying to talk to the district attorney. And I've  
8 indicated to you that the district attorney could not speak to you.  
9 But I'm concerned about what you said to the district attorney. I  
10 mean, I just want to make sure you're okay.

11 PROSPECTIVE JUROR NO. 550: Well, I didn't get it out.  
12 Okay.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 550: But can I tell you what I  
15 was going to say?

16 THE COURT: Absolutely.

17 PROSPECTIVE JUROR NO. 550: I've had credible threats  
18 on my life this year. At the request -- at the suggestion of officers at  
19 the main precinct, you know, on MLK, it happened over the  
20 Memorial Day weekend. I came here and filed I believe it was a  
21 district order, police protection order, which I was denied. And I  
22 ultimately went to the Summerlin substation and submitted an  
23 order -- I mean, submitted a written report about how concerned I  
24 was for my safety. And there was no response on that.

25 THE COURT: I'm sorry.

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PROSPECTIVE JUROR NO. 550: So --

THE COURT: Who is threatening your life?

PROSPECTIVE JUROR NO. 550: His name is Bob Sheridan. He's a boxing broadcaster. He lives in Henderson, which compounded the situation, because I was dealing with two different police forces. I didn't want to get -- and explain that in front of everybody. You know, I wanted --

THE COURT: No, I understand and I apologize.

PROSPECTIVE JUROR NO. 550: And I didn't bring my cell phone here. But it went so far on March 23rd to get a tattoo on his hand guaranteeing my death date. Who the hell does that? You know. And my death date is December 16th, 2021.

So I couldn't be more concerned. I don't leave my house, I stay quarantined. So.

THE COURT: How do you even know this person?

PROSPECTIVE JUROR NO. 550: What?

THE COURT: How do you even --

PROSPECTIVE JUROR NO. 550: I've known him 41 years. In my career, I've put on a lot of boxing events at, like Caesar's Palace and Las Vegas Hilton and he was an announcer for Don King. And he came to town and I befriended him. And I never saw this side of him.

The essence of our disagreement was over a TV show that I was producing and I was going to have him on as a regular guest and host, and he sort of revealed that he was a racist of incredible



1 proportions. And I just go, you know, you can't talk like that even  
2 off camera or anything, what's wrong with you? He's from Boston  
3 and he absolutely believes what he says.

4 So he became intolerable and I told him he was off. And  
5 then that started it.

6 THE COURT: Okay. And you sought a --

7 PROSPECTIVE JUROR NO. 550: And he's known --

8 THE COURT: You sought a TPO against him in this  
9 courthouse?

10 PROSPECTIVE JUROR NO. 550: Judge Letizia, you know,  
11 didn't, you know --

12 THE COURT: Did you have a hearing?

13 PROSPECTIVE JUROR NO. 550: I had nothing.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 550: Now, I mean, I have  
16 visible, tangible proof of a tattoo on his arm that guarantees -- I  
17 mean, it was very -- oh, also, many text messages, many voice  
18 messages, which I still have on my phone, and the Summerlin  
19 detective would not look at texts, would not listen to messages,  
20 would not even look at the tattoo. I think he just took it as he  
21 said/she said kind of situation. But I was really surprised that I had  
22 to write a statement and then none of my validations were being  
23 examined, you know. So I didn't want to --

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 550: As long as everybody

1 knows this, I'll come back and go through the procedure and just --

2 THE COURT: Okay. I just wanted to make sure, because  
3 when the district attorney conveyed that to me, I became very  
4 concerned. I wanted to make sure that nobody here was  
5 threatening you. Do you feel threatened here?

6 PROSPECTIVE JUROR NO. 550: Oh, no, no, no, no, no,  
7 no, no. No. This is very nice.

8 THE COURT: Okay. So in --

9 PROSPECTIVE JUROR NO. 550: And I apologize,  
10 sincerely. I just wanted to -- I was just going to ask him in a  
11 roundabout way if I -- I have a situation and I'd prefer not to get into  
12 it, that's all.

13 THE COURT: Okay. So you -- because they're district  
14 attorneys, you were looking for help on your other issue?

15 PROSPECTIVE JUROR NO. 550: Well, the only -- no, no,  
16 no, no, no. The only help I wanted was to avoid excessive probing  
17 as to --

18 THE COURT: Oh.

19 PROSPECTIVE JUROR NO. 550: -- to my dissatisfaction  
20 with the legal system --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 550: -- and the criminal justice  
23 system right now.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 550: And I've -- everything

1 else has been a good experience.

2 THE COURT: So you're kind of ticked off at law  
3 enforcement right now.

4 PROSPECTIVE JUROR NO. 550: Yeah. And this is coming  
5 from somebody who served on the board of directors for Crime  
6 Stoppers and who personally -- personally, I designed the logo on  
7 the back of all the cars when you flipped to Crime Stoppers and  
8 Secret Witness.

9 THE COURT: I'm sorry to hear that.

10 PROSPECTIVE JUROR NO. 550: Yeah, it's just kind of --  
11 it's just a pisser, you know. The one time I need them, they weren't  
12 there.

13 THE COURT: Okay. But -- and you've made police  
14 reports? I mean, because it sounds like you went to the substation,  
15 you filled out a police report.

16 PROSPECTIVE JUROR NO. 550: Yeah. And I had a  
17 demand that the -- there was one detective come out and talk to  
18 me, and he did.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 550: And he just seemed like  
21 he just blew it off.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 550: And --

24 THE COURT: How long ago was that?

25 PROSPECTIVE JUROR NO. 550: Well, I filed the request

1 for protection here in early June. I did it the first day. I think it was,  
2 you know, the Monday was a holiday, so whatever the Tuesday  
3 was -- first Tuesday in June.

4 THE COURT: Okay. After Memorial Day?

5 PROSPECTIVE JUROR NO. 550: And then a few weeks  
6 later, probably still in June, maybe July, I went to Summerlin. I  
7 have all the documents at home. I just didn't want to -- I didn't  
8 bring my phone, I didn't bring anything.

9 THE COURT: Okay. Well, I appreciate you telling me that,  
10 because the parties here would want to know that. But is there  
11 anything about the fact that you're unhappy with law  
12 enforcement --

13 PROSPECTIVE JUROR NO. 550: Oh, no.

14 THE COURT: -- or anything that you told me that would  
15 interfere with your ability to sit on this jury panel?

16 PROSPECTIVE JUROR NO. 550: No, I'm very sorry. I'm  
17 very sorry. I apologize to everybody here.

18 THE COURT: No, no. You did the right thing. You did the  
19 right thing. So it's no problem.

20 Does the State want to -- because I know Mr. Willer  
21 doesn't want to talk about this in front of the rest of the panel, so if  
22 the State wants to follow up and then Mr. Leventhal?

23 MR. GIORDANI: Yes.

24 THE COURT: I'll allow you, as well.

25 MR. GIORDANI: Yes, thank you, Your Honor.

1 First, sir, I have some concern that -- because I ignored  
2 you yesterday, you might have some bias towards me at this point.

3 PROSPECTIVE JUROR NO. 550: No.

4 MR. GIORDANI: And I apologize for that, but you  
5 understand, the judge would have gotten very angry at me if I  
6 interacted.

7 PROSPECTIVE JUROR NO. 550: No. As soon as it  
8 happened, I realized that I violated your protocol and I apologize.  
9 I'm very sorry.

10 THE COURT: No, you're -- no need to apologize. You're  
11 fine.

12 MR. GIORDANI: Is there anything about this interaction or  
13 this dissatisfaction with police that might cause you to look at a  
14 police officer witness a little differently?

15 PROSPECTIVE JUROR NO. 550: No, I'm dissatisfied with  
16 one detective. You know, it's --

17 MR. GIORDANI: Okay.

18 PROSPECTIVE JUROR NO. 550: I'm dissatisfied with his  
19 customer service.

20 MR. GIORDANI: Is that detective someone that you  
21 recognize from the witness list or someone completely different?

22 PROSPECTIVE JUROR NO. 550: No, not at all.

23 MR. GIORDANI: I can't remember --

24 PROSPECTIVE JUROR NO. 550: Well, his name could  
25 have been on there, but I don't think so.

1 MR. GIORDANI: Did you say his name? I apologize.  
2 PROSPECTIVE JUROR NO. 550: No, it's on a business  
3 card.  
4 MR. GIORDANI: Okay.  
5 PROSPECTIVE JUROR NO. 550: He was very indifferent to  
6 my plight.  
7 MR. GIORDANI: Okay.  
8 PROSPECTIVE JUROR NO. 550: And I remain scared since  
9 the whole thing happened.  
10 MR. GIORDANI: Sure. You indicated you're dissatisfied  
11 with the court system as well, with, basically, Judge Letizia, for not  
12 hearing you out?  
13 PROSPECTIVE JUROR NO. 550: Yeah. I mean, I know her  
14 family. You know, this is a -- was a small town and I voted for her  
15 and I thought, oh, God, this is kind of -- you know, I didn't know.  
16 No, no, no, no. I filed the report and not until it came back did I see  
17 it was denied by Judge Letizia.  
18 MR. GIORDANI: Okay.  
19 PROSPECTIVE JUROR NO. 550: So that's the correct  
20 order.  
21 MR. GIORDANI: Do you believe, sir, that any of that is  
22 going to impact your fairness here in this case?  
23 PROSPECTIVE JUROR NO. 550: No.  
24 MR. GIORDANI: Do you -- are you leaning one way or  
25 another, pro law enforcement, anti law enforcement at this point?

1 Or are you just kind of neutral?

2 PROSPECTIVE JUROR NO. 550: No, I'm pro law  
3 enforcement.

4 MR. GIORDANI: Okay. I have no further questions. Thank  
5 you, sir.

6 PROSPECTIVE JUROR NO. 550: Okay. Sorry for the  
7 delay.

8 THE COURT: Well, just a minute. I have to allow the  
9 defense --

10 MR. LEVENTHAL: Yeah, thank you.

11 THE COURT: -- to ask you any questions.

12 MR. LEVENTHAL: Mr. Willer, is there anything -- I mean,  
13 you made it a point to mention something to the DA; is there  
14 anything that you're going to hold against my client to get a fair  
15 trial today?

16 PROSPECTIVE JUROR NO. 550: No.

17 MR. LEVENTHAL: Is there anything that -- this person  
18 that's threatening you, is he African-American?

19 PROSPECTIVE JUROR NO. 550: No.

20 MR. LEVENTHAL: No? Okay. And so you were only  
21 saying that you were threatened, and the connection here is that  
22 you wanted to let us know that you may have some animosity  
23 towards the system as a whole?

24 PROSPECTIVE JUROR NO. 550: Yeah, I just didn't want to  
25 get into the details of this particular plight that I'm in right now.

1 MR. LEVENTHAL: Okay. But if an officer testifies, you're  
2 not going to give him --

3 PROSPECTIVE JUROR NO. 550: No, I'm --

4 MR. LEVENTHAL: -- more weight or less weight either  
5 way; you're going to listen to the testimony --

6 PROSPECTIVE JUROR NO. 550: No, I --

7 MR. LEVENTHAL: -- and --

8 PROSPECTIVE JUROR NO. 550: I'm smart enough that I  
9 have the ability to look at testimony properly. You know, it's not -- I  
10 have no bias --

11 MR. LEVENTHAL: Okay.

12 PROSPECTIVE JUROR NO. 550: -- in this particular case.

13 MR. LEVENTHAL: Did you hear the judge admonish  
14 everybody that we can't -- as lawyers, we can't talk to you; you  
15 heard that prior to you speaking with Mr. Giordani, right?

16 PROSPECTIVE JUROR NO. 550: Well, I might have missed  
17 it if it was low volume, because I had to get these ear phones --

18 MR. LEVENTHAL: Okay.

19 PROSPECTIVE JUROR NO. 550: -- yesterday. But it wasn't  
20 talking about this trial. It was, like, I'm [indiscernible] an  
21 embarrassing situation, where when I go to breaks and lunch, have  
22 everybody descend on me, saying what's going on.

23 MR. LEVENTHAL: Well, I guess my concern is if the judge  
24 gives you an admonishment or a rule, something to abide by, and if  
25 you don't, I just have an issue maybe there's -- that you're not



1 going to or are you, if the judge tells you this is the way the law is,  
2 this is what you have to do, are you going to be able to listen to the  
3 judge and follow --

4 PROSPECTIVE JUROR NO. 550: Yes. Yes, yes.

5 MR. LEVENTHAL: -- all of her rules and orders?

6 PROSPECTIVE JUROR NO. 550: Yes.

7 MR. LEVENTHAL: Even though you've had a bad  
8 experience with another judge?

9 PROSPECTIVE JUROR NO. 550: Well, a judge who I've  
10 never met, you know, just --

11 MR. LEVENTHAL: You've never met Judge Leavitt, right?

12 PROSPECTIVE JUROR NO. 550: No.

13 MR. LEVENTHAL: Okay. So if she tells you this is what  
14 you must do, this is the law, it's what you must follow --

15 PROSPECTIVE JUROR NO. 550: Of course.

16 MR. LEVENTHAL: -- you're going to be able to do that?

17 PROSPECTIVE JUROR NO. 550: Of course.

18 MR. LEVENTHAL: Okay. Thank you.

19 THE COURT: Okay. Anything else for Mr. Willer?

20 MR. GIORDANI: No, Your Honor. Thank you.

21 THE COURT: Okay. Thank you very much for answering  
22 our questions.

23 PROSPECTIVE JUROR NO. 550: I'm very sorry, I apologize  
24 for this.

25 THE COURT: No, you're fine. You're fine.

1 [Prospective Juror Number 550 exited courtroom at 9:47 a.m.]

2 THE COURT: Okay. Any objection to having him remain  
3 on the panel?

4 MR. GIORDANI: Not by the State.

5 MR. LEVENTHAL: I'm sorry, I didn't hear the question.

6 THE COURT: Any objection to him remaining on the  
7 panel?

8 MR. LEVENTHAL: No, other than I'll make a record that I --  
9 like I said, and asked him, you know, he's -- was admonished three  
10 or four times prior to -- four or five times during the day that he  
11 doesn't talk, we don't talk to him, and still he went to Mr. Giordani.  
12 And I understand his reason, it just doesn't -- it's -- I guess it could  
13 have been a different way. The Court told him you can only speak  
14 with your bailiff and he decided to go to an attorney.

15 So in terms of how the Court will, you know, give him  
16 orders and tell him what to do, that's my concern, is that he doesn't  
17 follow it.

18 THE COURT: Okay. So at this point, I'm going to allow  
19 him to remain on the panel.

20 Officer Hawks? I just want to see if O'Dell is here.

21 MR. GIORDANI: Can we just clarify: Does the defense  
22 have an objection to him remaining or not?

23 MR. LEVENTHAL: No, I just made a record. We don't  
24 have an objection --

25 MR. GIORDANI: Oh.

1 MR. LEVENTHAL: -- but I wanted to make a record. That's  
2 all.

3 MR. GIORDANI: Okay.

4 THE COURT: Do we have O'Dell?

5 THE MARSHAL: I -- no, he's not there. I called -- that's  
6 what I was doing was calling the hall again before -- while you were  
7 finishing up.

8 THE COURT: Okay. Well, any objection to proceeding  
9 and reseating another juror in Seat 4 from the State?

10 MR. GIORDANI: No. To be honest, Judge, we were  
11 probably going to kick him with a preempt anyway, so we have no  
12 issue to let him go, O'Dell.

13 THE COURT: Okay. Mr. Leventhal?

14 MR. LEVENTHAL: That's the first time we've actually  
15 agreed. We were going to kick him as a preempt as well.

16 THE COURT: Yeah.

17 MR. LEVENTHAL: Look at that. We finally have an  
18 agreement.

19 THE COURT: His questionnaire was concerning. So. All  
20 right. So we will -- you can bring them in and just leave Seat 4  
21 empty.

22 THE MARSHAL: Yes, ma'am.

23 THE COURT: Seat 4 will be filled with the next in line,  
24 which is Merari Pena-Franco. So when they come in, I will seat her.

25 [Pause in proceedings.]

1 THE COURT: I mean, just since we're still outside the  
2 presence of the jury panel, I just looked it up, it appears he did file  
3 an application for a TPO in justice court. And it appears it was  
4 denied because the judge determined it lacked sufficient detail.

5 [Pause in proceedings.]

6 [Prospective jury panel reconvened at 9:54 a.m.]

7 THE COURT: Does the State stipulate to the presence of  
8 the panel as now empaneled?

9 MR. GIORDANI: We do, Your Honor.

10 THE COURT: And the defense?

11 MR. TANASI: Yes, Judge.

12 MR. LEVENTHAL: Yes, Judge. Albeit, except for one.

13 THE COURT: Right. With the exception of Seat 4. Thank  
14 you.

15 Okay. At this time I am going to ask that Merari  
16 Pena-Franco, that you take Seat Number 4.

17 Good morning.

18 PROSPECTIVE JUROR NO. 591: Good morning.

19 THE COURT: Thank you very much for being here again  
20 today.

21 Can you tell me how long you've lived in Clark County?

22 PROSPECTIVE JUROR NO. 591: 18 years.

23 THE COURT: Okay. And your education background?

24 PROSPECTIVE JUROR NO. 591: Some college.

25 THE COURT: What did you study?

1 PROSPECTIVE JUROR NO. 591: It was, basically,  
2 performing arts.  
3 THE COURT: Okay. And what do you do for a living?  
4 PROSPECTIVE JUROR NO. 591: I'm a full-time mom.  
5 THE COURT: Oh.  
6 PROSPECTIVE JUROR NO. 591: I stay at home.  
7 THE COURT: So you obviously have little ones?  
8 PROSPECTIVE JUROR NO. 591: Yes, a 2-year-old, ma'am.  
9 THE COURT: Okay. And your marital status?  
10 PROSPECTIVE JUROR NO. 591: Married.  
11 THE COURT: Is your spouse employed?  
12 PROSPECTIVE JUROR NO. 591: He does work, yes.  
13 THE COURT: Okay. Can you tell me what your spouse  
14 does for a living?  
15 PROSPECTIVE JUROR NO. 591: He works for Paul  
16 Johnson. It's a -- he's a painter.  
17 THE COURT: Okay. And you have one child?  
18 PROSPECTIVE JUROR NO. 591: Yes, ma'am.  
19 THE COURT: Okay. Have you ever served on a jury  
20 before?  
21 PROSPECTIVE JUROR NO. 591: No, my first time.  
22 THE COURT: Have you or anyone close to you, such as a  
23 family member or friend ever been the victim of a crime?  
24 PROSPECTIVE JUROR NO. 591: Yes.  
25 THE COURT: Can you tell us about that?

1 PROSPECTIVE JUROR NO. 591: So when I was -- I believe  
2 it was -- I'm trying to figure out the year, but it happened when I  
3 was living with my parents, I think I was still in high school.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 591: Me and my mom were --  
6 we were sleeping together at that time. My dad was working  
7 graveyard. And I guess we heard noises in the backyard. And we  
8 woke up and we noticed that my mom saw that this person was  
9 trying to break the door from -- trying to -- basically, enter from the  
10 garage door --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 591: -- from the outside door.  
13 Yeah. And so she told me to hide, so I hide.

14 THE COURT: Good girl.

15 PROSPECTIVE JUROR NO. 591: And I guess the police did  
16 come. Everybody came. Unfortunately, the guy left. But they -- I  
17 believe it was the CSI, like, I don't know if it was FBI that came,  
18 they took pictures, we saw that they took pictures. They stayed  
19 there for a while. I, basically, did a statement from there. That's the  
20 only thing I remember. They never came back.

21 THE COURT: Okay. So the perpetrator tried to get into  
22 your home, but your mom was able to prevent it?

23 PROSPECTIVE JUROR NO. 591: Yeah, I guess. I guess  
24 she turned the light -- she told me she turned the light on and I  
25 guess that made them, you know, run out.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 591: But they actually broke

3 the handle of the, like, the door.

4 THE COURT: Oh, okay. So --

5 PROSPECTIVE JUROR NO. 591: So, yeah, uh-huh.

6 THE COURT: -- I mean, actually broke something trying to

7 gain entrance?

8 PROSPECTIVE JUROR NO. 591: Yeah, I don't -- it's been a

9 while. Yeah, but --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 591: I was just hiding on the

12 restroom.

13 THE COURT: All right. And, again, you were a minor at

14 the time?

15 PROSPECTIVE JUROR NO. 591: Yeah, I was, believe, still

16 in -- I was still in high school. Yeah.

17 THE COURT: Okay. Is there anything about that incident

18 that would affect your ability to be fair and impartial in this case?

19 PROSPECTIVE JUROR NO. 591: No.

20 THE COURT: Okay. Were you happy with the way it was

21 handled?

22 PROSPECTIVE JUROR NO. 591: Yeah. Yeah, so -- uh-huh.

23 THE COURT: Okay. Anything else?

24 PROSPECTIVE JUROR NO. 591: No.

25 THE COURT: Okay. Have you or anyone close to you,

1 such as a family member or friend, ever been accused of a crime?

2 PROSPECTIVE JUROR NO. 591: No.

3 THE COURT: Would you have a tendency to give more  
4 weight or credence or less weight or credence to the testimony of a  
5 witness simply because that witness is a police officer?

6 PROSPECTIVE JUROR NO. 591: No.

7 THE COURT: I'm sorry?

8 PROSPECTIVE JUROR NO. 591: No.

9 THE COURT: Okay. Do you know of any reason why you  
10 could not be a fair and impartial juror if you were selected to serve  
11 on this panel?

12 PROSPECTIVE JUROR NO. 591: No.

13 THE COURT: Okay. Thank you.

14 The State may voir dire Juror Number 4, and then the  
15 panel is yours.

16 MR. GIORDANI: Thank you, Your Honor.

17 Good morning, ladies and gentlemen. Welcome back.  
18 Actually, thank you for coming back.

19 I want to first address kind of the group as a whole and an  
20 interaction that occurred last night as you left. There was a juror  
21 who, while some other jurors were still in the courtroom, attempted  
22 to speak to me and I ignored that juror and it caused a little bit of a  
23 scene. Not that big a deal, but I think we've now got it sorted out  
24 with the judge. And I want to address that. There's a couple of  
25 reasons why.



1           Number one, that juror, that particular juror didn't quite  
2 understand the admonition. And it appears, now we've sorted it  
3 out, it's just an innocent mistake and won't happen again.

4           But I want you to all to understand, and I want to ask you  
5 if you understand that we -- the State and the defense attorneys, the  
6 parties involved in this case are told by the judge we are precluded  
7 legally from interacting with you outside this courtroom and  
8 outside this dynamic right now. Does everyone understand that?  
9 There are reasons for this, we're not trying to be rude in any way,  
10 but we -- if I were to talk back to that juror, I'm going to get yelled at  
11 by Judge Leavitt. Does everyone understand that?

12           THE COURT: I don't yell.

13           MR. GIORDANI: Okay. There's a bunch of reasons for  
14 this, and the most important one that I want to talk to you about is  
15 the only thing that matters, and I've probably said this five times  
16 or 10 or 20, is the evidence that comes from the witness stand.  
17 Okay. That's because it's tested in front of a jury. It's tested in front  
18 of you and you get to determine the credibility and believability of  
19 that evidence. But things outside this courtroom are not tested and  
20 are not relevant to the -- to your job. You have one job and one job  
21 only: Determine if we proved our case, that he did what we've  
22 accused him of doing.

23           In that same vein, not only are we, the parties, not allowed  
24 to interact with you outside of this courtroom, but no one else is.  
25 So if you see people coming and going from this courtroom or you

1 hear or see witnesses waiting in the hallway as we churn through  
2 this process, you see family members of anyone related to this  
3 case, it is your duty, your duty to report any improper interaction or  
4 anything you overhear or see to the judge or to the marshal, who  
5 will convey it to the judge. Does everyone understand that? Does  
6 anyone have any problem with that whatsoever? This is very  
7 important.

8 Don't feel like you're slowing us down or messing up the  
9 process, or you can ignore it, it wasn't that big a deal. Any  
10 interaction, any article you may read, anything, even if it's  
11 accidental, must be reported to the marshal, to Randy -- Marshal  
12 Hawks. I apologize. Does everyone understand that? Does anyone  
13 have a problem with that? Okay.

14 If you could, sir, pass the microphone up to Juror  
15 Number 4.

16 How are you, ma'am?

17 PROSPECTIVE JUROR NO. 591: Good, sir.

18 MR. GIORDANI: I bet you thought you weren't going to  
19 make it up to this group sitting out there, didn't you?

20 PROSPECTIVE JUROR NO. 591: No.

21 MR. GIORDANI: Okay. You're here now. You're on the  
22 first 32 at this point, so I've got to ask you some questions, okay?

23 PROSPECTIVE JUROR NO. 591: Okay.

24 MR. GIORDANI: You heard yesterday there were many  
25 discussions about the criminal justice system as a whole, right?

1 PROSPECTIVE JUROR NO. 591: Correct.

2 MR. GIORDANI: There are some basic tenets of our  
3 system that we all embrace. Doesn't matter what side you're on or  
4 what, you know, political affiliation you are or anything like that,  
5 they are basic tenets of our criminal just system. The State has the  
6 burden of proving the case beyond a reasonable doubt; do you  
7 understand that idea?

8 PROSPECTIVE JUROR NO. 591: Yes, sir.

9 MR. GIORDANI: Do you have any problem with that idea?

10 PROSPECTIVE JUROR NO. 591: No, sir.

11 MR. GIORDANI: Can you hold us to our burden of proof?  
12 Meaning, can you come back here and if we proved our case,  
13 render a guilty verdict?

14 PROSPECTIVE JUROR NO. 591: Yes, sir.

15 MR. GIORDANI: And if we haven't proved our case, vice  
16 versa, render a not guilty verdict?

17 PROSPECTIVE JUROR NO. 591: Yes, sir.

18 MR. GIORDANI: Do you have any problem with that?

19 PROSPECTIVE JUROR NO. 591: No, sir.

20 MR. GIORDANI: Okay. There's the basic ideal of the  
21 presumption of innocence, as well. You heard that discussion, I'm  
22 sure you're familiar with it; is that right?

23 PROSPECTIVE JUROR NO. 591: Uh-huh. Correct.

24 MR. GIORDANI: You're nodding your head yeah?

25 PROSPECTIVE JUROR NO. 591: Uh-huh.

1 MR. GIORDANI: Do you have any problem with that?  
2 PROSPECTIVE JUROR NO. 591: No, sir.  
3 MR. GIORDANI: You understand it's our job to prove our  
4 case, Mr. Matthews doesn't have to do a thing, just like anyone else  
5 accused of a crime doesn't have to do a thing, we have to do the  
6 proving; you get that?  
7 PROSPECTIVE JUROR NO. 591: Correct. Uh-huh.  
8 MR. GIORDANI: Any problem with that whatsoever?  
9 PROSPECTIVE JUROR NO. 591: No, sir.  
10 MR. GIORDANI: You understand that we're searching  
11 for -- through this process jurors who are just fair and impartial and  
12 start off -- we start off on a level playing field.  
13 PROSPECTIVE JUROR NO. 591: Uh-huh.  
14 MR. GIORDANI: You get that idea?  
15 PROSPECTIVE JUROR NO. 591: Correct, yeah.  
16 MR. GIORDANI: Do you lean one way or another as you  
17 sit here?  
18 PROSPECTIVE JUROR NO. 591: No.  
19 MR. GIORDANI: Do you feel like you have any implicit or  
20 any bias whatsoever against either side in this case?  
21 PROSPECTIVE JUROR NO. 591: No, sir.  
22 MR. GIORDANI: Okay. How do you feel about the  
23 criminal justice system as a whole, ma'am?  
24 PROSPECTIVE JUROR NO. 591: It's fair.  
25 MR. GIORDANI: Think so?

1 PROSPECTIVE JUROR NO. 591: It's -- there's good and  
2 bad. I mean, pretty -- I think lately, in the past years, you just hear a  
3 lot of bad. But I don't try to lean on that.

4 MR. GIORDANI: Yeah.

5 PROSPECTIVE JUROR NO. 591: You know, I just try to  
6 focus on the good stuff, you know, and --

7 MR. GIORDANI: Sure. Sure. I guess -- I don't want to put  
8 words in your mouth, but it's like you acknowledge there's good  
9 and bad parts of the system --

10 PROSPECTIVE JUROR NO. 591: Correct, yes.

11 MR. GIORDANI: -- but you embrace the system?

12 PROSPECTIVE JUROR NO. 591: Uh-huh.

13 MR. GIORDANI: Okay. How do you feel about law  
14 enforcement in general?

15 PROSPECTIVE JUROR NO. 591: I had good experience  
16 with them. I mean, I received -- I think it was my -- I believe first  
17 ticket. And they were really nice. I cooperated. I mean --

18 MR. GIORDANI: Okay.

19 PROSPECTIVE JUROR NO. 591: -- nothing, you know --

20 MR. GIORDANI: So you've had a person interaction that  
21 was fine?

22 PROSPECTIVE JUROR NO. 591: Yeah, it was fine.

23 MR. GIORDANI: And then, of course, you were the victim  
24 of a crime, a serious crime, and that was fine?

25 PROSPECTIVE JUROR NO. 591: Uh-huh.

1 MR. GIORDANI: I mean --  
2 PROSPECTIVE JUROR NO. 591: -- [indiscernible] --  
3 MR. GIORDANI: -- I won't say positive --  
4 PROSPECTIVE JUROR NO. 591: Yeah.  
5 MR. GIORDANI: -- but it wasn't a bad interaction.  
6 PROSPECTIVE JUROR NO. 591: Uh-huh.  
7 MR. GIORDANI: You understand that you may hear from  
8 police officers as witnesses in this case.  
9 PROSPECTIVE JUROR NO. 591: Correct, yeah.  
10 MR. GIORDANI: Do you have -- do you lean one way or  
11 another? As they walk in, are they going to be treated like any  
12 other witness off the street?  
13 PROSPECTIVE JUROR NO. 591: Uh-huh. Oh --  
14 MR. GIORDANI: Is that a yes?  
15 PROSPECTIVE JUROR NO. 591: Yes.  
16 MR. GIORDANI: Okay.  
17 PROSPECTIVE JUROR NO. 591: Uh-huh.  
18 MR. GIORDANI: Did you fill out a questionnaire, ma'am?  
19 PROSPECTIVE JUROR NO. 591: I believe so.  
20 MR. GIORDANI: I'm presuming -- well, do you think it was  
21 consistent with what you're telling me here today?  
22 PROSPECTIVE JUROR NO. 591: I don't remember.  
23 MR. GIORDANI: Okay. Fair enough.  
24 There is a charge of murder with use of a deadly weapon  
25 in this case. Arguably, the most serious crime there is, right?

1 PROSPECTIVE JUROR NO. 591: Uh-huh.

2 MR. GIORDANI: There's, as a result, a young lady who  
3 had an autopsy conducted on her body. You're going to hear,  
4 likely, evidence of that and see some photos of that. Does it -- are  
5 you the type of person that's going to be able to look at those  
6 photos, consider them for what they are?

7 PROSPECTIVE JUROR NO. 591: Yes.

8 MR. GIORDANI: Obviously, you don't have to stare at  
9 them and get a magnifying glass, but you have to be able to  
10 consider the evidence for what it is; you can do that?

11 PROSPECTIVE JUROR NO. 591: Yes, sir.

12 MR. GIORDANI: Is there anything I haven't asked you,  
13 ma'am, that you think we need to know about you or the defense  
14 needs to know about you?

15 PROSPECTIVE JUROR NO. 591: No, sir.

16 MR. GIORDANI: Okay. Thank you very much.

17 PROSPECTIVE JUROR NO. 591: Okay.

18 MR. GIORDANI: You can pass the microphone over to  
19 Officer Hawks there, and back down -- yes, sir.

20 Ms. Sichon, 541.

21 PROSPECTIVE JUROR NO. 541: Hello, sir.

22 MR. GIORDANI: How are you, ma'am?

23 PROSPECTIVE JUROR NO. 541: Good, thank you.

24 MR. GIORDANI: Okay. I don't believe you did a  
25 questionnaire.

1 PROSPECTIVE JUROR NO. 541: No.

2 MR. GIORDANI: Okay. Did you have your coffee this

3 morning? You seem a little quiet. Okay. Never tell with these

4 masks.

5 I have a few questions for you based upon the questions

6 asked yesterday. Okay?

7 PROSPECTIVE JUROR NO. 541: Okay.

8 MR. GIORDANI: It doesn't appear that you know anyone

9 that's been accused of a crime or the victim of a crime.

10 PROSPECTIVE JUROR NO. 541: No.

11 MR. GIORDANI: No?

12 PROSPECTIVE JUROR NO. 541: No, sir.

13 MR. GIORDANI: Have you ever had any interaction with

14 the criminal justice system?

15 PROSPECTIVE JUROR NO. 541: No, sir.

16 MR. GIORDANI: Never been a witness or --

17 PROSPECTIVE JUROR NO. 541: No.

18 MR. GIORDANI: -- anything like that?

19 PROSPECTIVE JUROR NO. 541: No, sir.

20 MR. GIORDANI: At your job at the airport, what exactly is

21 it that you do? Are you security or TSA?

22 PROSPECTIVE JUROR NO. 541: Oh, no, just like the

23 cleaning, cleaning in the aircraft.

24 MR. GIORDANI: Inside the aircraft?

25 PROSPECTIVE JUROR NO. 541: Yeah.



1 MR. GIORDANI: Oh, okay.  
2 PROSPECTIVE JUROR NO. 541: The cleaning.  
3 MR. GIORDANI: I didn't catch that yesterday. And how  
4 long have you been doing that, ma'am?  
5 PROSPECTIVE JUROR NO. 541: Just 11 months.  
6 MR. GIORDANI: Okay.  
7 PROSPECTIVE JUROR NO. 541: Yeah.  
8 MR. GIORDANI: Did you -- or how long have you lived in  
9 Clark County?  
10 PROSPECTIVE JUROR NO. 541: 12 years.  
11 MR. GIORDANI: 30?  
12 PROSPECTIVE JUROR NO. 541: 12.  
13 MR. GIORDANI: Three?  
14 PROSPECTIVE JUROR NO. 541: 12.  
15 THE COURT: 12.  
16 MR. GIORDANI: 12, I'm sorry.  
17 PROSPECTIVE JUROR NO. 541: Yeah, sorry.  
18 MR. GIORDANI: I hate these things.  
19 PROSPECTIVE JUROR NO. 541: I can't -- I speak and  
20 understand English very well, sorry.  
21 MR. GIORDANI: Okay. You have a bit of an accent.  
22 What's your first language?  
23 PROSPECTIVE JUROR NO. 541: Tagalog.  
24 MR. GIORDANI: Okay.  
25 PROSPECTIVE JUROR NO. 541: Filipino.

1 MR. GIORDANI: Tagalog?  
2 PROSPECTIVE JUROR NO. 541: Yeah.  
3 MR. GIORDANI: As I've been talking yesterday and this --  
4 just this morning, have you understood what I've been saying?  
5 PROSPECTIVE JUROR NO. 541: A little bit, yeah.  
6 MR. GIORDANI: A little?  
7 PROSPECTIVE JUROR NO. 541: Yeah, it's -- when I listen,  
8 it's very slow, like, I listen very, very well, like, you know, I try to  
9 understand, but some are -- I can't understand it.  
10 MR. GIORDANI: Okay. I don't know if the judge might  
11 have further questions for you in a little bit about that. And if I ask  
12 you anything, please let me know, if I ask you anything you don't  
13 understand, please let me know and correct me. Okay?  
14 PROSPECTIVE JUROR NO. 541: Yes, sir.  
15 THE COURT: Okay. Ma'am, have you understood  
16 everything that has been going on yesterday and today?  
17 PROSPECTIVE JUROR NO. 541: Just a few.  
18 THE COURT: I'm sorry?  
19 PROSPECTIVE JUROR NO. 541: Just a few.  
20 THE COURT: Just a few what?  
21 PROSPECTIVE JUROR NO. 541: Like [indiscernible]  
22 conversation like that, yeah, a little bit.  
23 THE COURT: Okay. About what percentage do you  
24 understand?  
25 PROSPECTIVE JUROR NO. 541: Just, like, the minor, like

1 simple English, like that.

2 THE COURT: Okay. Can you give me a -- how long have  
3 you lived in the United States?

4 PROSPECTIVE JUROR NO. 541: 12 years.

5 THE COURT: 12 years?

6 PROSPECTIVE JUROR NO. 541: Yeah.

7 THE COURT: And you work out at the airport, correct?

8 PROSPECTIVE JUROR NO. 541: Yeah. For around --

9 THE COURT: What language do you speak at work?

10 PROSPECTIVE JUROR NO. 541: Some are English, some  
11 are Tagalog also. Yeah. But I communicate with some, like, just a  
12 few, like [indiscernible].

13 THE COURT: Well, I have to be able to understand that  
14 you can understand everything that's being said.

15 PROSPECTIVE JUROR NO. 541: Yeah.

16 THE COURT: And it sounds like you're telling me that you  
17 don't.

18 PROSPECTIVE JUROR NO. 541: Yeah, some -- I  
19 understand some, ma'am. But, like, a long conversations, yeah, it's  
20 hard for me to understand like that. Yeah.

21 THE COURT: Okay. Did you understand the conversation  
22 that the district attorney was having with you?

23 PROSPECTIVE JUROR NO. 541: Yeah, right now, yeah.

24 THE COURT: Okay. And did you -- and you're  
25 understanding, obviously, the conversation I'm having with you,

1 correct?

2 PROSPECTIVE JUROR NO. 541: Yeah, ma'am. Yes,  
3 ma'am.

4 THE COURT: Okay. So, again, can you give me a  
5 percentage of how much you have understood from yesterday until  
6 today? Do you understand 100 percent?

7 PROSPECTIVE JUROR NO. 541: No.

8 THE COURT: Okay. So do you understand 90 percent?

9 PROSPECTIVE JUROR NO. 541: Maybe 80, like that, yeah.

10 THE COURT: Okay. So you think you're missing about 20  
11 percent?

12 PROSPECTIVE JUROR NO. 541: Yeah.

13 THE COURT: Because of the language barrier?

14 PROSPECTIVE JUROR NO. 541: Yeah. Especially when it  
15 says, like, I don't know how, like, yeah, maybe I --

16 THE COURT: Okay. What I'm going to ask is you can just  
17 set the microphone down and then you can go take a seat out in the  
18 gallery. Okay. Thank you.

19 And then I am going to ask that Lorri Kuramoto, that you  
20 take Seat Number 27.

21 Good morning.

22 PROSPECTIVE JUROR NO. 596: Good morning.

23 THE COURT: Again, thank you very much for being here  
24 this second day.

25 I'm sorry, what?

1 THE CLERK: The microphone's on the podium.  
2 THE COURT: Oh, sorry about that.  
3 MR. GIORDANI: It's my fault.  
4 THE COURT: Good morning. Can you tell me how long  
5 you've lived in Clark County?  
6 PROSPECTIVE JUROR NO. 596: Seven years.  
7 THE COURT: Okay. And what's your education  
8 background?  
9 PROSPECTIVE JUROR NO. 596: A bachelor's in  
10 psychology.  
11 THE COURT: And what do you do for a living?  
12 PROSPECTIVE JUROR NO. 596: I'm a process assistant at  
13 Amazon.  
14 THE COURT: You're a what?  
15 PROSPECTIVE JUROR NO. 596: Process assistant at  
16 Amazon.  
17 THE COURT: Okay. Your marital status?  
18 PROSPECTIVE JUROR NO. 596: Single.  
19 THE COURT: Do you have any kids?  
20 PROSPECTIVE JUROR NO. 596: No.  
21 THE COURT: Have you ever served as a juror before?  
22 PROSPECTIVE JUROR NO. 596: No.  
23 THE COURT: Have you or anyone close to you, such as a  
24 family member or friend, ever been the victim of a crime?  
25 PROSPECTIVE JUROR NO. 596: No.

1 THE COURT: Have you or anyone close to you, such as a  
2 family member or friend, ever been accused of a crime?

3 PROSPECTIVE JUROR NO. 596: No.

4 THE COURT: Would you have a tendency to give more  
5 weight or credence or less weight or credence to the testimony of a  
6 witness simply because that witness is a police officer?

7 PROSPECTIVE JUROR NO. 596: No.

8 THE COURT: Do you know of any reason why you could  
9 not be a fair and impartial juror if you were selected to serve?

10 PROSPECTIVE JUROR NO. 596: No.

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

13 Mr. Giordani?

14 MR. GIORDANI: Thank you, Your Honor.

15 Good morning.

16 PROSPECTIVE JUROR NO. 596: Good morning.

17 MR. GIORDANI: You've been paying attention while  
18 you're sitting in the back there?

19 PROSPECTIVE JUROR NO. 596: Yeah, I have.

20 MR. GIORDANI: How do you feel about the criminal  
21 justice system, ma'am?

22 PROSPECTIVE JUROR NO. 596: I think it's fair. To be  
23 honest, I don't really know a lot about it, but from what I do know, I  
24 think it is fair, yeah.

25 MR. GIORDANI: Okay. You understand there are some

1 basic tenets of, I guess, the Constitution and the criminal justice  
2 system, such as the burden of proof and the presumption of  
3 innocence?

4 PROSPECTIVE JUROR NO. 596: Yeah. Yeah.

5 MR. GIORDANI: Any problems with those ideas as a, I  
6 guess, a concept?

7 PROSPECTIVE JUROR NO. 596: No.

8 MR. GIORDANI: And in practicality, sitting in this  
9 courtroom, you understand, we the State, have to prove our case  
10 and the defense doesn't have to prove, really, anything at all.

11 PROSPECTIVE JUROR NO. 596: Yes.

12 MR. GIORDANI: Any problem with that?

13 PROSPECTIVE JUROR NO. 596: No.

14 MR. GIORDANI: You have been listening, we've had some  
15 discussion about law enforcement as a whole. There's a lot of stuff  
16 that's been going on in the media, things that are pretty bad,  
17 horrific, in fact, that we've seen video of, like body camera, horrible  
18 stuff. And then there's also heroic things that police do all the time;  
19 would you agree with me there?

20 PROSPECTIVE JUROR NO. 596: Yes.

21 MR. GIORDANI: And that some police officers are better  
22 than others, they're human beings and fallible like you and I and  
23 everybody else.

24 PROSPECTIVE JUROR NO. 596: Yes.

25 MR. GIORDANI: Is that something that you, I guess,

1 believe as a person, that you can't judge someone just because  
2 they're a cop or you can't judge someone just because of their skin  
3 color or anything like that?

4 PROSPECTIVE JUROR NO. 596: Yes, of course.

5 MR. GIORDANI: You have to judge them based upon  
6 what they have to say and their actions, right?

7 PROSPECTIVE JUROR NO. 596: Yes, definitely. Uh-huh.

8 MR. GIORDANI: Okay. If police officers march in here,  
9 one or more, and maybe they're wearing a uniform, maybe they're  
10 not, could you promise is as a whole, State and defense, that you  
11 will judge them like you would any other witness off the street?

12 PROSPECTIVE JUROR NO. 596: Yes.

13 MR. GIORDANI: Okay. I believe the judge asked you do  
14 you know anyone that's been accused of a crime?

15 PROSPECTIVE JUROR NO. 596: No.

16 MR. GIORDANI: And anyone that's been the victim of a  
17 crime?

18 PROSPECTIVE JUROR NO. 596: No.

19 MR. GIORDANI: Okay. I wasn't paying attention then.

20 Is there anything that I have discussed with your fellow  
21 jurors that you think we should maybe know about you or I should  
22 ask you?

23 PROSPECTIVE JUROR NO. 596: No.

24 MR. GIORDANI: I appreciate that. And you can pass the  
25 microphone down.



1 And before I ask Ms. Ortega any questions, I failed to  
2 mention on potential witness on our list yesterday, Chad Baker,  
3 retired Metro employee.

4 Does anyone in the room know a Chad Baker? Or does  
5 that name ring a bell for any reason? Seeing no hands. Okay.

6 There was many questions, ma'am, geared towards the  
7 criminal justice system and law enforcement. Do you recall that  
8 line of questioning?

9 PROSPECTIVE JUROR NO. 542: Yes.

10 MR. GIORDANI: How do you feel about the system?

11 PROSPECTIVE JUROR NO. 542: I feel that it tries to be  
12 fair, but it's not perfect, like everyone mentioned yesterday.

13 MR. GIORDANI: Yeah. Can you expound on that? Like  
14 why do you personally believe that?

15 PROSPECTIVE JUROR NO. 542: Just because of what  
16 we've seen, you know, social media and everything. And it's kind  
17 of hard not to believe that it is fair when you're seeing things like  
18 that.

19 MR. GIORDANI: Fair.

20 PROSPECTIVE JUROR NO. 542: But at the same time, I do  
21 believe that it tries. It's not perfect, so, you know, I think that's why  
22 it tries to be fair.

23 MR. GIORDANI: And I think that I know what you're  
24 referring to, like, the social media and things you're seeing on -- in  
25 the news, right? Would you -- or do you -- have you ever heard the

1 term or the words: Nobody hates a bad cop more than a good cop?

2 PROSPECTIVE JUROR NO. 542: Yes.

3 MR. GIORDANI: Okay. Do you understand kind of that  
4 sentiment?

5 PROSPECTIVE JUROR NO. 542: Kind of.

6 MR. GIORDANI: Okay. What do you mean by kind of?  
7 Like, what does that mean to you, I guess?

8 PROSPECTIVE JUROR NO. 542: I guess there are good  
9 cops, there's bad cops. And a good -- a bad cop will make a good  
10 cop look bad. So maybe that's why, you know, they might feel  
11 strongly about it.

12 MR. GIORDANI: Okay.

13 PROSPECTIVE JUROR NO. 542: I'm not sure that's --

14 MR. GIORDANI: Yeah, no, I think that's perfectly said.  
15 That's kind of how I take it as well. And the idea behind it is, look, if  
16 you hear from a cop or you hear from a lay witness or a victim or  
17 just a normal person off the street, whatever it may be, you need to  
18 judge them based upon what they have to say when they're under  
19 oath, right? Not because they're wearing a badge or because  
20 they're from an area of town you might not identify with; you have  
21 to judge them based upon what they have to say.

22 PROSPECTIVE JUROR NO. 542: Yes.

23 MR. GIORDANI: You okay with that?

24 PROSPECTIVE JUROR NO. 542: Yes.

25 MR. GIORDANI: Are you that type of person?

1 PROSPECTIVE JUROR NO. 542: Yes.

2 MR. GIORDANI: Okay. There are going to be some  
3 autopsy photographs likely presented in this case; are you going to  
4 be able to look at those and consider them for what they are?

5 PROSPECTIVE JUROR NO. 542: Yes.

6 MR. GIORDANI: And you understood the conversation I  
7 had with pretty much the whole jury panel this morning, that any  
8 outside things you may hear or see in the hallway in front of the  
9 courthouse, any of that, if it's about this case, it needs to be brought  
10 to the attention of the marshal; is that okay?

11 PROSPECTIVE JUROR NO. 542: Yes.

12 MR. GIORDANI: You're okay with that idea?

13 PROSPECTIVE JUROR NO. 542: Yes.

14 MR. GIORDANI: You're not -- you wouldn't be too  
15 embarrassed or think you're going to stop the process or mess it  
16 up?

17 PROSPECTIVE JUROR NO. 542: No.

18 MR. GIORDANI: All right. And, likewise, social media,  
19 you mentioned, I'm not saying there's going to be any print or  
20 articles or anything about this case, but if there are, that's not  
21 evidence; you get that.

22 PROSPECTIVE JUROR NO. 542: Yes.

23 MR. GIORDANI: And could you -- if you see something  
24 like that, stop reading, put it down, and inform the marshal --

25 PROSPECTIVE JUROR NO. 542: Yes.

1 MR. GIORDANI: -- the next day or whenever? Okay.

2 PROSPECTIVE JUROR NO. 542: Yes.

3 MR. GIORDANI: And, again, no guarantee that there's  
4 ever going to be an article about any case, but we have to cover  
5 these bases, okay?

6 PROSPECTIVE JUROR NO. 542: Yes, I understand.

7 MR. GIORDANI: Is there anything I have not asked you  
8 that you think I should have or anything your fellow jurors said that  
9 was interesting or you want to make a point about?

10 PROSPECTIVE JUROR NO. 542: No. Not really.

11 MR. GIORDANI: Thank you, ma'am.

12 Mr. Willer, 550?

13 PROSPECTIVE JUROR NO. 550: Yes.

14 MR. GIORDANI: Sir. We had an opportunity, all of us, to  
15 ask you some questions outside the presence of the rest of the jury,  
16 so I'm not going to be too long with you, sir.

17 PROSPECTIVE JUROR NO. 550: Sure.

18 MR. GIORDANI: Considering everything I've talked to  
19 your fellow jurors about, is there anything you'd like to add about  
20 yourself or that you think we should know or should have asked  
21 you?

22 PROSPECTIVE JUROR NO. 550: No. I feel this process is  
23 fair and I understand it completely.

24 MR. GIORDANI: Okay. Thank you very much, sir.

25 Pass that over.

1 Good morning, ma'am. Ms. Tran, correct?  
2 PROSPECTIVE JUROR NO. 342: Yes.  
3 MR. GIORDANI: How are you?  
4 PROSPECTIVE JUROR NO. 342: Good. How are you?  
5 MR. GIORDANI: I'm doing well. Did your daughter sleep  
6 in this morning?  
7 PROSPECTIVE JUROR NO. 342: No.  
8 MR. GIORDANI: Okay.  
9 PROSPECTIVE JUROR NO. 342: She woke up at 3:00 and  
10 didn't go to sleep until 4:45 a.m. this morning.  
11 MR. GIORDANI: Oh, that was nice of her. How are you  
12 feeling?  
13 PROSPECTIVE JUROR NO. 342: Tired.  
14 MR. GIORDANI: Tired? Yeah?  
15 PROSPECTIVE JUROR NO. 342: I just feel bad I had to  
16 wake her up so I can go to the court.  
17 MR. GIORDANI: Okay. Is there someone that's -- well,  
18 obviously, someone's taking care of her now, but someone that you  
19 can rely on over the next I'd say five days if you're selected?  
20 PROSPECTIVE JUROR NO. 342: Basically, because I leave  
21 with my husband at ourself, and then I have to drive her to  
22 babysitter.  
23 MR. GIORDANI: Uh-huh.  
24 PROSPECTIVE JUROR NO. 342: And the babysitter have  
25 three kids herself. So -- and they go to school, so I have to just

1 really timing the time [indiscernible] babysitter is at home --

2 MR. GIORDANI: Okay.

3 PROSPECTIVE JUROR NO. 342: -- so I can drop her off.

4 MR. GIORDANI: Okay.

5 PROSPECTIVE JUROR NO. 342: And I do feel really bad  
6 that if I had to wake her up, you know, because she gets tired  
7 [indiscernible] in case she cry.

8 MR. GIORDANI: Oh, sure.

9 PROSPECTIVE JUROR NO. 342: I just feel really bad --

10 MR. GIORDANI: I've been there, I understand.

11 PROSPECTIVE JUROR NO. 342: -- that interrupt her sleep  
12 when she couldn't sleep, you know, much.

13 MR. GIORDANI: I understand. And the judge might have  
14 further questions for you at some point. Right now I'm going to  
15 just ask you some questions about your beliefs, okay?

16 PROSPECTIVE JUROR NO. 342: Okay.

17 MR. GIORDANI: As to the criminal justice system, do you  
18 have an opinion one way or another, how do you feel about it?

19 PROSPECTIVE JUROR NO. 342: I feel our criminal justice  
20 system is a little bit soft on the criminals and the prisoners. That's  
21 why I feel like we have a lot of crimes in the U.S. and some  
22 repeated offenders.

23 MR. GIORDANI: In this particular case, you're not a  
24 sentencer. Okay?

25 PROSPECTIVE JUROR NO. 342: Uh-huh.

1 MR. GIORDANI: So the only person, if we get a -- if  
2 Mr. Matthews is convicted --

3 PROSPECTIVE JUROR NO. 342: Uh-huh.

4 MR. GIORDANI: -- then the judge will do sentencing at a  
5 later date. Sentencing has nothing to do with you.

6 PROSPECTIVE JUROR NO. 342: Uh-huh.

7 MR. GIORDANI: So I'm sure the defense, when they hear  
8 a juror say the system's a little soft, it should be harsher, they might  
9 have some concerns. So I want to dig into that a little bit.

10 You understand your job is going to be, in this case, I  
11 you're selected, did the State prove their case is Mr. Matthews  
12 guilty or not guilty, and that's it.

13 PROSPECTIVE JUROR NO. 342: Uh-huh.

14 MR. GIORDANI: Is that a yes?

15 PROSPECTIVE JUROR NO. 342: Yes.

16 MR. GIORDANI: It's not going to be your job or any other  
17 juror's job to decide what's an appropriate punishment or sentence  
18 if we get there. You get that idea?

19 PROSPECTIVE JUROR NO. 342: Yes.

20 MR. GIORDANI: Okay. So can you be fair considering  
21 your personal beliefs, can you be fair to Mr. Matthews and give him  
22 a fair trial?

23 PROSPECTIVE JUROR NO. 342: Yes.

24 MR. GIORDANI: Okay. And, likewise, can you give us, the  
25 State, a fair shake and listen to our evidence before you make any

1 judgments?

2 PROSPECTIVE JUROR NO. 342: Yes.

3 MR. GIORDANI: I talked a lot yesterday and not at all  
4 today about the date lapse, the lapse in time. Crime occurred in '06,  
5 we're here in 2021. You are not to consider that or speculate as to  
6 why.

7 PROSPECTIVE JUROR NO. 342: No.

8 MR. GIORDANI: You understand that?

9 PROSPECTIVE JUROR NO. 342: Yes.

10 MR. GIORDANI: It can't -- that date lapse can't benefit or  
11 hurt either side, because it's a neutral fact, right?

12 PROSPECTIVE JUROR NO. 342: Yes.

13 MR. GIORDANI: And you're okay with that idea?

14 PROSPECTIVE JUROR NO. 342: Yes.

15 MR. GIORDANI: Okay. Of those other folks that I  
16 questioned before, does anyone have a problem with that idea? I  
17 forgot to ask you all. I'm not seeing any hands go up, so I'll -- okay.

18 Is there anything I haven't asked you that I should have,  
19 ma'am?

20 PROSPECTIVE JUROR NO. 342: I just have a question.  
21 When you say, like, you going to show the photo of the autopsy, is  
22 it very graphic? Like --

23 MR. GIORDANI: Well, I can't give you my personal  
24 opinion on the evidence. Okay? But there are going to autopsy  
25 photos that show things.



1 PROSPECTIVE JUROR NO. 342: Okay.

2 MR. GIORDANI: And you're -- as a juror, you're required  
3 to look at the evidence and consider it. There's no time limit. I  
4 mean, you can glance at it and look away, but you can't just close  
5 your eyes off, because you don't like it. Right? You have to be able  
6 to consider the evidence for what it is. Are you going to be able to  
7 do that?

8 PROSPECTIVE JUROR NO. 342: I'll try, because I don't like  
9 those. It just -- I couldn't sleep if I see something really bloody  
10 and --

11 MR. GIORDANI: I understand. I don't think anyone in this  
12 group is going to stand up and say they want to look at the photos  
13 of a dead young lady. Okay. It's just part of the game. You have  
14 to. And you don't have to look at it for long, but you do have to be  
15 able to consider it; can you do that?

16 PROSPECTIVE JUROR NO. 342: Yes.

17 MR. GIORDANI: Okay. Thank you. And I'll take that  
18 microphone.

19 Mr. Sanchez?

20 PROSPECTIVE JUROR NO. 570: Yes, sir.

21 MR. GIORDANI: How are you, sir?

22 PROSPECTIVE JUROR NO. 570: Pretty good. How about  
23 yourself?

24 MR. GIORDANI: Good, thank you.

25 I want to ask you all the same questions I've been asking

1 the other jurors, sir. So do you have an opinion one way or the  
2 other about the criminal justice system?

3 PROSPECTIVE JUROR NO. 570: Well, I mean, it's not  
4 perfect, but, you know, I think we all could agree on that.

5 MR. GIORDANI: Yep. Have you ever had any negative or  
6 positive interactions with law enforcement or do you have a feeling  
7 about law enforcement?

8 PROSPECTIVE JUROR NO. 570: No, so far it's been  
9 positive.

10 MR. GIORDANI: Okay. I believe I have a -- are you from  
11 Long Beach?

12 PROSPECTIVE JUROR NO. 570: Yes, sir.

13 MR. GIORDANI: Okay. I believe I do have a questionnaire  
14 for you. Correct me if I'm wrong, but it says no to: Do you think  
15 that the criminal justice system is effective? And then: Do you  
16 think the system is fair? And it says you answered no to both. Is  
17 that accurate or --

18 PROSPECTIVE JUROR NO. 570: It's not.

19 MR. GIORDANI: It's not accurate?

20 PROSPECTIVE JUROR NO. 570: No.

21 MR. GIORDANI: Okay. I'm not shocked by that one bit.  
22 There's a portion in this where you -- it's a kind of a open-ended  
23 question.

24 PROSPECTIVE JUROR NO. 570: Okay.

25 MR. GIORDANI: It says: Is there any reason you cannot

1 serve on this jury? And you said yes. And you wrote in:  
2 Conflicting beliefs.

3 PROSPECTIVE JUROR NO. 570: Oh.

4 MR. GIORDANI: What did you mean by that, sir?

5 PROSPECTIVE JUROR NO. 570: No, it was just mainly  
6 because of the -- I believe it's not perfect, the system.

7 MR. GIORDANI: Okay.

8 PROSPECTIVE JUROR NO. 570: That's pretty much it.  
9 But, I mean, like everybody else say, you know, it was made by  
10 humans and we're not perfect.

11 MR. GIORDANI: Right. You know, a lot of times, as we  
12 get our questionnaires and then we go through this process, jurors  
13 think of things for the first time --

14 PROSPECTIVE JUROR NO. 570: Yeah.

15 MR. GIORDANI: -- in their lives sometimes, right? We do  
16 this every day, this is part of our lives, but it's not part of yours.

17 PROSPECTIVE JUROR NO. 570: Exactly.

18 MR. GIORDANI: And when we have conversations with  
19 jurors and we get to somebody's -- it's very common for people to  
20 say, well, after hearing what I heard today and yesterday, I've kind  
21 of changed my opinion. Is that you? Is that what you're conveying  
22 at this point?

23 PROSPECTIVE JUROR NO. 570: No.

24 MR. GIORDANI: Okay. What is it that -- or is there  
25 something about your conflicting beliefs --

1 PROSPECTIVE JUROR NO. 570: Uh-huh.

2 MR. GIORDANI: -- that might cause you to be unfair to us  
3 or unfair to Mr. Matthews and his lawyers?

4 PROSPECTIVE JUROR NO. 570: No.

5 MR. GIORDANI: All right. Gory photographs,  
6 photographs of an autopsy, are you going to be able to look at  
7 those and consider them for what they are?

8 PROSPECTIVE JUROR NO. 570: Yeah.

9 MR. GIORDANI: Do you have any issue whatsoever with  
10 the date lapse between the date of the crime and the date of this  
11 trial we're sitting in?

12 PROSPECTIVE JUROR NO. 570: No.

13 MR. GIORDANI: You understand that evidence must  
14 come from this witness stand and nowhere else?

15 PROSPECTIVE JUROR NO. 570: Yes, sir.

16 MR. GIORDANI: And do you have any problem if anyone  
17 tries to talk to you or you see anything or hear anything about the  
18 case, bringing that to Marshal -- Officer Hawks' attention?

19 PROSPECTIVE JUROR NO. 570: Yeah.

20 MR. GIORDANI: Any problem with that?

21 PROSPECTIVE JUROR NO. 570: Oh, no.

22 MR. GIORDANI: Okay.

23 PROSPECTIVE JUROR NO. 570: No problem.

24 MR. GIORDANI: All right. Thank you, sir. You can pass  
25 the microphone down.

1 And, Mr. Ballinger, 579?  
2 PROSPECTIVE JUROR NO. 579: Yes, sir.  
3 MR. GIORDANI: Good morning, sir.  
4 I believe you were the one that said the criminal justice  
5 system is not perfect because it was made by humans; is that right?  
6 PROSPECTIVE JUROR NO. 579: No, sir.  
7 MR. GIORDANI: Okay. Well, my notes are wrong, then.  
8 Nope, that's a note from -- okay. Never mind.  
9 How do you feel about the system?  
10 PROSPECTIVE JUROR NO. 579: I don't have any problem  
11 with it, to be perfectly honest. I've had practically zero interaction  
12 with it.  
13 MR. GIORDANI: All right.  
14 PROSPECTIVE JUROR NO. 579: I got called to be a  
15 witness one time and when I got there, waiting to be a witness, they  
16 made some kind of a deal and that was the end of it.  
17 MR. GIORDANI: Okay.  
18 PROSPECTIVE JUROR NO. 579: So that's literally the only  
19 interaction I've had with it.  
20 MR. GIORDANI: Were you a witness solely or were you a  
21 victim witness?  
22 PROSPECTIVE JUROR NO. 579: I was -- I don't  
23 understand.  
24 MR. GIORDANI: What was the circumstances? How did  
25 you become a witness?

1 PROSPECTIVE JUROR NO. 579: I was motorcycle riding  
2 with a guy. Mikey had a couple of drinks and he fell down. And  
3 then he went to jail. And then I think they were just wanting me to  
4 tell them yes, we were drinking. But --

5 MR. GIORDANI: I see.

6 PROSPECTIVE JUROR NO. 579: -- I think he made some  
7 kind of a deal with them at the last minute and it didn't go.

8 MR. GIORDANI: Okay. So I'm gathering that you  
9 probably told the truth at the scene that you were --

10 PROSPECTIVE JUROR NO. 579: Absolutely.

11 MR. GIORDANI: -- and then they brought you in.

12 PROSPECTIVE JUROR NO. 579: Absolutely.

13 MR. GIORDANI: Okay. I understand now.

14 So very limited contact with the system. Do you watch  
15 the news, sir?

16 PROSPECTIVE JUROR NO. 579: Yes, sir.

17 MR. GIORDANI: Do you -- are you kind of up on current  
18 events?

19 PROSPECTIVE JUROR NO. 579: Yes.

20 MR. GIORDANI: You understand there's been a whole lot  
21 of distress, I guess, related to the criminal justice system over the  
22 last couple of years?

23 PROSPECTIVE JUROR NO. 579: Yeah, pretty much.

24 MR. GIORDANI: Yeah. I hate to keep repeating myself,  
25 but you understand all we want in this case is fair jurors who don't

1 come into this with some kind of bias.

2 PROSPECTIVE JUROR NO. 579: Yes, understand.

3 MR. GIORDANI: Is that you?

4 PROSPECTIVE JUROR NO. 579: I agree.

5 MR. GIORDANI: Okay. Can you give both sides here a fair  
6 shake?

7 PROSPECTIVE JUROR NO. 579: Absolutely.

8 MR. GIORDANI: And you think you can give  
9 Mr. Matthews a fair trial?

10 PROSPECTIVE JUROR NO. 579: Yes.

11 MR. GIORDANI: Okay. Anything I should ask you that I  
12 haven't, sir?

13 PROSPECTIVE JUROR NO. 579: Not that I can think of.

14 MR. GIORDANI: All right. Any issues with the date lapse?

15 PROSPECTIVE JUROR NO. 579: No.

16 MR. GIORDANI: Can you, I guess, not speculate as to why  
17 that may be? Not let it benefit or hurt Mr. Matthews, not let it  
18 benefit or hurt the State?

19 PROSPECTIVE JUROR NO. 579: No, it doesn't bother me  
20 at all.

21 MR. GIORDANI: Okay. All right. I have no further  
22 questions for this juror at this time, Your Honor.

23 If I may have some time to consult with my co-counsel?

24 THE COURT: Absolutely.

25 MR. GIORDANI: Thank you.

1 [Pause in proceedings; counsel consult.]  
2 MR. GIORDANI: Is there any way we can get the white  
3 noise, Your Honor?  
4 THE COURT: Oh, do you want to approach?  
5 MR. GIORDANI: Just for a moment.  
6 THE COURT: Sure.  
7 [Bench conference transcribed as follows.]  
8 THE COURT: Okay. Lawyers are all present at the bench.  
9 MR. GIORDANI: Thank you. And this is John Giordani.  
10 We are waiting on some information. We've been  
11 running social medias and Scopes on everybody and we're trying  
12 to figure out if a particular Scope is a particular person, because  
13 there's something concerning in it, but we don't want to throw it  
14 out there unless it's actually the right person. So if we can --  
15 THE COURT: Okay.  
16 MR. GIORDANI: -- have a couple of minutes before we  
17 pass the panel for cause?  
18 THE COURT: Yeah, of course.  
19 MR. GIORDANI: I don't know if you want to --  
20 THE COURT: I do prefer that you make a challenge for  
21 cause when you have them. Obviously, this was different, because  
22 you're waiting on information. But just so -- when you guys are  
23 questioning, if you have a challenge for cause, just tell me and  
24 approach the bench --  
25 MR. GIORDANI: Approach, okay.



1 THE COURT: -- and handle it. But which juror is it?  
2 MR. GIORDANI: I don't even know her name.  
3 THE COURT: Okay. That's okay.  
4 MR. GIORDANI: Hughes?  
5 THE COURT: We'll just take a few minutes. We're going  
6 to have to [indiscernible] I was -- I mean, how many  
7 minutes, 2, 5, 10?  
8 MS. BOTELHO: 10 would be great.  
9 THE COURT: Pardon?  
10 MS. BOTELHO: 10 would be great, Your Honor. Agnes  
11 Botelho.  
12 THE COURT: Okay. Because then that puts us when I'm  
13 going to have to --  
14 MR. LEVENTHAL: Yeah, and I have federal court at 11:00  
15 and you have to be in court at 11:00, right?  
16 THE COURT: I didn't want to stop this early.  
17 MR. GIORDANI: Well, is it possible for them to get  
18 started? Let them just keep moving and then we can readdress this  
19 at the bench?  
20 THE COURT: If you don't have any objections?  
21 MR. LEVENTHAL: I don't have an objection to that, Your  
22 Honor.  
23 THE COURT: Okay.  
24 MR. LEVENTHAL: So I can get started.  
25 THE COURT: All right. So you're preserving any

1 challenge for cause. Wait just one --

2 MR. GIORDANI: Yeah, there's actually one more that we  
3 might want to make a challenge for cause for.

4 THE COURT: Okay. Which one is that?

5 MR. GIORDANI: I forget his name.

6 MS. BOTELHO: Seat Number 20, I believe.

7 THE COURT: I'm sorry?

8 MS. BOTELHO: He's in Seat Number 20, I believe.

9 THE COURT: Seat 20?

10 MS. BOTELHO: Uh-huh.

11 THE COURT: Okay. The young kid?

12 MS. BOTELHO: Yes.

13 THE COURT: The young [indiscernible]. Okay.

14 MS. BOTELHO: Yes.

15 MR. GIORDANI: Yeah, there's one more.

16 MS. BOTELHO: There was one more.

17 MR. GIORDANI: Can I grab my sheet real quick?

18 THE COURT: Sure.

19 MS. BOTELHO: Yes.

20 MS. GOETT: Your Honor, when the parties approach, do  
21 you mind if I approach as well?

22 THE COURT: No, that's fine.

23 MS. GOETT: Okay. Thank you.

24 MR. GIORDANI: The other one is Mr. Deering.

25 THE COURT: Deering?

1 MS. BOTELHO: That's right. Yeah.

2 MR. GIORDANI: Seat 13.

3 THE COURT: Okay. So I'm going to pass the panel to the  
4 defense.

5 MR. GIORDANI: Thank you, Judge.

6 [End of bench conference.]

7 THE COURT: All right. At this time, ladies and gentlemen,  
8 I'm going to pass the panel over to Mr. Tanasi and now he'll have  
9 an opportunity to voir dire the jury panel.

10 MR. TANASI: Thank you, Your Honor.

11 Good morning, ladies and gentlemen. Long,  
12 uncomfortable process. I appreciate that fully. And I appreciate  
13 you hanging in there with me. And now we get a chance to ask you  
14 a few questions as well.

15 Yes, sir?

16 THE COURT: Flip the [indiscernible].

17 MR. TANASI: Okay. Let's try that again. Can everybody  
18 hear me okay? I'm assuming everybody heard my introduction, so I  
19 won't go through it again. But I do want to make sure, of course,  
20 the Court hears me as we move forward.

21 So, again, understanding this process being long and  
22 uncomfortable, what I'd like everybody to try to do is sort of  
23 pretend we're sitting together at a dinner table. And I promise you  
24 we won't talk about politics, but let's say maybe we were talking  
25 about politics. You might be a republican, you might be a

1 democrat, you may be an independent, you may not even have an  
2 affiliation, you may actually even hate politics altogether. But,  
3 fundamentally, you would have an opinion, you would a view, you  
4 would have a thought. Right? So that's what we're trying to get to  
5 here. Sort of what everybody in this room is thinking, what their  
6 views are, what their opinions are, and with respect to the  
7 questions that we talk about here.

8 Because, again, at the end of the day we're trying to figure  
9 out who of all of you can be fair and impartial to both sides. Fair?  
10 All right.

11 So by a show of hands, folks in front of me, some people  
12 might think the system is sort of set up in a way where it's too easy  
13 for defendants. Right? We've heard a lot about burden, burden.  
14 And it's the State's burden. Their burden of proof beyond a  
15 reasonable doubt.

16 On the other side, the defense, we have no burden at all.  
17 Other than me chatting with you right now, Mr. Leventhal,  
18 Mr. Matthews, we could all sit here quietly over the next few days  
19 and do nothing. Some people might think, you know what, that's  
20 not really fair. It's not fair how that's set up. It's too heavy of a  
21 burden to place on the State of Nevada.

22 Does anybody, by a show of hands in this group sitting in  
23 front of me, does anybody feel that way? That's it's just unfair, too  
24 hard on the State, and too easy for the defense? Seeing no hands.  
25 Thank you.

1 Other people might also believe that if a person is accused  
2 of a crime, they should get up and they should tell you their side.  
3 They should tell you if they're innocent. Some people have that  
4 thought. Essentially, they have an issue with the Constitution, the  
5 protection that's afforded each and every one of us in this room,  
6 that right to remain silent. Some people truly just believe, though,  
7 if he's innocent, he's got to get up and tell me. Right?

8 Is there anybody in this room who feels that way, that if  
9 Mr. Matthews was innocent, he would just get up and tell you? Or  
10 that he should get up and tell you; does anybody feel that way?  
11 Okay. Seeing no hands.

12 We touched on this a little bit yesterday with the  
13 discussion about lawyers. I'd drill down even more specifically. My  
14 best friend is a police officer from Connecticut. He doesn't like  
15 defense lawyers. And yet we're still friends. Is there anybody in  
16 this room who just doesn't like defense lawyers? Not going to hurt  
17 my feelings, I promise. Anybody? All right. Seeing no hands.  
18 Thank you.

19 We've talked about the different witnesses that you will  
20 hear from over the course of the trial. You're going to hear from  
21 police officers. And in large part, a lot of their job is to observe and  
22 report what they see. Okay. Some people believe that police  
23 officers, because they have the badge and the training, that they're  
24 just kind of better at identifying people, better at observing and  
25 reporting what they see. Better at it because of their training. Is

1 there anybody in this room who feels that way, that police officers  
2 might just be better at identifying somebody than, say, an ordinary  
3 person who's not a police officer? Okay.

4 Marshal Hawks, if we could pass it over here to -- what is  
5 your number, sir?

6 PROSPECTIVE JUROR NO. 550: 550.

7 MR. TANASI: 550, thank you.

8 Go ahead. So you raised your hand? Go ahead.

9 PROSPECTIVE JUROR NO. 550: Well, on all the marginal  
10 calls, they would probably have a better understanding of the law  
11 than an average citizen. So just from that standpoint, their training,  
12 their education process, I would think would make them better at  
13 understanding criminal issues.

14 MR. TANASI: Okay.

15 PROSPECTIVE JUROR NO. 550: If that's your question.

16 MR. TANASI: Sort of. And I appreciate you giving us that  
17 information. What I was really focusing on, though, is the concept  
18 of identification. Right? A police officer, do you think simply  
19 because he or she is a police officer is going to be better at  
20 identifying a person based on their training than, say, somebody  
21 who's not?

22 PROSPECTIVE JUROR NO. 550: Yeah, I have no opinion, I  
23 guess.

24 MR. TANASI: No opinion. Okay. So let's kind of unpack a  
25 little bit what you mentioned with respect to police officers

1 understanding the law better. What do you mean by that?

2 PROSPECTIVE JUROR NO. 550: Well, they're trained. I  
3 mean, there's extensive training. There's a lot of things they know  
4 that I don't know. So in a trial like this, they might clearly have a  
5 better understanding as to what the average, you know, person or  
6 witness might think is troublesome or not troublesome.

7 MR. TANASI: So --

8 PROSPECTIVE JUROR NO. 550: From a legal standpoint.

9 MR. TANASI: Understood. So do you view yourself, then,  
10 as somebody who might be giving sort of more weight to the  
11 testimony of a police officer in this case than the testimony of  
12 somebody who's not a police officer? Because you're going to hear  
13 from both.

14 PROSPECTIVE JUROR NO. 550: I'd have to hear the  
15 testimony to render an opinion on that.

16 MR. TANASI: Okay. So as you sit here today, you'll  
17 consider each witness at they come into this courtroom as one and  
18 the same?

19 PROSPECTIVE JUROR NO. 550: I can do that, yes.

20 MR. TANASI: Okay. You say you can do that, and that's --  
21 again, I don't mean to drill down on you; will you do that?

22 PROSPECTIVE JUROR NO. 550: Yeah, I believe I will.

23 MR. TANASI: Again, annoying lawyer stuff, right? We're  
24 all about words. So you believe you can, is that something you  
25 firmly will do?

1 PROSPECTIVE JUROR NO. 550: Yes. But, you know, I  
2 think I have a built-in bias towards law enforcement. I think I do,  
3 you know, on subjective opinion matters. So that's my honest  
4 opinion.

5 MR. TANASI: Okay. So -- because I'm hearing sort of two  
6 different things. On the other hand, I heard, you know, you --

7 PROSPECTIVE JUROR NO. 550: No, I'm sorry I raised my  
8 hand at this point.

9 MR. TANASI: I'm sorry to make you feel that way.

10 PROSPECTIVE JUROR NO. 550: I just don't know.

11 THE COURT: Okay. Well, then, let me just ask you a  
12 couple of questions. Because when someone says they have a bias  
13 toward -- you have to leave your mask on -- a bias towards law  
14 enforcement, that concerns me.

15 Do you have a bias towards law enforcement such that it  
16 would interfere with your ability to be fair and impartial --

17 PROSPECTIVE JUROR NO. 550: No. Not at all.

18 THE COURT: -- in this matter?

19 PROSPECTIVE JUROR NO. 550: Not at all.

20 THE COURT: Okay. So what do you mean I have a bias  
21 towards law enforcement?

22 PROSPECTIVE JUROR NO. 550: Well, the fact that they're  
23 law enforcement, I believe, tends to make them credible, tends to  
24 make them over someone who I don't know. Okay?

25 THE COURT: Okay. But you don't know any of the



1 officers that'll be called to testify in this matter, correct?

2 PROSPECTIVE JUROR NO. 550: No. It has to be done on  
3 a situation-by-situation basis.

4 THE COURT: Okay. So if a witness comes in and they're a  
5 police officer, will you be able to judge that witness's testimony --

6 PROSPECTIVE JUROR NO. 550: Yes.

7 THE COURT: -- the same way you would judge any other  
8 witness's testimony?

9 PROSPECTIVE JUROR NO. 550: Yes.

10 THE COURT: Okay. Anything about this bias that would  
11 interfere with your ability --

12 PROSPECTIVE JUROR NO. 550: No.

13 THE COURT: -- to be fair and impartial to the State of  
14 Nevada?

15 PROSPECTIVE JUROR NO. 550: No.

16 THE COURT: To the defendant?

17 PROSPECTIVE JUROR NO. 550: No.

18 THE COURT: Okay. Thank you.

19 MR. TANASI: Thank you, Your Honor.

20 Thank you, sir.

21 Was there anyone else who had raised their hand? I'm  
22 sorry if I forgot with respect to this identification question.  
23 Specifically, whether they'd give more weight to a police officer's  
24 identification versus a lay witness. No? All right.

25 All right. So I want to take a second and just chat about

1 race. Talked about it already. And I want to chat on it for a  
2 moment, as well. And I'll get right to it. Is there anyone in this  
3 room who feels as though they cannot be fair to Mr. Matthews  
4 because of the color of his skin? Is there anybody who feels that  
5 way? Seeing no hands.

6 I do want to chat with some folks about their jury  
7 questionnaires on this topic. Particularly, if we could pass the  
8 microphone to Juror -- Badge Number 396, Seat 11.

9 Hello, ma'am.

10 PROSPECTIVE JUROR NO. 396: Good morning.

11 MR. TANASI: Sorry to put you on the spot.

12 PROSPECTIVE JUROR NO. 396: It's all right.

13 MR. TANASI: Especially with a question like this.

14 PROSPECTIVE JUROR NO. 396: Uh-huh.

15 MR. TANASI: That being said, though, you filled out a  
16 jury questionnaire, fair?

17 PROSPECTIVE JUROR NO. 396: Uh-huh.

18 MR. TANASI: Okay. And there was a particular question,  
19 Number 14, and it asks: Have you ever had prejudice thoughts  
20 about another person based on their racial background even if  
21 those thoughts made you feel uncomfortable or uneasy? And the  
22 printout I have says yes.

23 PROSPECTIVE JUROR NO. 396: I honestly feel like I  
24 marked that incorrectly.

25 MR. TANASI: Fair enough. And I hope you can

1 understand why I have to ask the question.

2 PROSPECTIVE JUROR NO. 396: Of course. Yeah.

3 MR. TANASI: Okay. So I think you just answered it.  
4 You've answered that incorrect.

5 PROSPECTIVE JUROR NO. 396: I think I did, yeah.

6 MR. TANASI: All right. No prejudice thoughts about  
7 another person?

8 PROSPECTIVE JUROR NO. 396: No.

9 MR. TANASI: Okay. Thank you.

10 If we could also pass the microphone to Badge  
11 Number 422. Juror 422 seated here at 16. Thank you.

12 Hi, ma'am.

13 PROSPECTIVE JUROR NO. 422: Hi.

14 MR. TANASI: Sorry to put you on the spot, but it's the  
15 same question. The juror questionnaire, you were asked,  
16 Number 14: Have you ever had prejudice thoughts about another  
17 person based on their racial background, even if those thoughts  
18 have made you feel uncomfortable or uneasy? And the printout I  
19 have says yes.

20 PROSPECTIVE JUROR NO. 422: I think that was a  
21 misquote.

22 MR. TANASI: Misquote? Okay. So no racial thoughts  
23 about another person that we need to worry about if you were  
24 selected to be on the jury here today?

25 PROSPECTIVE JUROR NO. 422: No.

1 MR. TANASI: Okay. Thank you.

2 Another question for the group: Mr. Giordani talked about  
3 it. Young lady died in this case. And there's pictures. And it's  
4 going to be emotional, there's no doubt about that. This whole trial  
5 will be emotional. There's no doubt about that. Is there anybody in  
6 this room who feels as though the emotions of this case might  
7 cloud their judgment, might cloud their ability to be fair and  
8 impartial, might cloud their ability or might cause them to just say,  
9 you know what, someone has to be responsible for this, let's make  
10 this man responsible for it? Is there anybody in this room who  
11 thinks that their emotions might be sort of too much? Seeing no  
12 hands raised.

13 So also by a show of hands, each of you at the end of this  
14 case will have an opinion, a view, a thought in deliberations,  
15 whatever that thought may be. And so my question is: Is there  
16 anybody in this room who thinks that they won't be able to voice  
17 their opinion? Won't be able to voice their thought on the case?  
18 Won't be able to voice their view on the evidence when they  
19 deliberate? Seeing no hands, thank you.

20 THE COURT: Okay. At this time, Mr. Tanasi, I'm just  
21 going to have to stop you. We have to --

22 MR. TANASI: Okay.

23 THE COURT: -- stop so I can handle those other hearings.

24 MR. TANASI: Understood.

25 THE COURT: So I apologize.

1 But at this time, ladies and gentlemen, we are going to  
2 take a recess. During this recess you're admonished not to discuss  
3 or communicate with anyone, including your fellow jurors, in any  
4 way regarding the case or its merits either by voice, phone, e-mail,  
5 text, Internet, or other means of communication or social media, or  
6 read, watch, or listen to any news or media accounts or  
7 commentary about the case, or do any research, such as consulting  
8 dictionaries, using the Internet, or using reference materials or  
9 make any investigation, test a theory of the case, recreate any  
10 aspect of the case, or in any other way investigate or learn about  
11 the case on your own or form or express any opinion regarding the  
12 case until it's finally submitted to you.

13 I have some other matters that I have to handle, so we're  
14 going to be in recess till 12:30. And so -- and I apologize, we're just  
15 going to basically take our lunch break now. And when you come  
16 back, Officer Hawks will greet you and he'll bring you in when we're  
17 ready to begin. Thank you very much.

18 And we're in recess till 12:30.

19 [Court recessed at 10:51 a.m., until 12:41 p.m.]

20 [Outside the presence of the prospective jury panel.]

21 THE COURT: Before I bring the panel back in, is the State  
22 ready to make their challenges?

23 MS. BOTELHO: Yes. Just one moment, please.

24 THE COURT: You bet.

25 [Pause in proceedings.]

1 THE COURT: Is the State ready to make their objections?  
2 I can --

3 MS. BOTELHO: We are, Your Honor.

4 THE COURT: Okay. Perfect. I just wanted to make sure.

5 MS. BOTELHO: Yes, Your Honor. Okay.

6 Your Honor, we would --

7 THE COURT: For cause challenges.

8 MS. BOTELHO: -- first start with Juror Number 0399,  
9 which is Stephen Deering.

10 THE COURT: Okay. What seat is he in?

11 THE CLERK: 15.

12 THE COURT: Thank you, little smarty pants over there.

13 MS. BOTELHO: Thank you.

14 THE COURT: Okay. Stephen Deering.

15 MS. BOTELHO: Yes, Your Honor. When Mr. Deering was  
16 questioned about whether or not the criminal justice system was  
17 effective, he did indicate that he didn't think it was effective and it  
18 wasn't fair. He did say that he thinks law enforcement arrest more  
19 people of color than they do other individuals. The quote is:

20 My worry is that I will look for things that aren't there. I  
21 may be overly critical of law enforcement.

22 And I further questioned him or I think Mr. Giordani may  
23 have questioned him about him looking for things that aren't there.  
24 We really went down that road. And at this point, based on the fact  
25 that he did indicate he would be looking for things that may or may

1 not be there, things meaning systemic racism or some kind of racist  
2 behavior by the police against people of color and that he would be  
3 overly critical of law enforcement. We believe she should be --  
4 we're challenging him for cause.

5 MR. TANASI: Judge, I would just ask for an opportunity  
6 to talk to him myself about these issues. I mean, I don't think that  
7 someone who has come from -- I think he described it, a history of  
8 maybe privilege or not having issues with police, but then seeing  
9 how the issues in society with police have come about, causing him  
10 some concern, causing him some issues, I don't think that  
11 automatically makes him unable to be fair and impartial. He might  
12 have a --

13 THE COURT: Want me to tell you what I'm worried about?

14 MR. TANASI: Sure.

15 THE COURT: Because I have an asterisk by his name and  
16 in my notes. Worried about looking for things that are not there,  
17 being -- I mean, that causes me great concern.

18 MR. TANASI: Sure.

19 THE COURT: You know, like what? So that's a big  
20 problem, because you can't speculate, you can't look for things that  
21 are not there that the evidence doesn't show. But if you want an  
22 opportunity to take him on voir dire, I'll bring him in and you can  
23 take him on voir dire and then I can rule on the challenge.

24 MR. TANASI: Okay. Please, Your Honor.

25 THE COURT: Okay. Any other challenges for cause?

1 MS. BOTELHO: Okay. We do have several, Your Honor.  
2 We would also challenge Juror Number 0344, which is  
3 Christina Hughes. She is in Seat Number 3.

4 THE COURT: Okay.

5 MS. BOTELHO: Your Honor, upon when Ms. Hughes was  
6 questioned by Your Honor, as well as Mr. Giordani concerning  
7 whether she had ever been accused, convicted, or -- what was it --

8 THE COURT: If she'd ever been accused -- if you or  
9 anyone close to you --

10 MS. BOTELHO: Yes. Yes, had been accused of a crime --

11 THE COURT: Uh-huh.

12 MS. BOTELHO: -- convicted of a committing a crime, she  
13 never answered -- or she indicated no or never indicated that she  
14 may have suffered a criminal conviction.

15 THE COURT: Right.

16 MS. BOTELHO: This morning I did run Scope on all of our  
17 potential jurors, everyone on our list. I began that this morning, as  
18 Mr. Giordani got up to question the jurors the second time -- or for  
19 the first time this morning.

20 I did find with Christina Hughes, as well as two other  
21 individuals, felony convictions that have not been disclosed.

22 THE COURT: Ms. Hughes has a felony --

23 MS. BOTELHO: I'm sorry.

24 THE COURT: -- conviction?

25 MS. BOTELHO: Not a felony, but misdemeanor, battery,



1 domestic violence conviction.

2 THE COURT: Okay. Misdemeanor battery.

3 MS. BOTELHO: I do apologize.

4 THE COURT: Was she prosecuted by your office?

5 MS. BOTELHO: It was the Henderson Police Department.

6 And I believe it was in municipal court, given the case number.

7 THE COURT: Okay.

8 MS. BOTELHO: And I apologize, Your Honor, let me pull  
9 this up. So it was from 2015.

10 THE COURT: Okay.

11 MS. BOTELHO: We also have an individual by the name  
12 of -- oh, it was Becenti Clayval.

13 THE COURT: Is that all as to Ms. Hughes?

14 MS. BOTELHO: Yes, Your Honor.

15 THE COURT: Okay. That she failed to disclose a battery  
16 DV conviction?

17 MS. BOTELHO: Yes, Your Honor.

18 THE COURT: Okay.

19 MS. BOTELHO: Juror Number 456, which -- who is in Seat  
20 Number 19 --

21 MR. LEVENTHAL: Judge, could I -- excuse me. I'm sorry.  
22 Are we don't with Christina Hughes?

23 THE COURT: No. I'm -- obviously, I'm going to hear from  
24 the defense.

25 MR. LEVENTHAL: No, no. I mean, have we moved on to

1 another juror?

2 MS. BOTELHO: Yes.

3 MR. LEVENTHAL: I don't know if you're done -- are we --  
4 that was it, the muni court and then -- okay.

5 MS. BOTELHO: Yes.

6 THE COURT: Right. Now they're challenging --

7 MR. LEVENTHAL: I'm just taking notes.

8 THE COURT: -- another juror. But, obviously --

9 MR. LEVENTHAL: Understood. No, I understand.

10 MS. BOTELHO: It's the same topic. He's in Seat  
11 Number 19, Clayval --

12 MR. LEVENTHAL: 456?

13 MS. BOTELHO: Yes. Clayval Becenti.

14 THE COURT: Uh-huh.

15 MS. BOTELHO: During the break I asked your court  
16 recorder to play back my questioning of Mr. Becenti just to make  
17 sure I heard it properly. Mr. Becenti did not disclose a DUI arrest.  
18 And I apologize, Your Honor, this just logged me out. He did  
19 indicate that his friend had been arrested of a DUI, but he didn't  
20 know much about it. But, actually, we show an arrest from April  
21 of 2020 for a DUI --

22 THE COURT: So, like, last year?

23 MS. BOTELHO: Yes. Driver failure to obey traffic control  
24 devices as well. And so we are challenging him for the same  
25 reason as Ms. Hughes, for a failure to disclose --

1 THE COURT: Let me -- as to Becenti --

2 MS. BOTELHO: Yes.

3 THE COURT: -- is that current? Has he been convicted? Is  
4 it still outstanding?

5 MS. BOTELHO: I can look up the case number, Your  
6 Honor. It looks like it was prosecuted by our office.

7 THE COURT: Okay.

8 MS. BOTELHO: And so --

9 THE COURT: It would have been in justice court?

10 MS. BOTELHO: Yes, Your Honor. And --

11 THE COURT: Let me just look it up real quick, so I can --

12 MS. BOTELHO: I have it. He was ordered to stay out of  
13 trouble. It looks like his requirements were completed on  
14 August 25th of 2021. And it was closed at that time. Let me see  
15 what his plea was actually to. It looks like on May 19th, he pled  
16 guilty to a DUI, first offense, and was ordered to stay out of trouble  
17 and completely requirements.

18 THE COURT: So he has a conviction?

19 MS. BOTELHO: He does.

20 THE COURT: And he was prosecuted by your office?

21 MS. BOTELHO: Yes. And so for the same reason as  
22 Ms. Hughes, it's a failure to disclose or answer that particular  
23 question.

24 Along the same lines, we have another individual, his  
25 name is Eric Sanchez. He is Juror Number 570, and he is in Seat

1 Number 31. Mr. Sanchez, upon review of Scope, also shows a DUI  
2 arrest from February 14th of 2015. It looks like it was disposed of or  
3 the case was disposed of on June 25th of 2015. It was pled down to  
4 a reckless driving. That was -- I can say, based on the case number,  
5 prosecuted in justice court by my office. And so for the same  
6 reasons as the last two, we are asking to strike him for cause for  
7 failing to disclose that to the Court and to the parties.

8 THE COURT: Okay.

9 MS. BOTELHO: We did, for the record, when we  
10 approached the bench, we reserved the right to state these  
11 for-cause challenges on the record.

12 THE COURT: Sure.

13 MS. BOTELHO: I was in the middle of running Scope on  
14 the panel, Your Honor. I didn't finish until the break --

15 THE COURT: Okay.

16 MS. BOTELHO: -- in my office. And that's when I learned  
17 of Mr. Sanchez as well as Mr. Becenti's convictions. And so that's  
18 why we didn't raise that up at the bench, when we initially talked  
19 about this.

20 And so at the end of those three, we still have one more.  
21 It is going to be Diego Lopez. He is in Seat Number 586 -- or, I'm  
22 sorry, he's Juror Number 586 and he is in Seat Number 20. This  
23 was the young man who indicated that he didn't think the criminal  
24 justice system was effective because his brother keeps getting  
25 arrested --

1 THE COURT: Yeah.

2 MS. BOTELHO: -- but charges never stick. He has  
3 negative thoughts about law enforcement because of systemic  
4 racism, and he believes people of color are charged with crimes  
5 more often. He indicated, during at least my exchange with him,  
6 that he watches the news and that's how he formed his opinion, but  
7 that the news -- he doesn't even receive firsthand, he gets it from  
8 his mom and his brother.

9 And then along the same kind of conversation, he really  
10 doubled down on this, how his brother never gets punished or how  
11 the charges never stick with his brother, although he would have no  
12 reason to know, you know, the disposition of the cases and he  
13 wasn't present during the time that the brother incurred these  
14 cases. He believes that the brother should be prosecuted and  
15 should have been found guilty, I guess.

16 And so for those reasons, we are asking to strike him for  
17 cause, as well.

18 THE COURT: Okay. So is that it?

19 MS. BOTELHO: Yes.

20 THE COURT: Okay. All right. So let's go back to Christina  
21 Hughes, and she's in Seat 3, correct?

22 MS. BOTELHO: Yes.

23 THE COURT: Seat 3? Does the defense have any  
24 objection to this challenge for cause?

25 MR. LEVENTHAL: Yes, Your Honor.

1 THE COURT: Okay. Go ahead.

2 MR. LEVENTHAL: Christina Hughes, our concern with  
3 Christina Hughes in the challenge is thus: One, she's an  
4 African-American female. She said nothing that would suggest that  
5 she has any bias between both sides. She was very clear that she  
6 has no reason, and I quote: "No reason not to be fair to both sides"  
7 when asked. She was actually -- Mr. Giordani actually focused on  
8 her a little bit longer than the other two people before her --

9 MR. GIORDANI: Objection. That's inaccurate.

10 MR. LEVENTHAL: Okay. Well, it speaks for itself.

11 MR. GIORDANI: The record will speak for itself on that.

12 THE COURT: Yeah.

13 MR. LEVENTHAL: I just said that.

14 THE COURT: I did not notice him spending an inordinate  
15 amount of time, but the record will speak for itself.

16 MR. LEVENTHAL: Okay. And she said no reason not to be  
17 fair, she could be fair to all parties and didn't say anything else.

18 In terms of this misdemeanor battery DV out of 2015, you  
19 know, how many people did we talk to today that said, when  
20 Mr. Tanasi was asking them, it says here your race, that was a  
21 mistake. Okay. So people make mistakes.

22 THE COURT: Yeah. No question.

23 MR. LEVENTHAL: No question.

24 THE COURT: They do on those questionnaires.

25 MR. LEVENTHAL: I'm sorry?

1 THE COURT: They do -- I agree, they do all the time on  
2 those questionnaires.

3 MR. LEVENTHAL: Right. And so, you know, this might be  
4 something where maybe she -- my clients don't always know  
5 whether, you know, they were convicted or it was reduced or -- they  
6 don't always know. So I don't think that it's a misdemeanor in and  
7 of itself is cause to -- I think we can bring her back in without the  
8 other jurors here and ask her about that and see what she says  
9 about that. If she continues to lie, then we're going to have a  
10 different conversation about that. But to raise your hand on a  
11 misdemeanor, maybe some people think it's felonies, I don't know.

12 That argument would go with pretty much the other  
13 argument -- so that's my argument on Ms. Hughes.

14 THE COURT: Okay.

15 MR. LEVENTHAL: Yeah, again, African-American, female,  
16 and has indicated she's got the time, she's got high school, she's  
17 been in Clark County 10 years, she's a single mother. She's  
18 unemployed, she had no reason not to say that she would be a fair  
19 and impartial juror with all of the questions that were posed to her.  
20 So we would object to her being released for cause.

21 As far as -- does the Court want me to move on?

22 THE COURT: Yeah, go ahead.

23 MR. LEVENTHAL: Okay.

24 THE COURT: You can go to Mr. Becenti.

25 MR. LEVENTHAL: Well, Mr. Becenti, or Stephen Deering

1 was actually the first one, I think, they --

2 THE COURT: Well, I already --

3 MR. LEVENTHAL: Oh, you're going to do that?

4 THE COURT: Yeah.

5 MR. LEVENTHAL: Ok.

6 THE COURT: He already that one.

7 MR. TANASI: So, Your Honor, I think, as Mr. Leventhal  
8 had indicated, the same arguments would apply to Becenti and to  
9 Mr. Sanchez, as well, with respect to the --

10 THE COURT: Well, this one, I mean, this was just last  
11 year. I don't know how you forget you had a DUI from last year.  
12 But --

13 MR. TANASI: Completely understand. And I would just  
14 join in Mr. Leventhal's argument in that. I also have plenty of  
15 clients who, no matter how thorough we go over the current status  
16 of their criminal history or the current status of what's going to  
17 happen in court, they still come away with a different  
18 understanding. So I think it would be worthwhile to at least drill  
19 down a little bit more on just confront them with these facts and  
20 see what their response is.

21 THE COURT: Okay. And the one that concerns me, at  
22 least the one before was not prosecuted by this DA's office, but  
23 Mr. Becenti was prosecuted by the Clark County DA's office.

24 MR. TANASI: Understood.

25 MR. LEVENTHAL: Also, Mr. Becenti qualifies his ethnicity



1 as Native American, the only one on the panel.

2 THE COURT: Okay.

3 MR. TANASI: And, Your Honor, and with respect to 586,  
4 Diego Lopez, I had a note that in spite of some of the issues that the  
5 State raise, he did say the evidence would speak for itself, which to  
6 me means he will weigh the evidence impartially and fairly,  
7 because it will speak for itself. I think -- I don't think there's a cause  
8 concern there, as well.

9 THE COURT: Okay.

10 MS. BOTELHO: Your Honor, concerning the three that we  
11 are challenging due to the failure to disclose, all three of these  
12 potential jurors are similarly situated in that when you first speak to  
13 them, nothing really jumps out at you. With Ms. Hughes, she gave  
14 the right answers. Okay. Yes, I can be fair to both sides.

15 Mr. Sanchez in Seat Number 31 did the same thing. He  
16 said the criminal justice system is not perfect because it was made  
17 my humans. All positive experiences with law enforcement. You  
18 know, he can look at the autopsy photos, no issue with the 15-year  
19 time lapse, so no red flag with him either.

20 And then you go to -- who was it next -- Clayval Becenti,  
21 same thing, in Seat Number 19, you know, he was actually a prior  
22 victim of a crime. He thinks he can be fair, he had served on a civil  
23 juror -- jury twice. He's been in Clark County for three years.  
24 Nothing sticks out with him either. Nothing that would, you know,  
25 be marked as a red flag for any of us.

1 But for what they have in common are these -- they failed  
2 to disclose. And Your Honor asked the questions very clearly. Each  
3 individual juror had the opportunity, after you questioned the jurors  
4 before them, to understand more about what you were asking. And  
5 not to mention the fact that when Mr. Giordani got up and asked  
6 the questions of Jurors 1 through 10, there were conversations  
7 about the -- were you accused of a crime? Had you been the victim  
8 of a crime?

9 When I got up and asked the questions of Jurors  
10 Number 11 through 20, I definitely clarified that, because I  
11 indicated, well, there's some discrepancy in the questionnaires.  
12 Let's try to flush that out. Specifically, had a conversation with  
13 Mr. Deering, I believe it was Mr. Deering who indicated that he had  
14 been the victim of a crime, an armed robbery where his --

15 THE COURT: I know.

16 MS. BOTELHO: -- Halloween candy was stolen, but he  
17 didn't mention it because it didn't seem as serious. And after I had  
18 that conversation --

19 THE COURT: And he was 10 years old.

20 MS. BOTELHO: Yes. And after I had that conversation  
21 with him, I specifically said, look, it -- when we ask, you need to tell  
22 us all of it and we decide what's going to be -- you know, what  
23 we're going to do with that information and whether it's relevant  
24 and whether it's going to have any bearing on their ability to sit as a  
25 juror.

1 Now, Mr. Deering was in the beginning, I believe he might  
2 have been an 11 or 12, Seat Number 11 and -- no --

3 THE COURT: He's Seat --

4 MS. BOTELHO: -- Mr. Deering was 13 --

5 THE COURT: Yeah, he's 13.

6 MS. BOTELHO: -- and so six jurors later, when you get to  
7 Mr. Becenti, we -- he clarified. He indicated, when I asked him why  
8 does your questionnaire say that you had been -- you had not been  
9 the victim of a crime and, really, you were? And he indicated, oh,  
10 there's actually a mistake on the questionnaire. It should be yes to  
11 victims of a crime -- to having been the victim of a crime, as well as  
12 knowing someone who had been accused of a crime, which was his  
13 friend, who had a DUI that he didn't even know much about.

14 At that point in time, we definitely had a conversation  
15 about being accused of a crime, what type of crimes. He disclosed  
16 a DUI conviction that he knows nothing about or a DUI arrest for a  
17 friend. But at that point, the argument being made by the defense  
18 is he wouldn't know enough to disclose about a misdemeanor DUI  
19 that he suffered last year? That was --

20 MR. LEVENTHAL: Was that Deering?

21 MS. BOTELHO: -- just adjudicated -- that was just closed  
22 out two months ago? I mean, that just -- and concerning Christina  
23 Hughes, she's in Seat Number 3. We've gone through 32-plus  
24 jurors at this point and we've gone through the questionings, ad  
25 nauseam, that every opportunity to disclose this. And I would

1 question their motivation for not doing so.

2 I think there's just an inherent dishonesty to it. We're  
3 entitled to know this information. And we ran everybody and these  
4 are the three that we've found to have that issue.

5 THE COURT: Well, let me ask you this, because since  
6 there's an objection, do you want me to bring these jurors in? I  
7 mean, I because I really -- I've never really had this. Jurors tell me,  
8 yeah, I had a DUI, yeah, I had a marijuana charge. I mean, and we  
9 just -- we talk about it and get it resolved. So I am kind of surprised  
10 I have this many jurors that have some kind of conviction and didn't  
11 disclose it.

12 MR. LEVENTHAL: Well, there's a first for everything.

13 THE COURT: That's right.

14 MR. LEVENTHAL: You had a non-U.S. citizen actually  
15 sitting here --

16 THE COURT: I know.

17 MR. LEVENTHAL: -- first time in 20 years. So there  
18 should be no surprises in this trial.

19 As far as Stephen Deering is concerned, I mean, we're  
20 talking about a victim of a crime when he was 10 years old. Let's  
21 just put that in perspective. How many 10-year-olds can actually  
22 report their own crimes? He said he went to his father. His father  
23 then went to where they were at. They found out it was his BB gun,  
24 and then the dad decided not to report it.

25 So, I mean, to put that on him, come on. We're talking

1 about a Halloween candy and he was 10. So I'm not sure you  
2 have --

3 THE COURT: I'm not really that concerned over that.

4 MR. LEVENTHAL: Okay.

5 THE COURT: My most -- my concern in my notes was him  
6 indicating he was going to be looking for something. Which means  
7 you have a bias against law enforcement.

8 MR. LEVENTHAL: Well, we'll bring him in and we'll talk  
9 about that.

10 THE COURT: And I indicated that.

11 MR. LEVENTHAL: That theme's not true or looking for  
12 something.

13 I think that, you know, as far as Christina, Becenti,  
14 Mr. Sanchez goes, you know, we can bring them in and talk to them  
15 about their priors. And I don't see that that's a -- you know, again,  
16 they're not felonies, they're all misdemeanors. Apparently, they all  
17 completed their classes and they were all released from their  
18 requirements. So we are still going to object to all three, especially  
19 based upon the fact that Ms. Hughes is an African-American female,  
20 Mr. Becenti is a Native American, and Mr. Sanchez is Hispanic.

21 THE COURT: Okay. So we can start with Mr. Deering. So  
22 I know, Mr. Tanasi, you said you wanted to take him on voir dire.  
23 So when he comes in, I'll allow you to question him and we'll just  
24 do it outside the presence of the other jurors.

25 MR. TANASI: Thank you, Judge.

1 THE COURT: So he's Seat 13, it's Stephen Deering.

2 MR. LEVENTHAL: Your Honor, I -- there's also maybe one  
3 more. The gentleman that was here earlier that tried to speak to  
4 Mr. Giordani --

5 THE COURT: Yeah, Thomas Willer.

6 MR. LEVENTHAL: Yeah, so as I was sitting here -- and I  
7 would like to question him -- as I was sitting here, Mr. Tanasi asked  
8 him a question. I don't want to do it in front of everybody, because  
9 I think -- the question was, was, you know, basically, there's the  
10 racist questions that he was asking about the color of your skin and  
11 would anybody have a problem with that, raise your hand. And he  
12 actually raised his hand halfway. I don't know if the Court -- I was  
13 watching him, he raised his hand halfway, put it down, and it was  
14 after the point where he said that I wish I hadn't raised my hand to  
15 Mr. Tanasi.

16 So I'd like to ask him, without the jury here, because I  
17 think that he was raising his hand that he could not be fair.

18 MR. GIORDANI: Did the Court see that? Because I sure  
19 didn't see it.

20 THE COURT: I didn't, but I actually heard about from my  
21 law clerk. So.

22 MR. LEVENTHAL: I was watching him right there.

23 MR. GIORDANI: Oh, so your law clerk saw him?

24 THE COURT: So I know that --

25 THE CLERK: Yeah.

1 THE COURT: I didn't see it personally. So --  
2 MR. LEVENTHAL: He went -- he went, like, to raise it and  
3 put it down.  
4 THE COURT: I mean, I'm happy to bring him in and you  
5 can question him further.  
6 MR. LEVENTHAL: Thank you.  
7 THE COURT: So -- because I'm assuming the State would  
8 have an objection to dismissing him.  
9 MR. GIORDANI: Well --  
10 THE COURT: Well, I'm just asking. I mean, we can bring  
11 him in and question him further.  
12 MR. GIORDANI: Oh, sure. We have no opposition to that.  
13 THE COURT: But sometimes if both sides stipulate to let a  
14 juror go, I'll let him go.  
15 MR. GIORDANI: No. Just like the rest, sure, if there's  
16 follow-up that needs to be done, great.  
17 THE COURT: Perfect.  
18 MR. GIORDANI: Let Mr. Leventhal do that.  
19 THE COURT: Okay. Mr. Deering first.  
20 [Prospective Juror Number 399 entered courtroom at 1:09 p.m.]  
21 THE COURT: Okay. Good afternoon. The record reflect  
22 that Mr. Stephen Deering is present in the courtroom. This hearing  
23 is taking place outside the presence of the other jurors.  
24 Thank you very much for coming in here. We just have a  
25 few more questions for you.

1 PROSPECTIVE JUROR NO. 399: Sure.

2 THE COURT: So I'm going to allow Mr. Tanasi to start.

3 MR. TANASI: Thank you, Judge.

4 How are you, sir?

5 PROSPECTIVE JUROR NO. 399: Well.

6 MR. TANASI: Good. So the parties just kind of have a

7 concern over one statement that you made, and I wanted to really

8 drill down on it and make sure we understand it further.

9 Do you remember saying something to the effect

10 yesterday that you would maybe be looking for things that are not

11 there when it comes to law enforcement testimony?

12 PROSPECTIVE JUROR NO. 399: Yeah, I tried to phrase it

13 as more of a fear to express that, it's like -- as much as we all try to

14 be impartial, we know that we all have that risk. And I would just

15 hate to be here and be -- knowing the responsibilities and what's at

16 stake here, to, like, as much as I can shelve all of my feelings and

17 things that I explained yesterday about the bigger picture of things

18 in the world and my feelings toward police and how that's changed

19 over time and such --

20 THE COURT: Okay. Just a minute.

21 THE COURT RECORDER: I'm fine. I'm --

22 THE COURT: You're -- okay. I just wanted to make sure.

23 PROSPECTIVE JUROR NO. 399: I'm sorry?

24 THE COURT: I'm sorry, you can --

25 PROSPECTIVE JUROR NO. 399: Okay.



1 THE COURT: I just wanted to make sure the recorder  
2 didn't want a microphone.

3 PROSPECTIVE JUROR NO. 399: I think I lost my track --  
4 train of thought.

5 MR. TANASI: No problem.

6 PROSPECTIVE JUROR NO. 399: Just that I have that  
7 worry, that, like, even though I feel like I could do a good job and be  
8 very -- like a blank slate, that I don't know if that could come later  
9 and color it somehow and I just have this -- like, I thought of -- I did  
10 a lot of thinking last night about what's at stake and it's just -- I have  
11 a lot of worry that, like -- like, fears and all, this is all new to me.

12 MR. TANASI: Sure.

13 PROSPECTIVE JUROR NO. 399: I worry that, like, I might  
14 be picked and then what if I'm not the right fit? And, I don't know,  
15 it's just -- putting my trust in all of you in the process. So it's kind  
16 of stressful. So.

17 MR. TANASI: Understood. And I can fully appreciate the  
18 stress and I appreciate your honesty.

19 PROSPECTIVE JUROR NO. 399: I don't know if that  
20 answered your question.

21 MR. TANASI: It absolutely does. I have just a couple of  
22 follow-ups, though.

23 PROSPECTIVE JUROR NO. 399: Sure.

24 MR. TANASI: I know that you would come in and maybe  
25 have that fear, right? But Her Honor's going to instruct you to

1 follow only the rules --

2 PROSPECTIVE JUROR NO. 399: Right.

3 MR. TANASI: -- and only the law --

4 PROSPECTIVE JUROR NO. 399: Right.

5 MR. TANASI: -- that she gives you.

6 PROSPECTIVE JUROR NO. 399: Right.

7 MR. TANASI: Is that something you'd be able to do?

8 PROSPECTIVE JUROR NO. 399: Yes.

9 MR. TANASI: Okay.

10 PROSPECTIVE JUROR NO. 399: Yes.

11 MR. TANASI: And one of those instructions will be to only

12 consider the evidence as it comes into this courtroom.

13 PROSPECTIVE JUROR NO. 399: Correct.

14 MR. TANASI: Is that something you think you'd be able to

15 do?

16 PROSPECTIVE JUROR NO. 399: Yes.

17 MR. TANASI: And is one of those considerations in your

18 mind the believability and the credibility of witnesses?

19 PROSPECTIVE JUROR NO. 399: Can you repeat it once

20 more?

21 MR. TANASI: Sure. Will you be able to evaluate the

22 believability or the credibility of witnesses?

23 PROSPECTIVE JUROR NO. 399: Oh, absolutely, yes.

24 MR. TANASI: Okay.

25 PROSPECTIVE JUROR NO. 399: Every one.

1 MR. TANASI: Would you do that the same way for a law  
2 enforcement officer as you would for a lay witness?

3 PROSPECTIVE JUROR NO. 399: I would say yes, but I'd  
4 also like to be honest and express my deeper fear of, like, what if  
5 I'm, like I said yesterday, maybe in not too clear of terms, like, I just  
6 worry that my attitude might color how I look at things, if that  
7 makes any sense.

8 MR. TANASI: It absolutely does. And what I'm just trying  
9 to drill down on is having this worry is one thing.

10 PROSPECTIVE JUROR NO. 399: Right.

11 MR. TANASI: Being able to set aside the worry and do  
12 your job --

13 PROSPECTIVE JUROR NO. 399: Right.

14 MR. TANASI: -- as it's instructed to you and follow the law  
15 is another.

16 PROSPECTIVE JUROR NO. 399: Right.

17 MR. TANASI: Do you think you'd be able to do that?

18 PROSPECTIVE JUROR NO. 399: And that's probably the  
19 toughest question that I, like, had to answer. It's, like, I think all of  
20 us try every day to do our best and, like -- my initial answer is, yes,  
21 and, like, yes, I could. I -- we all watch cop shows and cop movies,  
22 we know how things work. And -- but it's -- I just have a fear that,  
23 like, I'm going to do a bad job, I guess.

24 But I also should be honest that I have -- also have a lot of  
25 personal anxiety issues that I haven't really mentioned to the Court,

1 which could play into a lot of things. But I'm --

2 THE COURT: Okay. I mean, I'm happy to hear what they  
3 are now. What do you mean, personal anxiety?

4 PROSPECTIVE JUROR NO. 399: Just generally speaking,  
5 just I have some social anxiety.

6 THE COURT: Ok.

7 PROSPECTIVE JUROR NO. 399: I haven't really been fully  
8 diagnosed, so getting here takes a great deal of effort.

9 THE COURT: Oh, I'm sorry.

10 PROSPECTIVE JUROR NO. 399: I know, don't be sorry.  
11 And I really didn't want to bring it up, because I don't really want to  
12 be treated special. I really want to do -- if I need to be here, I need  
13 to do the best job I can. But it can be difficult and it is difficult and it  
14 has been. But I think I --

15 THE COURT: Okay. Well, you know, I -- you've heard me  
16 tell these jurors, I don't want to bankrupt people.

17 PROSPECTIVE JUROR NO. 399: Oh --

18 THE COURT: I also don't want to compromise anyone's  
19 health.

20 PROSPECTIVE JUROR NO. 399: I understand. But there's  
21 some things, like, where, like -- like, I have to be here. And I  
22 understand the importance of it. And -- but I don't really have a  
23 whole lot of options. Like, I've been taking Ubers here.

24 THE COURT: Oh.

25 PROSPECTIVE JUROR NO. 399: And I understand if I am

1 selected, I'm hoping it's because you all think that I need to be here  
2 and I'm going to do a good job. But at the same time, like, I  
3 understand that, like, that's going to have a financial impact on me.  
4 But, like, my anxiety has to do with my driving and so that's part --  
5 mostly why I take a -- I've been taking an Uber. But, like, that's not  
6 going to be sustainable if I am selected. Like, I -- like, that'll add up  
7 really quick. So I'm trying to consider other options. But, it's like I  
8 didn't really want to make my problems the Court's problems, you  
9 know.

10 THE COURT: No, no. That -- you're not making a problem  
11 for the court. So you would -- if you were selected, you'd have to  
12 get an Uber to and from every day?

13 PROSPECTIVE JUROR NO. 399: Yeah. And I am.

14 THE COURT: How much does that cost?

15 PROSPECTIVE JUROR NO. 399: It's about \$30 each way.

16 THE COURT: \$60 total?

17 PROSPECTIVE JUROR NO. 399: Yeah.

18 THE COURT: And so the last couple of days you've had to  
19 pay that to get here?

20 PROSPECTIVE JUROR NO. 399: Yes.

21 THE COURT: Okay. Would you be able to --

22 PROSPECTIVE JUROR NO. 399: But it's, like -- I'm  
23 already -- I've already gone over this and I really didn't want to  
24 waste anybody's time. Like, that part of it, I'm not, like, angry or  
25 bitter or anything. It's, like, it's just a part of everything going on.

1 And, I don't know, it's just pretty stressful, but --

2 THE COURT: Okay. Would you be able to afford that?

3 PROSPECTIVE JUROR NO. 399: I mean, it's all relative.

4 But am I in any financial danger? No. The answer would be no.

5 THE COURT: Okay.

6 MR. TANASI: Thank you, Your Honor.

7 So if I understand you correctly, because we kind of have  
8 two issues on the table. The anxiety, which I respect and appreciate  
9 and empathize with you for. Okay? The overall anxiety of things  
10 and the finances of things with getting here, that would be tough to  
11 get through, but you would be able to do it if called to this service.

12 PROSPECTIVE JUROR NO. 399: If called to, yes. Yeah.

13 MR. TANASI: Okay. So with respect to the worry that you  
14 have, the other worry that you have, about being fair to police  
15 officers, I'll just ask you flat out: Do you think you'll be able to be  
16 fair and impartial to police officers as they come into this case,  
17 listen to the evidence, listen to their investigation and what they've  
18 done in this case, and evaluate solely what they've done in this case  
19 alone?

20 PROSPECTIVE JUROR NO. 399: Just this case, yes, I  
21 believe so.

22 MR. TANASI: Okay. Thank you.

23 PROSPECTIVE JUROR NO. 399: You're welcome.

24 THE COURT: Okay. Anything else from the State?

25 MS. BOTELHO: Sir --

1 PROSPECTIVE JUROR NO. 399: Yes.

2 MS. BOTELHO: -- the social anxiety that you just told us  
3 about right now, how would that play into your ability to, say,  
4 deliberate with other individuals if you were chosen as a juror in  
5 this case?

6 PROSPECTIVE JUROR NO. 399: It's kind of complicated. I  
7 mean, it's something I've been with -- it's been with me all my life,  
8 but to the point that recent [indiscernible] been something I've been  
9 able to talk about. So this is, like, the most I've ever kind of been  
10 honest about. It affects me in ways of, like, just like it would my  
11 job. I also have a back thing going on, it's called sacroiliitis. So it,  
12 like, it plays into that. I have a lot of physical pain, I have the  
13 anxiety, and, like, the hot flashes and things. So, it, like, I don't  
14 know, it's -- I really don't have an answer. I don't really have a large  
15 skill set on how to manage this stuff, but I've gotten by some would  
16 say quite well. And most people don't see me having any kind of  
17 manifestations of it or anything. They just see me as a very, you  
18 know, tuned-in [indiscernible] kind and whatever.

19 But I worry that, I don't know, I just -- I tend to worry  
20 about everything, if that helps. Like --

21 MS. BOTELHO: Okay.

22 PROSPECTIVE JUROR NO. 399: Even just --

23 MS. BOTELHO: Because that seems to be the common  
24 theme --

25 PROSPECTIVE JUROR NO. 399: Yeah.

1 MS. BOTELHO: -- at least with what you've been saying to  
2 me, to the defense attorney, and now to the judge. You have this  
3 worry and this fear and this anxiety.

4 PROSPECTIVE JUROR NO. 399: Yes.

5 MS. BOTELHO: And a lot of it is manifesting now, being  
6 that you're in this social open environment, when you've had to talk  
7 about things. And I just -- I guess my worry -- your worry is my  
8 worry.

9 PROSPECTIVE JUROR NO. 399: Okay.

10 MS. BOTELHO: And when you indicated yesterday, has  
11 this changed, that you think you can be -- that you might be -- one  
12 of those worries is that you would be overly critical of law  
13 enforcement because you might look for things that aren't there,  
14 like police misconduct, based on your experience, based on what  
15 you've seen in the news, has that changed? Do you still have that  
16 worry?

17 PROSPECTIVE JUROR NO. 399: I still have that worry.

18 MS. BOTELHO: Okay. Thank you.

19 THE COURT: Okay.

20 MR. TANASI: No further questions, Your Honor. Thank  
21 you.

22 THE COURT: Okay. Mr. Deering, I apologize we had to  
23 bring you in here.

24 PROSPECTIVE JUROR NO. 399: All right.

25 THE COURT: But thank you very much for coming in here



1 and answering our questions. You're going to be excused to go  
2 back outside.

3 PROSPECTIVE JUROR NO. 399: Okay.

4 THE COURT: But I just caution you not to disclose with  
5 your other jurors anything that we spoke about in here. And if  
6 anyone insists on speaking to you, you can make that fact known to  
7 me by contacting Officer Hawks.

8 PROSPECTIVE JUROR NO. 399: Okay. Yes, Your Honor.

9 THE COURT: Okay. Thank you so much.

10 PROSPECTIVE JUROR NO. 399: You're welcome.

11 [Prospective Juror Number 399 exited courtroom at 1:19 p.m.]

12 THE COURT: Okay. The record will reflect that  
13 Mr. Deering has exited the courtroom.

14 Mr. Tanasi, do you want to be heard?

15 MR. TANASI: Sure, Your Honor. Please.

16 I still think, I in spite of his anxiety, in spite of his worries, I  
17 think he made it clear that he would be able to set it aside, those  
18 worries aside, and still follow the law as instructed and evaluate  
19 witnesses as they come in as instructed. So with that, Your Honor,  
20 I'd submit it.

21 THE COURT: Okay. Anything else from the State?

22 MS. BOTELHO: And I'm sorry, Your Honor. I --

23 THE COURT: That's okay. Mr. Tanasi wants him to stay.

24 MS. BOTELHO: Oh, our challenge remains for the same  
25 reasons. I don't think anything has happened here this afternoon

1 that's changed. I mean, we ended his examination with him saying  
2 it is still worried that he is going to be overly critical of law  
3 enforcement. He's going to look for things that aren't there, like  
4 police misconduct. He has all of this anxiety, he has all of this fear,  
5 he has all of this worry. That is enough to make us worry, and  
6 rightfully so, given the record.

7 THE COURT: I'm worried about the \$60 a day.

8 MS. BOTELHO: That too. I mean -- and so --

9 THE COURT: I thought Ubers were cheap.

10 MS. BOTELHO: Depends on where you're from, I guess.

11 MR. TANASI: Does sound pretty pricey.

12 MS. BOTELHO: I mean, surge pricing.

13 THE COURT: I mean, wasn't that the whole idea, that --

14 MR. TANASI: Right.

15 THE COURT: -- Ubers are inexpensive? \$30. That seems  
16 like a lot to me. Okay. At this point, I am going to grant the  
17 challenge as to Mr. Deering. Okay.

18 And so the next juror, since the information is kind of  
19 sensitive, I'm assuming the parties want me to ask her about it?  
20 Ms. Hughes?

21 MS. BOTELHO: Yes. Yes.

22 MR. TANASI: Your Honor, yeah.

23 THE COURT: And then, of course, I'll --

24 MR. TANASI: I think that that makes the most sense, to  
25 have the Court address it.

1 THE COURT: Yeah, I just don't want her to be upset at  
2 either side.

3 MS. BOTELHO: Yes.

4 THE COURT: So.

5 MR. TANASI: Understood.

6 THE COURT: Okay. Ms. Hughes.

7 MR. TANASI: Judge, I know we're right in the middle of --

8 THE COURT: Yeah. Officer Hawks, can we --  
9 Is it before this witness?

10 MR. TANASI: Yes, please.

11 THE COURT: Okay. Officer Hawks, can you just have  
12 Ms. Hughes go out for a minute? I apologize. Mr. Tanasi just  
13 wanted to say something to me.

14 THE MARSHAL: Yes, ma'am.

15 THE COURT: Okay. The juror has left the courtroom.

16 MR. TANASI: First of all, this is not because I don't  
17 believe anything the State has just said. I just want to preface that,  
18 the way things are heading.

19 THE COURT: Okay.

20 MR. TANASI: If these witnesses are going to be  
21 confronted with their criminal history --

22 THE COURT: Uh-huh.

23 MR. TANASI: -- I would like to see, at least, what it is the  
24 State has, what they've run.

25 THE COURT: Sure.

1 MR. TANASI: I'd like to see those things.  
2 THE COURT: Go right over.  
3 MR. GIORDANI: Come on over, you're welcome.  
4 MR. TANASI: Okay. So that's my only request before we  
5 get started.  
6 MS. BOTELHO: I have to --  
7 THE COURT: Do you want to see --  
8 MR. TANASI: Yes.  
9 THE COURT: Go right over.  
10 MR. TANASI: Thank you.  
11 THE COURT: I mean, I'm --  
12 MS. BOTELHO: I have the State's plugged in.  
13 THE COURT: They're looking at their computer, so.  
14 MS. BOTELHO: Mr. Tanasi.  
15 MR. TANASI: What's that?  
16 MS. BOTELHO: I have the State's plugged into the --  
17 MR. TANASI: Okay.  
18 MS. BOTELHO: -- DA court to have access.  
19 THE COURT: Well, you know, not that -- I saw  
20 Mr. Giordani -- I mean, you're pretty sure it's the same Christina  
21 Hughes?  
22 MS. BOTELHO: Yes.  
23 THE COURT: I mean, date of birth, age matches?  
24 MS. BOTELHO: Yes. Yeah, she and her --  
25 MR. TANASI: Questionnaire?

1 MS. BOTELHO: -- questionnaire indicated she was 45.

2 THE COURT: Uh-huh.

3 MS. BOTELHO: And this individual is -- it keeps trying to  
4 log me off -- is -- was born in 1975. The height, weight seems to  
5 match from what I can see.

6 THE COURT: Okay.

7 MS. BOTELHO: And the disposition shows battery  
8 domestic violence, found guilty.

9 [Pause in proceedings; counsel confer.]

10 MS. BOTELHO: Who do you want next, Eric Sanchez?

11 MR. LEVENTHAL: Sure.

12 MS. BOTELHO: 31. Okay. So the attorney list, the bio  
13 shows that he is 29 years old, there's an Eric Sanchez born in 1992,  
14 and he indicated when he spoke with Mr. Giordani that he was  
15 from -- what -- San Jose? And it shows his birth place as being  
16 Fresno, California. The identifiers appear to be the same. Final  
17 disposition, reckless driving, found guilty.

18 MR. TANASI: Okay. All right.

19 MS. BOTELHO: The original charge was a DUI though.  
20 And then who's the last one?

21 MR. TANASI: 586.

22 MS. BOTELHO: Oh, Clay Becenti? It's Clayval. There he  
23 is. So San Diego, California, which is where all of his priors and,  
24 you know, the -- where he was victim of a crime. The age is 40 and  
25 he was born in 1981, January, though. So. And then it shows the

1 DUI, you see the arrest date, 4/15/2020?

2 MR. TANASI: Right.

3 MS. BOTELHO: And, yeah, there's no disposition, but I  
4 pulled it up on Odyssey using the case number, 2005771X. And so  
5 here's that case. A DUI. Looks like there was a plea on 5/19/2021 in  
6 front of Judge Baucum [phonetic]. Pled guilty to that DUI. These  
7 are his requirements. And then I looked at the minute order  
8 from 8/25 and it shows -- it was -- he had stayed out of trouble, the  
9 case was closed. You see that?

10 MR. TANASI: I do.

11 MS. BOTELHO: Okay. Now, the one before that did show  
12 the status check on -- oh, wait, never mind, not that one. It was  
13 this 5/19 one where he entered his plea. Let me see if I can make  
14 that bigger.

15 MR. TANASI: Okay.

16 MS. BOTELHO: He pled nolo, but it's to DUI. And so the  
17 conviction remains. There's nothing in here that says, you know --

18 MR. TANASI: Okay. Thank you.

19 THE COURT: Okay. So --

20 MR. TANASI: That was it.

21 THE COURT: -- you're satisfied?

22 MR. TANASI: Yes, Your Honor.

23 THE COURT: Okay.

24 MR. TANASI: Thank you for that.

25 MR. GIORDANI: And, for the record, Your Honor, we will

1 make all of these Scopes for all 32-plus available to the defense at  
2 their request. We just have to stay plugged into this machine, this  
3 cord right now. So if --

4 THE COURT: Okay.

5 MR. GIORDANI: -- they want to see some more of them,  
6 they are free to.

7 THE COURT: Okay. So could we have Ms. Hughes now?

8 THE MARSHAL: Yes, ma'am.

9 THE COURT: Thank you.

10 [Prospective Juror Number 344 entered courtroom at 1:29 p.m.]

11 THE COURT: Hi. Good afternoon, Ms. Hughes.

12 PROSPECTIVE JUROR NO. 344: Hi.

13 THE COURT: And, again, thank you very much for being  
14 here, especially on this second day and for answering all our  
15 questions. I really do appreciate it.

16 I just have a few follow-up questions. One of the  
17 questions that we asked earlier, and I asked it of the panel as a  
18 whole, if anyone had ever been the victim of a crime or if anyone  
19 had ever been accused of a crime.

20 PROSPECTIVE JUROR NO. 344: Yes. Correct.

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

22 PROSPECTIVE JUROR NO. 344: I have.

23 THE COURT: Okay. Can you tell me a little bit about that?

24 PROSPECTIVE JUROR NO. 344: The only thing that  
25 comes to my recollection, it would be a domestic violence

1 incident --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 344: -- that I had with my  
4 mother.

5 THE COURT: Okay. All right. And I'm sorry I have to ask  
6 you about this. When did that take place?

7 PROSPECTIVE JUROR NO. 344: That had to be around  
8 maybe 2014.

9 THE COURT: Okay. And that, I'm assuming, has all been  
10 resolved?

11 PROSPECTIVE JUROR NO. 344: It has.

12 THE COURT: Okay. And do you know who prosecuted  
13 that matter?

14 PROSPECTIVE JUROR NO. 344: I don't.

15 THE COURT: Okay. Based on that, and I'm assuming  
16 everything's okay with your mom now, it's -- everything is good?

17 PROSPECTIVE JUROR NO. 344: Everything is --

18 THE COURT: Yes. Good.

19 PROSPECTIVE JUROR NO. 344: -- the way it should  
20 believe.

21 THE COURT: Okay. I'm happy to hear that. But you know  
22 that it -- you were prosecuted by a prosecutor, correct? I mean,  
23 there had to be someone that came in and filed charges. So my  
24 next question is the fact that I have two prosecutors here from the  
25 Clark County District Attorney's Office, would that interfere with



1 your ability to be fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 344: I don't think so.

3 THE COURT: Okay. Well, you're the only one that can tell

4 me. And you probably haven't even thought about it until I --

5 PROSPECTIVE JUROR NO. 344: It wouldn't have -- no. It

6 wouldn't interfere with anything that has to do with --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 344: -- this case or any case.

9 THE COURT: Thank you.

10 Did you feel like you were treated fairly during that

11 domestic issue in 2014?

12 PROSPECTIVE JUROR NO. 344: I do when it come to

13 courts, but, of course, my mom --

14 THE COURT: Well --

15 PROSPECTIVE JUROR NO. 344: -- that's another issue.

16 THE COURT: Right. I mean, so I'm assuming that, like,

17 the police came?

18 PROSPECTIVE JUROR NO. 344: Yes, they did.

19 THE COURT: Okay. And they did an investigation or

20 talked to people?

21 PROSPECTIVE JUROR NO. 344: Right.

22 THE COURT: All right. And then they made a

23 determination that they were going to arrest you?

24 PROSPECTIVE JUROR NO. 344: Right, yes.

25 THE COURT: Do you think that the police treated you

1 fairly?

2 PROSPECTIVE JUROR NO. 344: I do. Considering the  
3 situation, I do.

4 THE COURT: Okay. And do you know, like, what police  
5 department came, if you --

6 PROSPECTIVE JUROR NO. 344: Henderson. Henderson  
7 police.

8 THE COURT: Henderson? All right. Anything about that  
9 that would interfere with your ability to be fair and impartial to  
10 police officers that would come and testify in this matter?

11 PROSPECTIVE JUROR NO. 344: No.

12 THE COURT: Okay. And you felt like, I think you said  
13 earlier, did you feel like you were treated fairly by the courts in  
14 Henderson?

15 PROSPECTIVE JUROR NO. 344: I do.

16 THE COURT: Okay. And did you have an attorney?

17 PROSPECTIVE JUROR NO. 344: No, I didn't.

18 THE COURT: Okay. They didn't appoint a public  
19 defender?

20 PROSPECTIVE JUROR NO. 344: No.

21 THE COURT: So you handled that battery domestic -- on  
22 your own?

23 PROSPECTIVE JUROR NO. 344: I did the three days, and  
24 then I was out. That was it. I went to classes.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 344: And that was it.  
2 THE COURT: So do you remember having to enter a plea?  
3 PROSPECTIVE JUROR NO. 344: I think I pled no contest.  
4 THE COURT: Okay. But there -- was a lawyer there to  
5 help you or to tell you --  
6 PROSPECTIVE JUROR NO. 344: No. There was --  
7 THE COURT: -- or advise --  
8 PROSPECTIVE JUROR NO. 344: No. It was over --  
9 through the screen, that's all I remember.  
10 THE COURT: Okay. Did they have, like, was it -- I mean,  
11 you didn't go actually to the courtroom?  
12 PROSPECTIVE JUROR NO. 344: No.  
13 THE COURT: All right. You did it, like, by video?  
14 PROSPECTIVE JUROR NO. 344: Yes.  
15 THE COURT: Okay. And you had done two days in?  
16 PROSPECTIVE JUROR NO. 344: Uh-huh.  
17 THE COURT: So they said two days, do the domestic  
18 violence counseling, and then you're done?  
19 PROSPECTIVE JUROR NO. 344: Yes.  
20 THE COURT: And I'm assuming, obviously, you did all  
21 that?  
22 PROSPECTIVE JUROR NO. 344: I did.  
23 THE COURT: Okay. Anything about that incident that  
24 would affect your ability to be fair and impartial in this case?  
25 PROSPECTIVE JUROR NO. 344: I wouldn't.

1 THE COURT: Okay. And, again, I'm sorry I had to ask you,  
2 but I appreciate you answering my question.

3 Before I let you go, I'm going to ask if either side has any  
4 follow-up. Okay?

5 MS. BOTELHO: The State does not.

6 THE COURT: Mr. Tanasi?

7 MR. LEVENTHAL: No, Your Honor.

8 MR. TANASI: No, Your Honor. Thank you.

9 THE COURT: Okay. Again, thank you very much and you  
10 can wait outside. Don't discuss with any of your fellow jurors  
11 anything that we have discussed in here.

12 PROSPECTIVE JUROR NO. 344: Thank you.

13 THE COURT: Thank you.

14 [Prospective Juror Number 344 exited courtroom at 1:33 p.m.]

15 THE COURT: Okay. The juror has left the courtroom and  
16 this hearing is taking place outside the presence of all of the jurors.  
17 I don't know if the State wants to be heard further on your  
18 challenge?

19 MS. BOTELHO: Your Honor, we just -- we maintain that  
20 the failure to disclose does point to a certain level of untruthfulness.  
21 We're concerned, because she had no trouble recalling this  
22 particular incident today when she was confronted with it  
23 individually by Your Honor. However, she had ample opportunity  
24 yesterday to raise these issues, these very same topics were  
25 discussed with other jurors.

1 And, you know, jurors just in general are going to be  
2 given instructions by Your Honor. If you realize that you recognize  
3 a witness, you need to tell us. And I can't -- I'm not confident that  
4 she would do that due to this failure to disclose. And it's for that  
5 reason that we're asking to strike her.

6 THE COURT: Okay. Mr. Tanasi? I don't know who is  
7 taking this juror.

8 MR. LEVENTHAL: I would just -- briefly, I would say that  
9 when you did confront her, I notice that she hesitated briefly. And I  
10 don't know if that's because, one, she got her hand caught in the  
11 cookie jar, or two, she was thinking back, oh, yeah, and it was her  
12 mother. And, you know, it was a family thing. And oftentimes, I  
13 know in my practice, I see that when -- especially when defendants  
14 are on a video, they don't realize that there's an attorney in there,  
15 sitting there --

16 THE COURT: Yeah, I'm hoping she had an attorney.

17 MR. LEVENTHAL: And -- yeah. But they don't realize that,  
18 because oftentimes in muni -- especially muni court, the judge talks  
19 to them themselves and says, this is what you're going to do, and  
20 out they go.

21 So maybe it was just -- and it's 2014 is when it occurred.  
22 Seven -- what, seven, eight years ago. So maybe it was just  
23 something that elapsed, I don't know. But she came clean, she  
24 talked about it, and she said it would not affect her. And so  
25 therefore, no cause has been shown other than that, Your Honor.

1 So we'd ask that she be kept.

2 THE COURT: Okay. So at this time I'm going to deny the  
3 challenge. I mean, even if she indicated to me that, regardless of  
4 that, that she could be fair and impartial in this matter.

5 So the next one, Mr. Becenti.

6 [Prospective Juror Number 456 entered courtroom at 1:36 p.m.]

7 THE COURT: Okay. Let the record reflect that Mr. Becenti  
8 is in the courtroom with us and that this hearing is taking place  
9 outside the presence of the other jurors.

10 Again, thank you very much for being here and thank you  
11 for answering all our questions. I just have a few more questions  
12 for you.

13 One of the questions that we've been asking over the last  
14 couple of days are if you or anyone close to you, such as a family  
15 member or friends ever been the victim of a crime, and after that, I  
16 usually ask have you or anyone close to you, such as a family  
17 member or friend, been accused of a crime.

18 Have you ever been accused of a crime?

19 PROSPECTIVE JUROR NO. 456: Okay. Yeah.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 456: All right.

22 THE COURT: You want to go ahead and tell me?

23 PROSPECTIVE JUROR NO. 456: Oh. In this case, it was I  
24 believe two years ago, February, and it was a DUI.

25 THE COURT: Okay. And do you remember me asking

1 that question?

2 PROSPECTIVE JUROR NO. 456: I may have missed that  
3 part, but --

4 THE COURT: Well, do you remember telling me about a  
5 friend of yours --

6 PROSPECTIVE JUROR NO. 456: Yes.

7 THE COURT: -- that had a DUI?

8 PROSPECTIVE JUROR NO. 456: And they were -- we were  
9 talking about a friend as well in a similar situation. But as I said  
10 before --

11 THE COURT: So you could recall the friend that had the  
12 DUI but not your own?

13 PROSPECTIVE JUROR NO. 456: Well, it was one story at a  
14 time. And that one just came to mind first. And --

15 THE COURT: Okay. And what -- so you were arrested for  
16 a DUI, you said, a couple of years ago?

17 PROSPECTIVE JUROR NO. 456: Uh-huh.

18 THE COURT: Yes? Is that a yes?

19 PROSPECTIVE JUROR NO. 456: Yes, yes, yes.

20 THE COURT: And what happened as a result of that  
21 arrest? Were you charged with DUI? Were you prosecuted? What  
22 happened?

23 PROSPECTIVE JUROR NO. 456: I was charged and  
24 currently it is closed. I just did the fine and did my --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 456: -- I guess what they call  
2 the fine and then the -- did my time, I guess, what was outlined on  
3 the --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 456: Yeah.

6 THE COURT: And what police did you come in contact  
7 with? Was it NHP? Was it Metro?

8 PROSPECTIVE JUROR NO. 456: I believe it was still  
9 Metro.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 456: Uh-huh.

12 THE COURT: And so you got pulled over while driving,  
13 correct?

14 PROSPECTIVE JUROR NO. 456: Uh-huh.

15 THE COURT: Is that a yes?

16 PROSPECTIVE JUROR NO. 456: Yes.

17 THE COURT: And then as a result of the investigation,  
18 you were arrested?

19 PROSPECTIVE JUROR NO. 456: Uh-huh. Yes.

20 THE COURT: Okay. And then after you were released, did  
21 you come back to court?

22 PROSPECTIVE JUROR NO. 456: Yes, uh-huh.

23 THE COURT: Okay. And did you come into this  
24 courthouse?

25 PROSPECTIVE JUROR NO. 456: Yes. I -- in this building,



1 uh-huh.

2 THE COURT: All right. And did you -- were you  
3 represented by counsel?

4 PROSPECTIVE JUROR NO. 456: During that time, yeah, it  
5 was a public defender, but no direct interaction due to COVID  
6 situation.

7 THE COURT: Oh. So it was -- because COVID just started  
8 March 2020, right?

9 PROSPECTIVE JUROR NO. 456: About, yeah.

10 THE COURT: So it was sometime after March 2020 of last  
11 year?

12 PROSPECTIVE JUROR NO. 456: When -- actually -- was  
13 being processed, it was actually almost a year when we actually did  
14 the whole court thing.

15 THE COURT: Oh, you mean you didn't have to -- you  
16 didn't get summonsed to come to court till almost a year after the  
17 arrest?

18 PROSPECTIVE JUROR NO. 456: Yes, uh-huh.

19 THE COURT: Okay. So you got, like, a letter at your home  
20 that told you to come to justice court?

21 PROSPECTIVE JUROR NO. 456: Yes, uh-huh.

22 THE COURT: Okay. And is that a yes?

23 PROSPECTIVE JUROR NO. 456: Yes.

24 THE COURT: I'm sorry, I'm just making sure --

25 PROSPECTIVE JUROR NO. 456: No, no. I've got my

1 habits, sorry.

2 THE COURT: -- so that when we go to type this, that we're  
3 clear on what you said. And so when you came to court, a public  
4 defender was appointed to represent you?

5 PROSPECTIVE JUROR NO. 456: Yes, uh-huh.

6 THE COURT: And then you -- did you enter a plea?

7 PROSPECTIVE JUROR NO. 456: Yes. In that case, no  
8 contest.

9 THE COURT: Okay. So you pled a no contest -- you pled  
10 no contest to --

11 PROSPECTIVE JUROR NO. 456: Uh-huh.

12 THE COURT: I'm sorry, no contest to a misdemeanor  
13 DUI?

14 PROSPECTIVE JUROR NO. 456: Yes.

15 THE COURT: And the judge gave you some requirements,  
16 you did it, and it's all closed out?

17 PROSPECTIVE JUROR NO. 456: Yes, uh-huh.

18 THE COURT: Okay. You may have been prosecuted by  
19 the Clark County District Attorney's Office.

20 PROSPECTIVE JUROR NO. 456: Okay.

21 THE COURT: Okay? I mean, this is --

22 PROSPECTIVE JUROR NO. 456: Again, the details are not  
23 with me right now. So I'm assuming, because it was, again, this  
24 building and all. So --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 456: Uh-huh.

2 THE COURT: Well, I'm assuming that too. And so my  
3 concern is, is that I have DAs that are here from the same office that  
4 prosecuted you in that DUI.

5 PROSPECTIVE JUROR NO. 456: Uh-huh.

6 THE COURT: Do I have to worry about that? Is there any  
7 problem with that?

8 PROSPECTIVE JUROR NO. 456: No.

9 THE COURT: Okay. Do you think you were treated fairly  
10 by the DA?

11 PROSPECTIVE JUROR NO. 456: Yes. Uh-huh.

12 THE COURT: All right. Do you think you were treated  
13 fairly by the police officers?

14 PROSPECTIVE JUROR NO. 456: Oh, yes. They were  
15 professional.

16 THE COURT: Okay. So no problems with the arrest or  
17 how you were treated?

18 PROSPECTIVE JUROR NO. 456: Uh-huh. No. Yes.

19 THE COURT: Okay. And then when you came to court,  
20 you believe you were treated fairly by the DAs?

21 PROSPECTIVE JUROR NO. 456: Yes.

22 THE COURT: Okay. Do you think you were treated fairly  
23 by the judge?

24 PROSPECTIVE JUROR NO. 456: Yes.

25 THE COURT: And your public defender?

1 PROSPECTIVE JUROR NO. 456: Yes. Uh-huh.

2 THE COURT: Okay. And it's closed now? You did  
3 everything and went to court and a judge told you it's closed?

4 PROSPECTIVE JUROR NO. 456: Yes. Uh-huh.

5 THE COURT: Okay. Is there anything about that incident  
6 that would interfere with your ability to be fair and impartial in this  
7 case?

8 PROSPECTIVE JUROR NO. 456: No. Like I said before, it  
9 was very professional all around. So if anything, it was  
10 streamlined, because paperwork and everything was done through  
11 electronic and updates were through e-mail directly. So no really  
12 going in and out as much, since it was all done electronically.

13 THE COURT: Okay. So you were able to do everything,  
14 basically, remotely?

15 PROSPECTIVE JUROR NO. 456: Yes, uh-huh.

16 THE COURT: And then you went to the victim impact  
17 panel?

18 PROSPECTIVE JUROR NO. 456: Yes.

19 THE COURT: And you paid a fine?

20 PROSPECTIVE JUROR NO. 456: Yes.

21 THE COURT: And what -- did you have to do community  
22 service?

23 PROSPECTIVE JUROR NO. 456: This case, I paid the fine.  
24 I guess there was an option between having some of it leave  
25 through time.

1 THE COURT: Okay. And you just paid the fine and got it  
2 over with.

3 PROSPECTIVE JUROR NO. 456: Yes.

4 THE COURT: Okay. And the friend who had the DUI,  
5 when was that?

6 PROSPECTIVE JUROR NO. 456: Now, that one there was  
7 back in '19 -- or 2019. In that case, it was pulled over by a highway  
8 patrol, from what he said. But, again, after the arrest and him  
9 venting about it, that's about as far as the conversation really went.

10 THE COURT: Okay. So did -- when I asked that question  
11 yesterday, do you think you just forgot or were you -- I mean --

12 PROSPECTIVE JUROR NO. 456: I -- they --

13 THE COURT: I'm not trying to embarrass you.

14 PROSPECTIVE JUROR NO. 456: No, no. I believe I was  
15 just more focused on getting one story and I kind of just -- that took  
16 the spotlight in my mind.

17 THE COURT: Okay. That's fine. And what I'm going to do  
18 is I'm going to allow either side to ask you any follow-up questions.  
19 I do appreciate you answering my questions.

20 Does the -- no?

21 Mr. Tanasi?

22 MR. TANASI: Your Honor, we don't have any additional  
23 questions. Thank you.

24 THE COURT: Okay. Mr. Becenti, thank you very much for  
25 coming here. Thank you for answering my questions. You're going

1 to go back outside with the other jurors and I just caution you not to  
2 discuss what we have discussed in here with any of your fellow  
3 jurors.

4 PROSPECTIVE JUROR NO. 456: All right. Yes. Uh-huh.

5 THE COURT: Okay? Thank you.

6 [Prospective Juror Number 456 exited courtroom at 1:44 p.m.]

7 THE COURT: Mr. Becenti has left the courtroom.

8 MS. BOTELHO: Your Honor, for the same reasons I stated  
9 for Christina Hughes, this particular -- Mr. Becenti hesitated and  
10 then he kind of chuckled when you asked him the question. And  
11 then he continued to kind of have this, like, chuckling or small laugh  
12 throughout his --

13 THE COURT: I think the poor guy was embarrassed --

14 MS. BOTELHO: -- his answers.

15 THE COURT: -- and I feel terrible.

16 MS. BOTELHO: No, and I understand that. However, you  
17 know, voir dire means tell the truth. And I -- his failure to disclose,  
18 again, points towards tendency for untruthfulness. It concerns the  
19 State. It concerns the State that it was -- this issue was discussed,  
20 you know, so many times yesterday and also this morning, and it  
21 takes, you know, having to confront an individual with the facts  
22 before we can get any kind of truthful information. I don't find his  
23 story to be credible at all. And so this is just two years ago, I don't  
24 think he can be fair and I don't think he -- I question the motivation  
25 for failing to disclose.

1 THE COURT: Okay.

2 MR. TANASI: Thank you.

3 Judge, briefly, I think Your Honor nailed it. I think those  
4 were nerves. Those are nervous laughs. Sounds like a pretty  
5 nervous guy. This is a pretty nervous setting. And he said when  
6 asked about it, the spotlight in his mind was to talk about his friend  
7 first. And then he didn't just volunteer an additional story. I would  
8 venture a guess probably because he was nervous and wanted to  
9 get out of the spotlight.

10 So I think also when Your Honor asked him if he was  
11 treated fairly by the police, he said, oh, yes, and he was pretty  
12 candid about that. So I think that there's no concern that he can be  
13 or impartial in this case.

14 THE COURT: Okay. I do believe Mr. Becenti was, you  
15 know, really embarrassed when I confronted it with him. I guess he  
16 figured I obviously knew. However, after I questioned him about it,  
17 he indicated he could be fair and impartial to both sides, wouldn't  
18 hold it against the DA's office. So I'm going to deny the challenges  
19 to Mr. Becenti.

20 Can we bring in Mr. Sanchez.

21 [Prospective Juror Number 570 entered courtroom at 1:47 p.m.]

22 THE COURT: The record reflect that Mr. Sanchez is  
23 present in the courtroom with us.

24 You can go right there to the podium. Okay.

25 Thank you very much for coming in here and your

1 willingness to be here for two days and answer all of our questions.  
2 I just have a few more questions for you.

3 PROSPECTIVE JUROR NO. 570: Okay.

4 THE COURT: Over the last couple of days, one of the  
5 questions that I asked is have you or anyone close to you, such as a  
6 family member or friend, ever been the victim of a crime? And then  
7 I usually follow it up with have you or anyone close to you, such as  
8 a family member or friend, ever been accused of a crime.

9 PROSPECTIVE JUROR NO. 570: Yeah.

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

11 PROSPECTIVE JUROR NO. 570: No.

12 THE COURT: You have not been?

13 PROSPECTIVE JUROR NO. 570: No, I haven't.

14 THE COURT: Okay. All right. Any follow-up from the  
15 State?

16 MR. GIORDANI: Not on behalf of the State.

17 THE COURT: Mr. Tanasi?

18 MR. TANASI: So, particularly, Your Honor, maybe we  
19 want -- if he could openly disclose his date of birth, maybe  
20 perhaps --

21 THE COURT: What is your date of birth?

22 PROSPECTIVE JUROR NO. 570: 1992, September 17.

23 THE COURT: September 17th?

24 PROSPECTIVE JUROR NO. 570: Yeah.

25 THE COURT: 1992?



1 PROSPECTIVE JUROR NO. 570: Yeah.  
2 THE COURT: Have you ever been arrested?  
3 PROSPECTIVE JUROR NO. 570: No.  
4 THE COURT: Okay. Again, I'm sorry I had to ask --  
5 PROSPECTIVE JUROR NO. 570: No, that's all right.  
6 THE COURT: -- those questions, but I do appreciate you're  
7 willing to answer.  
8 Anything else from the State?  
9 MR. GIORDANI: No, Your Honor.  
10 THE COURT: Anything from Mr. Tanasi?  
11 MR. TANASI: No, Your Honor. Thank you.  
12 THE COURT: Okay. Mr. Sanchez, thank you very much.  
13 PROSPECTIVE JUROR NO. 570: Yeah.  
14 THE COURT: You can go back outside, but please do not  
15 discuss with your fellow jurors anything that we have discussed in  
16 here.  
17 PROSPECTIVE JUROR NO. 570: Okay.  
18 THE COURT: Okay. Thank you very much.  
19 [Prospective Juror Number 570 exited courtroom at 1:49 p.m.]  
20 THE COURT: Okay. The record will reflect that  
21 Mr. Sanchez has left the courtroom.  
22 Is it the same person?  
23 MR. GIORDANI: We're checking, Your Honor.  
24 THE COURT: I'm hoping it's not.  
25 MS. BOTELHO: Yeah, the -- no, it's not the same person.

1 THE COURT: Oh.

2 MS. BOTELHO: Mr. Sanchez, the one on Scope has a date  
3 of birth of October 23rd, 1992, Fresno --

4 THE COURT: So it's close --

5 MS. BOTELHO: -- California.

6 THE COURT: -- the person even has a birth date close to  
7 him.

8 MS. BOTELHO: Yeah, and the identifiers are close as well.  
9 So.

10 THE COURT: Okay.

11 MR. TANASI: Judge, and I don't mean to belabor it, but  
12 I'd ask almost to bring him back in just to let him know that we  
13 perhaps had the wrong person and we apologize to him for singling  
14 him out.

15 THE COURT: I did say I was sorry that I had to ask him  
16 those questions.

17 MS. BOTELHO: Yeah.

18 THE COURT: I think I've apologized to each juror.

19 MR. TANASI: I wasn't saying Your Honor wasn't. I was  
20 just referring to the fact that we've called him in specially, and then  
21 we verified his birthday as being the wrong person. But  
22 understood.

23 MR. GIORDANI: We have no problem with that, if you  
24 want to tell him that we had the wrong person, it's fine by the State.

25 MS. BOTELHO: But why do we want to call attention to --

1 THE COURT: Yeah, I mean, I don't know what you want  
2 me to say to him. I did apologize that I had to ask him those  
3 questions. I mean, as soon as he said no, I was, like, okay.

4 MS. BOTELHO: Yeah.

5 MR. TANASI: Right. Understood, Your Honor.

6 THE COURT: All right. So the challenge as to  
7 Mr. Sanchez is denied.

8 MR. GIORDANI: Actually --

9 MS. BOTELHO: Well, we withdraw.

10 MR. GIORDANI: -- we withdraw that challenge.

11 THE COURT: You withdraw? Okay. All right.

12 Mr. Diego -- no, Diego Lopez, sorry. 0586.

13 Before he brings him in, so Mr. Tanasi --

14 MR. TANASI: Yes.

15 THE COURT: -- I'm assuming you're going to want to voir  
16 dire this juror?

17 MR. TANASI: Yes, please, Your Honor.

18 THE COURT: Okay.

19 MR. TANASI: Thank you.

20 [Prospective Juror Number 586 entered courtroom at 1:50 p.m.]

21 THE COURT: All right. Mr. Lopez, thank you very much  
22 for coming in here and thank you for answering our questions. I  
23 appreciate your willingness to be here for the last two days.

24 We just had some follow-up questions that we wanted to  
25 ask you. And so at this time, I am going to allow Mr. Tanasi to ask

1 you a few questions.

2 MR. TANASI: Thank you, Your Honor.

3 How are you, sir?

4 PROSPECTIVE JUROR NO. 586: Good. How are you?

5 MR. TANASI: Good. Just a couple of questions with  
6 respect to some of your answers from yesterday. I have a note that  
7 you had sort of an issue with -- or a belief of systemic racism.

8 PROSPECTIVE JUROR NO. 586: Uh-huh.

9 MR. TANASI: Remember that?

10 THE COURT: Is that a yes?

11 PROSPECTIVE JUROR NO. 586: Yes.

12 MR. TANASI: Okay. And as I wrote it down, and correct  
13 me if I'm wrong, you noted that you wouldn't apply it here, because  
14 it's not the same facts; is that about right?

15 PROSPECTIVE JUROR NO. 586: Correct.

16 MR. TANASI: Okay. So that notion of sort of systemic  
17 racism that you bring into the courtroom today is not something  
18 that you're going to apply to each and every law enforcement  
19 officer as they testify, correct?

20 PROSPECTIVE JUROR NO. 586: Correct.

21 MR. TANASI: Okay. I also had a note that you said the  
22 evidence will speak for itself. Do you remember that?

23 PROSPECTIVE JUROR NO. 586: Yes.

24 MR. TANASI: Okay. And what do you mean by that?

25 PROSPECTIVE JUROR NO. 586: The evidence will show

1 what it shows. I won't look deeper into it than what's actually there.

2 MR. TANASI: So is it fair to say you would evaluate all of  
3 the evidence as it comes in neutrally?

4 PROSPECTIVE JUROR NO. 586: Correct.

5 MR. TANASI: Fairly?

6 PROSPECTIVE JUROR NO. 586: Correct.

7 MR. TANASI: Impartially?

8 PROSPECTIVE JUROR NO. 586: Correct.

9 MR. TANASI: And you could be fair and impartial to both  
10 sides, correct?

11 PROSPECTIVE JUROR NO. 586: Correct.

12 MR. TANASI: All right. Court's indulgence.

13 THE COURT: Okay.

14 MR. TANASI: Pass. Thank you.

15 THE COURT: Okay. Mr. Lopez, what does systemic  
16 racism mean to you?

17 PROSPECTIVE JUROR NO. 586: Meaning that people of  
18 color are more often prosecuted and/or -- harsher sentencing  
19 versus those that are Caucasian.

20 THE COURT: Okay. And you think that's built into the  
21 criminal justice system? What is systemic racism mean to you?

22 PROSPECTIVE JUROR NO. 586: I do not believe it is  
23 ability into the criminal justice system, but I believe it has become  
24 more a part of it through just background problems. As our country  
25 was divided previously, segregation and all that, it was easier to

1 prosecute people of color during those periods of time. And that  
2 just sort of still kind of sticks around.

3 THE COURT: Okay. All right. And you indicated, I think,  
4 on questioning yes that you have these opinions and that they  
5 came from the news; is that correct?

6 PROSPECTIVE JUROR NO. 586: Correct.

7 THE COURT: And so what news do you watch?

8 PROSPECTIVE JUROR NO. 586: Typically, it's from CNN  
9 and I'm not sure what it is called, but it is a Hispanic newspaper that  
10 my mom sends me links for.

11 THE COURT: Okay. So you watch the news yourself?

12 PROSPECTIVE JUROR NO. 586: Yes.

13 THE COURT: Okay. And, obviously, read this newspaper  
14 yourself?

15 PROSPECTIVE JUROR NO. 586: Yes.

16 THE COURT: Okay. And one of the things you indicated  
17 your mom and brother talk to you a lot about current events; is that  
18 fair?

19 PROSPECTIVE JUROR NO. 586: Yes.

20 THE COURT: And you've formed some of your opinions  
21 based on what they say to you and what you say to each other?

22 PROSPECTIVE JUROR NO. 586: Yes.

23 THE COURT: Okay. So one of the things I just want to  
24 remind you is that if you were selected to serve on this panel, that  
25 you would not be permitted to discuss this case with anyone,

1 including your fellow jurors, until you went back to deliberate upon  
2 your verdict. And you understand that, correct?

3 PROSPECTIVE JUROR NO. 586: Correct.

4 THE COURT: So when you go home and you're chatting  
5 with your family, you can tell them, I am a juror in a criminal case,  
6 but you can't tell them anything else. You can't tell them the name  
7 of the case, you can't tell them anything; do you understand that?

8 PROSPECTIVE JUROR NO. 586: Yes, I do.

9 THE COURT: And you understand how important that is,  
10 correct?

11 PROSPECTIVE JUROR NO. 586: Yes, I do.

12 THE COURT: Because you can't have jurors going home  
13 and maybe their family member has heard about the case or knows  
14 something about it and starts talking to the juror; that wouldn't be  
15 fair and you understand that, correct?

16 PROSPECTIVE JUROR NO. 586: Yes, I do.

17 THE COURT: And so you would comply with that order,  
18 correct?

19 PROSPECTIVE JUROR NO. 586: I would.

20 THE COURT: Okay. Does the State have any other --

21 MS. BOTELHO: No, we don't.

22 THE COURT: -- follow-up? Okay.

23 Thank you very much for coming in here, Mr. Lopez. I  
24 really do appreciate you being here and answering my questions.  
25 You can go back out with the other jurors, but I just caution you not

1 to discuss this case or anything that we've discussed in here with  
2 any of your fellow jurors. And if anyone insists on speaking to you  
3 about it, you can make that fact known to me by contacting Officer  
4 Hawks.

5 PROSPECTIVE JUROR NO. 586: Okay.

6 THE COURT: Thank you, Mr. Lopez.

7 PROSPECTIVE JUROR NO. 586: Thank you.

8 [Prospective Juror Number 586 exited courtroom at 1:56 p.m.]

9 THE COURT: Okay. Record will reflect that Mr. Lopez has  
10 left the courtroom. I'm not sure he understands what systemic  
11 racism means.

12 MR. TANASI: I tend to agree, Your Honor, and I think,  
13 though, when asked point blank whether he could be fair and  
14 impartial to both sides, his answers were yes. And, again, what's  
15 most compelling to me is that statement he made with respect to  
16 the evidence speaking for itself. That means he's going to evaluate  
17 the evidence fairly.

18 MS. BOTELHO: What concerns the State is the same as  
19 we stated earlier, criminal justice system isn't effective because his  
20 brother keeps getting arrested, but the charges don't stick. And  
21 also his comments about the negative thoughts he has about law  
22 enforcement because he believes, based on the news and the  
23 things that he's seen and heard from his mom, his brother,  
24 whomever, newspaper articles, because of what he sees on that,  
25 and so our reasoning is the same.



1 THE COURT: I'm not sure he even knows whether his  
2 brother gets charged with crimes or not.

3 MS. BOTELHO: Well --

4 THE COURT: So at this time he's indicated to the Court  
5 that he could be fair and impartial to both sides. I'm going to deny  
6 the challenge.

7 So it's -- Seat 13's the only one we have to fill, right.

8 THE CLERK: Yep.

9 THE COURT: So let me tell you who's going to go into  
10 Seat 13.

11 MR. GIORDANI: Oh, doesn't the defense --

12 MR. LEVENTHAL: Judge -- yes.

13 MR. GIORDANI: -- want to canvass Mr. Willer?

14 THE COURT: That's right. I forgot.

15 MR. TANASI: That's correct.

16 MR. LEVENTHAL: We do.

17 THE COURT: I forgot. Thank you for reminding me.

18 MR. TANASI: Thank you, Judge.

19 THE COURT: He's going to be so irritated with coming  
20 back in again, but we'll bring him in.

21 [Prospective Juror Number 550 entered courtroom at 1:59 p.m.]

22 THE COURT: The record will reflect that Mr. Thomas  
23 Willer is present.

24 He can come right here to the podium. Oh, that's right. I  
25 was going to say get him his head phones.

1 THE MARSHAL: I was.

2 THE COURT: You're always two steps ahead.

3 You want to put them on so we can make sure you can  
4 hear me?

5 PROSPECTIVE JUROR NO. 550: Okay.

6 THE COURT: Okay. Mr. Thomas Willer is present in the  
7 courtroom. This hearing is taking place outside the presence of the  
8 other jurors.

9 I am going to allow the defense to ask you a couple of  
10 questions.

11 So, Mr. Leventhal?

12 MR. LEVENTHAL: Thank you, Your Honor.

13 Mr. Willer, I -- good afternoon. I don't want you to think  
14 that we're picking on you, you've come in a couple of times. We  
15 just have a few questions regarding what transpired today during  
16 the questioning on our time of voir dire.

17 Mr. Tanasi asked you a number of questions. Do you  
18 remember the number of questions that he asked?

19 PROSPECTIVE JUROR NO. 550: No, not precisely.

20 MR. LEVENTHAL: Not precisely, but I think at some point  
21 you even said -- you got a little bit frustrated, you said, I wish I  
22 hadn't even raised my hand, right?

23 PROSPECTIVE JUROR NO. 550: Oh, yes, on that one  
24 question.

25 MR. LEVENTHAL: Yeah. Okay. Yeah, on that one

1 question, right? But there was a follow-up sort of question after  
2 Mr. Tanasi was asking everybody else. And he asked:

3 Is there anyone in this room who thinks they cannot be  
4 fair to Jemar because of the color of his skin?

5 You still had the microphone in your hand and you sort of  
6 raised your left hand up, like you wanted to raise your hand.

7 PROSPECTIVE JUROR NO. 550: Oh, no, no, no, no. I can  
8 be fair.

9 MR. LEVENTHAL: Okay. So when you -- do you  
10 remember raising your hand up at all? Or was there --

11 PROSPECTIVE JUROR NO. 550: No.

12 MR. LEVENTHAL: There's nothing there?

13 PROSPECTIVE JUROR NO. 550: No. I was just pissed that  
14 I had answered a question that got me into a whole discussion.

15 MR. LEVENTHAL: That discussion was over with, though,  
16 and --

17 PROSPECTIVE JUROR NO. 550: I'm sorry.

18 MR. LEVENTHAL: No, no, no. Don't be sorry. I'm --

19 PROSPECTIVE JUROR NO. 550: I'm just nervous about  
20 that situation.

21 MR. LEVENTHAL: So your answer was not that you had  
22 thought about whether or not you could be fair and impartial based  
23 on Mr. Matthews' -- color of his skin, it was --

24 PROSPECTIVE JUROR NO. 550: No.

25 MR. LEVENTHAL: Okay. Do you remember, you raised

1 your hand for what reason or you were about to raise your hand  
2 for --

3 PROSPECTIVE JUROR NO. 550: I don't recall right now.

4 MR. LEVENTHAL: You don't recall?

5 PROSPECTIVE JUROR NO. 550: No.

6 MR. LEVENTHAL: Okay. All right. And as you sit here  
7 today, that would not be an issue for you, the color of his skin, just  
8 to be clear?

9 PROSPECTIVE JUROR NO. 550: No, it would not.

10 MR. LEVENTHAL: Okay. And I know we spoke about the  
11 other things. I don't want, you know, you to get frustrated. We  
12 apologize, but this is the whole process. So, you know, if we're  
13 asking questions and we have to come back to you, because we're  
14 still voir diring on this side, would you still -- you're still willing to  
15 answer the questions, you're not that frustrated with our system  
16 here at this point?

17 PROSPECTIVE JUROR NO. 550: No.

18 MR. LEVENTHAL: No?

19 PROSPECTIVE JUROR NO. 550: I'm not frustrated.

20 MR. LEVENTHAL: Okay. Very good. Thank you very  
21 much.

22 THE COURT: Anything else from the State?

23 MS. BOTELHO: No, Your Honor.

24 THE COURT: Okay. Mr. Willer, thank you very much for  
25 coming in here and answering our questions. Can you hear me?

1 PROSPECTIVE JUROR NO. 550: Uh-huh.  
2 THE COURT: Okay. And you're going to go back outside  
3 with the other jurors.  
4 PROSPECTIVE JUROR NO. 550: Uh-huh.  
5 THE COURT: I just ask you not to discuss with your fellow  
6 jurors --  
7 PROSPECTIVE JUROR NO. 550: Sure.  
8 THE COURT: -- anything that we discussed in here. And  
9 you'll comply with that, correct?  
10 PROSPECTIVE JUROR NO. 550: Correct.  
11 THE COURT: Thank you so much.  
12 [Prospective Juror Number 550 exited courtroom at 2:03 p.m.]  
13 THE COURT: Okay. The record will reflect that Mr. Willer  
14 has left the courtroom. Anything else before I bring in the other  
15 jurors?  
16 MR. LEVENTHAL: No, Your Honor.  
17 THE COURT: Okay. We'll bring them in and I'm --  
18 MR. LEVENTHAL: I guess other than -- is the State going  
19 to pass for cause at this point?  
20 THE COURT: After Mr. Willer?  
21 MR. LEVENTHAL: No, as to all of the --  
22 THE COURT: I sustained the challenge as to Mr. Deering.  
23 MR. LEVENTHAL: Right.  
24 THE COURT: And denied it to the other ones.  
25 MR. GIORDANI: Judge, I do --

1 MR. LEVENTHAL: Got it. Okay.

2 MR. GIORDANI: -- believe that you ruled upon their  
3 challenge to Mr. Deering -- I'm sorry, Mr. Willer.

4 MR. LEVENTHAL: Well, we --

5 THE COURT: Okay. That's -- it didn't -- I didn't know you  
6 were making a challenge. It was my understanding you wanted to  
7 bring him back in here. If you want to make a challenge as to  
8 Mr. Willer, go ahead.

9 MR. GIORDANI: Oh.

10 MR. LEVENTHAL: We weren't until the end of our voir  
11 dire. But if the Court wants to hear it now, then we can --

12 THE COURT: No, if you have a challenge for cause as to  
13 Mr. Willer, make it now.

14 MR. LEVENTHAL: Okay. Let's go ahead.

15 THE COURT: I mean, I prefer the challenges for cause  
16 come in when you have them so that the information is fresh.

17 MR. TANASI: Sure. Your Honor, I know that we did  
18 clarify the issue with whether and when he raised his hand, kind of  
19 clarified. There's kind of been just a history of we'll call it issues  
20 with this particular juror. And then I think it all sort of displayed  
21 itself when he very truthfully answered how he was pissed off with  
22 participating or pissed off that he had to go through more  
23 questioning. So I just don't judge that as a demeanor that I think  
24 can be fair and impartial to either side throughout the duration of  
25 seven days, so the trial.

1 THE COURT: Okay. Does the State have any opposition  
2 to that challenge?

3 MS. BOTELHO: I'm sorry, Your Honor.

4 [Pause in proceedings.]

5 MS. BOTELHO: Your Honor, we would actually object to  
6 Mr. Willer -- or to their challenge for cause as to Mr. Willer. He  
7 clarified during further questioning just a few minutes ago that he  
8 didn't raise his hand. But he actually denied what -- I don't know  
9 whether it was Mr. Tanasi or Mr. Leventhal who indicated they saw  
10 him kind of reach for his hand or raise his hand during a certain  
11 question that Mr. Tanasi posed. He denied that. And so right now  
12 there's no basis.

13 THE COURT: Anything else?

14 MR. TANASI: Your Honor, nothing else to add. I'll submit  
15 it.

16 THE COURT: Okay. So at this time, the Court's going to  
17 deny it as to Mr. Willer.

18 When they come in, Seat 13 will be filled by Troy Barney.

19 MR. TANASI: What number is Mr. Barney, Your Honor?

20 THE COURT: I'm sorry?

21 MR. TANASI: What number is that? Badge number?

22 THE COURT: Oh, I apologize. It's Badge Number 0602.

23 MR. TANASI: Thank you.

24 THE COURT: Troy Barney.

25 MR. GIORDANI: I'm sorry, Judge, Barney ended up in 13?

1 THE COURT: Yeah, because I just excused Mr. Deering.

2 MR. GIORDANI: Did we skip Ms. Kuramoto or is she  
3 already --

4 MR. TANASI: She's in.

5 THE COURT: She's Seat 27. Yeah, she's already in the  
6 box.

7 MR. GIORDANI: I see. Sorry about that. Thank you.

8 THE COURT: Okay.

9 [Court recessed at 2:07 p.m., until 2:29 p.m.]

10 [In the presence of the prospective jury panel.]

11 THE COURT: Does the State stipulate to the presence of  
12 the jury panel?

13 MR. GIORDANI: Yes, Your Honor.

14 THE COURT: With the exception of Seat -- wait, I'm  
15 missing Juror Number 4. Where's Juror Number 4?

16 Yeah, I was wondering what you were doing sitting over  
17 there. I was like, I don't remember her being excused. Oh, jeez.  
18 Okay.

19 THE MARSHAL: Sorry.

20 THE COURT: When I saw her go over there, I couldn't  
21 figure out -- okay. Does the State stipulate to the presence of the  
22 panel with the exception with Seat 13 open?

23 MR. GIORDANI: Yes, Your Honor.

24 THE COURT: Mr. Leventhal?

25 MR. LEVENTHAL: Yes, Your Honor. Thank you.



1 THE COURT: Okay. Thank you very much.  
2 At this time, I am going to ask Mr. Troy Barney, you will  
3 take Seat 13. Mr. Barney, Troy Barney.

4 PROSPECTIVE JUROR NO. 602: Yeah.

5 THE COURT: Okay. Mr. Barney, again, thank you very  
6 much for being here.

7 Can you tell me how long you've lived in Clark County?

8 PROSPECTIVE JUROR NO. 602: 16 years.

9 THE COURT: 16, 1-6?

10 PROSPECTIVE JUROR NO. 602: Yes.

11 THE COURT: Okay. And your education background?

12 PROSPECTIVE JUROR NO. 602: High school, 12th grade.

13 THE COURT: Okay. And what do you do for a living?

14 PROSPECTIVE JUROR NO. 602: I'm retired.

15 THE COURT: Okay. I know you've told me that before.  
16 What did you retire from?

17 PROSPECTIVE JUROR NO. 602: I was a general  
18 contractor.

19 THE COURT: Okay. What kind of stuff did you do?

20 PROSPECTIVE JUROR NO. 602: I built homes and we did  
21 residential and we did an industrial and stuff like that. So.

22 THE COURT: Okay. And you indicated you're married; is  
23 that correct?

24 PROSPECTIVE JUROR NO. 602: It is. Yes.

25 THE COURT: And is your spouse employed or is she

1 retired?

2 PROSPECTIVE JUROR NO. 602: She's retired as well.

3 THE COURT: Okay. And she retired from the Department  
4 of Corrections in Utah; is that correct?

5 PROSPECTIVE JUROR NO. 602: No, in Arizona.

6 THE COURT: Okay. And how long did she work for the  
7 Department of Corrections in Arizona?

8 PROSPECTIVE JUROR NO. 602: I believe it was, like, 11  
9 years.

10 THE COURT: Okay. Do you have children?

11 PROSPECTIVE JUROR NO. 602: I have one.

12 THE COURT: Okay. Is that child old enough to be  
13 employed?

14 PROSPECTIVE JUROR NO. 602: Yes.

15 THE COURT: Can you tell me what that child does for a  
16 living?

17 PROSPECTIVE JUROR NO. 602: She owns a boutique.

18 THE COURT: Okay. And you understand, because I'm  
19 sure you've heard me say it a million times already, that you're not  
20 permitted to have any communication with anyone, including your  
21 fellow jurors --

22 PROSPECTIVE JUROR NO. 602: Uh-huh. Yes.

23 THE COURT: -- until you go back to deliberate upon your  
24 verdict --

25 PROSPECTIVE JUROR NO. 602: Yes.

1 THE COURT: -- and you understand that?

2 PROSPECTIVE JUROR NO. 602: Yes.

3 THE COURT: So you could tell your wife that you are a  
4 juror on a criminal case, but you could not tell her anything else; do  
5 you understand that?

6 PROSPECTIVE JUROR NO. 602: Yes.

7 THE COURT: And you would, obviously, comply with that  
8 order, correct?

9 PROSPECTIVE JUROR NO. 602: Yes.

10 THE COURT: Have you ever served as a juror before?

11 PROSPECTIVE JUROR NO. 602: No.

12 THE COURT: Okay. Have you or anyone close to you,  
13 such as a family member or friend, ever been the victim of a crime?

14 PROSPECTIVE JUROR NO. 602: Yes.

15 THE COURT: Okay. Can you tell me about that?

16 PROSPECTIVE JUROR NO. 602: Back in 1976, a  
17 gentleman broke into our home, raped my mother, beat her very  
18 badly, and robbed our home.

19 THE COURT: Oh, I'm so sorry you had to --

20 PROSPECTIVE JUROR NO. 602: Yeah.

21 THE COURT: Ooh, I'm so sorry. So you were living at  
22 home?

23 PROSPECTIVE JUROR NO. 602: I wasn't at home at the  
24 time.

25 THE COURT: Okay. But were you still living --

1 PROSPECTIVE JUROR NO. 602: I was living with my  
2 father.

3 THE COURT: Okay. All right. And I'm assuming police  
4 were involved?

5 PROSPECTIVE JUROR NO. 602: Yes.

6 THE COURT: Okay. And did they arrest anybody and  
7 charge anybody?

8 PROSPECTIVE JUROR NO. 602: No. They just took  
9 fingerprints and everything else like that, but they never did  
10 anything about it, really. Just, like, back then, it was, like, well, we  
11 can't -- you know, we don't have any proof of anything, so -- type  
12 deal.

13 THE COURT: What do you mean? Did your mom give a  
14 statement?

15 PROSPECTIVE JUROR NO. 602: Well, they hadn't --

16 THE COURT: That's proof.

17 PROSPECTIVE JUROR NO. 602: Well, they gave  
18 statements and stuff, but they had the fingerprints, but they didn't  
19 have anybody, so there was nothing they -- you know, the  
20 fingerprints didn't come back to anybody, so nothing ever  
21 happened with it.

22 THE COURT: Okay. So they investigated it --

23 PROSPECTIVE JUROR NO. 602: Yes.

24 THE COURT: -- but they never solved it.

25 PROSPECTIVE JUROR NO. 602: Yes.

1 THE COURT: Anything about that event that would affect  
2 your ability to be fair and impartial in this case?

3 PROSPECTIVE JUROR NO. 602: Probably.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 602: Yeah, he was an  
6 African-American gentleman, and that didn't sit good with me, you  
7 know what I mean? And then --

8 THE COURT: Well, I would assume --

9 PROSPECTIVE JUROR NO. 602: Yeah.

10 THE COURT: -- the perpetrator against your mother,  
11 regardless of the color of skin --

12 PROSPECTIVE JUROR NO. 602: Yeah.

13 THE COURT: -- would not sit well with you.

14 PROSPECTIVE JUROR NO. 602: Yeah. I understand that.  
15 But it just kind of didn't set well with me. Just -- that's my own  
16 opinion, I'm being honest.

17 THE COURT: All right. And so -- and I'm assuming that  
18 you learned that information from your mother?

19 PROSPECTIVE JUROR NO. 602: Correct.

20 THE COURT: Okay. And based on that, I mean, do you  
21 think you can be fair and impartial to the parties in this matter?

22 PROSPECTIVE JUROR NO. 602: I don't know if I could or  
23 not. I had another incident with me, I got hit by a drunk driver.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 602: And he was speeding,

1 like, 65 miles an hour and hit me from behind. I was sitting at a  
2 stop light. He was an African-American gentleman. And he did not  
3 get a DUI, did not do anything to him, just gave him an improper  
4 lookout. Totaled out my truck. Had no insurance, no anything. I  
5 took him to court, small claims, and all I got out of it was a win in  
6 small claims court. He didn't even show up. So.

7 THE COURT: Okay. Well, that -- and that was you?

8 PROSPECTIVE JUROR NO. 602: That was me.

9 THE COURT: I mean, and that's horrible. How -- I mean,  
10 what do you mean, the person was DUI?

11 PROSPECTIVE JUROR NO. 602: He was drunk when he  
12 got out of the car. And --

13 THE COURT: Okay. So I'm assuming the police were  
14 called?

15 PROSPECTIVE JUROR NO. 602: Yeah, they were called,  
16 and they showed up.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 602: And they didn't give him  
19 a breathalyzer test or anything. And they actually gave -- the  
20 policeman gave him a ride home, and it was 11:00 at night, and I  
21 had to find my own ride home. And I'm, like, how does this work?  
22 So I was not happy with the outcome of that.

23 THE COURT: Okay. When did that occur?

24 PROSPECTIVE JUROR NO. 602: That happened in 1982.

25 THE COURT: Okay. And where was that?

1 PROSPECTIVE JUROR NO. 602: Utah.

2 THE COURT: Okay. And that's horrible, and again, I'm

3 sorry that that happened do you.

4 PROSPECTIVE JUROR NO. 602: Yeah.

5 THE COURT: But does that have anything to do with this

6 case we're here on today?

7 PROSPECTIVE JUROR NO. 602: No, it does not. I just --

8 you know, I'm just giving my, you know, honest opinion of what I

9 think.

10 THE COURT: And you're under oath --

11 PROSPECTIVE JUROR NO. 602: Yeah.

12 THE COURT: -- so I do appreciate that.

13 PROSPECTIVE JUROR NO. 602: Yeah.

14 THE COURT: And so the fact that Mr. Matthews is

15 African-American, do I have to worry about whether you'll be unfair

16 to him because he's African-American and you have --

17 PROSPECTIVE JUROR NO. 602: I'm not sure. I don't --

18 like I said, I -- that's just kind of set bad with me over the years and I

19 don't really like that, you know what I mean? That's just my own

20 personal opinion how I feel.

21 THE COURT: You don't like what?

22 PROSPECTIVE JUROR NO. 602: What's that?

23 THE COURT: You don't like what? You said I don't --

24 PROSPECTIVE JUROR NO. 602: No, I just don't like the

25 way it was handled in both cases, with my mother being raped and

1 beaten and then, you know, they didn't find anybody. And then I  
2 get in a car accident and I'm minding my own business sitting at a  
3 light, I get hit by someone, they're drunk, obviously. And they just  
4 give him a ride home and give him a, you know, improper lookout  
5 ticket. And I get my truck totaled out and he has no insurance and I  
6 have to pay for everything and I have to pay for my own medical  
7 bills. And I sue him, I get nothing.

8 THE COURT: Okay. So are you mad at law enforcement?

9 PROSPECTIVE JUROR NO. 602: No, I'm not mad at law  
10 enforcement. I'm just mad, you know, that these things have  
11 happened in my life. That's just my own, you know, personal  
12 opinion of it and I'm telling you the truth, so.

13 THE COURT: And again, I appreciate it.

14 PROSPECTIVE JUROR NO. 602: Yeah.

15 THE COURT: So everybody that comes to do jury duty, all  
16 of us have life experiences.

17 PROSPECTIVE JUROR NO. 602: Yeah.

18 THE COURT: Those are people that make good jurors,  
19 people that have a lot of different life experiences. But what I need  
20 to know is if you'll be able to set aside those life experiences and  
21 judge this case solely upon what you see and hear in the courtroom  
22 and the instructions on the law as give to you by myself?

23 PROSPECTIVE JUROR NO. 602: No.

24 THE COURT: You cannot do that?

25 PROSPECTIVE JUROR NO. 602: No.



1 THE COURT: Okay. Based on your life experiences?

2 PROSPECTIVE JUROR NO. 602: Yes.

3 THE COURT: Okay. Mr. Barney, I'll just ask you to put the  
4 microphone down.

5 PROSPECTIVE JUROR NO. 602: Okay.

6 THE COURT: You can step out of the box. Thank you very  
7 much for answering my questions.

8 And I'm going to ask that Mr. Richard Western, you will  
9 take Seat Number 13. Okay.

10 Mr. Western, thank you very much for your patience and  
11 for being here with us these last couple of days.

12 Can you tell me how long you've lived in Clark County?

13 PROSPECTIVE JUROR NO. 627: I have lived here 13 years.

14 THE COURT: Okay. And your education background?

15 PROSPECTIVE JUROR NO. 627: I have a master's in  
16 business administration.

17 THE COURT: Okay. And what do you do for a living?

18 PROSPECTIVE JUROR NO. 627: I am a territory sales  
19 manager for a insurance company.

20 THE COURT: Okay. Your marital status?

21 PROSPECTIVE JUROR NO. 627: I'm married.

22 THE COURT: Okay. Is your spouse employed?

23 PROSPECTIVE JUROR NO. 627: She is. She's a medical  
24 device rep.

25 THE COURT: I'm sorry, she's a --

1 PROSPECTIVE JUROR NO. 627: A medical device rep.

2 THE COURT: Okay. Do you have children?

3 PROSPECTIVE JUROR NO. 627: I have two children, both  
4 freshmen in college.

5 THE COURT: Okay. Have you ever served as a juror  
6 before?

7 PROSPECTIVE JUROR NO. 627: I haven't.

8 THE COURT: Okay. Have you or anyone close to you,  
9 such as a family member or friend, ever been the victim of a crime?

10 PROSPECTIVE JUROR NO. 627: Well, yes. I hadn't  
11 thought of it until just yesterday, but when I was about 12 years old,  
12 and this is kind of a crazy story, but my great-aunt hired a hit man  
13 to kill my great-uncle.

14 THE COURT: No.

15 PROSPECTIVE JUROR NO. 627: So. But I'd forgotten. So.

16 THE COURT: Oh, my goodness.

17 PROSPECTIVE JUROR NO. 627: Yeah.

18 THE COURT: So how do you know about it? What  
19 happened?

20 PROSPECTIVE JUROR NO. 627: Well, because I was  
21 about 12, and I saw him maybe twice a year. They were -- my  
22 grandpa's brothers were twins. And so yeah, just, you know, and I  
23 knew them both. But, honestly, what happened was they -- you  
24 know, she didn't want to have a husband and so she hired someone  
25 to kill him.

1 THE COURT: Okay. She didn't -- wasn't successful, right?

2 PROSPECTIVE JUROR NO. 627: Oh, no, she was  
3 successful. Yeah.

4 THE COURT: No.

5 PROSPECTIVE JUROR NO. 627: Yeah.

6 THE COURT: Oh, my goodness. Okay. So I'm assuming,  
7 since you know, that she was found out?

8 PROSPECTIVE JUROR NO. 627: Yes. Yes. Yes. So it was  
9 interesting, because I was at the funeral and she was there.

10 THE COURT: Oh, my gosh.

11 PROSPECTIVE JUROR NO. 627: You know, it's really  
12 interesting, a small town in Michigan called Bad Axe. And -- so,  
13 anyway, but, yeah, so that was my experience with crime. But --

14 THE COURT: Was she arrested?

15 PROSPECTIVE JUROR NO. 627: She was. And she died in  
16 prison I think of leukemia or something.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 627: I thought I'd liven up the  
19 discussion a little.

20 THE COURT: She was arrested, convicted, and sent to  
21 prison.

22 PROSPECTIVE JUROR NO. 627: Yes.

23 THE COURT: Did she go to trial?

24 PROSPECTIVE JUROR NO. 627: Honestly, I don't know. I  
25 think maybe she pled out or -- I'm not sure.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 627: But, yeah.

3 THE COURT: So that must have been something in your

4 family growing up.

5 PROSPECTIVE JUROR NO. 627: Right.

6 THE COURT: Okay. Anything about that incident that

7 would affect your ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 627: No.

9 THE COURT: Okay. Have you or anyone close to you,

10 such as a family member or friend, ever been accused of a crime

11 other than what you've just told us?

12 PROSPECTIVE JUROR NO. 627: No.

13 THE COURT: Okay. Would you have a tendency to give

14 more weight or credence or less weight or credence to the

15 testimony of a witness simply because that witness is a police

16 officer?

17 PROSPECTIVE JUROR NO. 627: No.

18 THE COURT: Do you know of any reason why you could

19 not be a fair and impartial juror if we selected you to serve?

20 PROSPECTIVE JUROR NO. 627: No.

21 THE COURT: Okay. Thank you, sir.

22 I don't know, I think the State's turn? You can go ahead

23 and voir dire.

24 MR. GIORDANI: Thank you.

25 Thank you for lightening the mood. That was very

1 gracious of you.

2 I have a few questions for you, sir. Do you have any  
3 feelings one way or another about the criminal justice system?

4 PROSPECTIVE JUROR NO. 627: Yeah, so my take on it is  
5 a little bit different than anybody -- everybody else's. Mine is,  
6 basically, that it's unfair mostly based on economics. So, you  
7 know, wealthy people probably, for the most part, don't make it to  
8 this part of the process, you know, they're -- they have the best  
9 lawyers and they have the best of everything. And so it doesn't  
10 always happen that way. But, you know, if we were to say on  
11 average, wealthier people definitely would have an advantage in  
12 the justice system.

13 MR. GIORDANI: Okay. So you think it may be a little  
14 unfair, but not based upon race, more based upon socioeconomic  
15 status?

16 PROSPECTIVE JUROR NO. 627: Yes.

17 MR. GIORDANI: Okay. You would agree you know  
18 nothing about Mr. Matthews, you don't know if he's rich, poor, in  
19 the middle, whatever, anything?

20 PROSPECTIVE JUROR NO. 627: I don't.

21 MR. GIORDANI: And you can't make any assumptions  
22 about him whatsoever.

23 PROSPECTIVE JUROR NO. 627: Definitely not.

24 MR. GIORDANI: So, essentially, you need to analyze the  
25 evidence for what it is and not take into consideration any

1 socioeconomic status in this particular case?

2 PROSPECTIVE JUROR NO. 627: Sure.

3 MR. GIORDANI: Would you agree with me there?

4 PROSPECTIVE JUROR NO. 627: Yeah. Yes.

5 MR. GIORDANI: And we're going through this process  
6 trying to find fair jurors and you understand, right?

7 PROSPECTIVE JUROR NO. 627: Yes.

8 MR. GIORDANI: And I -- this is a -- that exchange that just  
9 happened with the juror who was sitting there before you --

10 PROSPECTIVE JUROR NO. 627: Yes.

11 MR. GIORDANI: -- was a little shocking, and I think  
12 everyone probably feels that way. You would agree with me that  
13 race has no place in a court of law, right?

14 PROSPECTIVE JUROR NO. 627: Oh, correct. Yes.

15 MR. GIORDANI: Prejudice has no place in this courtroom,  
16 right?

17 PROSPECTIVE JUROR NO. 627: Yes.

18 MR. GIORDANI: So I would assume your feelings are  
19 quite the opposite of your former colleague on the jury.

20 PROSPECTIVE JUROR NO. 627: Oh, yeah. Yeah, yeah.  
21 No, I think that evidence will speak for itself and --

22 MR. GIORDANI: Sure.

23 PROSPECTIVE JUROR NO. 627: -- yeah, that's it.

24 MR. GIORDANI: Okay. Anything I've asked these prior  
25 jurors throughout the last day and a half that I should ask you, sir,

1 you think I should?

2 PROSPECTIVE JUROR NO. 627: Well, no. I would just say  
3 that, you know, my feeling of sitting over there for a day and a half  
4 was that I would rather be almost anywhere else than here. So  
5 that -- you know, just to be honest. And then the other thing is, is  
6 that I don't know, because I'm in sales, like, I'm going to -- just so  
7 you all know, I'm going to pick out probably a few facts. Like, I  
8 heard there's probably, like, what 10 charges and so I'm going to  
9 pick stuff -- I'm not sure, I'm not really -- I'm, like, a big-picture guy,  
10 I'm not, like, a detail guy. So that part of the process, I'm definitely  
11 not -- I wouldn't consider myself a good juror. I can pay attention, I  
12 certainly can do all these things, but because I'm in sales, I'm  
13 probably going to have my opinion at the end of the trial and  
14 probably, because it's my nature, probably try and persuade others  
15 to mine versus changing my opinion of what I think the evidence is.

16 MR. GIORDANI: Okay.

17 PROSPECTIVE JUROR NO. 627: So.

18 MR. GIORDANI: I appreciate that. That's actually really  
19 inciteful, but it's something that usually gets talked about in jury  
20 selection hasn't come up yet. There are leaders and followers in  
21 the world, right? And some people go back in that room and tend  
22 to voice their opinions a little more stronger than others. Some  
23 people tend to sit back and listen. I never have had the opportunity,  
24 I wish I have, you know, I think all the lawyers in this room wish  
25 they could be a fly on the wall in the deliberations, but we haven't.

1 Do you think that you're someone that is open, even if  
2 you're strong in your position, you're open to listening to other  
3 folks' positions?

4 PROSPECTIVE JUROR NO. 627: Sure. Yeah. Yeah, I  
5 mean, I would -- I definitely would listen, but I don't know, unless  
6 someone was super persuasive, that they would be able to change  
7 my opinion.

8 MR. GIORDANI: Okay. And that's perfectly fine. A lot of  
9 people with all different types of personalities and walks of life.  
10 What we can't have is someone who just won't deliberate. Right?  
11 Because that's the exact process that you are required to do.

12 PROSPECTIVE JUROR NO. 627: Sure.

13 MR. GIORDANI: Do you think that you can go back and sit  
14 with people of different backgrounds and different ages and all of  
15 that and have a discussion about the evidence and, I guess,  
16 ultimately, maybe amend your opinion if someone makes a good  
17 point to you?

18 PROSPECTIVE JUROR NO. 627: Yeah, again, never been  
19 through it. I -- I'm a reasonable person, so yes --

20 MR. GIORDANI: Okay.

21 PROSPECTIVE JUROR NO. 627: -- I think that that would  
22 be okay.

23 MR. GIORDANI: I think that gets to the -- that's the less  
24 wordy way of asking that.

25 PROSPECTIVE JUROR NO. 627: Sure.



1 MR. GIORDANI: Thank you very much, sir. I will pass at  
2 this time.

3 THE COURT: Okay. Do you pass this panel for cause?

4 MR. GIORDANI: Yes.

5 THE COURT: Okay. Mr. Tanasi?

6 MR. TANASI: Thank you, Your Honor.

7 Mr. Western, do you mind just hanging onto the mic for a  
8 second?

9 PROSPECTIVE JUROR NO. 627: No worries.

10 MR. TANASI: Thank you.

11 Okay. I think I'm mic'd up. Can everybody hear me okay?

12 PROSPECTIVE JUROR NO. 627: Yes.

13 MR. TANASI: All right. End of the day home stretch, I  
14 promise.

15 So, Mr. Western, have you ever considered talking to  
16 Netflix?

17 PROSPECTIVE JUROR NO. 627: Netflix, oh --

18 MR. TANASI: About your story.

19 PROSPECTIVE JUROR NO. 627: Yeah, no. But I -- you  
20 know what, my son is interested in law and I think it would be a  
21 great project for him for sure.

22 MR. TANASI: Sure. Absolutely.

23 So I just wanted to hit on something you told  
24 Mr. Giordani, the idea that you're not kind of a details guy, you're a  
25 big-picture kind of guy, fair?

1 PROSPECTIVE JUROR NO. 627: Sure. Yeah.

2 MR. TANASI: So this case is going to have lots of details.  
3 It's going to have a significant amount of details that will be  
4 presented to you. Right? And those details will have whatever  
5 meaning you ascribe to them. Will you pay attention to those  
6 details, do you think? Even though you're not really a details guy?

7 PROSPECTIVE JUROR NO. 627: Yeah, I mean, I certainly  
8 will. But I'm -- I just -- I know from my nature that I'm going to pick  
9 the biggest parts and go, like, okay, that's going to shape my  
10 opinion. And then, of course, obviously, whoever's on the jury, you  
11 know, if, in deliberation, would hopefully, you know, if they have a  
12 different opinion, would maybe fill me in. I certainly can focus, you  
13 know what I mean? I -- that's not an issue. It just doesn't interest  
14 me.

15 MR. TANASI: Understood. And I didn't mean to make it  
16 seem as though you wouldn't focus or you couldn't or anything like  
17 that. Just, you know, what would your mindset be sort of coming  
18 in? It sounds like you'd pay attention to the big picture, but you'd  
19 also maybe look at some of the details if they were presented.

20 PROSPECTIVE JUROR NO. 627: Yeah, exactly.

21 MR. TANASI: Okay. So you said you had kids, right?

22 PROSPECTIVE JUROR NO. 627: I have two children, yeah.  
23 Twins.

24 MR. TANASI: Twins?

25 PROSPECTIVE JUROR NO. 627: Boy and a girl.

1 MR. TANASI: Hold old?  
2 PROSPECTIVE JUROR NO. 627: A boy and a girl, they're  
3 both 18.  
4 MR. TANASI: 18. They ever get into fights?  
5 PROSPECTIVE JUROR NO. 627: No. You know what, it's  
6 weird, they really -- not that often.  
7 MR. TANASI: Wow.  
8 PROSPECTIVE JUROR NO. 627: They actually go to the  
9 same school, so --  
10 MR. TANASI: I have two boys and I'm jealous.  
11 PROSPECTIVE JUROR NO. 627: Yeah, right?  
12 MR. TANASI: Yeah. Can't say the same for them.  
13 So you also kind of mentioned the fact that, you know,  
14 this isn't -- like, maybe this is the last place you'd want to be. I  
15 might be paraphrasing it wrong, but I think that's your point, fair?  
16 PROSPECTIVE JUROR NO. 627: Well, yeah, I was thinking  
17 of the analogy that if somebody said I should be here or to dig a  
18 ditch, I'd say, well, where's the shovel? You know.  
19 MR. TANASI: Understood. No, look, I appreciate your  
20 honesty. And that's exactly what we're trying to get to here.  
21 PROSPECTIVE JUROR NO. 627: Yeah.  
22 MR. TANASI: All right? So thank you.  
23 But there won't be any shovels --  
24 PROSPECTIVE JUROR NO. 627: Right.  
25 MR. TANASI: -- here. There's no ditches.

1 PROSPECTIVE JUROR NO. 627: Right.  
2 MR. TANASI: We're here, right?  
3 PROSPECTIVE JUROR NO. 627: True.  
4 MR. TANASI: So would you want you on your jury if you  
5 were sitting in Mr. Matthews' shoes?  
6 PROSPECTIVE JUROR NO. 627: I want to say no, but I  
7 honestly -- I would say yes, because I really am reasonable in most  
8 things that I do. My wife might say differently, but honestly, yeah,  
9 for the most part, I can empathize with people and I can  
10 understand, you know, different perspectives.  
11 MR. TANASI: Sure. But, again, I mean, you say you want  
12 to say you would, you want to think you could --  
13 PROSPECTIVE JUROR NO. 627: Right.  
14 MR. TANASI: -- I'm trying to get to, like, a yes --  
15 PROSPECTIVE JUROR NO. 627: Yeah, no, I understand --  
16 MR. TANASI: -- or a no.  
17 PROSPECTIVE JUROR NO. 627: -- you want a yes or no.  
18 MR. TANASI: Right.  
19 PROSPECTIVE JUROR NO. 627: But I think the difficulty is,  
20 is that no one is really ever -- I mean, never been in the position,  
21 I'm -- I heard it many times up here, like, we just don't know. And  
22 so I can say yes and then a week from now I can -- you know,  
23 something else might happen. So if you want an answer, I would  
24 say yes.  
25 MR. TANASI: Okay. And then understanding sort of the

1 burden here, do you have any issue with the fact that the State has  
2 the burden of proof, provide all of those details to you and convince  
3 you beyond a reasonable doubt?

4 PROSPECTIVE JUROR NO. 627: No, that's the way it  
5 should be.

6 MR. TANASI: And if everyone on this side of the room  
7 provides zero details to you, sit there quietly the whole time, right,  
8 would you have an issue with that?

9 PROSPECTIVE JUROR NO. 627: No.

10 MR. TANASI: Understand that this side has no burden,  
11 fair?

12 PROSPECTIVE JUROR NO. 627: Correct.

13 MR. TANASI: Okay. All right. Thank you, sir.

14 Ms. Collins, 360. Thank you.

15 Thank you, sir.

16 How are you?

17 PROSPECTIVE JUROR NO. 360: I'm good. How are you?

18 MR. TANASI: Good. Thank you.

19 You have two kids as well, right?

20 PROSPECTIVE JUROR NO. 360: Yes.

21 MR. TANASI: How old are they?

22 PROSPECTIVE JUROR NO. 360: 31 and 23.

23 MR. TANASI: Were you as lucky as Mr. Western to have  
24 kids who never got into fights with each other?

25 PROSPECTIVE JUROR NO. 360: Yeah, they didn't.

1 MR. TANASI: They didn't?  
2 PROSPECTIVE JUROR NO. 360: They didn't.  
3 MR. TANASI: Oh, man. Got to be me, then.  
4 Ever have friends that they played with that they got into  
5 disputes with, come over to the house or on the playground?  
6 PROSPECTIVE JUROR NO. 360: No. Actually, they didn't  
7 get into trouble when they were young.  
8 MR. TANASI: Sure. And I don't mean necessarily trouble.  
9 I mean, you know, somebody -- one child accuses another child of  
10 taking something from them or he pushed me or no, she pushed  
11 me; you never any of those issues?  
12 PROSPECTIVE JUROR NO. 360: No. It was more along  
13 the lines, he forged my signature when you were in middle school.  
14 My older son type thing. But, no.  
15 MR. TANASI: Okay. So let's go with that one. The forged  
16 signature. That was presented to you by someone in the school?  
17 PROSPECTIVE JUROR NO. 360: One of the teachers, yes.  
18 MR. TANASI: One of the teachers?  
19 PROSPECTIVE JUROR NO. 360: Yes.  
20 MR. TANASI: Did you immediately take that on face value  
21 or did you say, well, hold on, I want to see my child's side of this. I  
22 want to see what happened. I want to see the signature. I want to  
23 see this before I just take it on face value?  
24 PROSPECTIVE JUROR NO. 360: Well, they actually --  
25 because [indiscernible] communication, because he was a

1 mischievous one and he -- so she knew the signature didn't look  
2 like mine, so she called me [indiscernible] the school [indiscernible]  
3 went up to the school and [indiscernible] the signature and agreed  
4 it wasn't mine.

5 MR. TANASI: Right. But you took the time to go look at  
6 that signature?

7 PROSPECTIVE JUROR NO. 360: Oh, definitely.

8 MR. TANASI: Right?

9 PROSPECTIVE JUROR NO. 360: Yes.

10 MR. TANASI: And if your child had given you a different  
11 version of events or wanted to talk to you about their side, would  
12 you have taken the time to listen?

13 PROSPECTIVE JUROR NO. 360: Oh, I would. I definitely  
14 would.

15 MR. TANASI: You'd be fair and impartial to both sides?

16 PROSPECTIVE JUROR NO. 360: Yes, absolutely.

17 MR. TANASI: Is that something you can do here today?

18 PROSPECTIVE JUROR NO. 360: Yes, absolutely.

19 MR. TANASI: What's that?

20 PROSPECTIVE JUROR NO. 360: Yes, absolutely.

21 MR. TANASI: Absolutely? Thank you.

22 So you -- both you and your husband work for P&P,  
23 correct?

24 PROSPECTIVE JUROR NO. 360: That is correct.

25 MR. TANASI: At Nevada Department of Parole and

1 Probation, right?

2 PROSPECTIVE JUROR NO. 360: Correct.

3 MR. TANASI: Sort of a law enforcement entity, fair?

4 PROSPECTIVE JUROR NO. 360: Yes.

5 MR. TANASI: Badges, right?

6 PROSPECTIVE JUROR NO. 360: [Indiscernible.]

7 MR. TANASI: Guns?

8 PROSPECTIVE JUROR NO. 360: Yes.

9 MR. TANASI: Right? Does Mr. Matthews have any  
10 concern you'll be fair and impartial to him, since you work in law  
11 enforcement?

12 PROSPECTIVE JUROR NO. 360: I can be fair and  
13 impartial. I have no problem [indiscernible].

14 MR. TANASI: Understood. And I know you also  
15 mentioned you'd worked on reports --

16 PROSPECTIVE JUROR NO. 360: Yes, early on in my career  
17 with Parole and Probation, I was a presentence investigator. I wrote  
18 the reports on individuals [indiscernible].

19 MR. TANASI: Right.

20 PROSPECTIVE JUROR NO. 360: [Indiscernible].

21 MR. TANASI: And so -- just so we're clear, that report  
22 would go to the judge and that would maybe at one point in time  
23 contain a recommendation, correct?

24 PROSPECTIVE JUROR NO. 360: Correct. It used to  
25 contain a recommendation [indiscernible].



1 MR. TANASI: Okay. And when you did your report, did  
2 you want to be as fair and impartial to both sides, so that the judge  
3 could have a well-rounded understanding of what your  
4 recommendation was going to be?

5 PROSPECTIVE JUROR NO. 360: Yes. It was fair and it was  
6 impartial, it was based on scoring, a scale, and it was just based on  
7 the facts.

8 MR. TANASI: Understood.

9 PROSPECTIVE JUROR NO. 360: [Indiscernible.]

10 MR. TANASI: Understood. And that's something you can  
11 bring to this trial, that fair and impartial view and look at the facts,  
12 fair?

13 PROSPECTIVE JUROR NO. 360: Yes.

14 MR. TANASI: Thank you.

15 Ma'am, if you could pass the microphone over to  
16 Ms. Watts, 390.

17 How are you, ma'am?

18 PROSPECTIVE JUROR NO. 390: Fine, and you?

19 MR. TANASI: Good, thank you.

20 I don't remember, do you have any children?

21 PROSPECTIVE JUROR NO. 390: Yes. I have two sons.

22 MR. TANASI: Okay. Did they get along, magically?

23 PROSPECTIVE JUROR NO. 390: Well, they grew up in  
24 separate homes, so.

25 MR. TANASI: Understood. No issues ever with the two of

1 them that you maybe had to resolve?

2 PROSPECTIVE JUROR NO. 390: No.

3 MR. TANASI: No? Understood. Well, I did have noted  
4 that you were working in security at one point?

5 PROSPECTIVE JUROR NO. 390: Yes. Ever since I've lived  
6 here in Las Vegas.

7 MR. TANASI: How many years did you do that?

8 PROSPECTIVE JUROR NO. 390: Well, I came here in '03.  
9 So up until 2013.

10 MR. TANASI: Okay. About 10 years, roughly?

11 PROSPECTIVE JUROR NO. 390: Yeah.

12 MR. TANASI: All right. And working in security, did you  
13 ever have to respond to any incidents?

14 PROSPECTIVE JUROR NO. 390: Nothing really major.

15 MR. TANASI: Do you have an idea of maybe one incident  
16 that you can recall?

17 PROSPECTIVE JUROR NO. 390: One incident. Let's see.  
18 People sleeping where they shouldn't.

19 MR. TANASI: Okay. Understood. And so in that  
20 particular instance, what did you do? Did you --

21 PROSPECTIVE JUROR NO. 390: I approached them and I  
22 told them that they couldn't sleep there. You know, that's basically  
23 it, and that they need to, you know, move along. And they did and  
24 that was it.

25 MR. TANASI: Fantastic. Did you ever have to evaluate

1 two different sides of an issue or an incident?

2 PROSPECTIVE JUROR NO. 390: Not really, because most  
3 of the people would resolve their own, you know, talk among  
4 themselves and get it straightened out. And that's usually, you  
5 know, I think the best way if they can work like that. Like, if you  
6 have a accident in the parking lot and, you know, they work it out.

7 MR. TANASI: Work it out. Understood.

8 In this case, are you able to be fair and impartial to both  
9 sides?

10 PROSPECTIVE JUROR NO. 390: Yes.

11 MR. TANASI: All right. Thank you, ma'am.

12 If you could please pass the microphone to Badge  
13 Number 411, Ms. Morales. Thank you.

14 Hello, ma'am. How are you?

15 PROSPECTIVE JUROR NO. 411: I'm good, thanks.

16 MR. TANASI: Good. You mind speaking up just a little? I  
17 know these masks and big room, I get it.

18 So one of the questions I asked earlier was if, by a show  
19 of hands, if anybody, when they're deliberating, had a view that  
20 they wanted to sort of say to the rest of the room, would they have  
21 any issue doing that? And so I want to ask you that really  
22 specifically. You know, I don't want to know what your deliberation  
23 is, I don't know -- want to know what you're going to decide, I'm not  
24 asking that at all. I'm just saying, whatever your view is at the end  
25 of the day in this case, will you be able to voice that and deliberate

1 with your fellow jurors?

2 PROSPECTIVE JUROR NO. 411: Yes.

3 MR. TANASI: Is that a yes?

4 PROSPECTIVE JUROR NO. 411: Yes.

5 MR. TANASI: I hate to do that, just --

6 PROSPECTIVE JUROR NO. 411: Sorry, I'm --

7 MR. TANASI: -- type the stuff down.

8 PROSPECTIVE JUROR NO. 411: -- quite soft-spoken.

9 MR. TANASI: That's okay. That's no problem. And this  
10 mask doesn't make things easier at all.

11 I had noted that you are a -- you're a nonprofit financial  
12 manager; is that right?

13 PROSPECTIVE JUROR NO. 411: Yes.

14 MR. TANASI: What was the nonprofit?

15 PROSPECTIVE JUROR NO. 411: It's for abuse victims,  
16 domestic abuse.

17 MR. TANASI: Okay. And you said you held a managerial  
18 role there, right?

19 PROSPECTIVE JUROR NO. 411: Yes.

20 MR. TANASI: Did you ever have any employees that  
21 would come to you with different disputes or issues?

22 PROSPECTIVE JUROR NO. 411: I just started this position  
23 Tuesday.

24 MR. TANASI: I'm sorry, I didn't catch that.

25 PROSPECTIVE JUROR NO. 411: I just started this position

1 on Tuesday.

2 MR. TANASI: Oh, well, congratulations.

3 PROSPECTIVE JUROR NO. 411: Thank you.

4 MR. TANASI: All right. Did you get any training on how  
5 to handle disputes in a management position.

6 PROSPECTIVE JUROR NO. 411: I've worked in HOAs,  
7 which is in compliance. And while nobody likes getting, you know,  
8 those letters of paint your yard, your wall, or anything like that.

9 MR. TANASI: No comment. So -- okay. But those  
10 board -- those are boards, right?

11 PROSPECTIVE JUROR NO. 411: Yes.

12 MR. TANASI: And so there's a committee and a group of  
13 folks on the board, right?

14 PROSPECTIVE JUROR NO. 411: Uh-huh. Correct.

15 MR. TANASI: So were you on the board?

16 PROSPECTIVE JUROR NO. 411: No.

17 MR. TANASI: No, you just worked with the --

18 PROSPECTIVE JUROR NO. 411: In compliance and for the  
19 HOA management company.

20 MR. TANASI: So whenever some issue of noncompliance  
21 would come in, what would you do?

22 PROSPECTIVE JUROR NO. 411: Just process them to the  
23 board and discuss it with the manager. That's all.

24 MR. TANASI: Would you investigate any of the --

25 PROSPECTIVE JUROR NO. 411: No.

1 MR. TANASI: -- noncompliance? You would just --  
2 PROSPECTIVE JUROR NO. 411: Process. Because there's  
3 someone that goes out and does the -- taking pictures and all that  
4 stuff. So I would just process the letters and then I worked in  
5 accounting after that.

6 MR. TANASI: Thank you. So if you were sitting in  
7 Mr. Matthews' seat, would you want you on the jury?

8 PROSPECTIVE JUROR NO. 411: Yes.

9 MR. TANASI: You would?

10 PROSPECTIVE JUROR NO. 411: Yes.

11 MR. TANASI: All right. If you could pass the microphone  
12 just to your right. I'm sorry, your left, my right. Long day.

13 How are you?

14 PROSPECTIVE JUROR NO. 402: Good. How are you?

15 MR. TANASI: What is your badge number?

16 PROSPECTIVE JUROR NO. 402: 402.

17 MR. TANASI: Thank you.

18 So same question. Don't want to know what your  
19 deliberations are going to be. But fast-forwarding to that room, that  
20 group environment, where everybody's voicing their opinions and  
21 their thoughts, do you think you're someone that will be able to  
22 voice that opinion?

23 PROSPECTIVE JUROR NO. 402: Yes.

24 MR. TANASI: No problem?

25 PROSPECTIVE JUROR NO. 402: No.

1 MR. TANASI: All right. Is there anything that you haven't  
2 had an opportunity to say that now you've got the microphone and  
3 everybody's listening that you'd like to say?

4 PROSPECTIVE JUROR NO. 402: I don't think so.

5 MR. TANASI: You don't think so?

6 PROSPECTIVE JUROR NO. 402: Nope.

7 MR. TANASI: Fair enough. All right.

8 If you could go just two down. Thank you.

9 All right, sir. Hello.

10 PROSPECTIVE JUROR NO. 398: Hello.

11 MR. TANASI: What is your badge number, sir?

12 PROSPECTIVE JUROR NO. 398: 398.

13 MR. TANASI: 398. Okay. So same question, just don't  
14 want to know what your deliberations will be, but you're in that  
15 room you're deliberating, are you going to be able to voice your  
16 opinion?

17 PROSPECTIVE JUROR NO. 398: Yes.

18 MR. TANASI: No problem?

19 PROSPECTIVE JUROR NO. 398: No problem.

20 MR. TANASI: All right.

21 Court's brief indulgence.

22 [Defense counsel confer.]

23 MR. TANASI: Your Honor, I'm done with my questioning.

24 THE COURT: You'll pass this panel for cause?

25 MR. TANASI: We'll pass -- well, Court's brief indulgence, I

1 apologize.

2 THE COURT: Uh-huh.

3 [Defense counsel confer.]

4 MR. TANASI: Judge, we'll pass for cause.

5 THE COURT: All right. Both sides having passed the  
6 panel for cause, the clerk has prepared what will be marked as  
7 Court's Exhibit Number 5. And the State and the defense may  
8 exercise their first peremptory challenge.

9 MR. GIORDANI: Your Honor, while we confer amongst  
10 ourselves, is it possible to come to turn the noise on?

11 THE COURT: Oh, you mean the -- okay. Like, the --

12 MR. GIORDANI: Agnes is a loud whisperer, you know.

13 THE COURT: -- bench noise? Okay.

14 MR. GIORDANI: Thank you.

15 THE COURT: You bet.

16 We're still in session.

17 [Counsel confer.]

18 THE COURT: All right. The State and the defense may  
19 exercise their second peremptory challenge.

20 [Counsel confer.]

21 THE COURT: The State and the defense may exercise  
22 their third peremptory challenge.

23 [Counsel confer.]

24 THE COURT: The State and the defense may exercise  
25 their fourth peremptory challenge.



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[Counsel confer.]

MR. GIORDANI: Judge, can we approach?

THE COURT: Sure.

[Bench conference transcribed as follows.]

MR. GIORDANI: John Giordani, just making sure we waived one, we don't waive all, correct?

THE COURT: That's right. Just at the bottom right, state waived and which one.

MR. GIORDANI: Gotcha. And then Number 9, is that only on alternates or just anyone in the panel?

THE COURT: That's only as to the alternate.

MR. GIORDANI: Okay.

THE COURT: So after you're done with the eighth, 1 through 12 is the jury.

MR. GIORDANI: Gotcha.

THE COURT: And I'll tell you what that ninth challenge can be used for. And it'll be only the ones left after the 12.

MR. GIORDANI: Understood. Thank you.

THE COURT: Okay?

[End of bench conference.]

[Counsel confer.]

THE COURT: The State and the defense can exercise their fifth peremptory challenge.

[Counsel confer.]

THE COURT: The State and the defense may exercise