

IN THE SUPREME COURT OF THE STATE OF NEVADA

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KIM BLANDINO,

Appellant,

vs.

THE STATE OF NEVADA,

Appellee.

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Clerk of Supreme Court

CASE NO: 84433

**APPELLANT'S APPENDIX V**

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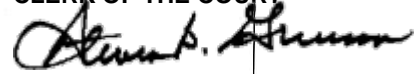
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MEMO

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**IN THE EIGHTH JUDICIAL DISTRICT COURT OF NEVADA  
CLARK COUNTY, NEVADA**

\* \* \* \* \*

STATE OF NEVADA,

Plaintiff,

vs.

KIM BLANDINO,

Defendant.

CASE NO. C-19-341767-1

DEPT NO. XII

**SENTENCING MEMORANDUM**

COMES NOW, BENNAIR R. BATEMAN, ESQ., of the law firm ATTORNEY BENNAIR R. BATEMAN, LLC and hereby submits this Memorandum of Points and Authorities for the sentencing hearing schedule for July 7, 2022.

This memorandum is based on the following Points and Authorities, all pleadings and papers on file herein and any oral argument, which this Court may permit at sentencing.

DATED this 5th day of July 2022.

**ATTORNEY BENNAIR R. BATEMAN, LLC**

  
BENNAIR R. BATEMAN, ESQ.

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## **POINTS AND AUTHORITIES**

### **I. Introduction**

On or about March 9, 2022, Defendant Kim Dennis Blandino was found guilty of extortion and impersonation of an officer by a jury of his peers. This honorable Court set a sentencing date of July 7, 2022. As discussed below, a sentence of probation with a suspended sentence is sufficient and fulfills all the goals of sentencing in this case.

### **II. Discussion**

Having been found guilty by a jury, Defendant Blandino stands before this Court for sentencing. He is an intelligent individual capable of accomplishing much good in his life and in the life of others. As will be explained below, there is much to recommend him for probation in the instant case

Accordingly, the information below will explain why a sentence of probation with a suspended sentence is more than sufficient “to accomplish the traditional goals of sentencing.” *United States v. Kimbrough*, 552 U.S. 85, 101 (2007) (citations omitted). The factor’s most relevant to Blandino’s case can be summarized into three general categories: (a) history and characteristics of the defendant; (b) the nature and circumstances of the offense; and (c) the need for just punishment, deterrence of criminal conduct and uniformity. Each are discussed in turn below.

#### **A. Personal History and Characteristics and Circumstances and Nature of the**

##### **Alleged Offense**

As discussed in the following sections, Blandino’s personal history and characteristics coupled with the circumstances serve as mitigating factors in this case.

1           **1. Personal History and Characteristics.**

2           Blandino grew up with four brothers, parents who remained married throughout their  
3 lives, and attended the Catholic Church. He graduated from Bishop Gorman High School in  
4 1973. After attending two years of college, he eventually became a certified HVAC technician.

5           Blandino married and had two children but divorced in 1991. In 1993 he was arrested for  
6 kidnapping his children in violation of custody rights. He was convicted and served several  
7 years in the Nevada Department of Corrections. While incarcerated, Blandino spent most of his  
8 time in the prison law library studying the law, cases, and legal procedure.

9           Blandino has retired from working as a HVAC Technician, and currently serves as a  
10 caretaker for an elderly woman, Evelyn Pendergraft. Mr. Blandino takes her to doctors'  
11 appointments, prepares meals, does laundry and other household chores and otherwise provides  
12 for her daily care. (See Exhibits 1 & 2) He receives a small stipend and room and board as  
13 compensation. Ms. Pendergraft is veteran of World War II has been widowed since 1999 and lost  
14 her only son to complications of surgery. When she was left without other family Mr. Blandino  
15 vowed to take care of her to the end of her days and has done so ever since.

16           Mr. Blandino has consistently maintained his innocence but is greatly concerned for the  
17 welfare of Evelyn. He feels that if he were to serve time in prison, there would not be anyone  
18 who could properly care for this woman and noted in his statement presented with the PSI.

19           **2. Nature and Circumstances of the Alleged Offense**

20           The facts of Blandino's case are accurately summarized in the PSI. Simply put, Mr.  
21 Blandino is a religious man who was following the Biblical admonition to "be reconciled to thy  
22 brother". (See Matthew 5:22-24, KJV) He acted in accordance with his religious beliefs in  
23 attempting to reconcile with the judge pro tem who had ordered him out of his courtroom. His  
24 insistence on meeting to discuss the matter escalated due to requests from the victim and law  
25 enforcement to a point where Mr. Blandino was charged criminally to the crimes for which the  
26 jury ultimately found him guilty.

27           **3. The Need for Just Punishment and Deterrence**

28

1                   1. Just Punishment and Collateral Consequences

2                   With regard to providing just punishment, it must be remembered that “[r]espect for the  
3 law is promoted by punishments that are fair...not those that simply punish for punishment's sake.  
4 There is no reason to believe that respect for the law will increase if a defendant who deserves  
5 leniency is sentenced harshly any more than there is reason to believe that respect for the law will  
6 increase if a defendant who deserves a harsh punishment receives a slap on the wrist.” *United*  
7 *States. v. Stern*, 590 F.Supp.2d 945 (N.D. Ohio) (Defendant convicted of producing and possessing  
8 child pornography sentenced to twelve months and one day imprisonment.). Turning to just  
9 punishment, the proposed disposition—a sentence to probation with a suspended sentence—is  
10 more than sufficient to fulfill the need for just punishment in this case. Indeed, the Supreme Court  
11 has agreed that “a sentence of imprisonment may work to promote not respect, but derision, of the  
12 law if the law is viewed as merely a means to dispense harsh punishment without taking into  
13 account the real conduct and circumstances involved in sentencing.” *Gall v. United States*, 552  
14 U.S. 38, 54 (2007) (quoting district court).

15                   Additionally, the Pew Research Center has noted that older inmates (those aged 55 and  
16 older) increase costs and impose additional burdens on prisons. (*See* Exhibits 3 & 4) This is due  
17 to the costs of healthcare and special accommodations that must be made for them. Current  
18 demographic information shows that the aging prison populations will make these burdens greater  
19 in the future. Defendant is a 66-year-old man who takes medication to regulate his hypertension  
20 and also suffers from high cholesterol. He is currently participating in a study for a potential  
21 cholesterol medicine which has the possibility to benefit many people. (*See* Exhibit 5) Mr.  
22 Blandino also has the opportunity to participate in a long -term enlarged prostate study which could  
23 potentially benefit many people in the future as well. (*See* Exhibit 6) Mr. Blandino has stated that  
24 he will donate any monies earned from these studies to charity.  
25  
26  
27  
28

## 2. Deterrence

Turning to deterrence, deterrence has two components: specific deterrence and general deterrence. The need for specific deterrence in this case is limited: Mr. Blandino understands the danger for a man of his age to be sent to prison. He will, therefore, not do anything to jeopardize his release on probation. Accordingly, a sentence of probation with a suspended sentence is appropriate. *See United States v. Ward*, 814 F.Supp. 23, 24 (E.D. Va. 1993) (“the length of time a person refrains from the commission of crimes, which is invariably tied to a person’s age, is a factor that is critical to a court’s determination of the sentence it should impose.”). As for general deterrence, numerous academic studies have shown that increased punishment is not correlated with a decrease in general re-offending rates. According to “the best available evidence, . . . prisons do not reduce recidivism more than noncustodial sanctions.” Francis T. Cullen et al., *Prisons Do Not Reduce Recidivism: The High Cost of Ignoring Science*, 91 Prison J. 48S, 50S-51S (2011).

### 1. General Deterrence

Contrary to popular belief, criminal punishments and a permanent criminal record can actually increase future offending among the punished. It defies credulity that a sentence of imprisonment rather than treatment would somehow increase general deterrence other than being an unnecessary expense for taxpayers. Additionally, sentences based on general deterrence lead to counterintuitive results because, according to labeling theorists, criminal behavior often shows an increase after sanctioning because formal sanctions significantly reduce legitimate life pathways. Sanctioned criminals may engage in a process of value identification with their label, and thus adopt norms and behavior patterns typical to that label, i.e. “once a criminal always a criminal.” Imprisonment may serve as a powerful conduit to the adoption of criminal identity, as it is the most severe sanction that one can receive from the state (except for death) and in fact, bestows a more stigmatized label than lesser sanctions (e.g. probation). Thus, cumulative punishments that

1 are more severe than necessary can have counterintuitive results and lead to an increase in  
2 reoffending.

### 3 2. Specific Deterrence

4 As stated above, Mr. Blandino understands the gravity of making any mistake while on  
5 probation and that he would pay with prison for any violations. Though he has a prior criminal  
6 history this will actually serve as added deterrence because he knows the harsh reality of  
7 incarceration in the state penitentiary. He also has added incentive, because, as mentioned before,  
8 he provides daily care for Ms. Pendergraft. His actions, therefore, will be guarded because his  
9 actions will negatively affect not only his life but also the life of Ms. Pendergraft. He also has  
10 support from a network of family and friends many of whom have written letters in support of him  
11 which are attached to this memorandum. (See Exhibits 7-15 inclusive) If granted the opportunity  
12 for probation, he will take full advantage of it and will not be before this Court again for any  
13 revocation purpose.  
14  
15  
16  
17

### 18 III. CONCLUSION

19 WHEREFORE, for all the foregoing reasons, this Court should sentence Blandino to a  
20 period of probation.

21 DATED this 5th day of July 2022.

22 ATTORNEY BENNAIR R. BATEMAN, LLC

23  
24 

25 BENNAIR R. BATEMAN, ESQ.

26 Nevada Bar No. 9338

27 Attorney for Defendant  
28



CERTIFICATE OF SERVICE

The undersigned hereby certifies that service was accomplished by sending the same via email on this 5th day of July 2022 to: dept12@clarkcountycourts.us, michael.dickerson@clarkcountyda.com, melanie.marland@clarkcountyda.com

BY: Ben Bateman  
BENNAIR R. BATEMAN, ESQ.

## APPENDIX – List and Description of Attached Exhibits

Exhibit Number	Brief Description
1	Letter from Staci Wilcox, Ms. Pendergraft's palliative care case manager regarding Mr. Blandino's care and efforts on behalf of Ms. Pendergraft.
2	Photos of Mr. Blandino taking Ms. Pendergraft to one of her appointments. As well as photos of Ms. Pendergraft's WWII service.
3	Blog post from 2016 March 17 on pewtrusts.org. Pew Research Center. <i>Elderly Inmates Burden State Prisons</i> <a href="https://pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/03/17/elderly-inmates-burden-state-prisons">https://pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/03/17/elderly-inmates-burden-state-prisons</a>
4	Boucher, Alex and Matt McKillop (2018, February 20). <i>Aging Prison Populations Drive Up Costs</i> . Pew Research Center. <a href="https://pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs">https://pewtrusts.org/en/research-and-analysis/articles/2018/02/20/aging-prison-populations-drive-up-costs</a>
5	Letter from Dr. Elliot Shin regarding Mr. Blandino's participation in a clinical trial for a cholesterol medication as well as the schedule of the clinical trials.
6	Correspondence from Widad Darwish to Mr. Blandino with information and an application for his participation in the Butterfly Enlarged Prostate Study.
7	Letter of support from Hon. Cynthia Dianne Steel on behalf of Mr. Blandino.
8	Letter of support from Hon. Robert Lueck on behalf of Mr. Blandino.
9	Letter of support from Cathy Blandino on behalf of Mr. Blandino.
10	Letter of support from Lee Blandino on behalf of Mr. Blandino.
11	Letter of support from Andrew Blandino on behalf of Mr. Blandino.
12	Letter of support from Zachary Lindler on behalf of Mr. Blandino.
13	Letter of support from Tom Dellavalle on behalf of Mr. Blandino.
14	Letter of support from Jack Dellavalle on behalf of Mr. Blandino.
15	Letter of support from Minister Kristian on behalf of Mr. Blandino.

# Exhibit 1

June 13,2022

Attention Judge Michelle Leavitt

Dear Judge Leavitt,



Staci Wilcox, RN  
Case Manager  
Optum Care Palliative Care

8655 So. Eastern Avenue  
Las Vegas, NV 89123

P 702-954-7505

F 702-383-9826

staci.wilcox@optum.com

I am writing to you on behalf of Kim Blandino. I am aware that you will be handling the sentencing portion of his case.

I have been working with Mr Blandino since 12/2019 as he has been a caregiver for a patient that I am a case manager for. He lives with her, and assists with her daily care. Due to her advanced age, it is necessary for him to drive her to all doctor appointments, help with scheduling, grocery shopping, meal preparation, laundry, bathing and cleaning. My patient does not have any local family members to assist her. Mr Blandino is very thoughtful, supportive and caring toward her, ensuring all of her physical needs are met.

As you consider sentencing, I humbly ask you for leniency. Thank you for taking the time to hear my thoughts on this matter.

  
Staci Wilcox

RN case manager, Palliative care

# Exhibit 2



06/21/2022 09:39

AA 0932





06/21/2022 09:40

AA 0933





AA 0934



"THE  
WENCH"

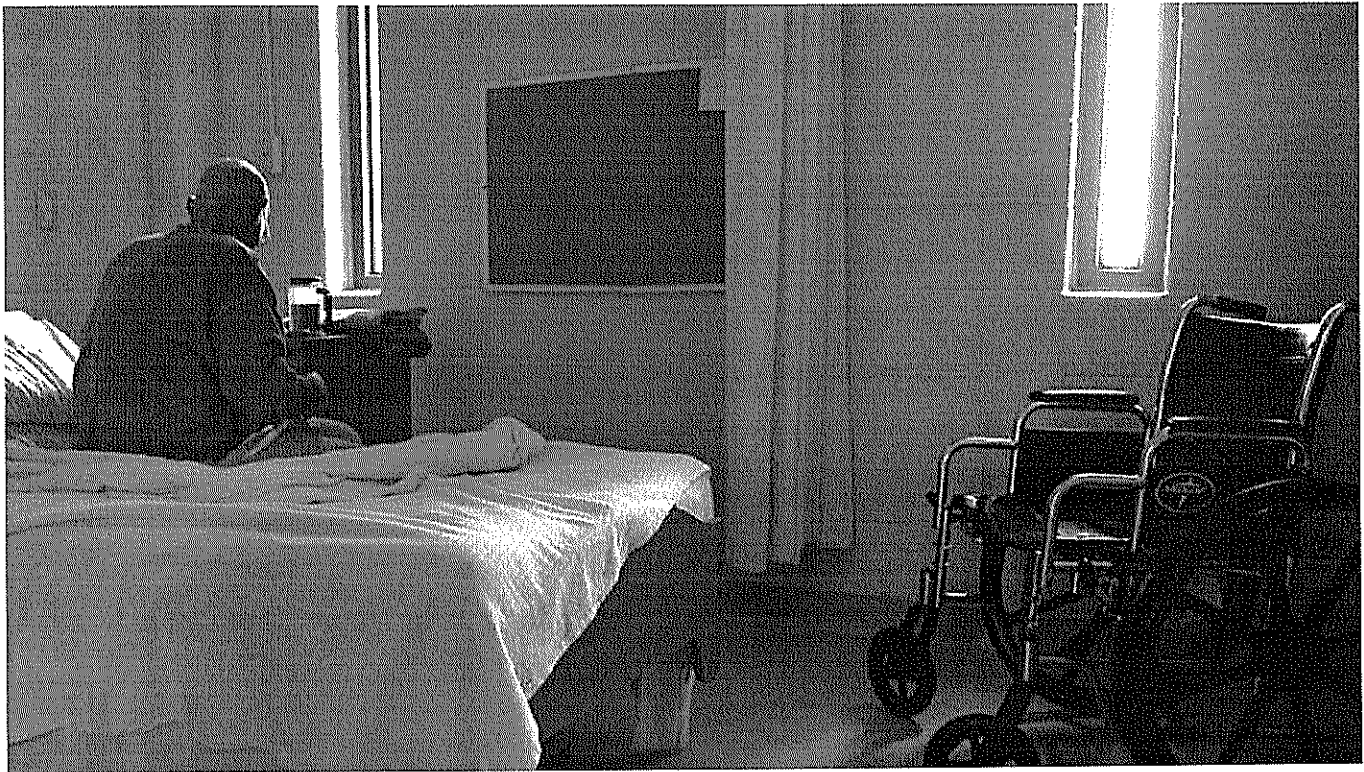


AA 0935

# Exhibit 3

# Elderly inmates burden state prisons

Inmate populations have aged dramatically, creating new burdens and high costs for state prisons.



© The Associated Press

A patient in the medical wing of the Kentucky State Reformatory in LaGrange. As the elderly population in state prisons keeps climbing, correctional systems are adding more services geared toward aging inmates, including hospice services and assisted living units.

CAPRON, Va. — Walter Melvin Atkinson is a bit vague about how long he has been in the assisted living portion of the Deerfield Correctional Center and how long he has left on his sentence. He claims to not even remember the crime — pedophilia — that landed him here.

At 92, “Speedy,” as he is called ironically by fellow prisoners and guards, is frail enough to require a wheelchair to get around, and his inmate caregivers rushed

AA 0937

to his side to grab from his shaking hand a coffee mug that seemed destined to spill all over his cot. A huge, bright orange star has been sewn on to the white blanket that covers the cot — an idea the unit manager, Kathy Walker, dreamed up to help Atkinson spot his own bed among the six rows of beds in the spotless unit.

Atkinson is representative of an ever deepening trend in state corrections systems, and an ever growing problem, too. According to Human Rights Watch, from 2007 to 2010, the increase in the elderly population, 65 and up, being sentenced to state and federal prison outpaced the increase in the total population by 94 to 1.

Nearly every state is seeing that upward tick in elderly state prisoners. In Virginia, for example, 822 state prisoners were 50 and over (corrections officials usually consider old age for prisoners to begin at 50 or 55) in 1990, about 4.5 percent of all inmates. By 2014, that number had grown to 7,202, or 20 percent of all inmates.

For state prisons, the consequence of that aging is money, more and more of it every year. Health care for aging prisoners costs far more than it does for younger ones, just as it does outside prison walls. Corrections departments across the country report that health care for older prisoners costs between four and eight times what it does for younger prisoners.

In 2013, nearly half the \$58 million that Virginia spent on off-site prisoner health care went to the care of older prisoners, according to Trey Fuller, acting health services director in the state Department of Corrections. “Over time,” Fuller said, “we’ll need more and more money for that population because they will need more drugs, more specialist visits, more nursing hours, more everything.”

Many states have taken steps to reduce their prison populations by releasing nonviolent inmates or by diverting some offenders to community programs before sending them to prison. But corrections officials say those reforms alone will do little to decrease the population of older prisoners who are serving mandatory sentences or have committed violent crimes.

Several states have adopted programs such as early release for geriatric patients or “compassionate release” for the dying. But advocates for prisoners say the programs are often so cumbersome and restrictive that few older prisoners are able to take advantage of them.

## Accommodating the Elderly

The graying of the U.S. prison population reflects the rising median age of Americans since 1970. But that broader trend doesn't fully explain the sharp increase in older prisoners. For that, corrections officials point to two factors. One is a steady increase in the rate of older adults entering prison. The second, and more potent, factor is changes enacted in the get-tough-on-criminals 1990s that resulted in longer prison sentences.

"It was the push for mandatory sentences and three strikes you're out," said Linda Redford, who studies health issues related to aging prisoners and is the director of aging and geriatrics programs at the University of Kansas Medical Center. "So we're seeing people who came to prison in their 30s and 40s and 50s in their 50s and 60s and 70s today."

Virginia's problem was compounded in 1995 when the General Assembly eliminated parole for any offender entering its prisons from then on.

To accommodate the growing number of older prisoners, most states have been adding or retrofitting facilities.

"Prisons weren't designed for patients who are getting older," said Owen Murray, chief physician for Correctional Managed Care, University of Texas Medical Branch, which oversees health care for most of that state's prisons. "They were designed for people 18 to 55" and who were able to walk, Murray said. One in five Texas prisoners is older than 50.

States have had to install ramps and shower handles and make other physical modifications. Many prisons have had to create assisted living centers with full-time nursing staffs, as Deerfield has. In addition, at least 75 U.S. prisons, including Deerfield, provide hospice services for dying prisoners, according to the Vera Institute of Justice, a nonprofit that advocates for criminal justice reform.

In prison, services for the elderly are often stretched thin. The 57-bed assisted living unit at Deerfield is always full; there's a waiting list to get in. The nearby 18-bed infirmary provides hospice services, but its beds are also needed for nonterminal acute care patients, such as inmates who have just had surgery and need special care while they recover.

As a result, Deerfield has tightened restrictions on which elderly patients can go to assisted living or hospice care. For example, it used to be that prisoners

AA 0939



would be considered eligible for assisted living if they could not perform any one basic task such as bathing, dressing or walking, said Susan Wright, nurse manager of assisted living at Deerfield. Now, they must be unable to do two or three or them.

## **Worse Health**

People sent to prison are generally less healthy than the general population, having abused drugs and alcohol or neglected their health for many years. Prisoners have much higher rates of cardiac disease, high blood pressure, hepatitis C, diabetes and other chronic diseases than the general population. That is why corrections officials consider that old age comes much sooner for prisoners.

“The norm in prisons is to use 55-and-older as the metric associated with older prisoners primarily because the consensus is that our population is 10 years ahead, clinically,” of people on the outside, Murray said.

Prison is a particularly treacherous place to get old. Getting to a top bunk is difficult for many aging prisoners, as is climbing stairs. Hearing loss, dementia and general frailty can make it difficult to comprehend or obey rules. And being infirm in an institution full of young predators can make older prisoners vulnerable. “If there’s an old lion or gazelle,” said Phillip Wheatley, one of the prisoner caregivers who tends to Atkinson, “the young ones are going to take advantage.”

When aging prisoners do reach the end of their sentences, corrections officials often have a hard time placing them, even if they look beyond their state.

“Private nursing homes don’t want to take elderly offenders who were murderers or sex offenders,” said Virginia’s Fuller. He is currently keeping a wheelchair-bound former prisoner in a hotel, where a nurse visits daily, “because we couldn’t find a home for him,” he said.

Atkinson seems likely to present a similar problem. He was sentenced to 27 years in 1990 for pedophilia, paroled in 2005, and taken back into custody in 2008 for entering a school in violation of his parole. Thanks to credit he earned for good behavior, Atkinson could be released later this year, but his criminal record will likely make it difficult to find an outside assisted living facility or nursing home willing to take him.

## **Varying Approaches**

Dealing with an aging prison population isn't so complicated, said Texas' Murray. "Either you figure out ways to get them out of the prison system and on to Medicare, or you choose to take a firm line that those patients have to do their time and you need to fund those facilities and care services that are necessary."

So far most states have opted for the second approach, which means continuing to add services for an elderly population, including a special dementia unit for prisoners in New York state and housing units just for the elderly at Ohio's Hocking Correctional Facility.

In 2012, Connecticut contracted with a private nursing home in Rocky Hill to care for elderly and infirm inmates granted parole. But even there, the state is locked in a battle with the federal government over whether the facility qualifies for Medicare or Medicaid reimbursement.

Several states have a mechanism they could use to shed some older prisoners. Louisiana, Ohio and Virginia have "geriatric conditional release" laws that make old age grounds for consideration for an early release. In Virginia, prisoners are automatically considered for release if they are 60 and have served 13 years or if they are 65 and have served five years.

Last year, 505 eligible prisoners were considered for geriatric release, according to Karen Brown, chairwoman of the state's Parole Board. Only 3 percent were granted release, she said, adding that many of those who were denied had committed violent crimes.

Decisions about aging prisoners and the risk they would pose to the outside world should better reflect their medical conditions, said Brie Williams, an associate professor of geriatric medicine at the University of California, San Francisco, who studies aging in prison. "Health care professionals and criminal justice administrators should be coming together ... to evaluate people for release," she said. "We need to develop different approaches to their parole that are informed by their medical state."

Virginia, like most other states, also permits the governor to grant clemency to prisoners certified by doctors to have less than 90 days left to live because of terminal illness. Last year, two Virginia prisoners received such clemencies.

Studies have found that older ex-offenders are less likely than younger ones to commit additional crimes after their release. But politicians and the public don't seem willing to release former murderers, rapists and sex offenders, even

AA 0941

though they are decades removed from their crimes and physically incapable of repeating them, said Liz Gaynes, president of the Osborne Association, a nonprofit that works on behalf of ex-offenders.

“It comes down to they did a bad thing and they should be punished,” she said. “Endlessly.”

States will be forced to pay more and more for that attitude, Gaynes said. “What to do about this is going to be *the* challenge for prisons in the next 20 years.”



# Exhibit 4

# Aging Prison Populations Drive Up Costs

Prison populations are shrinking, reflecting a decade-long movement by states to enact policies that reverse corrections growth, contain costs, and keep crime rates low.



Andrew Burton/Getty Images

*This is the sixth analysis in a series examining how health care is funded and delivered in state-run prisons, as well as how care continuity is facilitated upon release.*

Prison populations are shrinking, reflecting a decade-long movement by states to enact policies that reverse corrections growth, contain costs, and keep crime rates low. At the end of 2016, fewer people were held in state and federal prisons than in any year since 2004.

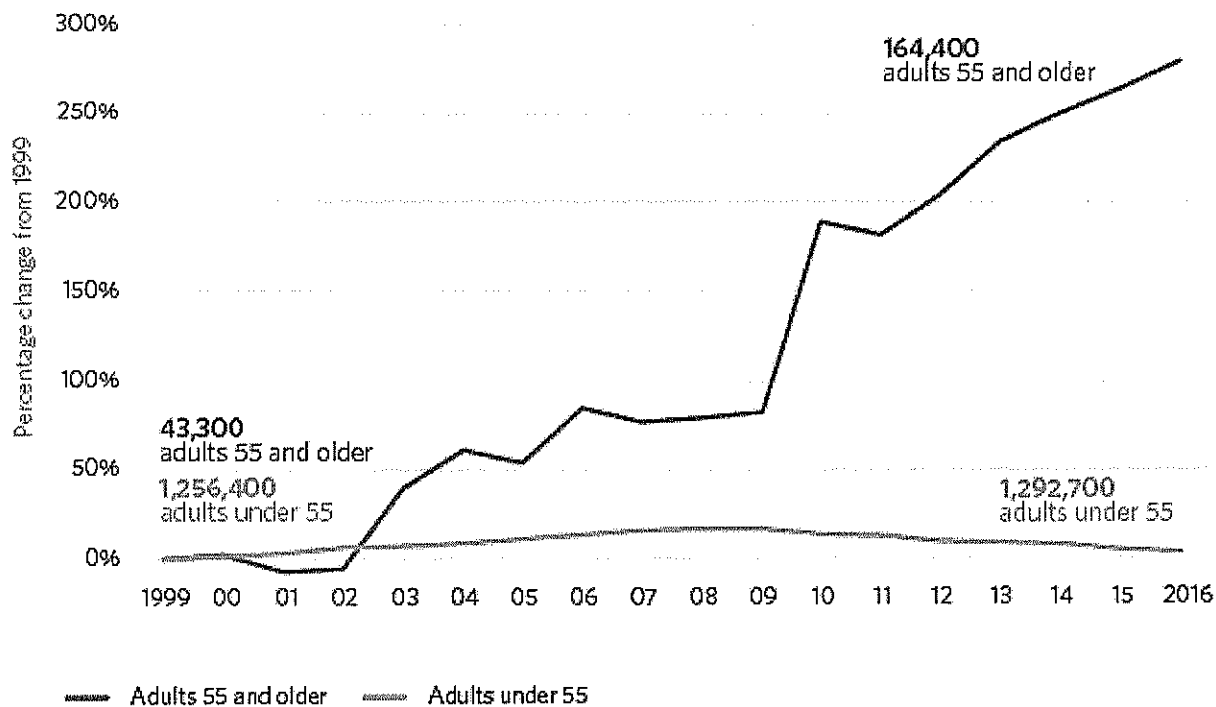
But despite this overall reduction, one group in prisons is surging: older individuals. From 1999 to 2016, the number of people 55 or older in state and

AA 0944

federal prisons increased 280 percent. During the same period, the number of younger adults grew merely 3 percent. As a result, older inmates swelled from 3 percent of the total prison population to 11 percent.

## The Number of Older Prisoners Grew by 280%, 1999-2016

### Percentage change in sentenced adults by age group



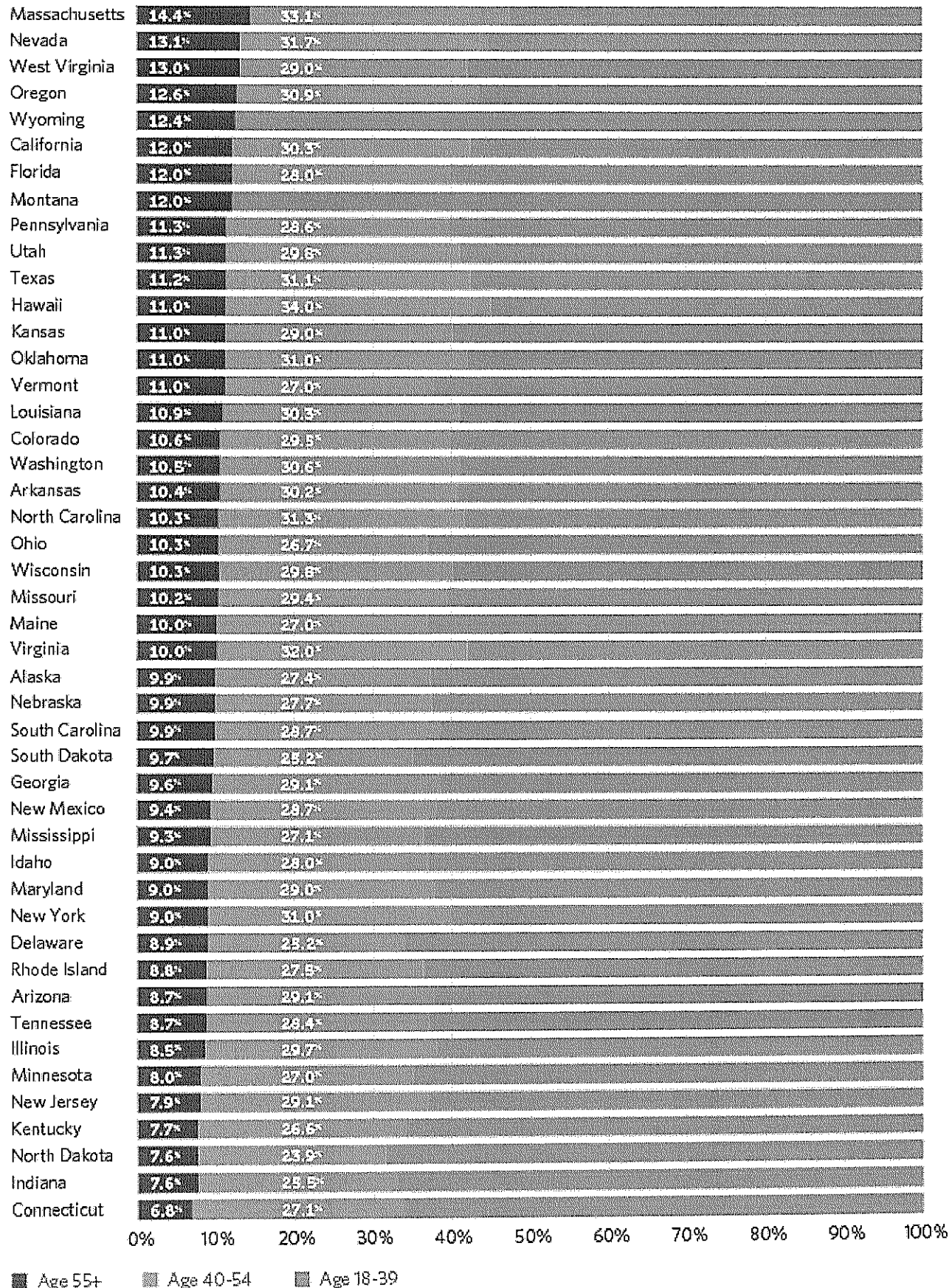
Note: The Bureau of Justice Statistics estimates the age distribution of prisoners using data from the Federal Justice Statistics Program and statistics that states voluntarily submit to the National Corrections Reporting Program. State participation in this program has varied, which may have caused year-to-year fluctuations in the Bureau's national estimates, but this does not affect long-term trend comparisons. From 2009 to 2010, the number of states submitting data increased substantially, which might have contributed to the year-over-year increase in the national estimate between those years.

Source: Bureau of Justice Statistics

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State prison populations account for the vast majority of these state and federal totals. A new [report](#) by The Pew Charitable Trusts finds that in 44 states that reported prison population data by age to researchers, the number of older individuals increased by a median of 41 percent from fiscal years 2010 to 2015, expanding from 7 percent of the total to 10 percent. Indeed, the share of older prisoners increased in every state that provided data, topping out in fiscal 2015 at a range of less than 8 percent in Connecticut, Indiana, Kentucky, New Jersey, and North Dakota to more than 12 percent in Massachusetts, Nevada, Oregon, West Virginia, and Wyoming.

# Prison Population Age Distribution by State, Fiscal 2015



Note: Three states (Alabama, Iowa, and Michigan) either did not track inmates by the age brackets surveyed or did not report data to Pew and Vera for fiscal 2015. Montana and Wyoming reported data only for the proportion of inmates 55 and older. New Hampshire provided no data. Percentages reflect all inmates under the jurisdiction of state departments of correction (i.e., those under the legal authority of the state, regardless of where the prisoner is held).

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## Greater need, greater expense

Like senior citizens outside prison walls, older individuals in prison are more likely to experience dementia, impaired mobility, and loss of hearing and vision. In prisons, these ailments present special challenges and can necessitate increased staffing levels and enhanced officer training to accommodate those who have difficulty complying with orders from correctional officers. They can also require structural accessibility adaptations, such as special housing and wheelchair ramps.

Additionally, as the Bureau of Justice Statistics found, older inmates are more susceptible to costly chronic medical conditions. They typically experience the effects of age sooner than people outside prison because of issues such as substance use disorder, inadequate preventive and primary care before incarceration, and stress linked to the isolation and sometimes violent environment of prison life.

For these reasons, older individuals have a deepening impact on prison budgets. Estimates of the increased cost vary. The National Institute of Corrections pegged the annual cost of incarcerating those 55 or older who have chronic and terminal illnesses at two to three times that for all others on average. More recently, other researchers have found that the cost differential may be wider.

At the federal level, an assessment by the Justice Department's inspector general found that, within the Federal Bureau of Prisons, institutions with the highest percentages of aging individuals spent five times more per inmate on medical care—and 14 times more per inmate on medication—than those with the lowest percentages.

## Why state prison populations are aging

The graying of state prisons stems from an increase in admissions of older people to prison and the use of longer sentences as a public safety strategy. From 2003 to 2013, admissions of those 55 or older increased by 82 percent—

AA 0947

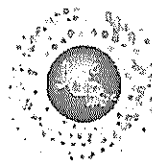
higher than the overall population growth for that age bracket—even as they declined for the younger group. A majority of these admissions were for new court commitments, which generally carry longer sentences than parole violations.

Across all ages and offense types, the average time expected to be served on a new court commitment rose from 29 months in 1993 to 39 months in 2013. Among those 55 or older in 2013, 40 percent had served 10 years or more, up from just 9 percent in 1993. As a result, individuals became more likely to grow old in prison. Six in 10 older inmates in 2013 had aged into that cohort, nearly double the share from 1993.

An additional explanation for the lengthy sentences is the nature of the crimes committed. Many of today's older inmates were convicted of serious, violent felonies in their younger years. Between 1993 and 2013, two-thirds of people 55 or older in state prison were sentenced for a violent crime, such as assault, rape, or murder. This was the highest percentage among all age groups. Similarly, violent offenses were consistently the most common reason for new commitments among this group.

*Matt McKillop is an officer and Alex Boucher is a senior associate with the states' fiscal health project of The Pew Charitable Trusts.*

# Exhibit 5



**JUBILEE CLINICAL RESEARCH, INC.**

*Excellence · Wellness · Philanthropy*

June 2, 2022

Re: Kim Blandino's clinical trial participation

To whom it may concern,

I'm writing to inform you that Mr. Blandino is under my medical care to treat his condition through a clinical trial. I was his former primary care physician long ago and contacted him around April 2022 to see if he would like for me to continue to provide care for his medical condition through clinical trial. He consented voluntarily and is scheduled to finish his participation around September 1<sup>st</sup>, 2022.

Clinical trials are pivotal and necessary for advancement of medicine bringing new innovative therapies and/or improving on existing treatments. His participation in this trial is not only beneficial for him medically but also will help to save tens of thousands of patients in the future.

Please do not hesitate to contact me any time should you have any questions.

Sincerely,

Elliot Shin, MD  
Principal Investigator  
Jubilee Clinical Research  
702.829.8491  
eshin@jcr-lv.com



Sponsor: ~~XXXXXXXXXX~~ Corp., NJ,  
USA  
Protocol Number: ~~XXXXXXXXXX~~  
PPD Study Code: ~~XXXXXXXXXX~~  
Investigator Site ID: 0047  
Principal Investigator: Elliot Shin  
Site Coordinator: Sandra Konery

Lab Director: ~~XXXXXXXXXX~~, MD., FCAP  
Global Central Labs  
2 Tesseneer Drive  
Highland Heights, KY 41076  
+1 859 781 8877

Report Generated: 28-Apr-2022

**PPD**<sup>®</sup>

#### SUBJECT INFORMATION

Screen\_No: 004700006  
Accession Number: 2130155

Gender: Male  
YOB: 1955

Visit: V1 Screening  
Drawdate: 26-Apr-2022  
Race: Caucasian

#### RESULTS REPORT: TESTING COMPLETE FOR SPECIMENS RECEIVED

#### CLINICAL DATA

Is serum pregnancy test required? No  
Is FSH test required? No  
Was subject fasting? Yes  
Does subject have hypothyroidism? No

#### CHEMISTRY

TEST	RESULT	UNITS	REF RANGE	CS*	INITIALS	COMMENTS
ALT	17	U/L	10 - 40			
AST	18	U/L	10 - 43			
Bilirubin, Total	0.37	mg/dL	<= 1.1			
Protein	7.5	g/dL	6.0 - 8.0			
Creatine Phosphokinase (CPK)	205	U/L	24 - 207			
Albumin	4.8	g/dL	3.5 - 5.5			
Creatinine	1.1	mg/dL	0.7 - 1.4			
BUN	H 22	mg/dL	5 - 20	Y (N)	<u>ES</u>	
Sodium	141	mEq/L	133 - 145			
Potassium	4.6	mEq/L	3.5 - 5.0			
Chloride	96	mEq/L	95 - 110			
Bicarbonate	25	mEq/L	21 - 33			
Calcium	9.9	mg/dL	8.5 - 10.5			
Phosphorous	3.3	mg/dL	2.5 - 4.5			
Glucose	95	mg/dL	60 - 99			
Cholesterol, Total	H 258	mg/dL	125 - 200	Y (N)	<u>ES</u>	
Triglyceride	169	mg/dL	45 - 200			
HDL	49	mg/dL	40 - 60			
LDL (Friedewald Calculation)	H 175	mg/dL	50 - 160	Y (N)	<u>ES</u>	
Non HDL	H 209	mg/dL	65 - 165	Y (N)	<u>ES</u>	
Uric Acid	7.6	mg/dL	4.0 - 8.0			
Alkaline Phosphatase	65	U/L	43 - 115			
Estimated Glomerular Filtration Rate (eGFR) (CDK-EPI 2021)	L 74	ml/min/1.73 m <sup>2</sup>	85 - 125	Y (N)	<u>ES</u>	
Thyroid Stimulating Hormone	3.190	mIU/mL	0.270 - 4.200			

#### HBA1C

TEST	RESULT	UNITS	REF RANGE	CS*	INITIALS	COMMENTS
Hemoglobin A1c	H 5.8	%	4.0 - 5.6	Y (N)	<u>ES</u>	

H = High L = Low HC = High Critical LC = Low Critical AB = Abnormal UTP = Unable to Perform

Sponsor: [REDACTED],  
USA  
Protocol Number: [REDACTED]  
PPD Study Code: [REDACTED]  
Investigator Site ID: 0047  
Principal Investigator: Elliot Shin  
Site Coordinator: Sandra Konery

Lab Director: [REDACTED], MD.,FCAP  
Global Central Labs  
2 Tesseneer Drive  
Highland Heights, KY 41076  
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Report Generated: 28-Apr-2022



#### SUBJECT INFORMATION

Screen\_No: 004700006  
Accession Number: 2130155

Gender: Male  
YOB: 1955

Visit: V1 Screening  
Drawdate: 26-Apr-2022  
Race: Caucasian

#### RESULTS REPORT: TESTING COMPLETE FOR SPECIMENS RECEIVED

#### HEMATOLOGY

TEST	RESULT	UNITS	REF RANGE	CS*	INITIALS	COMMENTS
WBC	8.68	$\times 10^3/\mu\text{L}$	3.70 - 11.00			
RBC	L 4.42	$\times 10^6/\mu\text{L}$	4.63 - 6.08	Y(N)	ES	
Hemoglobin	13.7	g/dL	12.5 - 17.0			
Hematocrit	42.4	%	37.0 - 51.0			
MCV	95.9	fL	78.0 - 100.0			
MCH	31.0	pg	27.0 - 34.0			
MCHC	32.3	g/dL	31.0 - 36.0			
RDW	12.4	%	11.5 - 14.5			
Platelet	294	$\times 10^3/\mu\text{L}$	163 - 375			
MPV	9.8	fL	9.6 - 13.8			
Neutrophils	70.3	%	34.0 - 71.0			
WBC Differential, Neutrophils	6.10	$\times 10^3/\mu\text{L}$	1.70 - 7.90			
Lymphocytes	16.5	%	12.0 - 46.0			
WBC Differential, Lymphocytes	1.43	$\times 10^3/\mu\text{L}$	0.90 - 3.60			
Monocytes	9.4	%	0.0 - 11.0			
WBC Differential, Monocytes	0.82	$\times 10^3/\mu\text{L}$	0.00 - 1.20			
Eosinophils	2.4	%	0.0 - 7.0			
WBC Differential, Eosinophils	0.21	$\times 10^3/\mu\text{L}$	0.00 - 0.80			
Basophils	0.8	%	0.0 - 3.0			
WBC Differential, Basophils	0.07	$\times 10^3/\mu\text{L}$	0.00 - 0.30			
Immature Granulocyte	0.6	%	0.0 - 1.0			
WBC Differential, Immature Granulocytes	0.05	$\times 10^3/\mu\text{L}$	0.00 - 0.07			
Nucleated Red Blood Cell	< 0.01	$\times 10^3/\mu\text{L}$	0.00 - 0.01			
Nucleated Red Blood Cell, % (Sysmex)	0.0	%	0.0 - 0.2			
Reticulocyte Count	1.53	%	0.77 - 2.36			

Unless otherwise noted, all testing has been performed at PPD Global Central Labs, 2 Tesseneer Drive, Highland Heights, KY 41076, United States

Investigator Signature: \_\_\_\_\_

Date: 28 APR 2022

H = High

L = Low

HC = High Critical

LC = Low Critical

AB = Abnormal

UTP = Unable to Perform



Bennair Bateman &lt;brb@brblv.com&gt;

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**Fw: Clinical Trial Schedule (Merck)**

1 message

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**Kim Blandino** <kim43792@earthlink.net>  
To: brb@brblv.com

Mon, May 23, 2022 at 9:43 AM

Ben here is that timeline for the clinical trial. .

Kim Blandino

-----Forwarded Message-----

From: <skonery@jcr-lv.com>  
Sent: May 11, 2022 2:39 PM  
To: <Kim43792@earthlink.net>  
Subject: Clinical Trial Schedule (Merck)

Study Schedule is as outlined:

Screened: 25-Apr-2022

Day 1 treatment: 05-May-2022

Week 2: 19 May 2022

Week 4: 02 Jun 2022

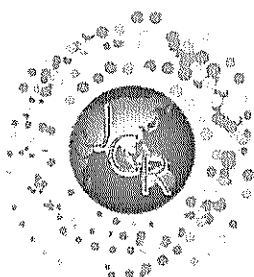
Week 8: 30 Jun 2022

Week 10: 14 Jul 2022

Week 16 (end of study): 25 Aug 2022.

I hope this helps.

Best,



**Sandra Konery, CCRC**

*Clinical Research Coordinator*

Jubilee Clinical Research, Inc.

Address: 400 Shadow Lane, Suite 205, Las Vegas, NV 89106

Main: 702.631.5000 Fax: 702.631.5002 Direct: 702.903.4128

**AA 0953**

6/23/22, 4:26 PM

Attorney Bennair R. Bateman, LLC Mail - Fw: Clinical Trial Schedule (Merck)

Website: [www.jcr-lv.com](http://www.jcr-lv.com) Email: [skonery@jcr-lv.com](mailto:skonery@jcr-lv.com)

Follow us on social media:



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**AA 0954**

# Exhibit 6



Bennair Bateman &lt;brb@brblv.com&gt;

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**Fw: Butterfly Enlarged Prostate Study**

1 message

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**Kim Blandino** <kim43792@earthlink.net>  
To: brb@brblv.com

Fri, Jul 1, 2022 at 11:51 AM

-----Forwarded Message-----

From: Widad Darwish &lt;widaddarwish@freedmanurology.com&gt;

Sent: Jun 20, 2022 9:20 AM

To: kim43792@earthlink.net &lt;kim43792@earthlink.net&gt;

Subject: Butterfly Enlarged Prostate Study

Hello Mr. Kim,

It was a pleasure speaking with you today. Per our discussion, attached is a copy of the informed consent for the enlarged prostate Butterfly Study. Please review this at your earliest convenience. We look forward to hearing from you soon.

Sincerely,

Widad Darwish

Sheldon Freedman MD LTD

P:702-732-0282 ext 237

**Butterfly Consent.pdf**

8049K

**INFORMED CONSENT FORM  
AND  
AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH  
INFORMATION**

**Sponsor / Study Title:** Butterfly Medical. / "A prospective, randomized, controlled, blinded study to assess the Safety and Efficacy of the Butterfly Medical Prostatic Retraction Device in Benign Prostatic Hyperplasia (BPH) Patients"

**Protocol Number:** CL-BM14-001

**Principal Investigator:  
(Study Doctor)** Sheldon Freedman, MD

**Telephone:** (702) 732-0282 (24 Hours)

**Address:** Sheldon Freedman MD LTD  
653 Town Center Drive  
Suite 308  
Las Vegas, NV 89144

This form is for use in a research study that may involve subjects who may or may not have the capacity to consent to take part in the study. When the subject cannot legally consent to take part, pronouns "you" and "your" should be read as referring to the subject rather than the person (legally authorized representative) who is signing this form for the subject. In cases where the subject's representative gives consent, the subject should be informed about the study to the extent possible given his/her understanding. During the course of the study, if the subject regains the capacity to consent, informed consent will be obtained from the subject and the subject offered the ability to leave the study if desired.

**KEY INFORMATION**

You are invited to take part in a research study. This research study is studying the Butterfly Prostatic Retraction Device as a possible treatment for symptoms of Benign Prostatic Hyperplasia (BPH) which is a non-carcinogenic enlargement of your prostate. Butterfly Medical Ltd. is sponsoring this research study.

The purpose of this study is to assess the safety and effectiveness of the Butterfly study device in reducing the symptoms you are suffering from that are associated with the BPH condition. Another purpose is to assess sexual function and quality of life following the use of the Butterfly study device. The Butterfly study device includes a metal (nitinol) implant that looks like a butterfly. The implant is inserted through your urethra - the tube that carries pee out of the body, and resides at

the area of the prostate. It is inserted during a cystoscopy procedure done through the natural opening of your penis using a standard cystoscope.

The implant is placed at the narrowed area in your prostatic urethra and pushes out slightly on the urethra walls causing it to open, enable normal flow of urine thus reducing the symptoms of blocked urethra. The implant stays in your prostatic urethra permanently. However, if you want to remove it, it can be removed during another cystoscopy procedure.

Please read this form carefully. Take your time to ask the study doctor or study staff as many questions about the study as you would like. The study doctor or study staff can explain words or information that you do not understand. Reading this form and talking to the study doctor or study staff may help you decide whether to take part or not. If you decide to take part in this study, you must sign your name at the end of this form and date it.

### **BACKGROUND AND PURPOSE**

You are being asked to participate in this research study because you have symptoms caused by urinary outflow obstruction due to a condition called Benign Prostatic Hyperplasia (BPH) and you are over the age of 50.

This is a research study to test a new investigational device. An investigational device is one that is not approved by United States Food and Drug Administration (FDA). 222 subjects will participate in this study in the USA.

### **WHAT WILL HAPPEN DURING THE STUDY?**

The study includes 2 stages, first stage end at the 3 or the 12 months follow up visit depending if you are in study control or active arm. The second stage includes a long term follow up period of 5 years from Butterfly study procedures. In case you are in the control arm, you can choose to cross to the active arm at the 3 months follow up visit and continue to participate in the study. Your participation in this study will last approximately 5 years and will include approximately 11 study visits to the study center.

#### **Screening:**

Before any study-related tests and procedures are performed, you will be asked to read, sign, and date this consent document. The following screening tests and procedures will then be performed to determine if you qualify to take part in this study:

- You will be asked to complete a few questionnaires about your BPH symptoms, sexual function and quality of life. Some people feel uncomfortable when answering questions about the quality of their life. Though it is always better to have fully completed questionnaires, you do not need to answer any questions that make you feel uncomfortable.
- Your demographic data including age, height, race and ethnicity and your vital signs including blood pressure, temperature and heart rate will be collected.
- In addition, you will be asked to undergo prostate-specific antigen (PSA) test which is a blood test used to screen for prostate cancer.



In case your PSA will be higher than 2.5 the study doctor may ask to perform a biopsy in order rule out prostate cancer.

You will undergo Urocuff or uroflowmetry tests that assesses how the bladder and urethra are performing their job of storing and releasing urine. The uroflowmetry is the measurement of urine speed and volume. For this test, you will urinate into a special toilet or funnel that has a container for collecting the urine and a scale. The equipment creates a graph that shows changes in flow rate from second to second. The urine residual test measures the amount of urine left in the bladder after urination. The remaining urine is called the postvoid residual. Postvoid residual can be measured with ultrasound equipment that uses harmless sound waves to create a picture of the bladder. Postvoid residual can also be measured using a catheter—a thin flexible tube inserted into the urethra. The Urocuff test is a diagnostic test to assess how well the urinary tract functions. During the Urocuff test a small cuff will be wrapped around the penis (similar to a blood pressure cuff). When instructed, you will be asked to urinate into a UroCuff flow meter. As you urinate, the cuff will begin to inflate until it disrupts urine flow. At that time, it will deflate allowing urination. This cycle of cuff inflating and deflating will continue until you finished urinating.

You will undergo cystoscopy procedure which includes insertion of a hollow tube (cystoscope) equipped with a lens into your urethra and slowly advancing it into your bladder. This may be done in a testing room, using a local anesthetic jelly to numb your urethra or it may be done as an outpatient procedure, with sedation. Cystoscopy allows your study doctor to view your lower urinary tract to look for abnormalities in your urethra and bladder and check that you are suitable for participating in the study.

You will also undergo trans Rectal Ultrasound (TRUS) procedure that will be done for assessing your prostate volume. TRUS and abdominal US uses harmless and painless sound waves to create a video image of the prostate gland. During the TRUS procedure small, lubricated probe placed into the rectum releases sound waves, which create echoes as they enter the prostate. If you will be found eligible to participate in the study you will be scheduled for the procedure. Before the procedure, you will be asked to undergo a drug wash out period, in which you will be asked to stop taking some BPH medication/s. During the wash out period, the effects of these medications leave your body. The length of the wash out period will be decided by your study doctor depending on the type of medications that you are taking.

This study will use competitive enrollment. This means that when the target number of subjects in the study is met, all further enrollment will be closed. Therefore, it is possible that you could be in the screening phase, ready to begin the study, and be discontinued without your consent if the target number of subjects has been met.

If you qualify to take part in this study and go on to receive the study treatment, then the following will happen:

#### Study Treatment:

After you will be found eligible to participate in the study, you will be scheduled for the study procedure. When you arrive for the study procedure, you will be randomly assigned (like the flip of a

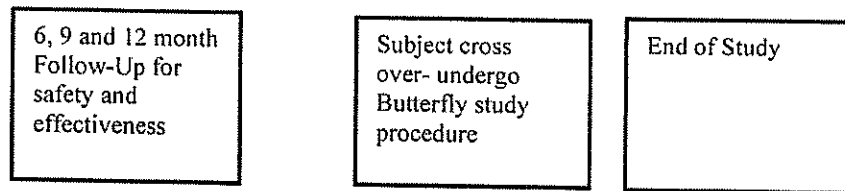
coin) to receive either the Butterfly study device implant or be in the control arm. You have a double chance to be randomized into the active arm that receives the Butterfly study device than to the control arm since the ratio of enrolment is 2:1 for the active arm. If you are in the active arm, you will undergo cystoscopy procedure with the Butterfly study device implantation and if you are in the control arm you will undergo cystoscopy procedure only.

The cystoscopy procedure may be done at the clinic using local anesthesia or in the operating room under general anesthesia. In case the procedure is done under general anesthesia you may be asked to undergo electrocardiography (ECG) and blood tests as per the hospital requirements, before the procedure to assess that you can undergo general anesthesia.

After the procedure, you will have to come to the clinic for follow up visits at 2 weeks, 1 month and 3 months. At the 3 months follow up visit, the study staff will notify you if you are in the control arm or active arm. If you were randomized to the control arm, you will be offered to undergo the Butterfly study procedure and continued to be monitored similarly to the active arm, or you can choose to stop your participation in the study at that point. You will not know if you are in the control or active arm until your 3 months follow up visit at which time the study staff will tell you. In case you are in the active arm you will continue to be followed at 6, 9 and 12 months following the procedure.

The 12 months visit is the last visit of the first stage of the study. After this you will be asked to come for follow up visits once a year for another 4 years yielding in total a 5 years follow up period. In each visit you will complete a few questionnaires (International Prostate Symptom Score [IPSS], sexual activity questionnaire, quality of life questionnaire), your vital signs will be measured, and you will undergo a uroflowmetry and urine residual tests (done as described above in the screening section). You will have an annual PSA test done as well.

You can see the flow chart of the first stage of the study below:



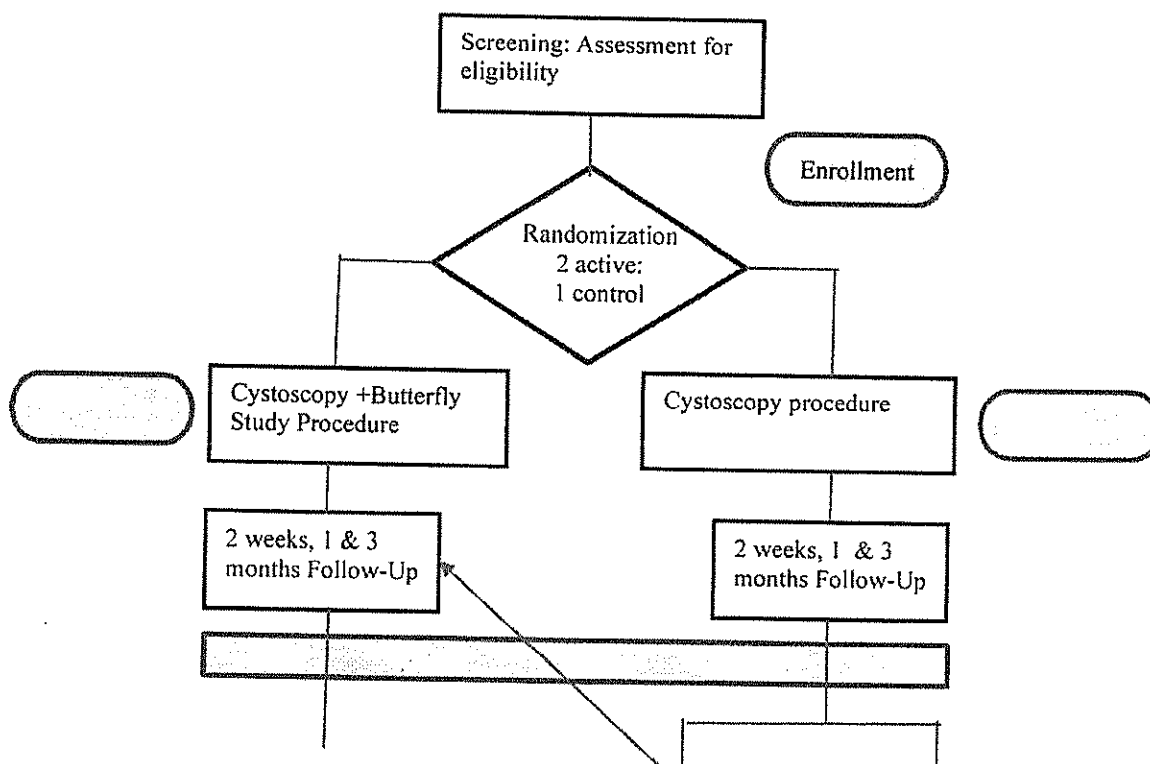
### EXPECTATIONS

If you participate in this study, you will be expected to attend all follow up visits, complete all questionnaires and undergo the uroflowmetry and the urine residual tests and vital signs measurements at the required follow up visits. You are also expected not to take any BPH medications during the study follow up period so as not to mask the effect of the Butterfly study device. In case of need, your study doctor may suggest alternative drugs that are allowed to use together with the Butterfly study device.

### RISKS, SIDE EFFECTS, AND/OR DISCOMFORTS

The clinical study involves some potential risks. These risks will be discussed with you by the study doctor and/or your regular doctor.

Risks and side effects related to the device we are studying include:



- Local (pelvic, groin) discomfort, irritation, burning sensation (dysuria) or pain, feeling of urgency, constipation- this is likely to occur from a few days and up to 2 weeks following the procedure, and will likely be resolve by itself however it may continue for a longer period and in rare cases may become chronic.
- Lower abdominal pain and or cramps that may occur due to bladder spasm.
- You may suffer from Urinary calculi which is a situation in which you will have solid particles in the urinary system. They may cause pain, nausea, vomiting and blood in your urine.
- It is possible that you will suffer from some blood in the urine or blood from the urethra (hemorrhage) mainly during the first days after the procedure and up to 2 weeks following the procedure.
- Urinary tract infection may possibly occur following the procedure, this is usually resolved by taking antibiotics as prescribed by your study doctor.
- Urine retention may possibly occur, in such case a catheter may need to be inserted for relief of symptoms.
- In rare cases, the implant may move (migrate) in your urethra or to the bladder, and may cause obstruction or stricture in your urethra or injury in your bladder. In such a case, you will need to undergo a cystoscopy procedure to take out the implant from your body, and if injury occurred it will be treated. In rare cases, the treatment of an injury may require surgical intervention.
- In rare cases, you may have an allergic reaction to the implant metal materials. In such cases the implant will be removed by a cystoscopy procedure.
- In rare cases, you may suffer from urinary incontinence. In such case, the implant will be removed by a cystoscopy procedure
- You may continue suffering from nocturia (urge to pee many times during the night) or high urine residuals.
- You may suffer from long term pain and frequent infections due to formation of solid particles on your implant (encrustation).
- Other possible side effects include nausea, vomiting, constipation and perforation of the urethra.

There may also be side effects, other than listed above, that we cannot predict. Medications may be given by your study doctor to make side effects that occur less serious and less uncomfortable. Many side effects go away during the first 2 weeks after the procedure, but in some cases side effects can be serious, long lasting or permanent.

## **RISKS OF STUDY PROCEDURES**

- Blood samples: In case the procedure is done under general anesthesia blood test may be performed. Possible side effects from blood drawing include faintness, inflammation of the vein, pain, bruising, or bleeding at the site of puncture. There is also a slight possibility of infection.
- Questionnaires: The questionnaires used in this study may be upsetting. You do not need to answer any questions that you are not comfortable with.
- Uroflowmetry: No discomfort is experienced during uroflowmetry, as it involves regular urination. Uroflowmetry is a safe diagnostic test with no associated risks.

- ECG: An ECG traces the electrical activity of the heart. You may have mild irritation, slight redness, or itching at the sites on your skin where the recording patches are placed.
- Anesthesia: Possible side effects includes feeling sick or vomiting, shivering and a rare risk of allergic reaction.
- Cystoscopy: Urinary tract infections (UTIs) are one of the most common complications of a cystoscopy. These are infections of the bladder, kidneys, or small tubes connected to them. The symptoms of UTI include: a burning sensation when peeing that lasts longer than 2 days, a high temperature (fever), pee that smells bad, feeling and being sick and pain in your lower back or side.
- Urocuff: For most subjects, the test is not uncomfortable. Some subjects may experience mild discomfort while the cuff is inflating. A few subjects may experience some slight burning with urination and/or pass a small amount of blood.

### UNFORESEEN RISKS

Since the Butterfly study device is investigational, there may be other risks that are unknown.

### ALTERNATIVES TO PARTICIPATION

You do not have to be in this study to receive treatment for your BPH condition. Your options may include:

**Medication treatment:** These include **Alpha blockers**, which relax muscles of the prostate and neck of the bladder to relieve symptoms. Examples of alpha blocker medications include: Alfuzosin (Uroxatral), Doxazosin (Cardura), Amsulosin (Flomax), and Terazosin (Hytrin) and **5-alpha reductase inhibitors (5-ARIs)** which help shrink the prostate and prevent additional growth. Examples of 5 ARIs are Dutasteride (Avodart) and Finasteride (Proscar) and **Phosphodiesterase 5 inhibitors (PDE5 inhibitors)**, which have been shown to improve prostate symptoms by increasing flow rate. Examples of PDE5 inhibitors available in the U.S. include: Sildenafil (Viagra, Pfizer), Vardenafil (Levitra and Staxyn, Bayer/GlaxoSmithKline), Tadalafil (Cialis, Eli Lilly), and a more recently approved drug, Avanafil (Stendra, Vivus).

**Less invasive surgery: Prostatic Urethral Lift (PUL)-** PUL uses a needle to place tiny implants in the prostate. These implants lift and compresses the enlarged prostate so that it no longer blocks the urethra. PUL may be done with either local or general anesthesia. **Water Vapor Thermal Therapy** - This treatment uses water vapor (steam) to destroy prostate cells squeezing the urethra. **Transurethral Microwave Therapy (TUMT)-**TUMT uses microwaves to destroy prostate tissue.

**More Invasive Surgeries: Transurethral Incision of the Prostate (TUIP)-** TUIP may be used if you have a small prostate but still have major blockage of the urethra. Instead of cutting and removing tissue, TUIP widens the urethra. **Photo selective Vaporization (PVP)-** PVP is a very common surgery for BPH. In PVP, the surgeon uses a laser to destroy obstructing prostate tissue and stop bleeding. This is done during a cystoscopy procedure. **Transurethral Resection of the Prostate (TURP) -** TURP is also a very common surgery for BPH that is done during cystoscopy and under anesthesia. The surgeon uses the electrified wire to cut away prostate tissue that is blocking the urethra and seal blood vessels.

Please talk to the study doctor about your options before you decide whether or not you will take part in this study.

### **NEW FINDINGS**

Any new important information that is discovered during the study and which may influence your willingness to continue participation in the study will be provided to you.

### **BENEFITS**

You may benefit by having your BPH symptoms resolve as a result of your participation in this study. There is, however, no guarantee that you will benefit from your participation in this study and information learned from the study may help other people in the future.

### **COMPENSATION FOR PARTICIPATION**

In case you are in the active arm you will be paid a total of \$100 for each visit you attend:

- \$100 for study procedure visit
- \$100 for 2 weeks visit
- \$100 for 1 month visit
- \$100 for 3 month visit
- \$100 for 6 month visit
- \$100 for 9 month visit
- \$100 for 12 month visit
- \$100 for 24 month visit
- \$100 for 36 month visit
- \$100 for 48 month visit
- \$100 for 60 month visit

In case you are in the control arm you will be paid a total of \$100 for each visit you attend:

- \$100 for study procedure visit
- \$100 for 2 weeks visit
- \$100 for 1 month visit
- \$100 for 3 month visit

If you do not complete the study for any reason, you will be paid for each study visit you do complete.

You will be paid after each completed visit.

If you have any questions regarding your compensation for participation, please contact the study staff. In case you travel expenses to the study visits exceed the \$100 that you receive, you will be reimbursed for extra travel expenses for the study visits after you submit the travel receipts to the study staff.

## **CONFIDENTIALITY**

Records of your participation in this study will be held confidential except when sharing the information required by law, or as described in this informed consent. The study doctor, the Sponsor or persons working on behalf of the sponsor, and under certain circumstances, the United States Food and Drug Administration (FDA) and the Institutional Review Board (IRB) will be able to inspect and copy confidential study-related records. This means that absolute confidentiality cannot be guaranteed. If the results of this study are published or presented at meetings, you will not be identified.

A description of this clinical trial will be available on <http://www.ClinicalTrials.gov>, as required by U.S. Law. This Web site will not include information that can identify you. At most, the Web site will include a summary of the results. You can search this Web site at any time.

## **COMPENSATION FOR INJURY**

If you become ill or are injured while you are in the study, get the medical care that you need right away. You should inform the healthcare professional treating you that you are participating in this study. If you tell the study staff that you think you have been injured then they will help you get the care you need.

If you are injured as a result of the study device or from procedures done for the purpose of this study, the sponsor will pay for those medical expenses necessary to treat your injury that are not covered by your medical insurance or any other third-party coverage. By signing and dating this document, you will not lose any of your legal rights or release anyone involved in the research from responsibility for mistakes.

To pay medical expenses, the sponsor will need to know some information about you like your name, date of birth, and Medicare Beneficiary Identifier (MBI). This is because the sponsor has to check to see if you receive Medicare and if you do, report the payment it makes to Medicare.

## **COSTS**

There will be no charge to you for your participation in this study. The study device, study-related procedures, and study visits will be provided at no charge to you or your insurance company.

## **WHOM TO CONTACT ABOUT THIS STUDY**

During the study, if you experience any medical problems, suffer a research-related injury, or have questions, concerns or complaints about the study, please contact the study doctor at the telephone number listed on the first page of this consent document. If you seek emergency care, or hospitalization is required, alert the treating physician that you are participating in this research study.

An institutional review board (IRB) is an independent committee established to help protect the rights of research subjects. If you have any questions about your rights as a research subject, and/or concerns or complaints regarding this research study, contact:

- By mail:

Study Subject Adviser

Advarra IRB  
6100 Merriweather Dr., Suite 600  
Columbia, MD 21044

- or call **toll free:** 877-992-4724
- or by **email:** [adviser@advarra.com](mailto:adviser@advarra.com)

Please reference the following number when contacting the Study Subject Adviser:  
Pro00059768.

### **VOLUNTARY PARTICIPATION / WITHDRAWAL**

Your decision to participate in this study is voluntary. You may choose to not participate or you may withdraw from the study at any time and for any reason without penalty or loss of benefits to which you are otherwise entitled, and without any effect on your future medical care. However, please note that according to the FDA, any information collected up to the point of your withdrawal cannot be removed from the study.

The study doctor or the sponsor can stop your participation at any time without your consent for the following reasons:

- If it appears to be medically harmful to you;
- If you fail to follow directions for participating in the study;
- If it is discovered that you do not meet the study requirements;
- If the study is canceled; or
- For administrative reasons.

If you leave the study for any reason, the study doctor may ask you to have some end-of-study tests for your safety.

### **PRIMARY HEALTH CARE PROVIDER NOTIFICATION OPTION**

I consent to having my family doctor or primary health care provider notified by the study center of my participation in this study and/or any significant findings related to my health (please check yes or no).

☐ **YES** (If yes, please complete the information below)

☐ **NO**

Name and address of family doctor or primary health care provider:	Name:
	Address:
Telephone and Fax Number:	Tel:
	Fax:



## CONSENT

I have read and understand the information in this informed consent document. I have had an opportunity to ask questions and all of my questions have been answered to my satisfaction. I voluntarily agree to participate in this study until I decide otherwise. I do not give up any of my legal rights by signing and dating this consent document. I will receive a copy of this signed and dated consent document.

\_\_\_\_\_  
Subject's Printed Name

\_\_\_\_\_  
Subject's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of the Person Conducting the  
Consent Discussion

\_\_\_\_\_  
Signature of the Person Conducting the  
Consent Discussion

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Legally Authorized Representative

\_\_\_\_\_  
Signature of Legally Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authority of Legally Authorized Representative to act on behalf of Subject

**WITNESS SIGNATURE FOR SUBJECTS WHO CANNOT READ**

The study subject has indicated that he/she is unable to read. The consent document has been read to the subject by a member of the study staff, discussed with the subject by a member of the study staff, and the subject has been given an opportunity to ask questions of the study staff.

\_\_\_\_\_  
Printed Name of Impartial Witness

\_\_\_\_\_  
Signature of Impartial Witness

\_\_\_\_\_  
Date

## **AUTHORIZATION TO USE AND DISCLOSE PROTECTED HEALTH INFORMATION**

If you decide to be in this study, the study doctor and study staff will use and share health data about you to conduct the study. Health data may include:

- Your name.
- Address.
- Phone number.
- Date of birth.
- Medical history.
- Information from your study visits, including all test results.

Health data may come from your study records or from existing records kept by your doctor or other health care workers.

For this study, the study staff may share health data about you with authorized users. Authorized users may include:

- Representatives of Butterfly Medical Ltd.
- Representatives of CRO.
- Representatives of Advarra IRB (an Institutional Review Board that reviews this study).
- The Food and Drug Administration (FDA) and other US federal and state agencies.
- Government agencies to whom certain diseases (like HIV, hepatitis, and STDs) must be reported.
- Governmental agencies of other countries.
- Outside individuals and companies, such as laboratories and data storage companies, that work with the researchers and sponsor and need to access your information to conduct this study.
- Other research doctors and medical centers participating in this study, if applicable.
- A data safety monitoring board or clinical event committee which oversees this study.

Your health data will be used to conduct and oversee the research, including for instance:

- To see if the study device works and is safe.

- To compare the study device safety and effectiveness to other devices or drug treatments for BPH.
- For other research activities related to the Butterfly study device.

Once your health data has been shared with authorized users, it may no longer be protected by federal privacy law and could possibly be used or disclosed in ways other than those listed here.

Your permission to use and share health data about you will end in 50 years unless you revoke it (take it back) sooner.

You may revoke (take back) your permission to use and share health data about you at any time by writing to the study doctor at the address listed on the first page of this form. If you do this, you will not be able to stay in this study. No new health data that identifies you will be gathered after your written request is received. However, health data about you that has already been gathered may still be used and given to others as described in this form.

Your right to access your health data in the study records will be suspended during the study to keep from changing the study results. When the study is over, you can access your study health data.

If you decide not to sign and date this form, you will not be able to take part in the study.

#### STATEMENT OF AUTHORIZATION

I have read this form and its contents were explained. My questions have been answered. I voluntarily agree to allow study staff to collect, use and share my health data as specified in this form. I will receive a signed and dated copy of this form for my records. I am not giving up any of my legal rights by signing and dating this form.

\_\_\_\_\_  
Printed Name of Subject

\_\_\_\_\_  
Signature of Subject

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Legally Authorized Representative

\_\_\_\_\_  
Signature of Legally Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authority of Legally Authorized Representative to act on behalf of Subject

**WITNESS SIGNATURE FOR SUBJECTS WHO CANNOT READ**

The study subject has indicated that he/she is unable to read. This Authorization document has been read to the subject by a member of the study staff, discussed with the subject by a member of the study staff, and the subject has been given an opportunity to ask questions of the study staff.

\_\_\_\_\_  
Printed Name of Impartial Witness

\_\_\_\_\_  
Signature of Impartial Witness

\_\_\_\_\_  
Date

# Exhibit 7

## SENTENCING LETTER ON BEHALF OF KIM BLANDINO

From: Cynthia Dianne Steel, Retired District Judge

To: District Court, Criminal Division

This is a really tough letter to write. I am a family court judge, retired, and I am not accustomed to letters of character for the purpose of sentencing. I do not write to suggest any alternative decision in this matter. I write to share my understanding of Mr. Kim Blandino as a citizen.

I met Mr. Blandino in the early 1990's when I was a solo practitioner. My office assisted those litigants of little means to better understand their court case and to coach them to present their cases in pro per person. At that time Mr. Blandino had a very driven concept of justice and he expected precise compliance with process and procedure as spelled out in statute and court rule. He truly expects perfection on the part of all parties to a court case and believes that he has done nothing wrong according to the law as he interprets it in tandem with his religious beliefs.

I asked him once about his faith and he indicated that his faith was not of an established church community, but instead, his interpretation of the literal words written.

I lost track of him for a while only to discover that he had been incarcerated for parental kidnapping. I don't know of any other case where the person was prosecuted and incarcerated for this crime in Nevada. According to his account, he and the mother had an agreement regarding their "union" and the terms of separation regarding the children. He truly believes that he did no wrong.

Throughout the years, on various occasions Mr. Blandino would call and bounce ideas off me, or tell me of his latest court involvement. We would engage in a devil's advocate dialogue where I would try to dissuade him from his current course of action and he would insist that he had to follow through or be a hypocrite before God. He is a very intelligent person and acts by a very strident code of personal conduct.

It would be good if Mr. Blandino could accept that his grievances are not always founded. As a matter of fact, the most egregious unintended consequence of his litigious nature is that he causes victims, as well as persons charged with a crime, from getting the court's full and immediate attention as it must also expend court time and resources to address his claims of imperfect process and procedure. His overzealous prosecution of the courts, judges, attorneys (his own and opposing counsel), and the system as a whole cause the persons in the system to distrust his intentions making it harder to present his case in a calm, professional manner.

I have come to believe he is a sincere man who wants to point out inconsistencies and bias in court procedures. He truly cannot help himself and seems to be driven by a force due to obsession caused by his distrust in the legal system. In effect, he falls victim to his own causes.

He loves and adores his children, always has. He believes he is making the courts safer for the rest of us on his dime.

I wish I had the answer to his torture so he could cease his self-imposed mission and enjoy his remaining life with his family. There must be something short of prison to rehabilitate Mr. Blandino.

My sincere and honest opinion, Cynthia Dianne Steel

# Exhibit 8



**ROBERT W. LUECK, LTD**

Telephone  
(702) 385-7385

Attorney and Counselor At law  
318 S. Maryland Parkway  
Las Vegas, Nevada 89101

Web  
[www.Lueckfamilylaw.com](http://www.Lueckfamilylaw.com)

Facsimile  
(702) 385-3225

Email  
[Luecklawcenter@yahoo.com](mailto:Luecklawcenter@yahoo.com)

June 23, 2022

Honorable Michelle Leavitt  
Eighth Judicial District Court  
Department 12  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155

RE: State v. Kim Blandino

Dear Judge Leavitt:

I have been a practicing attorney in Las Vegas since 1976. My entire legal career has been in Las Vegas.

I first met Kim Blandino in 1980 when I was working for another attorney in Las Vegas. That attorney was representing an acquaintance of Kim's in a federal case. Kim came with him to the office.

Kim has strong libertarian views on politics and the legal system. I am the polar opposite in my experience and views.

Despite these wide differences, we talked every so often on these mutual topics. Kim is a lay person with deep interest in the law and the legal system.

He learned how to do legal research and read decisions from the appellate courts. When discussing legal topics, it was not unusual for him to provide with the case references and statutes. I likewise advised him of cases and statutes I knew about.

Honorable Michelle Leavitt  
Page Two

Many years ago, I briefly represented him in the early stages of his child custody case. I withdrew because he did not have the financial ability to pay my fees at the time.

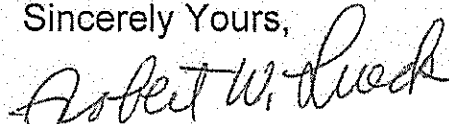
I am aware generally about the current criminal case and I have no opinion to express regarding his charges and conviction.

I do have a strong opinion that Kim is a great candidate for probation. His conviction does not involve any crime of violence or anti-social behavior. Knowing him as I do, I have no doubt he can perform well on probation. In the past forty-two years that I have know him, I never saw or heard of any problems with alcohol or drugs.

While his political views are to the right side of the political spectrum, I have never known him to be a member of any radical group known for violence or threats of violence.

I understand why the charges were filed and why he was convicted. None of that justifies a prison term. Probation will be more than adequate to monitor his behavior in the community.

Sincerely Yours,



ROBERT W. LUECK, EQ.

# Exhibit 9

## AFFIDAVIT OF CATHY BLANDINO

I, Cathy Blandino, under penalty of perjury, state that the following assertions are true:

That I am the sister-in-law of Kim Blandino and have been so for decades.

That I have been aware for many years that Kim does much of his own legal work.

That Kim Blandino did do the lion's share of the legal research and legal paper work to complete an adoption of my now grandson Louis Blandino. He is the natural born son of my daughter-in-law Evelyn Blandino and a Man who fathered him before she married my son Mario Blandino; June 15, 2002.

That the natural father of Louis Blandino did voluntarily terminate his parental rights to Louis Blandino.

That Kim Blandino appeared in Open Court in the Clark County Family Court for the State of Nevada with myself and other family members whereupon the adoption was finalized with then Judge Ritchie.

That Kim Blandino did all of this effort and court appearance for no compensation whatsoever.

That everyone was happy and satisfied with the process and today Louis Blandino is a happy, healthy and well-adjusted 18 year old with his parents Mario and Evelyn Blandino

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 16<sup>th</sup> day of August, 2018.

Cathy S Blandino

Cathy Blandino

Aerie Rose

Witness

Wendell Davis

Witness

# Exhibit 10

Lee A. Blandino  
1836 57th. ave.  
Anchorage, AK 99507  
907-290-6051

June 17, 2022

RE: Kim D. Blandino  
To Whom it may Concern:

I was asked to provide a reference from me for my evaluation of Kim's Character and contributions to society.

I am confident that he will never has nor will ever be anything but a contributor to the common good. His insistence on honesty and integrity is outstanding. Being a good neighbor and respecter of others is definitely included among his virtues.

It may be ~~my~~<sup>true</sup> that he is viewed as too outspoken, but I believe we all, at times, need a "voice calling out from the wilderness". I admire his courage in a world that often wallows in apathy.

I do respect the judgements of authority. So, am sure that you, or anyone, will agree that for Kim to be removed from society would be a dis-service to him and us.

Sincerely,  
Lee A. Blandino

# Exhibit 11

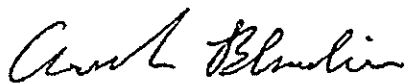


June 20<sup>th</sup>, 2022

To whom it may concern,

My father, Kim Blandino, has always been an eccentric that can rub people the wrong way. Despite this, he has imparted values of hard work and integrity to me, which I will never forget and hope to impart to children of my own someday. I know that he still holds those values because he has spent the better part of a decade taking care of Evelyn Pendergraft full time. As she is close to the centenary of her birth, she depends on my father completely for her quality of life and will be lost without him should he be sentenced to prison time. I implore the court to seriously consider the collateral damage incurred by imprisoning my father and depriving Evelyn of her only caretaker, and to make sure that the punishment does not outweigh the crime.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew Blandino".

Andrew Blandino  
(702)-343-0881

# Exhibit 12



Bennair Bateman <brb@brblv.com>

---

## Blandino sentencing letter

1 message

---

Zachary Lindler <zstone517@gmail.com>  
To: brb@brblv.com

Wed, Jun 29, 2022 at 1:59 AM

To Judge Leavitt

I'm writing to ask you to consider probation rather than prison for my dad.

I can truly say he poses absolutely no danger to the public, and to my knowledge he's already complied with house arrest with no issues.

I think it would be a waste of public resources to incarcerate him, and won't make anyone safer.

He's also currently taking care of Evelyn Pendergraft. She's 97 but still very lucid. If he's put away she will be in an absolutely terrible position. She has no one to take his place.

I've disagreed with my dad many times, including about this case, but despite that I feel like the only result of him doing prison time would be the great detriment of Mrs. Pendergraft.

Thanks for your consideration in this matter,

Zachary Lindler

AA 0984

# Exhibit 13

June 22,2022

To: Judge Michelle Leavitt

Re: Kim Blandino's sentencing hearing

For decades I have known Kim Blandino. I came from Massachusetts and have worked in real estate for most of that time. I am a licensed real estate broker.

I have traveled with Kim to Arizona, California and Oregon on business and vacation. And have done various real estate deals with Kim and our mutual deceased friend Carlos Ortiz. I can call Kim a very good friend. I have had a man sue me in an eviction situation. Kim helped me collect the evidence I had and met with me with the other party's attorney and once that evidence was presented the man's attorney agreed to drop the lawsuit as it was shown that there was no grounds for the suit.

I come to Kim when I need to get answers to legal situations. Kim's counsel is always to try and resolve the matter at the lowest possible level and the person or party themselves if possible.

I knew him long before he was married and had children and before he went to prison. No matter what Kim seems to be of good cheer and not bitter over anything that has happened.

I have told Kim that he could make millions of dollars with his knowledge and intelligence that he has, very easily. Yet, Kim seems to follow a path of belief in doing what he perceives as God's will, as the circumstances present themselves and in many cases this means challenging "powers that be" in high places that are doing injustice.

Please consider dismissing these charges against Kim it is my understanding that you may do so despite the jury verdict. I know as well as I know gravity, that Kim had no evil design in what he did and if he did appear to break any law that it was a mistake.

If you do not dismiss these charges, please give Kim probation and allow Kim to have bail pending appeal as Kim has very substantial issues for appeal and is in no way a flight risk.

I am the one that arranged the bond for Kim with the bonding company . Had I been liquid enough I would have put up the 50,000 for the bail Kim has now. And for the last 3 years. Kim is not dangerous and will not flee. And you can take this to the bank. Please do not send Kim to prison he can do so much better for society on the outside than he can on the inside.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tom Dellavalle', with a stylized flourish at the end.

Tom Dellavalle

702 353-8447

# Exhibit 14



June 25, 2022

To Judge Leavitt about Kim Blandino

I have known Kim Blandino for well over 25 years. I met him through my brother Tom Dellavalle. I am a real estate entrepreneur and over these many years I have had need of legal advice. Kim has been most helpful in this regard. He helped me in regard to an adoption situation and other legal situations for no charge and showed me where to find the answers I needed.

If Kim does not know an answer he will get back to me and tell me how to find the answer or find someone I can talk to that can find the answer. I see Kim from time to time although not as much lately.

It is my understanding that Kim can get probation for these offenses that a jury found him guilty of. I can't think of a person that is more worthy of probation than Kim. As a person who pays all kinds of taxes I can say with certainty that putting Kim in prison for any time whatsoever would be the biggest waste of taxpayer's money ever.

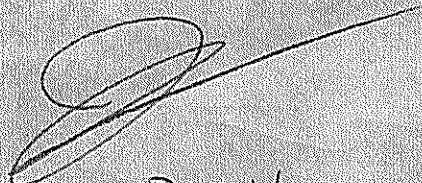
Kim always looks to be helpful and to share his knowledge with everyone he sees. We have had discussions where Kim speaks about his belief in God and although we disagree in many respects I believe he is sincere in his beliefs and he truly believes that he was not doing anything criminal. That he was just trying to settle a matter without having to file a formal complaint and to search out judicial misconduct.

Please consider probation for Kim he has been on house arrest for over 3 years now I understand so I am sure he can do the probation.

If you have any questions about Kim or this letter please call the number below.

Sincerely,

Jack Dellavalle  
702 292-9859



JRDellavalle@gmail.com

# Exhibit 15

06/29/2022

To whom it may concern

Kim Blandino is someone I originally recognized by watching his court hearings on YouTube. I had the fortune of meeting him while visiting the County Court Clerk Office.

Kim Blandino is someone I find to be passionate about God's law inside the Holy Bible, Nevada State Constitution as well as the Nevada Revised Statutes. He is someone I believe that is focused on being a servant to the people in the community.

I hope and pray that the court will look at his non-violent actions as a reason to not sentence Kim Blandino to prison time.

Thank you.

Respectfully,



---

Minister Kristian  
ministerkristian@gmail.com

Felony/Gross Misdemeanor

COURT MINUTES

July 07, 2022

C-19-341767-1      State of Nevada  
                                 vs  
                                 Kim Blandino

July 07, 2022      08:30 AM      Sentencing

HEARD BY:      Leavitt, Michelle      COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER:      Richardson, Sara

REPORTER:

PARTIES PRESENT:

Bennair R. Bateman      Attorney for Defendant

Kim Dennis Blandino      Defendant

Michael Dickerson      Attorney for Plaintiff

State of Nevada      Plaintiff

### JOURNAL ENTRIES

Joseph Gersten, Esq., present as appellate counsel.

Mr. Bateman made record as to the Defendant's concerns with the Pre-Sentence Investigation Report. DEFT. BLANDINO ADJUDGED GUILTY of COUNT 1 - EXTORTION (F) and COUNT 2 - IMPERSONATION OF AN OFFICER (GM). Matter argued by counsel. Statement by Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED on COUNT 1 to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC) and on COUNT 2 to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center, CONCURRENT WITH COUNT 1, SUSPENDED; placed on PROBATION for a FIXED TERM of THREE (3) YEARS. SPECIAL CONDITIONS:

1. Subject to be placed on Intensive Supervision pursuant to NRS 176A.440, for a period of time as deemed appropriate by P&P.
2. Have no direct or indirect contact with the victims in this matter.
3. Not to file any documents unless consistent with the vexatious litigant order.
4. Not to file any fugitive documents.
5. Undergo a mental health evaluation and complete any counseling as deemed appropriate.
6. Have no contact with Mr. Federico at all; Defendant may contact Mr. Federico's attorney only for legal matters.
7. Submit a full financial disclosure to Parole and Probation as deemed appropriate.
8. Have no contact with the Courts.
9. Do not enter the Courts unless the Defendant is present for official business.

COURT ADDITIONALLY ORDERED, GENERAL PROBATION CONDITIONS IMPOSED as follows:

Reporting: You are to report in person to the Division of Parole and Probation as instructed by

the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.

**Residence:** You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.

**Intoxicants:** You shall not consume any alcoholic beverages whatsoever. Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood / breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.

**Controlled Substances:** You shall not use, purchase, or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent.

**Weapons:** You shall not possess, have access to, or have under your control any type of weapon.

**Search:** You shall submit your person, property, place of residence, vehicle, or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.

**Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined to a correctional institution unless specific written permission has been granted by the Division and the correctional institution.

**Directives and Conduct:** You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.

**Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances.

**Out of State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.

**Employment/Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.

**Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and / or restitution, even if it is discovered after your discharge.

At request of Mr. Bateman, COURT FURTHER ORDERED, Mr. Bateman WITHDRAWN; Mr. Gersten appointed for the purposes of appeal; Defendant REMOVED from electronic monitoring. COURT ORDERED, Defendant is to report to Parole and Probation within 24 hours. BOND, if any, EXONERATED.

NIC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

KIM DENNIS BLANDINO,  
#363075

Defendant.

CASE NO. C-19-341767-1

DEPT. NO. XII

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – EXTORTION (Category B Felony) in violation of NRS 205.320, and COUNT 2 – IMPERSONATION OF AN OFFICER (Gross Misdemeanor) in violation of NRS 199.430; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – EXTORTION (Category B Felony) in violation of NRS 205.320, and COUNT 2 – IMPERSONATION OF AN OFFICER (Gross Misdemeanor) in violation of NRS 199.430; thereafter, on the 7<sup>th</sup> day of July, 2022, the Defendant was present in court for sentencing with his counsel BENNAIR R. BATEMAN, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said crimes as set forth in the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis fee, and \$3.00 DNA Collection fee, the Defendant is SENTENCED as follows, on COUNT 1 – to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), and on COUNT 2 – to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT WITH COUNT 1;

1 SUSPENDED; placed on PROBATION for a FIXED TERM of THREE (3) YEARS .

2 SPECIAL CONDITIONS:

- 3 1. Subject to be placed on Intensive Supervision pursuant to NRS 176A.440 for a  
4 period of time as deemed appropriate by P&P;
- 5 2. Have no direct or indirect contact with the victims in this matter;
- 6 3. Not to file any documents unless consistent with the vexatious litigant order;
- 7 4. Not to file any fugitive documents;
- 8 5. Undergo a mental health evaluation and complete any counseling as deemed  
9 appropriate;
- 10 6. Have no contact with Mr. Federico at all; Defendant may contact Mr. Federico's  
11 attorney only for legal matters;
- 12 7. Submit a full financial disclosure to Parole and Probation as deemed appropriate;
- 13 8. Have no contact with the Courts;
- 14 9. Do not enter the Courts unless the Defendant is present for official business.

15 COURT ADDITIONALLY ORDERED GENERAL PROBATION CONDITIONS

16 IMPOSED as follows:

17 Reporting: You are to report in person to the Division of Parole and Probation as  
18 instructed by the Division or its agent. You are required to submit a written report each  
19 month on forms supplied by the Division. This report shall be true and correct in all  
20 respects.

21 Residence: You shall not change your place of residence without first obtaining  
22 permission from the Division of Parole and Probation, in each instance.

23 Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon order of  
24 the Division of Parole and Probation or its agent, you shall submit to a medically  
25 recognized test for blood / breath alcohol content. Test results of .08 blood alcohol  
26 content or higher shall be sufficient proof of excess.

27 Controlled Substances: You shall not use, purchase, or possess any illegal drugs, or  
28 any prescription drugs, unless first prescribed by a licensed medical professional. You

1 shall immediately notify the Division of Parole and Probation of any prescription  
2 received. You shall submit to drug testing as required by the Division or its agent.

3 Weapons: You shall not possess, have access to, or have under your control any type  
4 of weapon.

5 Search: You shall submit your person, property, place of residence, vehicle, or areas  
6 under your control, including any electronic devices such as phones and/or computers /  
7 tablets, to search including electronic surveillance or monitoring of your location, at any  
8 time, with or without a search warrant or warrant of arrest, for evidence of a crime or  
9 violation of probation by the Division of Parole and Probation or its agent.

10 Associates: You must have prior approval by the Division of Parole and Probation to  
11 associate with any person convicted of a felony, or any person on probation or parole  
12 supervision or any gang members. You shall not have any contact with persons  
13 confined to a correctional institution unless specific written permission has been granted  
14 by the Division and the correctional institution.

15 Directives and Conduct: You shall follow the directives of the Division of Parole and  
16 Probation and your conduct shall justify the opportunity granted to you by this  
17 community supervision.

18 Laws: You shall comply with all municipal, county, state, and federal laws and  
19 ordinances.

20 Out of State Travel: You shall not leave the state without first obtaining written  
21 permission from the Division of Parole and Probation.

22 Employment/Program: You shall seek and maintain legal employment, or maintain a  
23 program approved by the Division of Parole and Probation and not change such  
24 employment or program without first obtaining permission. All terminations of  
25 employment or program shall be immediately reported to the Division.

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1 Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved  
2 by the Division of Parole and Probation. Any excess monies paid will be applied to any  
3 other outstanding fees, fines, and / or restitution, even if it is discovered after your  
4 discharge.

5 Dated this 12th day of July, 2022

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9 **288 887 BC77 64BB**  
10 **Michelle Leavitt**  
11 **District Court Judge**  
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1 **CSERV**

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3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 State of Nevada

CASE NO: C-19-341767-1

7 vs

DEPT. NO. Department 12

8 Kim Blandino  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 7/12/2022

15 Jennifer Garcia

Jennifer.Garcia@clarkcountyda.com

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THE STATE OF NEVADA,  
Plaintiff,  
vs.  
KIM DENNIS BLANDINO,  
Defendant.

CASE#: C-19-341767-1  
DEPT. XII

RECORDER'S TRANSCRIPT OF HEARING:  
**MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

For the State: MICHAEL DICKERSON, ESQ.  
Chief Deputy District Attorney

For the Defendant: BENNAIR R. BATEMAN, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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Las Vegas, Nevada, Tuesday, January 25, 2022

[Case called at 1:34 p.m.]

THE COURT: This is Blandino, case C341767. Who is here for the State?

MR. DICKERSON: Mike Dickerson on behalf of the State, Your Honor.

THE COURT: Okay. And Mr. Bateman?

MR. BATEMAN: Yes, good afternoon, Your Honor, Ben Bateman, bar number 9338.

THE COURT: Okay. And Mr. Blandino I can see him. It appears as though he is appearing via Bluejeans, so thank you very much. And I'm assuming the State's had an opportunity to review this motion.

MR. DICKERSON: We have, Your Honor.

THE COURT: Okay. Mr. Bateman, I just have a couple of questions. I mean, because I know you're indicating you have to withdraw because continuing to represent him would require you to violate the rules of professional responsibility, but I'm not sure I understand that.

MR. BATEMAN: Okay.

THE COURT: Because it's the attorney -- it's the attorney's obligation to set the trial strategy, correct?

MR. BATEMAN: That's correct, Judge.

THE COURT: Okay.

1 MR. BATEMAN: And --

2 THE COURT: And it's up to Mr. Blandino if he wants to  
3 cooperate or not. And if he chooses not to I guess he does that at his  
4 own peril. But it's my opinion that this is just more of the same  
5 obstructing and impeding, you know. Let's see how many lawyers I can  
6 go through. Is there --

7 MR. BATEMAN: Well, Your Honor, -- well yes, he is not --  
8 right, he is not cooperating and he is not -- you know, the stages of grief,  
9 he's not to acceptance stage yet that he's self-representation has been  
10 revoked. He -- in his letter, that's attached as exhibit said -- the letter to  
11 Judge Bell, the writ of habeas corpus that he proposed, in it he -- and I  
12 did even speak to bar counsel. He intends to, despite my efforts on trial  
13 strategy, Judge, to use his right to testify as a defendant. And  
14 regardless of the question that I ask, he -- what's indicated is to bring up  
15 Your Honor's judicial disciplinary record, that sort of thing partly to --

16 THE COURT: Well you just let me worry about --

17 MR. BATEMAN: -- I guess state that he is --

18 THE COURT: You can let me worry about the evidentiary  
19 issues, because at the time of trial, you know, the Court will conduct and  
20 determine which issues are relevant and which are not. I mean, I know  
21 your concern would be if -- would be questioning him if he did take the  
22 stand and testify. If at that time, --

23 MR. BATEMAN: Right.

24 THE COURT: -- you represented to the Court that he wanted  
25 to give testimony that was inconsistent with what you thought was

1 appropriate, I can allow him to testify via narrative and you would not be  
2 required to ask him any questions.

3 MR. BATEMAN: Okay. Well, --

4 THE COURT: I mean, I --

5 MR. BATEMAN: -- despite that, Judge, then -

6 THE COURT: -- understand that issue. You know, I don't  
7 want to put you in that type of position. But I mean, Mr. Blandino --

8 MR. BATEMAN: Right.

9 THE COURT: -- is not going to testify about a bunch of  
10 irrelevant and inappropriate things. So, I mean, you can -- the Court's  
11 going to determine -

12 MR. BATEMAN: Well right. I mean, that's specifically. Right,  
13 rule was if 4.4 that I referenced to, you know, used to delay embarrass  
14 or burden a third person or disrupt the tribunal which is Rule 3.5. But  
15 also, Judge, just communication is not happening. My meetings with  
16 him are unproductive, because I think the skill set I think it's probably  
17 because I -- you know, I've been on this case for a while. The skill set  
18 that I had I guess as standby counsel are very different than being lead  
19 counsel. And I think perhaps there was in my -- obviously it's -- I filed  
20 motions. I filed things that I would never file as an attorney for Mr.  
21 Blandino because he was his own attorney.

22 THE COURT: Sure.

23 MR. BATEMAN: I think perhaps there was some belief on his  
24 part that I put -- was in agreement with his trial strategies, overall  
25 strategy, which I was not. I had my own. And so all these meetings, you

1 know, since his revocation and basically are you going to do this, are  
2 you going to do that. And basically, no, these are what the things that  
3 we need to work on and they don't happen. And so it's obviously  
4 hindered my ability to represent him and to be prepared.

5 Additionally, he said things in this -- these letters that he made  
6 public to Judge Bell and in his writ attributing statements to me that I've  
7 never said that you were I don't know, one, was that you were  
8 irredeemably biased, that I'm undecided if I'm going to call Judge Bell as  
9 a witness. I -- there's no doubt, I've never waived that I'm not going to  
10 call Judge Bell --

11 THE COURT: Okay.

12 MR. BATEMAN: -- as a witness in his trial or that I won't file  
13 any pretrial writs. You know, the writs that he want -- or that he wouldn't  
14 file when he was his own counsel, you know, I'm not obligated to file  
15 those --

16 THE COURT: Correct.

17 MR. BATEMAN: -- now that I'm counsel. Because I believe  
18 they're meritless. And so, Judge, this is where we're at that I'm not  
19 really getting, you know, any help from him. You know, obviously I know  
20 he's been -- you know, he believes that he needs to be his own attorney  
21 and that his right to self-representation was taken from him unfairly.

22 THE COURT: Okay.

23 MR. BATEMAN: And therefore he's not cooperating with me.  
24 I don't know if -- I know Your Honor is loathed to continue this or even  
25 stay this until his remedies are exhausted. I don't know if -- but I think I

1 do, you know, we're at the point where I feel it's necessary to withdraw  
2 because I'm not getting anywhere with him.

3 THE COURT: Okay. Well, Mr. Bateman, let me just -- let me  
4 just interrupt right now. First of all, I have confidence in you. You're an  
5 officer of the court that you're going to comply with all the rules of  
6 professional responsibility. I'm not worried about that. What I am  
7 worried about is Mr. Blandino continuing to obstruct and impede the  
8 State from going forward. So if he continues to choose to not cooperate  
9 he does so at his own peril. But obviously you're the attorney. You get  
10 to determine trial strategy and so again if he fails to cooperate, he fails to  
11 cooperate at his own peril. I mean, I don't know what else to say.

12 There will be nothing different if I appoint another attorney. It  
13 would be the same thing over and over and over again. So his self-  
14 representation, I have revoked that. He is now represented by counsel.  
15 You know, I know he's not happy about that. I know he objected to that.  
16 That objection is noted in the record. It's preserved for any appellate  
17 review. But I have to tell you, I'm not inclined to grant the motion to  
18 withdraw based on what's in front of me.

19 Anything else?

20 MR. BATEMAN: All right. No, Your Honor.

21 THE COURT: I mean, again, I just want to thank you for your  
22 willingness to do this case. I mean, I understand the position you're in.  
23 It's up to Mr. Blandino to determine whether he wants to cooperate or  
24 not. And again, if he chooses not to he does so at his own peril.

25 So does the State want to be heard at all?



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MR. BATEMAN: All right.

THE COURT: Mr. Dickerson?

MR. DICKERSON: I -- the only thing that I would say is my assessment of all of this, Your Honor, is that this is something that doesn't appear to be unique to Mr. Bateman or only him.

THE COURT: Exactly.

MR. DICKERSON: I have sympathy for him in his situation. But I think that this is going to be any defense attorney in his situation.

THE COURT: Right. I mean, and that's the opinion of the Court, that it wouldn't matter who was appointed. We would have the exact same issues. I mean, we're close to trial. We're less than 30 days out for trial, so at this point I'm going to deny the motion to withdraw.

MR. BATEMAN: All right.

THE CLERK: Let's try to recall page 13.

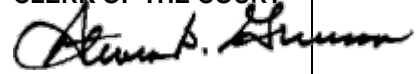
THE COURT: Thank you. And thank you for your patience.

[Hearing concluded at 1:43 p.m.]

\* \* \* \* \*

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

  
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Jessica Kirkpatrick  
Court Recorder/Transcriber



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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,  
9 Plaintiff,

10 vs.

11 KIM DENNIS BLANDINO,  
12 Defendant.

)  
) CASE#: C-19-341767-1  
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) DEPT. XII  
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13 BEFORE THE HONORABLE MICHELLE LEAVITT  
14 DISTRICT COURT JUDGE  
TUESDAY, MARCH 1, 2022

15 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 1**

16  
17 APPEARANCES

18 For the Plaintiff

MICHAEL DICKERSON, ESQ.  
MELANIE H. MARLAND, ESQ.

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20 For the Defendant

BENNAIR R. BATEMAN, ESQ.

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24 RECORDED BY: SARA RICHARDSON, COURT RECORDER  
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Las Vegas, Nevada, Tuesday, March 1, 2022

[Case called at 1:27 p.m.]

[Outside the presence of the Prospective Jurors]

THE CLERK: All rise. The Eighth Judicial District Court, Department XII is now in session, the Honorable Michelle Leavitt presiding.

Come to order and be seated, please.

[Court and Clerk confer]

THE COURT: Okay. State Nevada v. Blandino.

THE MARSHAL: Okay. You're going to have to wait outside for right now. I have to get my jurors seated first, and then the available seats that I have left I'll bring in people in. Thank you.

THE COURT: Okay. The record will reflect that Mr. Blandino is present, he is at liberty. Will the attorneys please state their names for the record?

MR. DICKERSON: Mike Dickerson and Melanie Marland on behalf of the State.

MR. BATEMAN: Good afternoon, Your Honor. Ben Bateman, bar number 9338, on behalf of Mr. Blandino.

THE COURT: Okay. And, Mr. Blandino, the record will reflect that he is here pursuant, he's at liberty, but he does have a house arrest bracelet on. So are the parties ready to proceed with jury selection?

MR. DICKERSON: I believe so. I believe that we just have one specific matter before we get started, which is Defense counsel's

1 motion for discovery, which the State --

2 THE COURT: What is that? What in the world is that?

3 THE MARSHAL: I don't know. He just pulled out of his box --

4 THE DEFENDANT: What are you referring to --

5 THE MARSHAL: -- and put on the back of the chair?

6 THE DEFENDANT: Are you asking -- talking to me?

7 THE COURT: No, I'm not, I'm talking to Officer Hawks. What  
8 is that?

9 THE DEFENDANT: This?

10 THE MARSHAL: It's a t-shirt that he pulled out of his bag,  
11 ma'am.

12 THE COURT: Yeah. What does it say?

13 THE DEFENDANT: Vote against Judge Johnson, as she  
14 violates the law, Department XXII, with a little no sign with red through  
15 it; it's an exhibit.

16 THE COURT: Mr. Bateman, it's an exhibit?

17 MR. BATEMAN: It is not, Judge.

18 THE COURT: Okay. You can put it away please.

19 THE DEFENDANT: Well, I differ with my counsel, it is an  
20 exhibit.

21 THE COURT: Pardon? Well, remember you're represented  
22 by counsel. So he's --

23 THE DEFENDANT: I know. I'm going to testify and then  
24 introduce it after the --

25 THE COURT: Okay. Then --

1 THE DEFENDANT: -- after the testimony.

2 THE COURT: -- you know what, we'll just wait until -- just  
3 put it away --

4 THE DEFENDANT: Oh, okay.

5 THE COURT: -- until that time.

6 THE DEFENDANT: All right, fair enough.

7 THE COURT: And then we'll discuss it at that point. I just  
8 don't want something like that facing the jury panel.

9 THE DEFENDANT: Okay. I had to bring it with a hanger.

10 MR. DICKERSON: Thank you, Your Honor.

11 So as I was saying, the first thing that we need to get into  
12 would be Defense counsel's motion for discovery, which we've  
13 responded to. And then also, I think even before we get into that, I don't  
14 believe that it's too early to do this, especially given what we've just  
15 seen, but just again, as we've seen throughout this case, Defendant has  
16 made all kinds of interruptions in these court proceedings.

17 I just really hope that that does not occur here in this trial. I  
18 would ask that Your Honor advise Defendant, warn him, pursuant to  
19 NRS 175.387, *Collins v. Sate*, and the United States Supreme court case  
20 *Allen*, reference his conduct in the courtroom. And then ultimately if he  
21 does have conduct that is inappropriate in this courtroom, including  
22 disruptive, contemptuous, stubbornly, defiant, any of the following,  
23 refusing to follow the Court's orders, that he can be held in contempt, he  
24 can be removed from the courtroom, and that it is not unconstitutional  
25 program to be gaged.

1 THE COURT: Right. I'm going to give Mr. Blandino the  
2 benefit of the doubt. I don't believe we're going to have any issues, and  
3 let's just proceed.

4 Mr. Bateman, did you want to say something?

5 MR. BATEMAN: I did, Your Honor. We did -- our motion to,  
6 before discovery was done sort of the last minute --

7 THE COURT: Okay.

8 MR. BATEMAN: -- I guess it was a week ago today,  
9 Mr. Dickerson did provide about eight PDF files and one audio recording.  
10 And so we just filed this in the abundance of caution. I did have one  
11 concern that I spoke to Mr. Dickerson about, that he has since cured.  
12 That was -- in the grand jury testimony Mr. Federico makes reference to  
13 the detectives writing, taking notes of the phone call, and giving him  
14 questions as to what was say. He did provide me a JPEG of the -- a  
15 photograph of the of those notes.

16 MR. DICKERSON: And if I could just piggyback on that  
17 briefly, Your Honor? I was not aware of that request at all until arriving  
18 in court today, Defense counsel approached me and made that request  
19 for those items. I had never seen them before. I reached out to  
20 Mr. Federico and asked him if he happened to have those in his  
21 possession, he indicated he did.

22 THE COURT: Okay.

23 MR. DICKERSON: Okay. And then he followed-up by  
24 providing us photographs of those.

25 THE COURT: Okay.

1 MR. BATEMAN: And, just, yes, I will follow-up.

2 Mr. Dickerson has been very professional, and I believe that I have  
3 everything that he has. If there's something that he does not have, I  
4 would believe it would be because he does not have it. I've done a file  
5 review about two and a half weeks ago with him, and so I believe that is  
6 everything as far as their discovery.

7 The only question I have, Judge, it's a little bit charted  
8 waters, I guess, in that -- in my motion to withdraw back in January,  
9 the -- you know, my concern was Mr. Blandino , I was putting him on the  
10 stand and Your Honor indicated it could be solved by allowing him to  
11 testify in the narrative.

12 THE COURT: Uh-huh.

13 MR. BATEMAN: And in so doing reciprocal discovery, I'm  
14 not quite sure what he's going to make reference to. You know, he has  
15 indicated that, you know, he believes that God will give him the sort of  
16 what to say in the moment. So --

17 THE COURT: Okay.

18 MR. BATEMAN: -- you know. So I don't know. And he could  
19 make reference to -- I think it would probably proper if he makes  
20 reference to something to refresh his recollection, however introducing  
21 that into evidence is another thing entirely, so --

22 THE COURT: Okay.

23 MR. BATEMAN: -- that's one of the things I believe is that  
24 shirt that he pulled out --

25 THE COURT: Okay.

1 MR. BATEMAN: -- is he would seek to try and introduce that.  
2 I believe, obviously, I would not introduce that, obviously, into evidence.

3 THE COURT: Okay.

4 MR. BATEMAN: And there's -- that's all I have to say really  
5 about discovery. As far as --

6 THE COURT: Okay. Mr. Blandino, you have to leave  
7 Mr. Bateman alone, especially when he is communicating with the Court.  
8 I don't have any problem with you writing notes to him.

9 THE DEFENDANT: Oh, I apologize.

10 THE COURT: Because you're obviously entitled to  
11 communicate with him, but just since we've been in here, you have  
12 repeatedly done it, and it's difficult for him to communicate --

13 THE DEFENDANT: I apologize.

14 THE COURT: -- to the Court. Thank you.

15 MR. BATEMAN: Yes. But what he's to and what I'm getting  
16 at, Judge, is basically his motion to dismiss me as counsel. I don't know,  
17 that has not been heard, and he has this file on February 10th.

18 THE COURT: Well, we're here. I'm not going to dismiss you  
19 as counsel. We're here, it's a date and time set for trial and we're going  
20 to proceed. Do you want to ruling on your discovery motion? I mean, I  
21 can go --

22 MR. BATEMAN: Certainly, let's do it for the -- to have a  
23 complete record, Your Honor.

24 THE COURT: Okay. As to the first request, it's granted to the  
25 extent it's required by NRS 174.235, the same with number 2, number 3.



1 Number 4 is granted to the extent it's required by NRS 174.235. There  
2 are no medical records in this case; is that correct?

3 MR. BATEMAN: That's correct.

4 MR. DICKERSON: Correct, Your Honor.

5 THE COURT: Okay. So there's none, that's not applicable.  
6 As to number 6, it's granted to the extent it's required by NRS 174.235,  
7 the same with number 7 and 8. And I'm assuming there's no -- well,  
8 actually number 9, I don't think that that is applicable; is that correct?  
9 Non-activated body camera, nor do I think you'd be entitled to it, so it's  
10 denied. As to number 10, it's granted to the extent it's required by  
11 NRS 174.235, the same with 11.

12 As to number 12, the State is to provide obviously the  
13 witness contact information as required by NRS 174.234. There are no  
14 confidential informant issues. Is that correct, Mr. Dickerson?

15 MR. DICKERSON: That's correct, Your honor.

16 THE COURT: So number 13 is denied. As to number 14, the  
17 State is to comply with all of their statutory and *Brady* obligations, in this  
18 matter. As to witness benefits, the State is to provide anything to the  
19 Defense, other than the statutory witness fee. As to number 16, have  
20 you identified any *Henthorn* materials, Mr. Bateman?

21 MR. BATEMAN: No, Your Honor.

22 THE COURT: Okay. So that's not applicable. And then as to  
23 number 17, it's granted to the extent it's required by 174.235. As to  
24 number 18, State is to provide any prior felonies and/or crimes of moral  
25 turpitude, and number 19, I'm assuming is not applicable docket

1 information; is that correct?

2 MR. DICKERSON: Correct, Your Honor.

3 MR. BATEMAN: That's correct.

4 MR. DICKERSON: Correct, Your Honor. That's our  
5 knowledge.

6 THE COURT: Okay. And then Mr. Bateman, you can prepare  
7 the order for the Court on that.

8 MR. BATEMAN: Thank you.

9 THE COURT: Anything else before we bring the jury panel  
10 in?

11 MR. DICKERSON: I would just note in regard to the Court's  
12 ruling there, and the ruling specifically as applies to *Brady* material.  
13 What had really been suggested by the Defendant was that there is  
14 potentially *Brady* material that he alleges, on his hard drives. We've told  
15 the Defendant that, "Hey, you have to take a look at what we seized." We  
16 seized it --

17 THE COURT: Uh-huh.

18 MR. DICKERSON: -- pursuant to a search warrant authorized  
19 by the Court, which allowed us to seize evidence of these crimes. We  
20 didn't dump everything from his computers and -- because that's not  
21 what we were authorized to do.

22 So we provided the Defendant consent to search that he was  
23 free to provide us, with some information, generally that would allow a  
24 digital forensics detective to search through his hard drives and find any  
25 of those materials. Defendant has not provided us the consent to search

1 or any information regarding that.

2 THE COURT: Okay. And, Mr. Bateman, that's correct?

3 MR. BATEMAN: That is correct. And I did pass that along to  
4 Mr. Blandino, to identify any documents that he might deem exculpatory  
5 with the consent to search.

6 THE COURT: Okay. Anything else before we bring the jury  
7 panel in?

8 MR. DICKERSON: No, Your Honor.

9 THE COURT: Okay. You can bring --

10 MR. BATEMAN: I'm sorry, one --

11 THE COURT: Okay. Go ahead.

12 MR. BATEMAN: If Your Honor would allow to be heard on  
13 his notice and demand as to -- I know you're honor ruled, but I think he  
14 would like to make a brief record?

15 THE COURT: Ruled on what?

16 MR. BATEMAN: On the motion to dismiss counsel, on his  
17 motion.

18 THE COURT: No. If it's filed that's his record, so --

19 MR. BATEMAN: Understood.

20 THE COURT: We can bring the panel in.

21 THE MARSHAL: Yes. Ma'am, 24?

22 THE COURT: Yes. Well, I don't know. Do the parties  
23 think -- so that's two alternates.

24 THE MARSHAL: Yes. Ma'am you.

25 THE COURT: I'm assuming you want two alternates?

1 MR. DICKERSON: Yes, Your Honor.  
2 MR. BATEMAN: Yeah, please.  
3 THE COURT: Okay.  
4 THE MARSHAL: Yes, ma'am  
5 THE COURT: Yeah. We'll qualify, 24.  
6 [Pause]  
7 THE MARSHAL: You ready, ma'am?  
8 THE COURT: Yeah.  
9 [Brief Pause]  
10 THE MARSHAL: All right. All rise for entering jury, please.  
11 [Prospective Jury in at 1:46 p.m.]  
12 THE COURT: Does the State stipulate to the presence of the  
13 jury venire?  
14 MR. DICKERSON: We do Your Honor.  
15 THE COURT: And Mr. Bateman?  
16 MR. BATEMAN: Yes, Your Honor.  
17 THE COURT: Okay. Good afternoon, ladies and gentlemen,  
18 welcome to Department XII of the 8th Judicial District Court. My name is  
19 Michelle Leavitt, I'm the presiding Judge in this Department. You've  
20 been summoned here today to serve as jurors in a criminal case, entitled  
21 State of Nevada v. Kim Blandino. Before I do allow the attorneys to  
22 introduce themselves, I'm going to introduce the staff in Department XII,  
23 and give you a brief description of what each does.  
24 You have already met Officer Hawkes. He is the Court  
25 Marshal in Department XII. He's in charge of the security in Department

1 XII. He's also the person that you will have the most contact with  
2 throughout this process of selecting a jury, and after we do have a jury  
3 impaneled, myself, the attorneys, the parties, and the staff in Department  
4 XII, with the exception of Officer Hawks, are not permitted to have any  
5 communication with you, whatsoever, outside of the courtroom.

6           So if there's anything you need to communicate to the Court,  
7 I ask that you do so in the courtroom, in the presence of both sides, or  
8 the only other person that can speak to you outside of the courtroom is  
9 Officer Hawks. To my left is Cherae. Cherae is a licensed attorney in the  
10 State of Nevada, she's the Law Clerk in Department XII, and she assists  
11 the Court with legal issues.

12           To my right is Hailey. Hailey is the Clerk of the Court in  
13 Department XII; she keeps the official record. She's also the person that  
14 will take charge of all of the evidence when it's introduced at the time of  
15 trial. To her right is Sarah, and Sarah's the Court Recorder. She is  
16 taking down everything that is said during these proceedings. At some  
17 point she'll be called upon by staff to prepare what we call a written  
18 transcript, which means that she will listen to the audio recording, and  
19 she will type verbatim everything that is said during these proceedings.

20           So if you are called upon to address the Court, before  
21 responding I just ask that you state your name, the badge number that's  
22 been provided to you by the Jury Commissioner, before responding so  
23 that we have an accurate and clear record of who is speaking at all times.  
24 With Hailey, and in the back of the courtroom too, we do have some  
25 clerks from the Las Vegas Municipal Court, we also have some Court

1 Marshals from the Las Vegas Municipal Court. Beginning next week they  
2 will be doing jury trials on certain misdemeanor cases, so they are here  
3 today to observe how we select a jury panel.

4 At this time, Mr. Dickerson, I am going to allow you to  
5 address the Court and give a brief statement of the facts; if you'll also  
6 give your witness list.

7 MR. DICKERSON: Yes. Thank you very much, Your Honor.

8 Good afternoon, ladies and gentlemen, my name is Michael  
9 Dickerson. I'm a Chief Deputy District Attorney for Clark County District  
10 Attorney's Office. With me is Melanie Marland, she's a Deputy District  
11 Attorney for the Clark County District Attorney's Office. We're here  
12 today representing the State of the Nevada in this criminal prosecution  
13 from Kim Blandino. In our indictment Mr. Blandino is charged with two  
14 crimes. He's charged with the crime of extortion, and the crime of  
15 impersonating of public officer.

16 Here in this particular case we're going to call a handful of  
17 witnesses and admit some documentary evidence, as well. The  
18 witnesses that you may hear from include the following, please take note  
19 of their names, just in case, you know, any of them, we're going to be  
20 asking you about that, okay?

21 That's going to include custodians of records for various  
22 entities, including the Las Vegas Metropolitan Police Department  
23 Communications and Record Center, as well as the Clark County  
24 Detention Center. An individual by the name of Michael Federico, a  
25 Las Vegas City Marshall, by the name of Pete Marwitz.

1 Las Vegas Metropolitan Police Department Detective Kenneth  
2 Mead, as well as Las Vegas Metropolitan Police Department Detective  
3 Scott Nielsen, retired Las Vegas, Metropolitan Police Department,  
4 Sergeant, Ashton Packe. Clark County Attorney's Office, Investigator ,  
5 Marco Rafalovich, or his designee, which would be Alfred Shavarza  
6 [phonetic]. Las Vegas Metropolitan Police Department, Detective Charles  
7 Stewart.

8 A woman by the name of Ashley Williams, as well as Paul  
9 Deyhle, from the Nevada Commission on Judicial Discipline, and  
10 Zachary Johnson, who is a detective with the Las Vegas Metropolitan  
11 Police Department.

12 Thank you.

13 THE COURT: Thank you very much.

14 Mr. Bateman, you may address the panel.

15 MR. BATEMAN: Yes. Thank you, Your Honor.

16 My name is Ben Bateman, and I am the attorney for  
17 Mr. Kim Blandino, and excuse me -- joining us shortly will be another  
18 attorney Mr. Spencer Judd. In our witness list, the ones that we have  
19 noticed would be Mr. Steve Altig, Dianne Steel, Marty Hastings and  
20 Evelyn Pendergraft. Those are the potential witnesses that we would be  
21 calling, depending on how this case will -- the evidence unfolds.

22 THE COURT: Okay. At this time, the Clerk is going to call the  
23 role of the panel of prospective jurors. When your name is called, if  
24 you'll please indicate present or here.

25 THE CLERK: Magenta Eady?

1 PROSPECTIVE JUROR 636: Present.  
2 THE CLERK: Emily Antuna?  
3 PROSPECTIVE JUROR 802: Present.  
4 THE CLERK: Ana Tanasescu?  
5 PROSPECTIVE JUROR 806: Present.  
6 THE CLERK: Jan Esperanza?  
7 PROSPECTIVE JUROR 818: Present.  
8 THE CLERK: Anthony Romero.  
9 PROSPECTIVE JUROR 831: Present.  
10 THE CLERK: Makayla Ogden?  
11 PROSPECTIVE JUROR 854: Present.  
12 THE CLERK: Elizabeth Alvarez?  
13 PROSPECTIVE JUROR 856: Present.  
14 THE CLERK: Mei Wang?  
15 PROSPECTIVE JUROR 865: Present.  
16 THE CLERK: Johnny Tang?  
17 PROSPECTIVE JUROR 872: Here.  
18 THE CLERK: Sebastian Arba?  
19 PROSPECTIVE JUROR 873: Present.  
20 THE CLERK: Marisa Cantu?  
21 PROSPECTIVE JUROR 875: Here.  
22 THE CLERK: Yvonne Diaz?  
23 PROSPECTIVE JUROR 879: Here.  
24 THE CLERK: Evel Yakunda?  
25 PROSPECTIVE JUROR 890: Here.



1 THE CLERK: Katherine Stephens?  
2 PROSPECTIVE JUROR 892: Here.  
3 THE CLERK: Blaine Tingley?  
4 PROSPECTIVE JUROR 894: Present.  
5 THE CLERK: Desmond Kuresa?  
6 PROSPECTIVE JUROR 895: Present.  
7 THE CLERK: Amy Deguevara?  
8 PROSPECTIVE JUROR 896: Here.  
9 THE CLERK: Elkin Lopera-Munoz?  
10 PROSPECTIVE JUROR 901: Present.  
11 THE CLERK: Christina Hernandez?  
12 PROSPECTIVE JUROR 903: Present.  
13 THE CLERK: Maxx Garcia.  
14 PROSPECTIVE JUROR 931: Here.  
15 THE CLERK: Khanthavaly Phetdaovieng?  
16 PROSPECTIVE JUROR 933: Present.  
17 THE CLERK: Maria Lejardi?  
18 PROSPECTIVE JUROR 945: Present.  
19 THE CLERK: Samuel Villanueva?  
20 PROSPECTIVE JUROR 951: Present.  
21 THE CLERK: Crystal Davenport?  
22 PROSPECTIVE JUROR 967: Present.  
23 THE CLERK: Puanani Lonetti?  
24 PROSPECTIVE JUROR 978: Present.  
25 THE CLERK: Brenda Pembroke?

1 PROSPECTIVE JUROR 981: Present.  
2 THE CLERK: Jacob Lockhart?  
3 PROSPECTIVE JUROR 994: Present.  
4 THE CLERK: Rhett Bartholomew?  
5 PROSPECTIVE JUROR 997: Present.  
6 THE CLERK: Milton Linn?  
7 PROSPECTIVE JUROR 001: Here.  
8 THE CLERK: Jordan Wallace?  
9 PROSPECTIVE JUROR 025: Here.  
10 THE CLERK: William Logan?  
11 PROSPECTIVE JUROR 038: Present.  
12 THE CLERK: Jasmine Livingston?  
13 PROSPECTIVE JUROR 043: Here.  
14 THE CLERK: Kelly Evans?  
15 PROSPECTIVE JUROR 051: Here.  
16 THE CLERK: Laurence Heiss?  
17 PROSPECTIVE JUROR 058: Here.  
18 THE CLERK: Emilia Michener?  
19 PROSPECTIVE JUROR 078: Here.  
20 THE CLERK: Amanda Jeff?  
21 PROSPECTIVE JUROR 087: Here.  
22 THE CLERK: Damario Lomax?  
23 PROSPECTIVE JUROR 098: Here.  
24 THE CLERK: Mabel Magana?  
25 PROSPECTIVE JUROR 102: Here.

1 THE CLERK: Susan Browne?  
2 PROSPECTIVE JUROR 104: Here.  
3 THE CLERK: Brian Berg?  
4 PROSPECTIVE JUROR 107: Here.  
5 THE CLERK: Jose Pineda?  
6 PROSPECTIVE JUROR 109: Hear.  
7 THE CLERK: Melissa Zetino-Mendez?  
8 PROSPECTIVE JUROR 113: Present.  
9 THE CLERK: Eric Surprenant?  
10 PROSPECTIVE JUROR 125: Here.  
11 THE CLERK: Rose Hinojos?  
12 PROSPECTIVE JUROR 132: Present.  
13 THE CLERK: Kathy Tafoya?  
14 PROSPECTIVE JUROR 134: Here.

15 THE COURT: Okay. Is there anyone whose name was not  
16 called by the Clerk of the Court? Okay. The record will reflect no  
17 response when the panel. If you all, please stand and raise your right  
18 hand, so the Clerk can administer the oath.

19 [The Prospective Jury was sworn]

20 THE CLERK: you may be seated.

21 THE COURT: Okay. Thank you.

22 Prior to voir dire, the jury panel has the right to have the  
23 charging document read, so at this time the Clerk will read the charging  
24 document and state the plea of the Defendant to that document. I also  
25 want to remind the ladies and gentlemen of the jury venire, that the

1 Defendant is presumed innocent.

2 THE CLERK: District Court, Clark County, Nevada, State of  
3 Nevada, Plaintiff v. Kim Dennis Blandino, Defendant. Case number  
4 C-341767, Department Number XII, indictment.

5 State of Nevada, County of Clark, the Defendant above  
6 named, Kim Dennis Blandino, accused by the Clark County Grand Jury of  
7 the crimes of extortion, felony, and impersonation of an officer, gross  
8 misdemeanor, committed at or within the County of Clark, State of  
9 Nevada, on or between April 8th, 2019 and May 21st, 2019 as follows:

10 Count 1: Extortion. Did then and there willfully, unlawfully  
11 and feloniously, and with intent to extort or gain any money or other  
12 property and/or to influence the action of any public officer, whether or  
13 not the purpose is accomplished threatens, directly or indirectly, to  
14 accuse any person of a crime and/or to expose or impute to any person,  
15 any deformity or disgrace to wit, by making a demand to Michael  
16 Federico, a Las Vegas Municipal Court Judge, pro temp, for either \$25 or  
17 enrollment in the ethics, fairness, and security in your courtroom, and its  
18 community, or in the alternative pay \$500 to the Clark County Law  
19 Library, and if Michael Federico did not complete this class, or pay this  
20 money, he would file multiple and various allegations with the  
21 Commission on Judicial Discipline, which in truth and fact are false and/  
22 or would file a criminal complaint with the FBI accusing Michael Federico  
23 with a misdemeanor crime under 18 U.S.C. 242.

24 Count 2: Impersonation of an officer, did willfully,  
25 unlawfully and falsely impersonate a public officer, civil or military, or a

1 police officer, or a private individual having special authority by law to  
2 perform an act affecting the rights or interests of another to wit an  
3 investigator for the State of Nevada Commission on Judicial Discipline,  
4 and in such assumes character did an act purporting to be official  
5 whereby another is injured or defrauded by identifying himself verbally  
6 and/or in writing to one or more persons, including Michael Federico  
7 and/or Pete Marwitz, as an unpaid and/or volunteer investigator for the  
8 State of Nevada Commission on Judicial Discipline.

9 Dated this 11th day of July, 2019. Steven B. Wolfson, Clark  
10 County District Attorney, signed by Michael R. Dickerson, Deputy District  
11 Attorney, to which the Defendant has pled not guilty.

12 THE COURT: Okay. Thank you very much.

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

18 On occasion some of these questions will seem somewhat  
19 personal. While we do not wish to unnecessarily pry into your personal  
20 lives, the questions are necessary, so that counsel and the Court can  
21 make an intelligent determination as to your capabilities to serve fairly  
22 and impartially.

23 I want you to know that myself and the attorneys and all  
24 persons involved in this case are concerned with having this matter.  
25 tried by jurors who are completely open-minded, neutral, objective and

1 unbiased in their thinking. Wide discretion is vested in the trial Judge as  
2 to the method of examination of jurors. As I stated previously, I will  
3 personally conduct the voir dire, but I will give the attorneys the  
4 opportunity to participate in the questioning.

5           It is important that you know the significance of full,  
6 complete, and honest answers to all the questions we're about to ask  
7 you. I caution you not to try to hide or withhold anything which might  
8 indicate bias or prejudice of any sort by any of you.

9           Should you fail to answer truthfully, or if you hide or  
10 withhold anything touching upon your qualifications, that fact may tend  
11 to contaminate your verdict and subject you to further inquiry even after  
12 your discharged as jurors. Your decision should be based upon all of the  
13 evidence presented during this trial, and not based upon any  
14 preconceived prejudice or bias.

15           I will conduct a general voir dire examination of all of you  
16 while you're seated in the audience. After those general questions, the  
17 clerk will call the first 24 names using the order provided to us by the  
18 Jury Commissioner, to fill the jury box. At some point, during this  
19 process of selecting a jury, the attorneys for both sides will have the  
20 right to ask that a particular person not serve as a juror.

21           These requests are called "challenges." There are two types  
22 of challenges, challenges for cause and preemptory challenges. A  
23 challenge for cause means that a juror has been excused because his or  
24 her answers to some of the voir dire questions indicate that he or she  
25 would have a difficult time in giving a fair and impartial hearing to the

1 case. I will ask the attorneys to pass or waive prospective jurors for a  
2 cause challenge when they are done questioning the prospective jurors,

3 A peremptory challenge means that a juror can be excused  
4 from duty without counsel having to give a reason for the excusal.  
5 Please do not be offended should you be excused by either of the  
6 challenge procedures, they are simply a part of the procedures designed  
7 to protect the rights of the parties under our system of government.

8 And again, I'm going to ask a few questions. If you want to  
9 respond, if you'll raise your hand, we'll make sure the microphone gets  
10 to you, and if you'll state your name and badge number before  
11 responding.

12 Is there anywhere on the panel whoseever been convicted of a  
13 felony? The record will reflect no response from the panel.

14 Is there anyone on the panel who is not a United States  
15 citizen? The record will reflect no response from the panel.

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

18 Is there anyone on the panel who has such a sympathy,  
19 prejudice, or bias relating to age, religion, race, gender, or national  
20 origin, that you feel would affect your ability to be an openminded fair  
21 and impartial juror?

22 Okay. If you don't, it's easier for me to hear if you stand up.  
23 So thank you very much, sir.

24 PROSPECTIVE JUROR 997: Yes. Rhett Bartholomew,  
25 01-0997.

1 THE COURT: 0997. Okay. And Mr. Rhett [Bartholome'low]?

2 PROSPECTIVE JUROR 997: [Bartholo'mew].

3 THE COURT: Sorry.

4 PROSPECTIVE JUROR 997: No problem.

5 THE COURT: Go ahead, sir.

6 PROSPECTIVE JUROR 997: My mom was attacked last year.

7 A black male attacked her in a parking lot, and so currently I feel a bit  
8 prejudice. I don't know the race of the Defendant, but I feel like it could  
9 cause a jury problem for me.

10 THE COURT: Okay. So you feel because your mom, and I  
11 apologize, you didn't have to tell us, she was a victim of a crime, and it  
12 was pretty recent.

13 PROSPECTIVE JUROR 997: Yes.

14 THE COURT: And did the police get involved?

15 PROSPECTIVE JUROR 997: Yes.

16 THE COURT: And did they catch anybody?

17 PROSPECTIVE JUROR 997: No. They have not.

18 THE COURT: All right. How long has it been?

19 PROSPECTIVE JUROR 997: A little under 12 months.

20 THE COURT: Okay. So I'm assuming it's still open, it's an  
21 active investigation?

22 PROSPECTIVE JUROR 997: It is.

23 THE COURT: Okay. Is there something about that that would  
24 affect your ability to be fair and impartial in this case?

25 PROSPECTIVE JUROR 997: I -- I believe so.



1 THE COURT: Okay. Who is it that you won't be able to be  
2 fair to?

3 PROSPECTIVE JUROR 997: Well, on both parties. I feel like  
4 justice is -- the judicial system is not adequate. And I feel that, again, I  
5 don't know if the Defendant is of the same race as who attacked my  
6 mother, but I feel if he was, then it would create a bias for me.

7 THE COURT: Okay. So something other than race, you have  
8 opinions about the judicial system, such it would make it so you couldn't  
9 be fair and impartial?

10 PROSPECTIVE JUROR 997: Correct.

11 THE COURT: Okay. You can have a seat. Thank you very  
12 much for being here. Is there anyone else that wishes to respond to that  
13 question? Okay. The record will reflect no further response from the  
14 panel.

15 Are there any of you who are acquainted with the Defendant  
16 in this matter, Mr. Blandino; anyone on the panel that's familiar with the  
17 Defendant in this matter? The record will reflect no response from the  
18 panel.

19 Is there anyone who are familiar with his attorneys,  
20 Mr. Bateman, or Mr. Judd? The record will reflect no  
21 response from the panel.

22 Are there any of you on the panel who are familiar with the  
23 Deputy District Attorneys that have been assigned to prosecute this  
24 matter? The record will reflect no response from the panel.

25 The District Attorney's Office employs many deputies and

1 other personnel. Is there anyone who has such a close relationship with  
2 either the District Attorney, Mr. Steve Wolfson, his deputies, or other  
3 members of his staff that you feel might affect your ability to serve as a  
4 fair and impartial juror in this particular case? The record will reflect no  
5 further response from the panel.

6 Are there any of you on the panel who are acquainted with  
7 any of the witnesses whose names were previously mentioned by the  
8 attorneys? Anyone familiar with any of the witnesses who will be called  
9 to testify in this matter? The record will reflect no response from the  
10 panel.

11 We do expect this last five, six days?

12 MR. DICKERSON: Five.

13 THE COURT: Five, okay. So since it is Tuesday, we may go  
14 into next week, if we do we would go into Monday. Is there anyone  
15 that's serving for that amount of time that would present such an undue  
16 burden or hardship, such you would make it impossible for you to be  
17 here?

18 PROSPECTIVE JUROR 967: Hi. Crystal Davenport, 01-0967.

19 THE COURT: Okay. The last four numbers. Will you say  
20 them again?

21 PROSPECTIVE JUROR 967: 0967.

22 THE COURT: 0967. Okay, go ahead, Ms. Davenport.

23 PROSPECTIVE JUROR 967: I'm a single mom and I have two  
24 young children in elementary school.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 967: And I -- I don't really have any  
2 family or friends that could help pick, up as they're working too, and  
3 further away.

4 THE COURT: Okay. Who's going to pick them up today from  
5 school?

6 PROSPECTIVE JUROR 967: They've got instruction to go  
7 home alone, and hope that -- just wait for me today.

8 THE COURT: Oh. They're going to walk home?

9 PROSPECTIVE JUROR 967: They ride their bikes to and from  
10 school.

11 THE COURT: Okay. How old are they?

12 PROSPECTIVE JUROR 967: Eight and ten.

13 THE COURT: Okay. But obviously you'd rather be home --

14 PROSPECTIVE JUROR 967: Yes. I'm not --

15 THE COURT: -- with your little ones?

16 PROSPECTIVE JUROR 967: I'm not comfortable with them  
17 staying home alone at this point.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR 967: For -- for long term.

20 THE COURT: Okay. Thank you.

21 THE MARSHAL: Ma'am, can you just pass it behind you.

22 PROSPECTIVE JUROR 892: Katherine Stephens, badge  
23 number 0892. As of right now, I'm -- I work from home, but my husband  
24 works completely full-time, he's only off on Sundays. We have a  
25 six-year-old daughter that is in elementary school. The people that pick

1 her up are currently -- it's my father-in-law. I don't have any other  
2 family, and he's currently taking care of my mother-in-law, who currently  
3 has MS, so --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 892: Yeah.

6 THE COURT: So six year old's in school?

7 PROSPECTIVE JUROR 892: Correct.

8 THE COURT: Okay. Who's going to get the six year old  
9 today.

10 PROSPECTIVE JUROR 892: My father-in-law.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR 892: Right. Who is a full caregiver,  
13 like I said, of my mother-in-law, who currently has MS, and is basically  
14 wheelchair bound. So he'll pick her up, bring her back, and then I'll pick  
15 her up after, you know, whenever I'm finished.

16 THE COURT: So if you were asked to be here, would there  
17 be anyone to take your child to and from school?

18 PROSPECTIVE JUROR 892: Not at this time. Only my  
19 father-in-law, like I said, because my husband works so early in the  
20 morning, and so we kind of rely on my father-in-law every now and then,  
21 and like that he's aware that -- you know, I'm currently, you know, on  
22 jury duty. But like I said, it's a hardship for my mother-in-law, because of  
23 her current health situation.

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

1 PROSPECTIVE JUROR 892: Anybody else in this back row?

2 THE COURT: Anyone else?

3 PROSPECTIVE JUROR 890: My name is Evel Yakunda. I own  
4 a business --

5 THE COURT: And your badge number is 0890, correct?

6 PROSPECTIVE JUROR 890: Correct. Yes, ma'am.

7 THE COURT: Okay. Go ahead.

8 PROSPECTIVE JUROR 890: And I own a business, and I don't  
9 have no employee to cover my hours, so I have to shut my business  
10 down to be here, so for me, I think it's an excuse, please.

11 THE COURT: What kind of business do you have?

12 PROSPECTIVE JUROR 890: Convenient store.

13 THE COURT: Okay. What kind of convenient store?

14 PROSPECTIVE JUROR 890: It's like a liquor store.

15 THE COURT: Okay. You don't have any employees?

16 PROSPECTIVE JUROR 890: Not at all.

17 THE COURT: So what do you do if you want to take time off?

18 PROSPECTIVE JUROR 890: I work seven days a week.

19 THE COURT: You've never taken a day off, ever?

20 PROSPECTIVE JUROR 890: No.

21 THE COURT: Well, you probably need a break. How long  
22 have you had the convenient store?

23 PROSPECTIVE JUROR 890: I have looking for. It's a hard  
24 time to find employee now.

25 THE COURT: So like today's been a little bit of a break for

1 you?

2 PROSPECTIVE JUROR 890: I got an old man, and with a  
3 handicap, and he's just covering for me these hours all day, ma'am.

4 THE COURT: Okay. Is your store open 24 hours.

5 PROSPECTIVE JUROR 890: No, ma'am.

6 THE COURT: All right. But you've never taken a day off?

7 PROSPECTIVE JUROR 890: I have not.

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

10 THE MARSHAL: Anybody else in the second row? In the top  
11 row?

12 PROSPECTIVE JUROR 043: Hi. I'm Jasmine Livingston,  
13 1043.

14 THE COURT: What are the last four digits?

15 PROSPECTIVE JUROR 043: It is 1043.

16 THE COURT: 1043. Okay. Sorry, go ahead.

17 PROSPECTIVE JUROR 043: You're fine. Well, I haven't work  
18 for a little -- almost two years.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR 043: And I literally just started back  
21 working. With that being said I'm kind of backed up on a lot bills, and  
22 so-to-speak. So of course me being here, at this time, I don't know --  
23 well, my job definitely doesn't accommodate. You know, they gave me  
24 today off, but moving forward I don't want to lose my job after just  
25 getting back to work.

1                   So this would be more interesting status for me at home, you  
2 know what I mean, so I hope this is enough to get excused. But I mean, I  
3 guess have to do what I have to do --

4                   THE COURT: Okay.

5                   PROSPECTIVE JUROR 043: -- moving forward.

6                   THE COURT: Where do you work?

7                   PROSPECTIVE JUROR 043: I'm a server at Olive Garden.

8                   THE COURT: Okay. And your employer indicated that you  
9 would not be paid if you were here?

10                  PROSPECTIVE JUROR 043: No, ma'am.

11                  THE COURT: How would that affect you financially; would  
12 you be able to pay your bills?

13                  PROSPECTIVE JUROR 043: Negative.

14                  THE COURT: Okay. No, thank you very much for being here.

15                  PROSPECTIVE JUROR 058: I'm Laurence Heiss, 1058.

16                  THE COURT: Go ahead.

17                  PROSPECTIVE JUROR 058: So I'm a stay-at-home dad. I  
18 have a four year old and ten year old that I'm responsible for, getting to  
19 and from school every day. My backup, who would typically help me on  
20 short notice is headed out of town tomorrow morning; I have no backup.

21                  THE COURT: All right. So if you were here how would that  
22 affect your home life?

23                  PROSPECTIVE JUROR 058: Well, I'd have to figure out  
24 somebody to watch the four-year-old during the day.

25                  THE COURT: Okay. Would your kids get back and forth from

1 school?

2 PROSPECTIVE JUROR 058: No.

3 THE COURT: Okay. All right. Thank you. Thank you for  
4 being here, sir.

5 THE MARSHAL: Anybody else over here?

6 PROSPECTIVE JUROR 078: Hi. Emilia Michener, 1078.

7 THE COURT: Go ahead.

8 PROSPECTIVE JUROR 078: So I've been on IBF treatments  
9 since December, and I got pregnant, and about three weeks ago I lost the  
10 pregnancy. I'll be going through treatment with the doctor, because I  
11 haven't been able to get everything out. So they're -- I talked to them  
12 yesterday, and they're supposed to schedule me for surgery, for the  
13 treatment -- a hysteroscopy, and clean -- clean, but they're supposed to  
14 schedule me either this week or next week, but I'm not sure, up to this  
15 point. So it's been -- been going on treatment with them

16 MR. DICKERSON: Okay. All right.

17 PROSPECTIVE JUROR 078: Thank you.

18 MR. DICKERSON: Thank you.

19 PROSPECTIVE JUROR 102: I'm Mabel Magana, but the  
20 badge 1102.

21 THE COURT: 1102, is that your badge number?

22 PROSPECTIVE JUROR 102: Yes.

23 THE COURT: Okay. Go ahead.

24 PROSPECTIVE JUROR 102: I know understand English.

25 THE COURT: Okay. You don't think you understand English



1 well enough?

2 PROSPECTIVE JUROR 102: No.

3 THE COURT: Okay. And you're a U.S. Citizen, correct?

4 PROSPECTIVE JUROR 102: Yes.

5 THE COURT: How long have you lived in the United States?

6 PROSPECTIVE JUROR 102: Six.

7 THE COURT: Six years. Okay. Do you work?

8 PROSPECTIVE JUROR 102: Yes.

9 THE COURT: Where do you work?

10 PROSPECTIVE JUROR 102: On the Able Services, in the

11 housekeeping.

12 THE COURT: Okay. What language do you speak at work?

13 PROSPECTIVE JUROR 102: In Spanish.

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

15 THE MARSHAL: Anybody else over here? Anybody else?

16 PROSPECTIVE JUROR 873: Sebastian Arba, my -- it's -- my

17 number 873.

18 THE COURT: Okay. Go ahead, Mr. Arba.

19 PROSPECTIVE JUROR 873: I almost a year and a half I move

20 from Seattle, and I don't -- me and my wife are not working, and I just

21 have an interview on Thursday, and going for fingerprints and stuff like

22 that, so --

23 THE COURT: Okay. Can you put the mic --

24 PROSPECTIVE JUROR 873: Oh, sorry, sorry, I'm just --

25 THE COURT: You have a job interview on Thursday --

1 PROSPECTIVE JUROR 873: Yes. Yes. And fingerprints for  
2 that job. I mean, I only have one [indiscernible] and that's -- and that's  
3 my first job here --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 873: -- like more than a year.

6 THE COURT: And you and your wife have not been working?

7 PROSPECTIVE JUROR 873: No.

8 THE COURT: And you're going to get fingerprinted for the  
9 job?

10 PROSPECTIVE JUROR 873: Yes. For -- it's for the post office.

11 THE COURT: For the post office.

12 PROSPECTIVE JUROR 873: Yes.

13 THE COURT: And have you been hired?

14 PROSPECTIVE JUROR 873: It looks like, yes.

15 THE COURT: Okay. All right. When on Thursday are you  
16 supposed to go?

17 PROSPECTIVE JUROR 873: 10:30.

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

19 PROSPECTIVE JUROR 873: Thank you.

20 THE MARSHAL: Can you pass it forward, please.

21 PROSPECTIVE JUROR 901: Hi. My name is Elkin Lopera. My  
22 juror ID, last four number is 7383.

23 THE COURT: Did you say --

24 PROSPECTIVE JUROR 091: 7383.

25 THE COURT: 7383?

1 PROSPECTIVE JUROR 091: Yes. No --  
2 UNIDENTIFIED SPEAKER: I'm sorry, 901.  
3 THE COURT: Okay.  
4 PROSPECTIVE JUROR 091: Oh, no. It's 0901.  
5 THE COURT: Okay.  
6 PROSPECTIVE JUROR 091: Sorry.  
7 THE COURT: All right, go ahead, sir.  
8 PROSPECTIVE JUROR 091: Okay. I just speak on --  
9 THE COURT: Okay. Just a minute.  
10 PROSPECTIVE JUROR 091: I just speak on those --  
11 THE COURT: Just a minute. Just a minute. I have a hard  
12 time hearing. So, but when people are talking, I really, really can't hear.  
13 PROSPECTIVE JUROR 091: Okay.  
14 THE COURT: So thank you. Go ahead, sir.  
15 PROSPECTIVE JUROR 091: Okay. I speak -- I understand a  
16 little English, because I don't know maybe it's -- I speak basic English. I  
17 don't know maybe it's problem for me to understand the -- the case for --  
18 I don't know.  
19 THE COURT: Are you indicating you don't believe you speak  
20 English, well, enough?  
21 PROSPECTIVE JUROR 091: I don't understand.  
22 THE COURT: Okay. You're a U.S. Citizen, correct?  
23 PROSPECTIVE JUROR 091: Yes.  
24 THE COURT: How long have you lived in the United States?  
25 PROSPECTIVE JUROR 091: Twenty year.

1 THE COURT: Twenty years?  
2 PROSPECTIVE JUROR 091: Yeah.  
3 THE COURT: And where do you work?  
4 PROSPECTIVE JUROR 091: Republic Electric and  
5 Construction.  
6 THE COURT: Okay. What language do you speak at work?  
7 PROSPECTIVE JUROR 091: Everyday, Spanish.  
8 THE COURT: Okay. All right. Thank you, sir.  
9 PROSPECTIVE JUROR 091: Okay. Thank you.  
10 THE MARSHAL: Anybody else. Can you hand the mic right  
11 behind you, please?  
12 PROSPECTIVE JUROR 856: I'm Elizabeth Alvarez, my  
13 number is 0856.  
14 THE COURT: Go ahead, Ms. Alvarez.  
15 PROSPECTIVE JUROR 856: So the only problem I have is on  
16 Tuesday. I believe we're going to be here five days. Is that what you  
17 say, pardon me?  
18 THE COURT: You have --  
19 PROSPECTIVE JUROR 856: I don't understand --  
20 THE COURT: You have a problem next Tuesday?  
21 PROSPECTIVE JUROR 856: Tuesday, I have a doctor  
22 appointment, and honestly I've been waiting for this doctor appointment  
23 since --  
24 THE COURT: Okay.  
25 PROSPECTIVE JUROR 856: -- November of last year, and it's

1 for my eyes because, if I don't --

2 THE COURT: Okay. But what time is that doctor  
3 appointment?

4 PROSPECTIVE JUROR 856: It's going to -- I have to be at the  
5 doctor appointment at 11 o'clock, and the doctor told me going to be  
6 about two to three hours, because I kind have like a function that --

7 THE COURT: Have your eyes dilated --

8 PROSPECTIVE JUROR 856: Yes. Yes.

9 THE COURT: Okay. All right.

10 PROSPECTIVE JUROR 856: And I'm about to lose this one,  
11 this left eye, if I don't take care of it. That's the only issue I have, but  
12 other than that, I'm free.

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

14 PROSPECTIVE JUROR 856: You're welcome.

15 THE COURT: Anyone else? Okay. The record will reflect no  
16 further response from the panel.

17 Are there any of you who believe that for any other reason,  
18 you'd be unable to serve as a juror in this particular case? Okay. The  
19 record will reflect no response from the panel.

20 Is there anyone on the panel who's ever been engaged in law  
21 enforcement work, or have a spouse or close relative who has ever been  
22 engaged in law enforcement work? Okay.

23 PROSPECTIVE JUROR 636: My name is Magenta Eady. My  
24 number is 0636, and my father with the Philadelphia Police Department  
25 for 21 years.

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

3 PROSPECTIVE JUROR 636: I want to say no.

4 THE COURT: Okay. Well, you're the only one who can tell  
5 me. So I mean, you understand this case -- I mean, you would agree  
6 with me that this case here today has nothing to do with anything your  
7 father and you have ever spoke about, correct?

8 PROSPECTIVE JUROR 636: Yeah. No.

9 THE COURT: In fact he was a police officer in another  
10 jurisdiction, right?

11 PROSPECTIVE JUROR 636: Right. Yes, ma'am.

12 THE COURT: Okay. Would you be able to leave any  
13 experience or conversations you had with your dad at that door when  
14 you come in --

15 PROSPECTIVE JUROR 636: Yes.

16 THE COURT: -- and judge this case solely on the evidence, as  
17 you see and hear it from the witness stand, and the instructions on the  
18 law, which will be given to you by the Court?

19 PROSPECTIVE JUROR 636: Yes, I will.

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

22 PROSPECTIVE JUROR 831: Anthony Rome Romero, 0831.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 831: I just spent the last three and a  
25 half years trying to get on with the LVMPD.

1 THE COURT: Okay. And what is the -- I mean, where do you  
2 stand; have you been hired?

3 PROSPECTIVE JUROR 831: I have not. Can you repeat the  
4 question, because I just didn't really understand it, that's why I wanted to  
5 clarify.

6 THE COURT: Have you, or anyone close to you, such as a  
7 family member, friend ever been engaged in law enforcement work?

8 PROSPECTIVE JUROR 831: No.

9 THE COURT: Okay. When you say you've been trying to get  
10 on Metro, what does that mean?

11 PROSPECTIVE JUROR 831: I was a current application --  
12 applicant, but I am no longer

13 THE COURT: Okay. Anything about that that would affect  
14 your ability to be fair and impartial?

15 PROSPECTIVE JUROR 831: No.

16 THE COURT: Okay. Thank you, sir. Thank you for being  
17 here.

18 PROSPECTIVE JUROR 806: Hi. My name is Ana Tanasescu,  
19 and my badge number is 0806. I don't think it has a problem, but I own a  
20 Cross-Fit Gym, and like I have like two or three of my athletes that are in  
21 law enforcement, so they -- they work in jail.

22 THE COURT: Okay. Anything about that, that would affect  
23 your ability --

24 PROSPECTIVE JUROR 806: I don't think so.

25 THE COURT: -- to be fair and impartial? Well, again, you're

1 the only one who can tell me.

2 PROSPECTIVE JUROR 806: Yeah. No.

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

4 THE MARSHAL: Anybody else in the top row? In the middle  
5 row here? Can you pass it forward, pleas.

6 PROSPECTIVE JUROR 892: Katherine Stephens, badge  
7 number 0892. My -- two of my brothers-in-law they're retired from  
8 Las Vegas, Metro. My sister-in-law, she currently works at the jail, and  
9 then I have a really close family friend that works -- currently works for  
10 Las Vegas Metro, as well. I think -- I believe he's a detective, so --

11 THE COURT: Okay. Anything about their employment that  
12 would affect your ability to be fair and impartial?

13 PROSPECTIVE JUROR 892: Not that I believe so, no.

14 THE COURT: Okay. And you understand that if you are  
15 selected to serve, you would not be permitted to discuss this case with  
16 anyone, including your fellow jurors, until you went back to deliberate  
17 upon your verdict?

18 PROSPECTIVE JUROR 892: That is correct. Yes.

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

20 PROSPECTIVE JUROR 892: Yes.

21 THE COURT: Okay. Thank you.

22 THE MARSHAL: Anybody else in the middle row? In the  
23 front row here? Pass it forward, please.

24 PROSPECTIVE JUROR 967: Crystal Davenport, 0967. My  
25 brother is a law enforcement agent, and my sister-in-law is 911 dispatch.



1 They are in Colorado, so it would not affect me, but I just wanted to bring  
2 that up.

3 THE COURT: Okay. And again, I just want to make sure you  
4 understand if you were selected to serve you couldn't discuss this case  
5 with anyone, including your fellow jurors.

6 PROSPECTIVE JUROR 967: Correct.

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

8 PROSPECTIVE JUROR 967: Yes, ma'am.

9 THE COURT: Okay. Until you go back to deliberate.

10 PROSPECTIVE JUROR 967: Yes.

11 THE COURT: Anyone else over here?

12 THE MARSHAL: Over here?

13 PROSPECTIVE JUROR 107: Brian Berg, 1107.

14 THE COURT: Okay. Go ahead, Mr. Berg.

15 PROSPECTIVE JUROR 107: I had two grandfathers serve  
16 their entire military career as military police.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR 107: My best friend of over 30 years  
19 just recently retired from Metro. And as a matter of fact, his cousin is a  
20 security guard here. I just seen him today, so Officer Nelson Serrano.

21 THE COURT: Okay. So is a court Marshal?

22 PROSPECTIVE JUROR 107: I don't know if he's a -- I don't  
23 know if he's --

24 THE MARSHAL: Yeah. Nelson Serrano is one of the  
25 marshals.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 107: Yes.

3 THE COURT: All right. Anything about that that would affect  
4 your ability to be fair and impartial?

5 PROSPECTIVE JUROR 107: Obviously I would probably lean  
6 towards the police. Right?

7 THE COURT: Well, I -- I don't know --

8 PROSPECTIVE JUROR 107: Yeah. I would. Yeah.

9 THE COURT: -- I don't know that that's obvious, but if that's  
10 your opinion --

11 PROSPECTIVE JUROR 107: Yes, I would.

12 THE COURT: -- I would need to know that.

13 PROSPECTIVE JUROR 107: Yeah.

14 THE COURT: Okay. So you believe that based on your  
15 relationships you might want to lean towards -- I mean, because,  
16 obviously we don't want jurors who are going to lean towards either  
17 side?

18 PROSPECTIVE JUROR 107: Right. So I'm telling you.

19 THE COURT: Okay. All right. So you're a person you believe  
20 you may lean towards the police?

21 PROSPECTIVE JUROR 107: Correct.

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

23 THE MARSHAL: Anybody else?

24 THE COURT: Anyone else that wishes to respond to the  
25 Court? Okay. The record will reflect no further response from this

1 panel.

2 Is there anyone who may not be able to follow all the  
3 instructions of the Court on the law, even if the instructions differed from  
4 your personal conceptions of what the law ought to be? Is there anyone  
5 who feels that they cannot follow the law as given to you by the Court?  
6 The record will reflect no response from the panel.

7 Okay. As a follow up to the previous question, in any  
8 criminal trial the members of the jury sitting collectively are the judges of  
9 the question of fact, in this case. As judge in the case, I'm the judge of  
10 the questions of law and it's my responsibility to be sure that I give  
11 instructions on the law that apply to this particular case.

12 It would be a violation of a juror's duty if he or she tried to  
13 render a judgment based upon what he or she believed the law to be, if  
14 that differed from my instructions. With that in mind, is there anyone  
15 who feels that they cannot be fact finders, and follow my instructions on  
16 the applicable law in this case? The record will in reflect no response  
17 from the panel.

18 Under our system there are certain principles of law that  
19 apply in every criminal trial. They are, that the charging document filed  
20 in this case is a mere accusation and is not evidence of guilt. As the  
21 Defendant sits here today, he is presumed innocent, and the State  
22 therefore must prove that the Defendant is guilty by proof beyond a  
23 reasonable doubt. Does anyone not understand, or believe in these  
24 basic precepts of American justice? Okay. The record will reflect no  
25 response from the panel.

1                   Is there anyone on the panel who knows anything about this  
2 case other than what's been stated in the courtroom here today? Okay.  
3 The record will reflect no response from the panel.

4                   I'm going to ask the attorneys to meet me out in the hallway.  
5 You're going to stay in here. The court Marshal will stay in here. I just  
6 want to remind you that we're still on the record. Sometimes it's just  
7 easier if I have the attorneys meet me back there.

8                   When we come in we will call the first 24, that'll take their  
9 seat in the jury box.

10                  [Sidebar at 2:25 p.m., ending at 2:30 p.m., not transcribed]

11                  THE COURT: All right. Okay. Does the State stipulate to the  
12 presence of the jury venire?

13                  MR. DICKERSON: We do Your Honor.

14                  PROSPECTIVE JUROR 107: And the Defense?

15                  MR. BATEMAN: Yes, Your Honor.

16                  THE COURT: Okay. At this time, the Clerk's going to call the  
17 first 24. Most of you will stay in your same seat. If I ask you to step out  
18 of the box, you'll step out and then you can take a seat in the gallery, and  
19 we're probably going to have to shuffle seats a little bit, but we'll make  
20 sure everyone has a place to sit.

21                  THE CLERK: Seat 1 is going to be Magenta Eady; 2, Emily  
22 Antuna; 3, Ana Tanasescu; 4, Jan Esperanza; 5, Anthony Romero;  
23 6, Makayla Ogden; 7, Elizabeth Alvarez; 8, Mei Wang; 9, Johnny Tang.

24                  THE COURT: And Mr. Sebastian Arba, if you don't mind  
25 stepping out and you can take a seat out in the gallery.

1 THE CLERK: 10 is going to be Marisa Cantu, so you're just  
2 going to slide over. Seat 11 is going to be Yvonne Diaz; you're going to  
3 go up to the first row over there.

4 THE COURT: And then I'm going to ask Mr. Yakunda and Ms.  
5 Stephens, if you both don't mind stepping out of the box, and again, you  
6 can take a seat in any of the open seats

7 THE CLERK: Seat 12 is going to be Blaine Tingley; Seat 13,  
8 Desmond Kuresa; Seat 14, Amy Deguevara.

9 THE COURT: Okay. And now Mr. Lopez- [sic throughout]  
10 Munoz, if you don't mind stepping out of the box and you can take a seat  
11 in the gallery. You.

12 PROSPECTIVE JUROR 901: Hi, me?

13 THE COURT: Yeah. You're Mr. Lopez-Munoz, correct?

14 PROSPECTIVE JUROR 901: Lopera.

15 THE COURT: Oh, I'm sorry. I apologize. I'm sorry. Lopera-  
16 Munoz.

17 PROSPECTIVE JUROR 901: Over there?

18 THE COURT: You can take a seat out in the gallery.

19 THE CLERK: Seat 15, Cristina Hernandez; Seat 16, Maxx  
20 Garcia; Seat 17 is going to be Khanthavaly Phetdaovieng. I apologize  
21 for that; you're going to come up here.

22 PROSPECTIVE JUROR 933: Here?

23 THE CLERK: Yeah. Sit right next to the gentleman. Seat 18,  
24 Maria Lejardi, you're going to follow up there; Seat 19, Samuel  
25 Villanueva.

1 THE COURT: And Ms. Davenport, if you don't mind, you can  
2 take a seat in the gallery.

3 THE CLERK: Seat 20, Puanani Lonetti. Seat 21, Brenda  
4 Pembroke. So this Ms. Villanueva is going to be up there?

5 THE MARSHAL: The second row here. And, ma'am, you're  
6 going to be in the first seat right up front here.

7 [Court and Clerk confer]

8 THE CLERK: Seat 22, Jacob Lockhart. Seat 23 is going to be  
9 Milton Linn. Seat 24 is Jordan Wallace.

10 THE COURT: Okay. And now I'm going to have a few  
11 questions of you individually. I'm going to start with Juror Number 1,  
12 Ms. Eady. Can you tell me how long you've lived in Clark County?

13 PROSPECTIVE JUROR 636: I've lived in Clark County for ten  
14 years, since July, 2012.

15 THE COURT: Okay. And your employment, training and  
16 education background?

17 PROSPECTIVE JUROR 636: I have some college. Right now I  
18 do work customer service for an insurance company, and I'm sorry, you  
19 said what else? I'm sorry.

20 THE COURT: So you're working right now for an insurance  
21 company and customer service?

22 PROSPECTIVE JUROR 636: Yes.

23 THE COURT: Your marital status?

24 PROSPECTIVE JUROR 636: I am divorced.

25 THE COURT: Okay. Do you have children?

1 PROSPECTIVE JUROR 636: Two children.

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

3 PROSPECTIVE JUROR 636: No. They're three and four.

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

7 PROSPECTIVE JUROR 636: No. I don't have any reason.

8 Thank you. And thank you very much for being here. I have  
9 had a request to take a bathroom break, so we're going to recess.

10 And during this recess you're admonished not to discuss or  
11 communicate with anyone, including your fellow jurors in any way  
12 regarding the case or its merits, either by voice, phone, email, text,  
13 internet, or other means of communication or social media, or read,  
14 watch, or listen to any news or media accounts or commentary about the  
15 case, or do any research such as consulting dictionaries using the  
16 internet or using reference materials, make any investigation, test a  
17 theory of the case, recreate any aspect of the case, or in any other way,  
18 investigate or learn about the case on your own, or form or express any  
19 opinion regarding the case until it's finally submitted to you.

20 We'll be in recess for 15 minutes. I just ask that you wait out  
21 there for Officer Hawks. He'll bring you in here when we're ready. I just  
22 ask that you pay attention the 24 that are in the box, because when you  
23 come back in, I'm going to ask you to sit in those same seats.

24 Thank you very much. And we're in recess.

25 THE MARSHAL: Thank you. All rise for exiting the jury,

1 please.

2 [Prospective jury out at 2:36 p.m.]

3 [Recess taken from 2:37 p.m. to 2:53 p.m.]

4 THE MARSHAL: Please come to order. Court is now back in  
5 session.

6 THE COURT: You can bring them in.

7 THE MARSHAL: Yes, ma'am. Thank you.

8 THE MARSHAL: All rise for entering jury, please.

9 [Pause]

10 THE MARSHAL: Go ahead and have a seat, jurors, once you  
11 get to your chair. Everybody's standing for you.

12 THE COURT: Okay. Does the State of Nevada stipulate to  
13 the presence of the jury venire?

14 MR. DICKERSON: We do, Your Honor.

15 THE COURT: And the Defense?

16 MR. BATEMAN: Yes, Your Honor.

17 THE COURT: Okay, thank you. Juror number 2, Ms. Emily  
18 Antuna, can you tell me how long you've lived in Clark County?

19 PROSPECTIVE JUROR 802: Can you hear me? Sorry, 21  
20 years.

21 THE COURT: Okay. And your education background?

22 PROSPECTIVE JUROR 802: Bachelor's Degree.

23 THE COURT: And what is your bachelor's degree in?

24 PROSPECTIVE JUROR 802: Journalism.

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



1 PROSPECTIVE JUROR 802: I'm an executive producer at a  
2 local TV news station.

3 THE COURT: Okay. Your marital status?

4 PROSPECTIVE JUROR 802: Single.

5 THE COURT: Do you have any children?

6 PROSPECTIVE JUROR 802: No.

7 THE COURT: Do you know of any reason why you could not  
8 be a fair and impartial juror if you were selected to serve on this panel?

9 PROSPECTIVE JUROR 802: No.

10 THE COURT: Okay, thank you. And thank you very much for  
11 being here. Juror number 3, is it Miss -- will you pronounce your last  
12 name?

13 PROSPECTIVE JUROR 806: Yes, of course. Ana Tanasescu.  
14 My last name's Tanasescu.

15 THE COURT: Okay, thank you. How long have you lived in  
16 Clark County?

17 PROSPECTIVE JUROR 806: 11 years.

18 THE COURT: And your education background?

19 PROSPECTIVE JUROR 806: I have bachelor's degree in  
20 communications.

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

22 PROSPECTIVE JUROR 806: I own a CrossFit Gym, so I teach  
23 fitness.

24 THE COURT: How long have you done that?

25 PROSPECTIVE JUROR 806: Seven years.

1 THE COURT: Okay. Your marital status?  
2 PROSPECTIVE JUROR 806: I'm married.  
3 THE COURT: Is your spouse employed?  
4 PROSPECTIVE JUROR 806: No. Well, we -- he's a consultant.  
5 THE COURT: Okay. What does your spouse consult on?  
6 PROSPECTIVE JUROR 806: Programming.  
7 THE COURT: Computer programming?  
8 PROSPECTIVE JUROR 806: Yeah, computer programming.  
9 THE COURT: Do you have children?  
10 PROSPECTIVE JUROR 806: Two.  
11 THE COURT: Are they old enough to be employed?  
12 PROSPECTIVE JUROR 806: No. No, they are 11 and 7.  
13 THE COURT: Okay. Do you know of any reason why you  
14 could not be a fair and impartial juror if you were selected to serve on  
15 our panel?  
16 PROSPECTIVE JUROR 806: No.  
17 THE COURT: Thank you and thank you very much for being  
18 here.  
19 PROSPECTIVE JUROR 806: Thank you.  
20 THE COURT: Juror number 4, Jan Esperanza? Okay, good  
21 afternoon. How long have you lived in Clark County?  
22 PROSPECTIVE JUROR 818: About nine to ten years.  
23 THE COURT: Okay. And your education background?  
24 PROSPECTIVE JUROR 818: High school diploma.  
25 THE COURT: And what do you do for a living?

1 PROSPECTIVE JUROR 818: I just work in a retail store and  
2 sell.

3 THE COURT: And your marital status?

4 PROSPECTIVE JUROR 818: Single.

5 THE COURT: Okay. Do you have children?

6 PROSPECTIVE JUROR 818: No.

7 THE COURT: Do you know of any reason why you could not  
8 be a fair and impartial juror if you were selected to serve on this panel?

9 PROSPECTIVE JUROR 818: No, ma'am.

10 THE COURT: Okay, thank you, and thank you very much for  
11 being here. Juror number 5, Mr. Romero? Can you tell me how long  
12 you've lived in Clark County?

13 PROSPECTIVE JUROR 831: 23 years.

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

15 PROSPECTIVE JUROR 831: I'm a tower hand at a  
16 telecommunications company.

17 THE COURT: And your education background?

18 PROSPECTIVE JUROR 831: High school diploma.

19 THE COURT: And your marital status?

20 PROSPECTIVE JUROR 831: Single.

21 THE COURT: Do you have children?

22 PROSPECTIVE JUROR 831: No.

23 THE COURT: Do you know of any reason why you could not  
24 be a fair and impartial juror if we selected you to serve on this panel?

25 PROSPECTIVE JUROR 831: No, Your Honor.

1 THE COURT: Okay, thank you, and thank you very much for  
2 being here. Juror number 6, Ms. Ogden, good afternoon. Can you tell  
3 me how long you've lived in Clark County?

4 PROSPECTIVE JUROR 854: A little over two years.

5 THE COURT: Okay. Where'd you move from?

6 PROSPECTIVE JUROR 854: Georgia.

7 THE COURT: Your education background?

8 PROSPECTIVE JUROR 854: Some college.

9 THE COURT: What did you study?

10 PROSPECTIVE JUROR 854: Business.

11 THE COURT: Okay. And you're employed?

12 PROSPECTIVE JUROR 854: Yes.

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

14 PROSPECTIVE JUROR 854: I'm a corporate actions associate  
15 at a stock transfer agency.

16 THE COURT: Your marital status?

17 PROSPECTIVE JUROR 854: Single.

18 THE COURT: Do you have kids?

19 PROSPECTIVE JUROR 854: No.

20 THE COURT: Any reason why you could not be a fair and  
21 impartial juror if you were selected to serve?

22 PROSPECTIVE JUROR 854: No, ma'am.

23 THE COURT: Thank you and thank you very much for being  
24 here. Juror number 7, Ms. Alvarez. Okay, good afternoon.

25 PROSPECTIVE JUROR 856: Good afternoon.

1 THE COURT: Can you tell me how long you've lived in Clark  
2 County?  
3 PROSPECTIVE JUROR 856: 11 years.  
4 THE COURT: Okay. And your education background?  
5 PROSPECTIVE JUROR 856: High school graduate.  
6 THE COURT: Okay. And what do you do for a living?  
7 PROSPECTIVE JUROR 856: I'm a bank teller. I work for Wells  
8 Fargo.  
9 THE COURT: I'm sorry, you're?  
10 PROSPECTIVE JUROR 856: I'm a bank teller.  
11 THE COURT: Okay. How long have you done that?  
12 PROSPECTIVE JUROR 856: Little bit over eight years.  
13 THE COURT: Okay. Your marital status?  
14 PROSPECTIVE JUROR 856: Single parent.  
15 THE COURT: Okay. Do you have children?  
16 PROSPECTIVE JUROR 856: She's old enough to take care of  
17 herself now.  
18 THE COURT: Do you have children?  
19 PROSPECTIVE JUROR 856: Yeah, I do. Yeah.  
20 THE COURT: Okay. One?  
21 PROSPECTIVE JUROR 856: Yes, one.  
22 THE COURT: One child. And is that child old enough to be  
23 employed?  
24 PROSPECTIVE JUROR 856: Yes.  
25 THE COURT: What does she do for a living?

1 PROSPECTIVE JUROR 856: She work for a jewelry store. I  
2 don't know the name of the jewelry store.

3 THE COURT: Okay, she works for?

4 PROSPECTIVE JUROR 856: Jewelry. Jewelry store. I'm  
5 sorry, but my first language is Spanish. I have an accent. I'm sorry.

6 THE COURT: Okay. No, you're fine. You're fine. Do you  
7 know of any reason why you could not be a fair and impartial juror if we  
8 selected you to serve?

9 PROSPECTIVE JUROR 856: Well, I'll be honest with you. It's  
10 not really --

11 THE COURT: Well, you are under oath, so, yes?

12 PROSPECTIVE JUROR 856: Okay, well, I'm sorry. The only  
13 concern I really have is that I do speak English, not a hundred percent. I  
14 understand about 85 percent. I can speak it well enough -- well, you  
15 guys can understand me. But that's the only really worry I have, if I be --

16 THE COURT: And you've understood everything --

17 PROSPECTIVE JUROR 856: Right.

18 THE COURT: -- that we've said this morning?

19 PROSPECTIVE JUROR 856: Yes, I did, yes.

20 THE COURT: Okay. And if there ever comes a time when  
21 you don't understand something, would you raise your hand and let me  
22 know that?

23 PROSPECTIVE JUROR 856: Perfect. I will.

24 THE COURT: Is that a yes?

25 PROSPECTIVE JUROR 856: Yes, I will, yes.

1 THE COURT: Okay, thank you.  
2 PROSPECTIVE JUROR 856: You're welcome.  
3 THE COURT: And again, thank you very much for being  
4 here.  
5 PROSPECTIVE JUROR 856: Okay.  
6 THE COURT: Okay?  
7 PROSPECTIVE JUROR 856: Yeah.  
8 THE COURT: Juror number 8, Ms. Wang? Okay, good  
9 afternoon.  
10 PROSPECTIVE JUROR 865: Good afternoon.  
11 THE COURT: Can you tell me how long you've lived in Clark  
12 County?  
13 PROSPECTIVE JUROR 865: 30 years.  
14 THE COURT: And what do you do for a living?  
15 PROSPECTIVE JUROR 865: Casino.  
16 THE COURT: Okay. What do you do in the casino?  
17 PROSPECTIVE JUROR 865: Wynn Casino table game dealer.  
18 THE COURT: Okay. And your education background? Your  
19 level -- yeah, if you don't understand, you have to let me know.  
20 PROSPECTIVE JUROR 865: Okay. No.  
21 THE COURT: Okay? Do you understand what I mean when I  
22 say what's your level of education?  
23 PROSPECTIVE JUROR 865: At my job?  
24 THE COURT: Pardon? Did you go to high school?  
25 PROSPECTIVE JUROR 865: No, never.

1 THE COURT: No?

2 PROSPECTIVE JUROR 865: Uh-huh.

3 THE COURT: Okay. And where did you go to school?

4 PROSPECTIVE JUROR 865: I never go to the school.

5 THE COURT: Okay. I -- you don't have any formal

6 schooling?

7 PROSPECTIVE JUROR 865: No.

8 THE COURT: Okay, and I -- I feel bad asking you this, but do

9 you read and write?

10 PROSPECTIVE JUROR 865: Not much.

11 THE COURT: Okay. All right. Okay. If you don't mind, you

12 can put the microphone down and you can step out of the jury box, and

13 you can take a seat.

14 THE MARSHAL: Just have a seat in the gallery.

15 PROSPECTIVE JUROR 865: Okay. Over here?

16 THE MARSHAL: Yes.

17 PROSPECTIVE JUROR 865: Okay, thank you.

18 THE MARSHAL: Thank you.

19 THE COURT: I'm going to ask William Logan to take seat

20 number 8. William Logan. Okay, you can -- well, I guess you can sit

21 there if you want to sit there. I mean, yeah. You can sit there, if that's

22 where you want to sit. That's fine. It's an open seat. Okay, juror number

23 8, Mr. Logan, thank you for being here. Can you tell me how long you've

24 lived in Clark County?

25 PROSPECTIVE JUROR 038: 41 years.



1 THE COURT: Okay. Your education background?  
2 PROSPECTIVE JUROR 038: One year of college.  
3 THE COURT: Okay. What'd you study?  
4 PROSPECTIVE JUROR 038: I didn't know what to --  
5 THE COURT: Okay.  
6 PROSPECTIVE JUROR 038: No major.  
7 THE COURT: All right. And what do you do for a living?  
8 PROSPECTIVE JUROR 038: Retired from Yellow Freight.  
9 THE COURT: Your marital status?  
10 PROSPECTIVE JUROR 038: Married.  
11 THE COURT: Is your spouse employed?  
12 PROSPECTIVE JUROR 038: Yes.  
13 THE COURT: What does your spouse do for a living?  
14 PROSPECTIVE JUROR 038: She works personal injury  
15 attorney.  
16 THE COURT: Okay. So your --  
17 PROSPECTIVE JUROR 038: She's an assistant -- paralegal,  
18 yeah.  
19 THE COURT: Okay, so your wife works in a law firm?  
20 PROSPECTIVE JUROR 038: Yes.  
21 THE COURT: And it's a civil law firm?  
22 PROSPECTIVE JUROR 038: Yes.  
23 THE COURT: Do you know what law firm it is?  
24 PROSPECTIVE JUROR 038: Uh-huh. Achrem and Associates.  
25 THE COURT: Okay. Do they do any criminal at all, do you

1 know?

2 PROSPECTIVE JUROR 038: No, it's strictly accident.

3 THE COURT: Okay. How long has she worked there?

4 PROSPECTIVE JUROR 038: Seven -- eight years.

5 THE COURT: Okay. And you've probably heard me tell some  
6 of the other jurors, if you were selected to serve, you would not be  
7 permitted to discuss this case with anyone, including your fellow jurors,  
8 until you went back to deliberate upon your verdict.

9 PROSPECTIVE JUROR 038: Right.

10 THE COURT: So you could tell your wife, I'm a juror in a  
11 criminal case, but you couldn't tell her anything else. And you  
12 understand that, correct?

13 PROSPECTIVE JUROR 038: Yes, Your Honor.

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

15 PROSPECTIVE JUROR 038: Yes, Your Honor.

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

17 PROSPECTIVE JUROR 038: Four.

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

19 PROSPECTIVE JUROR 038: They're all 40 plus.

20 THE COURT: Okay, you can just start at the top and tell us  
21 what each does for a living.

22 PROSPECTIVE JUROR 038: Two are in oil.

23 THE COURT: Two are in oil?

24 PROSPECTIVE JUROR 038: Yeah, the oil industry. In North  
25 Dakota and Texas. The one here is dental sales.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 038: And the daughter is vice  
3 president of a bank in Massachusetts.

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

6 PROSPECTIVE JUROR 038: No, Your Honor.

7 THE COURT: -- if you were selected to serve?

8 PROSPECTIVE JUROR 038: No.

9 THE COURT: Okay. Thank you, and again, thank you very  
10 much for being here. Okay, juror number 9, Mr. Tang? Can you tell me  
11 how long you've lived in Clark County?

12 PROSPECTIVE JUROR 872: About 30 years.

13 THE COURT: All right. And what do you do for a living?

14 PROSPECTIVE JUROR 872: Unemployed.

15 THE COURT: Okay. What was your last job?

16 PROSPECTIVE JUROR 872: I worked at The Palms, table  
17 games.

18 THE COURT: Okay. Okay, your education background?

19 PROSPECTIVE JUROR 872: High school graduate.

20 THE COURT: Okay. And your marital status?

21 PROSPECTIVE JUROR 872: I'm married.

22 THE COURT: Okay. Is your spouse employed?

23 PROSPECTIVE JUROR 872: Yes.

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

25 PROSPECTIVE JUROR 872: Sales manager at a cigar shop.

1 THE COURT: Okay. Do you have children?  
2 PROSPECTIVE JUROR 872: One.  
3 THE COURT: Okay, is that child a minor?  
4 PROSPECTIVE JUROR 872: Yes.  
5 THE COURT: Okay. Do you know of any reason why you  
6 could not be a fair and impartial juror if you were selected to serve?  
7 PROSPECTIVE JUROR 872: No.  
8 THE COURT: Thank you, and again, thank you very much for  
9 being here. Juror number 10, Ms. Cantu, correct?  
10 PROSPECTIVE JUROR 875: Yes.  
11 THE COURT: All right. Can you tell me how long you've  
12 lived in Clark County?  
13 PROSPECTIVE JUROR 875: 26 years.  
14 THE COURT: And your education background?  
15 PROSPECTIVE JUROR 875: High school diploma.  
16 THE COURT: And what do you do for a living?  
17 PROSPECTIVE JUROR 875: Phlebotomy. I draw blood.  
18 THE COURT: Okay. Are you good?  
19 PROSPECTIVE JUROR 875: I hear good things.  
20 THE COURT: Say yes, I'm good.  
21 PROSPECTIVE JUROR 875: Great. I'm the best.  
22 THE COURT: Your marital status?  
23 PROSPECTIVE JUROR 875: I'm single.  
24 THE COURT: Do you have kids?  
25 PROSPECTIVE JUROR 875: No.

1 THE COURT: Any reason why you could not be a fair and  
2 impartial juror if you were selected to serve?

3 PROSPECTIVE JUROR 875: No.

4 THE COURT: Thank you, and again, thank you for being  
5 here. Juror number 11, Ms. Diaz? Good afternoon. How long have you  
6 lived in Clark County?

7 PROSPECTIVE JUROR 879: 24 years.

8 THE COURT: And your education background?

9 PROSPECTIVE JUROR 879: I have a Bachelor of Science in  
10 engineering.

11 THE COURT: A Bachelor of Science in?

12 PROSPECTIVE JUROR 879: Engineering.

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

14 PROSPECTIVE JUROR 879: I work at a private consulting  
15 firm as an engineer in training.

16 THE COURT: Your marital status?

17 PROSPECTIVE JUROR 879: Single.

18 THE COURT: Do you have kids?

19 PROSPECTIVE JUROR 879: No.

20 THE COURT: Any reason why you could not be a fair and  
21 impartial juror if you were selected to serve on this panel?

22 PROSPECTIVE JUROR 879: No.

23 THE COURT: Thank you. Again, thank you for being here.  
24 Juror number 12, Blaine Tingley? Good afternoon.

25 PROSPECTIVE JUROR 894: Good afternoon.

1 THE COURT: How long have you lived in Clark County?  
2 PROSPECTIVE JUROR 894: 32 years.  
3 THE COURT: And your education background?  
4 PROSPECTIVE JUROR 894: Bachelor's, UML [indiscernible].  
5 THE COURT: Okay. And what's your Bachelor's in?  
6 PROSPECTIVE JUROR 894: Journalism.  
7 THE COURT: Okay. What do you do for a living?  
8 PROSPECTIVE JUROR 894: I'm an audio engineer for one of  
9 the TV stations.  
10 THE COURT: I'm sorry, say that again?  
11 PROSPECTIVE JUROR 894: Audio engineer for one of the TV  
12 stations.  
13 THE COURT: Okay. Do you know juror number 2?  
14 PROSPECTIVE JUROR 894: Can't say that I do.  
15 THE COURT: Okay, I just wanted to make sure that you and  
16 juror number 2 didn't work together. Your marital status?  
17 PROSPECTIVE JUROR 894: Single.  
18 THE COURT: Do you have kids?  
19 PROSPECTIVE JUROR 894: No, I do not.  
20 THE COURT: Do you know of any reason why you could not  
21 be a fair and impartial juror if you were selected to serve?  
22 PROSPECTIVE JUROR 894: No.  
23 THE COURT: Okay, so when you say you're an audio  
24 engineer for one of the TV stations, is it for, like, the news?  
25 PROSPECTIVE JUROR 894: For the news itself, correct.

1 THE COURT: Okay. All right. So you understand if you were  
2 selected to serve, I mean, you've listened to my admonition, correct?

3 PROSPECTIVE JUROR 894: Correct.

4 THE COURT: You know you can't talk about the case with  
5 anyone. You can't do any research. You know, if there was some kind of  
6 news story, you understand you wouldn't be able to listen to it?

7 PROSPECTIVE JUROR 894: Correct.

8 THE COURT: Okay, and obviously you would comply with  
9 that order?

10 PROSPECTIVE JUROR 894: Yes.

11 THE COURT: Okay. Thank you, sir.

12 PROSPECTIVE JUROR 894: Thank you.

13 THE COURT: And thank you very much for being here. Juror  
14 number 13, Kuresa?

15 PROSPECTIVE JUROR 895: Correct.

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

18 PROSPECTIVE JUROR 895: Six years.

19 THE COURT: And your education background?

20 PROSPECTIVE JUROR 895: High school.

21 THE COURT: Can you tell me what you do for a living?

22 PROSPECTIVE JUROR 895: I work for Southern Glazer's  
23 Wine and Spirits.

24 THE COURT: Your marital status?

25 PROSPECTIVE JUROR 895: Married. Sometimes.

1 THE COURT: Is your spouse employed?  
2 PROSPECTIVE JUROR 895: Ah, yes, ma'am. Sorry.  
3 THE COURT: Oh, did he say a funny and I missed it?  
4 PROSPECTIVE JUROR 895: I'm sorry.  
5 THE COURT: That's okay. And you're married, correct?  
6 PROSPECTIVE JUROR 895: Yes. Correct.  
7 THE COURT: Okay, and is your spouse employed?  
8 PROSPECTIVE JUROR 895: Yes, ma'am.  
9 THE COURT: What does your spouse do?  
10 PROSPECTIVE JUROR 895: She does insurance for Hawaii.  
11 THE COURT: Insurance?  
12 PROSPECTIVE JUROR 895: Like telecommunicate.  
13 THE COURT: Okay. Do you have children?  
14 PROSPECTIVE JUROR 895: Yes.  
15 THE COURT: How many?  
16 PROSPECTIVE JUROR 895: Six.  
17 THE COURT: Ooh, okay, you're busy.  
18 PROSPECTIVE JUROR 895: No.  
19 THE COURT: Are they all minors?  
20 PROSPECTIVE JUROR 895: No, no.  
21 THE COURT: Okay, some are old enough to be employed?  
22 PROSPECTIVE JUROR 895: Yes, ma'am.  
23 THE COURT: Okay. Can you tell me what each does for a  
24 living, the ones that are old enough to be employed?  
25 PROSPECTIVE JUROR 895: Oh, okay. Oh.



1 THE COURT: Just start at the top. Start with your oldest.

2 PROSPECTIVE JUROR 895: Oh, yeah, yeah, yeah. The oldest  
3 is a bitcoin tech.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR 895: Number two is a welder back  
6 home in Hawaii.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 895: Number three works for Carvana.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR 895: And then the -- my 17-year-old is  
11 a senior in high school.

12 THE COURT: Okay, all right. And the other two are  
13 obviously --

14 PROSPECTIVE JUROR 895: Eleven and five today.

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

17 PROSPECTIVE JUROR 895: No, ma'am.

18 THE COURT: Okay, thank you, sir. Thank you very much for  
19 being here. Juror number 14, will you pronounce your last name?

20 PROSPECTIVE JUROR 896: Deguevara.

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

23 PROSPECTIVE JUROR 896: 19 years.

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

25 PROSPECTIVE JUROR 896: I'm a teacher for the school

1 district.

2 THE COURT: Okay. What do you teach?

3 PROSPECTIVE JUROR 896: I'm a strategist for the school  
4 district, so I help mentor teachers.

5 THE COURT: Oh, okay. And your education background?

6 PROSPECTIVE JUROR 896: I hold a Master's.

7 THE COURT: Is your Master's in education?

8 PROSPECTIVE JUROR 896: Correct.

9 THE COURT: Okay. Your marital status?

10 PROSPECTIVE JUROR 896: Married.

11 THE COURT: Is your spouse employed?

12 PROSPECTIVE JUROR 896: Yes, for Mojave Construction.

13 THE COURT: Okay. Do you have children?

14 PROSPECTIVE JUROR 896: Two.

15 THE COURT: Okay. Are they minors?

16 PROSPECTIVE JUROR 896: They are minors, but the oldest  
17 one does work. He's 17.

18 THE COURT: Okay, well, that's okay. They're both minors.  
19 Do you know of any reason why you could not be a fair and impartial  
20 juror if you were selected to serve on this panel?

21 PROSPECTIVE JUROR 896: No, ma'am.

22 THE COURT: Okay, thank you and thank you very much for  
23 being here. Cristina Hernandez, juror number 15. How long have you  
24 lived in Clark County?

25 PROSPECTIVE JUROR 903: 29 years.

1 THE COURT: Okay. And your education background?  
2 PROSPECTIVE JUROR 903: Some college.  
3 THE COURT: What did you study?  
4 PROSPECTIVE JUROR 903: Business.  
5 THE COURT: And can you tell me what you do for a living?  
6 PROSPECTIVE JUROR 903: Casino administration manager.  
7 THE COURT: Your marital status?  
8 PROSPECTIVE JUROR 903: Married.  
9 THE COURT: Is your spouse employed?  
10 PROSPECTIVE JUROR 903: Yes, he works for the Wynn  
11 Casino.  
12 THE COURT: Okay. What does your spouse do at the --  
13 PROSPECTIVE JUROR 903: He's a bar porter.  
14 THE COURT: I'm sorry?  
15 PROSPECTIVE JUROR 903: Bar porter.  
16 THE COURT: Okay. Do you have kids?  
17 PROSPECTIVE JUROR 903: Yes, two. They're minor.  
18 THE COURT: All right. Any reason why you could not be a  
19 fair and impartial juror if you were selected to serve --  
20 PROSPECTIVE JUROR 903: No, Your Honor.  
21 THE COURT: -- on this panel?  
22 PROSPECTIVE JUROR 903: No, Your Honor.  
23 THE COURT: Thank you. Thank you for being here. Okay,  
24 juror number 16, Mr. Maxx Garcia. How long have you lived in Clark  
25 County?

1 PROSPECTIVE JUROR 931: Nine years.  
2 THE COURT: And your education background?  
3 PROSPECTIVE JUROR 931: High school graduate.  
4 THE COURT: Okay. And what do you do for a living?  
5 PROSPECTIVE JUROR 931: I work at the Allegiant Stadium.  
6 THE COURT: Okay. What do you do there?  
7 PROSPECTIVE JUROR 931: Just guest experience, like help  
8 people out.  
9 THE COURT: Do you get to watch all the football games?  
10 PROSPECTIVE JUROR 931: I try to.  
11 THE COURT: I'll bet that's fun. Your marital status?  
12 PROSPECTIVE JUROR 931: Single.  
13 THE COURT: Do you have kids?  
14 PROSPECTIVE JUROR 931: No.  
15 THE COURT: Any reason why you could not be a fair and  
16 impartial juror if you were selected to serve on this panel?  
17 PROSPECTIVE JUROR 931: No.  
18 THE COURT: Thank you, Mr. Garcia. Thank you very much  
19 for being here. Juror number 17, will you pronounce your name for me?  
20 PROSPECTIVE JUROR 933: Khanthavaly Phetdaovieng.  
21 THE COURT: Okay. How long have you lived in Clark  
22 County?  
23 PROSPECTIVE JUROR 933: 25 years.  
24 THE COURT: Okay. Can you tell me your education  
25 background?

1 PROSPECTIVE JUROR 933: Some college.  
2 THE COURT: Some college? What did you study?  
3 PROSPECTIVE JUROR 933: General business.  
4 THE COURT: Okay. General. And what do you do for a  
5 living?  
6 PROSPECTIVE JUROR 933: Retail gift shop.  
7 THE COURT: Okay, I'm sorry, you're going to have to  
8 speak --  
9 PROSPECTIVE JUROR 933: Retail gift shop.  
10 THE COURT: Okay. I can't hear. You're going to have to --  
11 PROSPECTIVE JUROR 933: Retail gift shop.  
12 THE COURT: Got it.  
13 PROSPECTIVE JUROR 933: Gift shop.  
14 THE COURT: Sorry, I apologize. And are you married?  
15 PROSPECTIVE JUROR 933: Yes.  
16 THE COURT: Okay. And is your spouse employed?  
17 PROSPECTIVE JUROR 933: Yes.  
18 THE COURT: What does your spouse do?  
19 PROSPECTIVE JUROR 933: Table game dealer.  
20 THE COURT: Okay. Do you have children?  
21 PROSPECTIVE JUROR 933: Yes.  
22 THE COURT: How many?  
23 PROSPECTIVE JUROR 933: Two.  
24 THE COURT: Are they old enough to work?  
25 PROSPECTIVE JUROR 933: Yes.

1 THE COURT: Okay. Can you tell me what they do for a  
2 living?

3 PROSPECTIVE JUROR 933: My son was a web developer.  
4 My daughter is a first grade teacher at the Brookman Elementary School.

5 THE COURT: Do you know of any reason why you could not  
6 be a fair and impartial juror if you were selected to serve on this panel?

7 PROSPECTIVE JUROR 933: No.

8 THE COURT: Okay, thank you, and thank you very much for  
9 being here. Juror number 18, Maria Lejardi?

10 PROSPECTIVE JUROR 945: Yes.

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

13 PROSPECTIVE JUROR 945: Since 1977, but there was -- I was  
14 away for five years. I came back in '93.

15 THE COURT: Okay. Your education background?

16 PROSPECTIVE JUROR 945: High school.

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

18 PROSPECTIVE JUROR 945: I'm retired.

19 THE COURT: Okay. What did you do prior to retirement?

20 PROSPECTIVE JUROR 945: I was in escrow, but I -- I -- but 15  
21 years ago I went on disability. I have myasthenia gravis. I was  
22 diagnosed then.

23 THE COURT: Okay. But you worked in, like, as an escrow  
24 officer?

25 PROSPECTIVE JUROR 945: As an escrow officer, yeah.

1 THE COURT: Okay. And your marital status?

2 PROSPECTIVE JUROR 945: I'm divorced, but I've been living  
3 with my significant other for 20 years.

4 THE COURT: Okay. Is your significant other employed?

5 PROSPECTIVE JUROR 945: He's retired, too, but he does  
6 some side lawn maintenance work.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR 945: Just for hobby.

9 THE COURT: Do you have children?

10 PROSPECTIVE JUROR 945: Yes, two boys.

11 THE COURT: Okay. Are they old enough to be employed?

12 PROSPECTIVE JUROR 945: Yes.

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

14 PROSPECTIVE JUROR 945: One is unemployed right now.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 945: And the other one is a bartender.

17 THE COURT: Do you know of any reason why you could not  
18 be a fair and impartial juror if you were selected to serve on our panel?

19 PROSPECTIVE JUROR 945: No. I'm just concerned about my  
20 health.

21 THE COURT: Okay. Well, obviously, we would not want to  
22 compromise your health.

23 PROSPECTIVE JUROR 945: No, it's not compromising. It's  
24 just that sometimes, with -- because of my myasthenia gravis, when I get  
25 overwhelmed, or -- or nervous, or whatever, it triggers like a weakness in

1 me.

2 THE COURT: Okay. Well, again, it's up to you. If you want  
3 to be excused, I would probably excuse you because, of course, I don't  
4 want to do anything that would compromise your health or make it, so  
5 you don't feel good.

6 PROSPECTIVE JUROR 945: I want to try doing this. It's just  
7 that I'm concerned that it might cause problems.

8 THE COURT: Okay, but you understand, I have --

9 PROSPECTIVE JUROR 945: For the jury, for the --

10 THE COURT: Yeah. I have to have jurors that will be able to  
11 commit to me that they'll be able to be here through the week, and  
12 maybe into next week.

13 PROSPECTIVE JUROR 945: Okay, I don't know if I can.

14 THE COURT: You don't think you can?

15 PROSPECTIVE JUROR 945: I don't think -- I'm just concerned  
16 I might not be able to.

17 THE COURT: Okay, all right. You can put the microphone  
18 down, and you can go sit out in the gallery. Kelly Evans is going to  
19 become juror number 18. Okay, Mr. Evans, thank you for being here and  
20 can you tell me how long you've lived in Clark County?

21 PROSPECTIVE JUROR 051: 14 years.

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

23 PROSPECTIVE JUROR 051: I'm an attorney.

24 THE COURT: Pardon?

25 PROSPECTIVE JUROR 051: An attorney.



1 THE COURT: Okay. And what kind of law do you practice?  
2 PROSPECTIVE JUROR 051: Litigation.  
3 THE COURT: All right. Have you done any criminal at all?  
4 PROSPECTIVE JUROR 051: No criminal.  
5 THE COURT: Okay. How long have you been practicing law?  
6 Long time?  
7 PROSPECTIVE JUROR 051: Nearly 30 years. I've been in  
8 front of you a few times, Your Honor.  
9 THE COURT: Okay, and I apologize.  
10 PROSPECTIVE JUROR 051: No, no, no.  
11 THE COURT: I haven't done civil in a while.  
12 PROSPECTIVE JUROR 051: It's been a -- it's been a minute.  
13 THE COURT: Your marital status?  
14 PROSPECTIVE JUROR 051: Married.  
15 THE COURT: Okay, so you obviously have an undergraduate  
16 degree and a Juris Doctorate?  
17 PROSPECTIVE JUROR 051: Correct.  
18 THE COURT: What's your Bachelor's in?  
19 PROSPECTIVE JUROR 051: Philosophy.  
20 THE COURT: Okay. Okay. And is your spouse employed?  
21 PROSPECTIVE JUROR 051: She is not.  
22 THE COURT: Okay. Do you have kids?  
23 PROSPECTIVE JUROR 051: I do. Five.  
24 THE COURT: Are any of them old enough to be employed?  
25 PROSPECTIVE JUROR 051: They all are.

1 THE COURT: Okay. Can you tell me what each does for a  
2 living?

3 PROSPECTIVE JUROR 051: The oldest is a full-time mom.  
4 The second one works in digital marketing. The third one is going to law  
5 school in the fall. The fourth one is at SUU in Cedar City. Fifth one is  
6 doing a church voluntary mission.

7 THE COURT: Okay. Where is your third one going to school?

8 PROSPECTIVE JUROR 051: Looks like Colorado.

9 THE COURT: Oh, good. Congratulations. Do you know of  
10 any reason why you could not be a fair and impartial juror if you were  
11 selected to serve?

12 PROSPECTIVE JUROR 051: No.

13 THE COURT: Okay, and you understand there's difference  
14 between civil and criminal?

15 PROSPECTIVE JUROR 051: Of course.

16 THE COURT: Okay. And you would follow the law as given  
17 to you by the Court?

18 PROSPECTIVE JUROR 051: Yes.

19 THE COURT: Okay, thank you, and thank you very much for  
20 being here. Juror number 19, Mr. Villanueva?

21 PROSPECTIVE JUROR 951: Good afternoon.

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

24 PROSPECTIVE JUROR 951: 30 years.

25 THE COURT: Okay. And your education background?

1 PROSPECTIVE JUROR 951: I have a Bachelor's in electrical  
2 engineering.

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

4 PROSPECTIVE JUROR 951: I'm an electrical engineer for a  
5 defense contractor.

6 THE COURT: Okay. Your marital status?

7 PROSPECTIVE JUROR 951: Married.

8 THE COURT: Is your spouse employed?

9 PROSPECTIVE JUROR 951: She is not.

10 THE COURT: Okay. Do you have children?

11 PROSPECTIVE JUROR 951: Two children, both minors.

12 THE COURT: Okay. Any reason why you could not be a fair  
13 and impartial juror if we selected you to serve on this panel?

14 PROSPECTIVE JUROR 951: That depends.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 951: For some clarification, earlier  
17 you stated the original -- the Defendant had -- he pled not guilty. Was  
18 the district attorney Steve Wolfson or Steven Wolfson?

19 THE COURT: Okay, the district attorney is Mr. Wolfson.

20 PROSPECTIVE JUROR 951: Okay, then yes.

21 THE COURT: And I'm not sure there's a difference between  
22 Steve and Steven. I don't know what his, like, legal name is, but yes, Mr.  
23 Wolfson is the district attorney.

24 PROSPECTIVE JUROR 951: Then yes, I would have a bias  
25 toward the Defendant.

1 THE COURT: Okay. Do you know Mr. Wolfson?

2 PROSPECTIVE JUROR 951: I have recently closed a case with  
3 him as my lawyer.

4 THE COURT: Okay, but he hasn't been practicing law for  
5 quite some time.

6 PROSPECTIVE JUROR 951: That's why I was curious  
7 whether it was Steven Wolfson or Steve Wolfson.

8 THE COURT: Okay. So, you're talking about an attorney with  
9 the last name Wolfson?

10 PROSPECTIVE JUROR 951: Yes.

11 THE COURT: Yes? And when did you have that case with  
12 Mr. Wolfson?

13 PROSPECTIVE JUROR 951: The case is almost closed.

14 THE COURT: Okay, but it's recent.

15 PROSPECTIVE JUROR 951: Yes.

16 THE COURT: Okay. Because Steve Wolfson, the district  
17 attorney -- he's been the district attorney for quite some time now, so it's  
18 not the same one, because --

19 PROSPECTIVE JUROR 951: Okay, then no.

20 THE COURT: -- he cannot practice law.

21 PROSPECTIVE JUROR 951: I do not have any bias towards  
22 him.

23 THE COURT: Okay, but you have some kind of case that's  
24 open and active right now? Is it a civil case?

25 PROSPECTIVE JUROR 951: No.

1 THE COURT: What kind of --  
2 PROSPECTIVE JUROR 951: It's with my wife. It's not about  
3 me.  
4 THE COURT: Okay.  
5 PROSPECTIVE JUROR 951: My wife has one.  
6 THE COURT: Okay. And what type of case is it?  
7 PROSPECTIVE JUROR 951: A criminal case.  
8 THE COURT: It's a criminal case?  
9 PROSPECTIVE JUROR 951: Yes.  
10 THE COURT: She's charged with a crime?  
11 PROSPECTIVE JUROR 951: Yes.  
12 THE COURT: Okay. Can you tell me a little bit about that?  
13 Do you know what it is?  
14 PROSPECTIVE JUROR 951: I do know what it is, but I would  
15 not to --  
16 THE COURT: Okay. And I apologize, but what I'm going to  
17 ask you to do, do you mind coming down here, and then --  
18 PROSPECTIVE JUROR 951: Of course.  
19 THE COURT: -- we can.  
20 PROSPECTIVE JUROR 951: Yes.  
21 THE COURT: The attorneys will come, but we can -- you can  
22 discuss it privately with the Court.  
23 PROSPECTIVE JUROR 951: Okay, great.  
24 THE COURT: Okay? Absolutely. You can come down here.  
25 [Sidebar begins at 3:28 p.m.]

1 THE COURT: All right. So the record reflects that the  
2 attorneys -- both attorneys on both sides are here, and Mr. Villanueva is  
3 present at the bench, 0951. So, you've indicated your wife has been  
4 charged with a crime?

5 PROSPECTIVE JUROR 951: Yes, there is a child  
6 abuse/neglect crime.

7 THE COURT: Okay. And that's --

8 PROSPECTIVE JUROR 951: She has --

9 THE COURT: -- right now. It's current?

10 PROSPECTIVE JUROR 951: Yes.

11 THE COURT: Okay. Do you know if it's a felony, a gross  
12 misdemeanor?

13 PROSPECTIVE JUROR 951: It's a gross misdemeanor.

14 THE COURT: Okay. And where is it at the point right now?

15 PROSPECTIVE JUROR 951: The only thing she has left to do  
16 is a competency review. I -- I -- that's the wrong term. Endanger?

17 THE COURT: The danger evaluation?

18 PROSPECTIVE JUROR 951: Yeah, the danger evaluation.

19 THE COURT: Okay, so she's entered a plea?

20 PROSPECTIVE JUROR 951: Yes.

21 THE COURT: Okay. When did that happen?

22 PROSPECTIVE JUROR 951: Within the last month.

23 THE COURT: Okay. What's her name?

24 PROSPECTIVE JUROR 951: Heather Villanueva.

25 THE COURT: Heather? Okay. And have you followed her

1 case, and come to the courthouse with her?

2 PROSPECTIVE JUROR 951: Yes.

3 THE COURT: Okay. So it's this courthouse.

4 PROSPECTIVE JUROR 951: Yes.

5 THE COURT: All right. So she's probably being prosecuted  
6 by the Clark County District Attorney's Office, right?

7 PROSPECTIVE JUROR 951: Whoever Michelle Jobe is.

8 THE COURT: Okay. Yes, that's a --

9 PROSPECTIVE JUROR 951: And Steven Wolfson is our -- is  
10 the lawyer.

11 THE COURT: Okay. And you understand that Ms. Jobe is  
12 from the same office that these attorneys are here. Do you understand  
13 that?

14 PROSPECTIVE JUROR 951: Yes.

15 THE COURT: Do you think your wife has been treated fairly?

16 PROSPECTIVE JUROR 951: No.

17 THE COURT: Okay. And who do you think hasn't treated her  
18 fairly?

19 PROSPECTIVE JUROR 951: The State.

20 THE COURT: Okay, so the district attorney?

21 PROSPECTIVE JUROR 951: Yes.

22 THE COURT: All right. And so, again, you understand why I  
23 might be a little bit concerned --

24 PROSPECTIVE JUROR 951: Yes, I --

25 THE COURT: -- because they work in the same office. Is

1 there anything about the fact that your wife has this open case --

2 PROSPECTIVE JUROR 951: Yes, yes.

3 THE COURT: Okay. You don't think you could be fair to the  
4 D.A.s?

5 PROSPECTIVE JUROR 951: No, absolutely not.

6 THE COURT: Okay. All right.

7 MR. DICKERSON: Thanks for being honest.

8 THE COURT: So, yeah, sorry you had to tell me that.

9 PROSPECTIVE JUROR 951: It's okay.

10 THE COURT: I'm just going to ask you, that you can just take  
11 a seat, and --

12 PROSPECTIVE JUROR 951: Okay.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR 951: Can I grab my water bottle?

15 THE COURT: Absolutely.

16 PROSPECTIVE JUROR 951: Thank you.

17 THE COURT: Absolutely.

18 [Sidebar ends at 3:31 p.m.]

19 THE COURT: Okay. Amanda Jeff, if you'll take seat number  
20 19. Okay, so Ms. Amanda Jeff is now in seat 19. Can you tell me how  
21 long you've lived in Clark County?

22 PROSPECTIVE JUROR 087: A little over nine years.

23 THE COURT: Okay. And your education background?

24 PROSPECTIVE JUROR 087: Some college.

25 THE COURT: Okay. Are you in college right now?



1 PROSPECTIVE JUROR 087: Yes.  
2 THE COURT: All right. What are you studying?  
3 PROSPECTIVE JUROR 087: Cosmetology.  
4 THE COURT: Okay. And your employment? What do you do  
5 for --  
6 PROSPECTIVE JUROR 087: I'm a store associate at CVS.  
7 THE COURT: Okay. And your marital status?  
8 PROSPECTIVE JUROR 087: Single.  
9 THE COURT: Do you have kids?  
10 PROSPECTIVE JUROR 087: No.  
11 THE COURT: Any reason why you could not be a fair and  
12 impartial juror if you were selected to serve on this panel?  
13 PROSPECTIVE JUROR 087: No.  
14 THE COURT: Okay, thank you, and thank you very much for  
15 being here. And back to juror number 20. That's Ms. Lonetti, correct?  
16 PROSPECTIVE JUROR 978: Correct.  
17 THE COURT: How long have you lived in Clark County?  
18 PROSPECTIVE JUROR 978: 36 years.  
19 THE COURT: Okay. Your education background?  
20 PROSPECTIVE JUROR 978: I have a master's degree in  
21 counseling education.  
22 THE COURT: What do you do for a living?  
23 PROSPECTIVE JUROR 978: I'm a clinical program manager  
24 with the mobile crisis response team at the State of Nevada.  
25 THE COURT: Okay. How long have you done that?

1 PROSPECTIVE JUROR 978: I'm going on my eighth year.  
2 THE COURT: Okay. Your marital status?  
3 PROSPECTIVE JUROR 978: Married.  
4 THE COURT: Is your spouse employed?  
5 PROSPECTIVE JUROR 978: Yes, he is.  
6 THE COURT: What does your spouse do?  
7 PROSPECTIVE JUROR 978: He's a steel worker. He resides  
8 in Canada.  
9 THE COURT: Okay. Did you say he resides in Canada?  
10 PROSPECTIVE JUROR 978: Uh-huh.  
11 THE COURT: Is that a yes?  
12 PROSPECTIVE JUROR 978: Yes.  
13 THE COURT: So you just commute?  
14 PROSPECTIVE JUROR 978: Pretty much, yeah.  
15 THE COURT: Okay. How does that work? Like, he works six  
16 months, and then comes here?  
17 PROSPECTIVE JUROR 978: No. We just go back and forth as  
18 we can.  
19 THE COURT: Okay. Well, it works for you. Do you have  
20 children?  
21 PROSPECTIVE JUROR 978: I do. I have three, and then one  
22 on the way.  
23 THE COURT: Oh, you have one on the way?  
24 PROSPECTIVE JUROR 978: Yeah, he let me sit down.  
25 THE COURT: Okay. He let you sit down?

1 PROSPECTIVE JUROR 978: Yes, he's like, sit down.  
2 THE COURT: That's a good man.  
3 PROSPECTIVE JUROR 978: I appreciate him.  
4 THE COURT: Okay. I just want to make sure, I mean, are you  
5 okay to be here? How close are you?  
6 PROSPECTIVE JUROR 978: I'm 35 weeks pregnant, and I  
7 have a high-risk appointment this Thursday.  
8 THE COURT: Okay.  
9 PROSPECTIVE JUROR 978: And then I have to go weekly  
10 afterwards.  
11 THE COURT: Okay.  
12 PROSPECTIVE JUROR 978: Yeah.  
13 THE COURT: So is another time probably better for you?  
14 PROSPECTIVE JUROR 978: Probably.  
15 THE COURT: Okay.  
16 PROSPECTIVE JUROR 978: Yeah.  
17 THE COURT: All right. You can put the microphone down.  
18 PROSPECTIVE JUROR 978: Thank you.  
19 THE COURT: I think 35 weeks pregnant is a good excuse.  
20 Was not even an excuse.  
21 PROSPECTIVE JUROR 978: It's real.  
22 THE COURT: It is real. Damario Lomax, if you'll take seat  
23 number 20. Okay, thank you for being here, Mr. Lomax. Can you tell me  
24 how long you've lived in Clark County?  
25 PROSPECTIVE JUROR 098: About 17 years.

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

2 PROSPECTIVE JUROR 098: I'm currently a claims analyst for  
3 Fidelity National Home Warranty.

4 THE COURT: Okay. And your education background?

5 PROSPECTIVE JUROR 098: High school graduate.

6 THE COURT: Okay. And your marital status?

7 PROSPECTIVE JUROR 098: Single.

8 THE COURT: Do you have kids?

9 PROSPECTIVE JUROR 098: No.

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

12 PROSPECTIVE JUROR 098: Right now in my life, I've had  
13 multiple family members arrested for different accused crimes, and I feel  
14 like I do have a bias against the police.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 098: And how well they can gather  
17 evidence.

18 THE COURT: Okay. And you think that bias may interfere  
19 with your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR 098: I do believe so.

21 THE COURT: Okay, so you may -- I mean, because obviously,  
22 you understand that anything that happened with a family member or  
23 friend doesn't have anything to do with this case, correct?

24 PROSPECTIVE JUROR 098: I understand that, like, in --

25 THE COURT: Okay.

1 PROSPECTIVE JUROR 098: Like, the moment, it may not.  
2 But I do feel like as a system, I do believe that I do have a bias against it.

3 THE COURT: Okay, so you just -- it's the system in general,  
4 and you're not going to be able to be fair if we select you?

5 PROSPECTIVE JUROR 098: I do believe so.

6 THE COURT: Okay. If you or someone you love was on trial  
7 here, would you want someone like yourself as a juror?

8 PROSPECTIVE JUROR 098: Me, as myself, I would want to  
9 have somebody that was completely unbiased.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR 098: In the situation.

12 THE COURT: All right. So not someone like you who's  
13 indicated they have a bias.

14 PROSPECTIVE JUROR 098: Correct.

15 THE COURT: Okay. If you don't mind just putting the  
16 microphone down. You can go back and take a seat, and I'm going to  
17 ask Ms. Susan Browne to take seat number 20. Okay, Ms. Browne, thank  
18 you very much for being here. Can you tell me how long you've lived in  
19 Clark County?

20 PROSPECTIVE JUROR 104: 27 years.

21 THE COURT: Okay. And your education background?

22 PROSPECTIVE JUROR 104: I have a Doctorate in medicine.

23 THE COURT: Okay. You're a doctor?

24 PROSPECTIVE JUROR 104: That's correct.

25 THE COURT: Okay. What kind of medicine do you practice?

1 PROSPECTIVE JUROR 104: I'm an anesthesiologist.  
2 THE COURT: Okay. Your marital status?  
3 PROSPECTIVE JUROR 104: I am married.  
4 THE COURT: Is your spouse employed?  
5 PROSPECTIVE JUROR 104: Yes, he is.  
6 THE COURT: What does your spouse do?  
7 PROSPECTIVE JUROR 104: He's a physician.  
8 THE COURT: Okay. Do you have kids?  
9 PROSPECTIVE JUROR 104: Two.  
10 THE COURT: Are they old enough to be employed?  
11 PROSPECTIVE JUROR 104: Thank goodness, almost.  
12 THE COURT: Okay. Almost? Or, how old are they?  
13 PROSPECTIVE JUROR 104: 23 and 21.  
14 THE COURT: Okay. Is 23 year old employed?  
15 PROSPECTIVE JUROR 1104: She will be employed next  
16 month with Ernst & Young in Chicago.  
17 THE COURT: Okay. And the younger one?  
18 PROSPECTIVE JUROR 1104: She's a student.  
19 THE COURT: Okay. And what is she studying?  
20 PROSPECTIVE JUROR 1104: She's studying public policy  
21 and economics.  
22 THE COURT: Okay. Do you know of any reason why you  
23 could not be a fair and impartial juror if you were selected to serve?  
24 PROSPECTIVE JUROR 1104: No.  
25 THE COURT: Okay. Thank you. And thank you very much

1 for being here.

2 THE MARSHAL: Thank you, ma'am.

3 THE COURT: Juror Number 21, Brenda Pembroke.

4 PROSPECTIVE JUROR 981: Yes.

5 THE COURT: Okay. Can you tell me how long you've lived in  
6 Clark County?

7 PROSPECTIVE JUROR 981: Five years.

8 THE COURT: And your education background?

9 PROSPECTIVE JUROR 981: I have a BS in public health and a  
10 postgraduate degree in physical therapy.

11 THE COURT: What do you do for living?

12 PROSPECTIVE JUROR 981: Retired.

13 THE COURT: Okay. What'd you do prior to retirement?

14 PROSPECTIVE JUROR 981: I was a physical therapist.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR 981: Yeah.

17 THE COURT: And your marital status?

18 PROSPECTIVE JUROR 981: I'm divorced.

19 THE COURT: Okay. Do you have kids?

20 PROSPECTIVE JUROR 981: I do.

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

22 PROSPECTIVE JUROR 981: Yes, they are.

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

24 PROSPECTIVE JUROR 981: My older son is a registered  
25 nurse, and my younger son works in retail sales.

1 THE COURT: Do you know of any reason why you could not  
2 be a fair and impartial juror if you were selected to serve?  
3 PROSPECTIVE JUROR 981: No, I don't.  
4 THE COURT: Okay. Thank you. And thank you for being  
5 here.  
6 Jacob Lockhart.  
7 PROSPECTIVE JUROR 994: Yes, ma'am.  
8 THE COURT: Juror Number 22. How long have you lived in  
9 Clark County?  
10 PROSPECTIVE JUROR 994: About 13 years.  
11 THE COURT: Okay. And what do you do for a living?  
12 PROSPECTIVE JUROR 994: I'm an administrative assistant  
13 for a mental health counseling center.  
14 THE COURT: Okay. And your education background?  
15 PROSPECTIVE JUROR 994: Current student last semester of  
16 bachelors.  
17 THE COURT: Okay. You're a student currently?  
18 PROSPECTIVE JUROR 994: Uh-huh, yes.  
19 THE COURT: And what are you studying?  
20 PROSPECTIVE JUROR 994: Psychology.  
21 THE COURT: Okay. Your marital status?  
22 PROSPECTIVE JUROR 994: Single.  
23 THE COURT: Do you have children?  
24 PROSPECTIVE JUROR 994: No.  
25 THE COURT: Do you know of any reason why you could not



1 be a fair and impartial juror if you were selected to serve?

2 PROSPECTIVE JUROR 994: No, ma'am.

3 THE COURT: Okay. Thank you. And thank you for being  
4 here, Mr. Lockhart.

5 Number 23, Milton Linn. How long have you lived in Clark  
6 County?

7 PROSPECTIVE JUROR 1001: It'll be 65 years next month.

8 THE COURT: Okay. Where'd you go to high school?

9 PROSPECTIVE JUROR 1001: Eldorado High School.

10 THE COURT: Okay. Your education background?

11 PROSPECTIVE JUROR 1001: Two years college.

12 THE COURT: What'd you study?

13 PROSPECTIVE JUROR 1001: Liberal arts and television  
14 production.

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

16 PROSPECTIVE JUROR 1001: I'm a national account manager  
17 for an audio visual production company.

18 THE COURT: Okay. And your marital status?

19 PROSPECTIVE JUROR 1001: I'm married.

20 THE COURT: Is your spouse employed?

21 PROSPECTIVE JUROR 1001: Yes. She works for the school  
22 district.

23 THE COURT: Okay. What does she do for the school district?

24 PROSPECTIVE JUROR 1001: She's in human resource as an  
25 analyst.

1 THE COURT: Okay. Do you have children?

2 PROSPECTIVE JUROR 1001: Six children.

3 THE COURT: Okay. Are any of those six kids old enough to  
4 be employed?

5 PROSPECTIVE JUROR 1001: Yes.

6 THE COURT: You want to just start at the top --

7 PROSPECTIVE JUROR 1001: Sure.

8 THE COURT: -- and tell me --

9 PROSPECTIVE JUROR 1001: Son number one is in marketing  
10 for Johnson & Johnson. Son number two owns a business in  
11 Albuquerque for used sports. Son number three is a former marine and  
12 now works for social security. Son number four works for another auto  
13 visual company as a video alt tech son. Son number five works for  
14 Union Pacific Railroad. And my daughter is the youngest --

15 THE COURT: You finally got a girl.

16 PROSPECTIVE JUROR 1001: My daughter is a homemaker  
17 with five children.

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

20 PROSPECTIVE JUROR 1001: I'm not sure Your Honor.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR 1001: I've had two back surgeries and  
23 it's just difficult for me to stay seated for long periods of time.

24 THE COURT: Okay. Well, we kind of do a lot of sitting. I try  
25 to break about every hour and a half. And we're in session from 8:30 or

1 9:00 to 5:00. I mean, obviously you've heard me say, I don't want to  
2 compromise anyone's health.

3 PROSPECTIVE JUROR 1001: Just after hours it's difficult. It's  
4 starting to hurt now.

5 THE COURT: Okay. Well, it's up to you. If you think you --  
6 it's -- I don't want your back to hurt. I don't want you to be in pain.

7 PROSPECTIVE JUROR 1001: I would just -- I would lose  
8 concentration I believe, Your Honor.

9 THE COURT: Okay. All right. If you don't mind putting the  
10 microphone down, I do appreciate your willingness to be here.

11 And Juror Number 23, Jose Pineda. Jose Pineda.

12 PROSPECTIVE JUROR 1109: Yes, Your Honor.

13 THE COURT: Hi there.

14 PROSPECTIVE JUROR 1109: Hi.

15 THE COURT: Okay. Can you tell me how long you've lived in  
16 Clark County?

17 PROSPECTIVE JUROR 1109: Almost 29 years.

18 THE COURT: Okay. And your education background?

19 PROSPECTIVE JUROR 1109: Almost high school.

20 THE COURT: Okay. Almost high school?

21 PROSPECTIVE JUROR 1109: Yeah, I didn't finish high school.

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

23 PROSPECTIVE JUROR 1109: I'm disabled.

24 THE COURT: Okay. Is it anything that would interfere with  
25 your ability to be here and serve as a juror?

1 PROSPECTIVE JUROR 1109: Yeah. I have surgery -- cervical  
2 surgery.  
3 THE COURT: Okay.  
4 PROSPECTIVE JUROR 1109: And I have four bulging disc  
5 that is --  
6 THE COURT: Okay.  
7 PROSPECTIVE JUROR 1109: -- really killing me.  
8 THE COURT: All right. Okay. You can put the microphone  
9 down.  
10 PROSPECTIVE JUROR 1109: Thank you.  
11 THE COURT: Again, I'm not -- I don't want to compromise,  
12 anyone's health. So you can go sit back out in the gallery, but if you just  
13 mind leaving the microphone there. Okay.  
14 And Juror Number 23 is going to be Melissa Zetino-Mendez.  
15 Okay. How long have you lived in Clark County?  
16 PROSPECTIVE JUROR 1113: Almost eight years.  
17 THE COURT: Okay. And your education background?  
18 PROSPECTIVE JUROR 1113: High school.  
19 THE COURT: Okay. What do you do for a living?  
20 PROSPECTIVE JUROR 1113: I'm a waitress at Southpointe  
21 Casino.  
22 THE COURT: Okay. Your marital status?  
23 PROSPECTIVE JUROR 1113: Married.  
24 THE COURT: Is your spouse employed?  
25 PROSPECTIVE JUROR 1113: Yes.

1 THE COURT: What does your spouse do?  
2 PROSPECTIVE JUROR 1113: Internal maintenance at  
3 Southpointe Casino too.  
4 THE COURT: Okay. Do you have kids?  
5 PROSPECTIVE JUROR 1113: No.  
6 THE COURT: Any reason why you could not be a fair and  
7 impartial juror if you were selected to serve on this panel?  
8 PROSPECTIVE JUROR 1113: No.  
9 THE COURT: Okay. Thank you. And thank you very much  
10 for being here.  
11 PROSPECTIVE JUROR 1113: Thank you.  
12 THE COURT: And Juror Number 24, Mr. Wallace.  
13 PROSPECTIVE JUROR 1025: Hi.  
14 THE COURT: Okay. How long have you lived in Clark  
15 County?  
16 PROSPECTIVE JUROR 1025: 32 years.  
17 THE COURT: Okay. And your education background?  
18 PROSPECTIVE JUROR 1025: Some college.  
19 THE COURT: Okay. What did you study?  
20 PROSPECTIVE JUROR 1025: Fine art.  
21 THE COURT: Okay. What do you do for a living?  
22 PROSPECTIVE JUROR 1025: I work in real estate.  
23 THE COURT: Okay. What do you do?  
24 PROSPECTIVE JUROR 1025: I -- well, I'm my dad's assistant,  
25 so --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR 1025: -- we work side-by-side with the  
3 developer, and we just build things and buy things.

4 THE COURT: Okay. So you develop and sell properties? Is  
5 that --

6 PROSPECTIVE JUROR 1025: Not necessarily sell, just buy  
7 and build things, yeah.

8 THE COURT: Oh, okay. All right. How long have you done  
9 that?

10 PROSPECTIVE JUROR 1025: I work in real estate for the last  
11 five years.

12 THE COURT: Okay. Your marital status?

13 PROSPECTIVE JUROR 1025: Married.

14 THE COURT: Is your spouse employed?

15 PROSPECTIVE JUROR 1025: No.

16 THE COURT: Okay. Do you have kids?

17 PROSPECTIVE JUROR 1025: I have three, but they're all little.

18 THE COURT: kay. They're minors?

19 PROSPECTIVE JUROR 1025: Yeah.

20 THE COURT: Do you know of any reason why you could not  
21 be a fair and impartial juror if you were selected to serve on this panel?

22 PROSPECTIVE JUROR 1025: No.

23 THE COURT: Okay. Thank you. And thank you very much  
24 for being here. I am going to have a few questions for the panel as a  
25 whole. So if you want to respond to this, the microphone will be sent to

1 you. And I just ask that you state your name and badge number before  
2 responding. Are there any of you on the panel who have ever served as  
3 jurors before? Anyone that's ever been on a jury panel served as a  
4 juror? Not even one person? I don't know that that's ever happened.  
5 Okay. The record will reflect no response from the panel.

6 Have you or anyone close to you, such as a family member,  
7 friend ever been the victim of a crime? Okay.

8 PROSPECTIVE JUROR 1025: My dad's car was --

9 THE COURT: If you don't mind, just stating your name and  
10 badge number.

11 PROSPECTIVE JUROR 1025: Oh it's 1025, Jordan Wallace.

12 THE COURT: Okay. Go ahead, Mr. Wallace.

13 PROSPECTIVE JUROR 1025: My dad got his car stolen.

14 That's --

15 THE COURT: When was that?

16 PROSPECTIVE JUROR 1025: About two years ago.

17 THE COURT: And did you call the police?

18 PROSPECTIVE JUROR 1025: Yeah.

19 THE COURT: And they came and took a report?

20 PROSPECTIVE JUROR 1025: Yeah.

21 THE COURT: Did they find the car?

22 PROSPECTIVE JUROR 1025: Yeah, yeah. It was too far --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR 1025: Yeah. It was gone though, so --

25 THE COURT: All right. It was what?

1 PROSPECTIVE JUROR 1025: It was all torn --  
2 THE COURT: Like stripped?  
3 PROSPECTIVE JUROR 1025: Yeah.  
4 THE COURT: Okay. Anything about that experience that  
5 would affect your ability to be fair and impartial in this case?  
6 PROSPECTIVE JUROR 1025: No.  
7 THE COURT: Okay. Thank you, Mr. Wallace. Anyone else?  
8 THE MARSHAL: Can you hand it up to the top row, please?  
9 PROSPECTIVE JUROR 831: Anthony Romero, 0831.  
10 THE COURT: Okay. Go ahead.  
11 PROSPECTIVE JUROR 831: April of last year, someone  
12 busted my car window in Newport and stole pretty much a bunch of my  
13 stuff in my car.  
14 THE COURT: Okay. Were you there having fun?  
15 PROSPECTIVE JUROR 831: I was there on vacation, yeah.  
16 THE COURT: Okay.  
17 PROSPECTIVE JUROR 831: It was the last day too.  
18 THE COURT: Oh, I'm sorry. And did you call the police?  
19 PROSPECTIVE JUROR 831: Yes.  
20 THE COURT: And they took a report?  
21 PROSPECTIVE JUROR 831: Newport PD did.  
22 THE COURT: All right. And do you think you were treated  
23 fairly?  
24 PROSPECTIVE JUROR 831: Yes.  
25 THE COURT: Anything about that experience that would



1 affect your ability to be fair and impartial in this case?

2 PROSPECTIVE JUROR 831: No.

3 THE COURT: Okay. Thank you, sir. Anyone else?

4 PROSPECTIVE JUROR 806: Yeah. 0806, Ana Tanasescu.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR 806: Two times they tried to rob my  
7 house, but the police came, and it was fine. Nothing happened.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR 806: They weren't able to get the  
10 guys, but at least they didn't come.

11 THE COURT: Okay. But people actually came into your  
12 home and stole things?

13 PROSPECTIVE JUROR 806: Yes. They didn't steal things.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR 806: Luckily, yeah.

16 THE COURT: They came in and then --

17 PROSPECTIVE JUROR 806: They came in, but they couldn't  
18 steal anything once we saw them.

19 THE COURT: Oh --

20 PROSPECTIVE JUROR 806: So we called the police.

21 THE COURT: Oh.

22 PROSPECTIVE JUROR 806: Yeah. They called -- we called,  
23 and they were really fast to show up and yeah. They showed up, but  
24 they couldn't get them.

25 THE COURT: Okay. So you were actually home?

1 PROSPECTIVE JUROR 806: Yes.

2 THE COURT: Oh, okay.

3 PROSPECTIVE JUROR 806: Yeah. I saw them trying to get in  
4 the house.

5 THE COURT: All right. Anything about those experiences  
6 that would affect your ability to be fair and impartial in this case?

7 PROSPECTIVE JUROR 806: No.

8 THE COURT: Okay. Thank you.

9 PROSPECTIVE JUROR 806: Thank you.

10 THE COURT: Anyone else that wishes to respond to the  
11 Court? The record will reflect no further response from the panel.

12 Have you or anyone close to you, such as a family member  
13 or friend ever been accused of a crime? Okay. I have a juror down here.

14 PROSPECTIVE JUROR 981: My younger son --

15 THE COURT: Your name and badge number?

16 PROSPECTIVE JUROR 981: Oh, sorry.

17 THE COURT: That's okay. Ms. Pembroke?

18 PROSPECTIVE JUROR 981: Yes.

19 THE COURT: Okay, go ahead.

20 PROSPECTIVE JUROR 981: 0981.

21 THE COURT: Thank you.

22 PROSPECTIVE JUROR 981: My younger son has a conviction  
23 for reckless driving.

24 THE COURT: All right. Is that here in Clark County?

25 PROSPECTIVE JUROR 981: Yes.

1 THE COURT: Okay. Do you know when that was?  
2 PROSPECTIVE JUROR 981: I want to say last year.  
3 THE COURT: Okay. So it's pretty recent?  
4 PROSPECTIVE JUROR 981: 2020 or 2021, yes.  
5 THE COURT: Okay. Do you know the underlying facts at all?  
6 Just --  
7 PROSPECTIVE JUROR 981: Just he has a conviction for  
8 reckless driving.  
9 THE COURT: Okay. So you know what he has told you?  
10 PROSPECTIVE JUROR 981: Right.  
11 THE COURT: Okay. Did you follow the case at all yourself?  
12 PROSPECTIVE JUROR 981: Of course.  
13 THE COURT: Okay. And do you know who prosecuted your  
14 son? Was it the District Attorney's Office?  
15 PROSPECTIVE JUROR 981: I -- that much I don't know. I  
16 mean --  
17 THE COURT: Did you --  
18 PROSPECTIVE JUROR 981: -- he's an adult, so  
19 THE COURT: Sure. Did you come to this building?  
20 PROSPECTIVE JUROR 981: I did not. He came, but I didn't.  
21 THE COURT: Oh, okay. So you --  
22 PROSPECTIVE JUROR 981: Yeah.  
23 THE COURT: -- did not come with him?  
24 PROSPECTIVE JUROR 981: No.  
25 THE COURT: All right. So you understand that he may have

1 been prosecuted by the Clark County District Attorney's Office. Do you  
2 under --

3 PROSPECTIVE JUROR 981: Okay.

4 THE COURT: Okay. And these attorneys come from the  
5 same office that may have prosecuted your son. Is there anything about  
6 that that would affect your ability to be fair and impartial if you were  
7 selected to serve?

8 PROSPECTIVE JUROR 981: No. I think that the conviction, I  
9 think it was a just conviction.

10 THE COURT: Okay. You think your son was treated fairly?

11 PROSPECTIVE JUROR 981: Yes.

12 THE COURT: All right. Anything about that that would affect  
13 your ability to be fair and impartial in this case?

14 PROSPECTIVE JUROR 981: No.

15 THE COURT: Okay. Thank you. Anyone else? Okay. The  
16 record will reflect no further response from the panel. Would you have  
17 the tendency to give more weight or credence or less weight or credence  
18 to the testimony of a witness simply because that witness is a police  
19 officer? Okay. The record will reflect no response from the panel. And  
20 at this time I'm going to allow the State of Nevada to voir the panel.

21 MS. MARLAND: Work okay?

22 Good afternoon, everyone. My name is Melanie Marland. I  
23 know that Mr. Dickerson previously introduced me, and we appreciate  
24 you guys all being here today. So first question, who here is excited to  
25 be here? Oh, one person. That actually never happens. So nice to have

1 you here. Nice to have all of you here. So does anyone here consider  
2 themselves a rule breaker at all? A rebel? No. Oh, okay. Seeing a  
3 couple hands here. The gentleman in the, I'm sorry, Mr. -- let me pull out  
4 my little --

5 THE MARSHAL: State your badge number, please.

6 MS. MARLAND: That would work.

7 PROSPECTIVE JUROR 895: Desmond Kuresa, 0895.

8 MS. MARLAND: All right, Mr. Kuresa, tell me a little more  
9 about that.

10 PROSPECTIVE JUROR 895: Rule breaking. Oh, at work --

11 MS. MARLAND: At work?

12 PROSPECTIVE JUROR 895: If we're talking about rule  
13 breaking, I break rules.

14 MS. MARLAND: Okay. Are we talking like strict rules or just  
15 like bending them a little bit?

16 PROSPECTIVE JUROR 895: Oh man.

17 MS. MARLAND: Sorry. I'm going to put you guys all on the  
18 spot a little bit, so,

19 PROSPECTIVE JUROR 895: Oh, no, that's cool. Yeah. It is  
20 strict rules, but yeah. I don't --

21 MS. MARLAND: Okay. Are these rules that -- you breaking  
22 the rules, does that hurt anyone else?

23 PROSPECTIVE JUROR 895: If you get into an accident yeah.  
24 You can kill somebody.

25 MS. MARLAND: Okay. So are we talking safety rules --

1 PROSPECTIVE JUROR 895: Yes.

2 MS. MARLAND: -- potentially? Okay. I'm not going to ask  
3 you more questions about that, but I'm going to ask you to pass the mic  
4 behind you.

5 PROSPECTIVE JUROR 895: Oh, sweet.

6 MS. MARLAND: And I'm going to ask you to -- yeah. Perfect.  
7 Thank you. And let me try to get this. Mr. Esperanza? All right. Tell me  
8 how --

9 PROSPECTIVE JUROR 818: It's --

10 MS. MARLAND: -- you're a rebel.

11 PROSPECTIVE JUROR 818: It's nothing really like too  
12 serious. Like if it's like, oh, don't go there. The curiosity kicks in, I'll just  
13 go there, you know, but if it's putting anyone in danger, nothing too  
14 serious. Just like a little rule breaking, but not any rule breaking to get  
15 someone hurt.

16 MS. MARLAND: Okay. Fair enough. So more just -- sorry,  
17 going to ask you to stand back up. More just in your personal life?

18 PROSPECTIVE JUROR 818: Yeah.

19 MS. MARLAND: All right. Anything with friends ever?

20 PROSPECTIVE JUROR 818: Not currently, but maybe past  
21 life, yeah.

22 MS. MARLAND: Are we talking like teenage years or --

23 PROSPECTIVE JUROR 818: Yeah. Like young teenage years.

24 MS. MARLAND: Okay. Anything more recent without giving  
25 me any details?

1 PROSPECTIVE JUROR 818: No.

2 MS. MARLAND: Okay. And is it wanting to rebel a little  
3 against authority or just more curiosity?

4 PROSPECTIVE JUROR 818: Just more curiosity.

5 MS. MARLAND: Okay. Fair enough. And can you pass the  
6 mic down to miss Pembroke, please?

7 PROSPECTIVE JUROR 981: I'm good.

8 MS. MARLAND: Oh, you're good. Okay. I'm sorry. I  
9 thought I saw a hand raised. Anyone else? Any particular rebels or  
10 really strict type A rule followers in here? No. All right. So I know a  
11 couple people discussed interactions with law enforcement. So I  
12 apologize in advance if I ask any questions that are a little  
13 uncomfortable. Our goal is obviously to make sure that we have -- we  
14 know a little more about you guys. So none of what I ask is meant to  
15 embarrass any one of you. So I apologize in advance if it gets to that  
16 point. So Ms. Browne, I apologize. I'm going to go to you first if I may.  
17 And just like a couple follow ups on the questionnaire you filled in. I  
18 know at some point you mentioned having some concerns with the  
19 criminal justice system.

20 PROSPECTIVE JUROR 1104: I don't recall that on my  
21 questionnaire, sorry.

22 MS. MARLAND: Okay. Then I'll just -- do you have any  
23 concerns in terms of the criminal justice system?

24 PROSPECTIVE JUROR 1104: No.

25 MS. MARLAND: Okay. Do you believe the criminal justice

1 system as a whole works?

2 PROSPECTIVE JUROR 1104: For the most part, yes.

3 MS. MARLAND: For the most part. Any specific instances  
4 you can think of where it may not have?

5 PROSPECTIVE JUROR 1104: No.

6 MS. MARLAND: Okay. Nothing in your life that would  
7 concern you?

8 PROSPECTIVE JUROR 1104: No.

9 MS. MARLAND: All right. You're off the hot seat. So let me  
10 go to -- all right. Mr. Evans. I'm sorry. Hi.

11 PROSPECTIVE JUROR 1051: Hello.

12 MS. MARLAND: Name and badge number please.

13 PROSPECTIVE JUROR 1051: Kelly Evans, 1051.

14 MS. MARLAND: Thank you. So Mr. Evans at some point  
15 when the Court was questioning, you mentioned appearing in front of  
16 this court before?

17 PROSPECTIVE JUROR 1051: Correct. Many years ago, but  
18 yes.

19 MS. MARLAND: Okay. Would you -- fair to say that you've  
20 practiced in Nevada for a while?

21 PROSPECTIVE JUROR 1051: Correct.

22 MS. MARLAND: And would you be able to consider the facts  
23 of the case independently of any feeling you may have that is positive or  
24 negative towards the attorneys that you may have heard of or the Court?

25 PROSPECTIVE JUROR 1051: Of course, yes.



1 MS. MARLAND: And bachelor's in philosophy?

2 PROSPECTIVE JUROR 1051: Correct.

3 MS. MARLAND: Any specific philosopher you particularly  
4 like or follow?

5 PROSPECTIVE JUROR 1051: None worth mentioning.

6 MS. MARLAND: Fair enough. So can we pass the mic over  
7 to Ms. Jeff, please? Hi. I know that you've got a couple questions, but  
8 do you have any particular feeling positively or negatively towards law  
9 enforcement?

10 PROSPECTIVE JUROR 1087: No.

11 MS. MARLAND: All right. Any particular positive or negative  
12 feeling towards the criminal justice system as a whole?

13 PROSPECTIVE JUROR 1087: No.

14 MS. MARLAND: Okay. Anyone that you know that has had  
15 any type of experience with a judicial process?

16 PROSPECTIVE JUROR 1087: No.

17 MS. MARLAND: Okay. I'm going to pass that question to the  
18 entire panel I'll grab the mic. Is there anyone here who has been a part  
19 of any type of judicial process, whether it's family or -- yes. And I'm  
20 going to pass the mic back. Thank you. And that would be Mr. Logan.

21 PROSPECTIVE JUROR 1038: Logan, 1038. It was family  
22 court.

23 MS. MARLAND: Okay. And how long ago?

24 PROSPECTIVE JUROR 1038: About '90 I think. 1990.

25 MS. MARLAND: Okay. Do you --

1 PROSPECTIVE JUROR 1038: It was for custody.  
2 MS. MARLAND: It was a custody issue?  
3 PROSPECTIVE JUROR 1038: Yes.  
4 MS. MARLAND: All right. And was that with your --  
5 PROSPECTIVE JUROR 1038: First. My ex, yeah.  
6 MS. MARLAND: Your ex-wife?  
7 PROSPECTIVE JUROR 1038: Yes.  
8 MS. MARLAND: Okay. And did you have any -- do you  
9 believe you were treated fairly within this -- the family court system?  
10 PROSPECTIVE JUROR 1038: Yes.  
11 MS. MARLAND: All right. Did you have a judge there that  
12 was presiding over the custody dispute?  
13 PROSPECTIVE JUROR 1038: Yes.  
14 MS. MARLAND: And --  
15 PROSPECTIVE JUROR 1038: Actually, we mediated it and --  
16 MS. MARLAND: Okay.  
17 PROSPECTIVE JUROR 1038: -- I got custody.  
18 MS. MARLAND: Okay. And did everything ultimately work  
19 out?  
20 PROSPECTIVE JUROR 1038: Yes.  
21 MS. MARLAND: Did you believe that the system worked?  
22 PROSPECTIVE JUROR 1038: Yeah.  
23 MS. MARLAND: Any rules that you disagreed with or any  
24 decisions that you disagreed with?  
25 PROSPECTIVE JUROR 1038: No. Everything was good.

1 MS. MARLAND: All right. Anyone else on the panel? Oh,  
2 Ms. Tanasescu.

3 PROSPECTIVE JUROR 806: Thank you. It's 0806, Ana  
4 Tanasescu. I don't know if it's judicial or I mean, I don't know how to  
5 pronounce it. Sorry. A person fell outside my business, and he tried to  
6 say that some -- that we did it.

7 MS. MARLAND: Okay. So some type of liability issue?

8 PROSPECTIVE JUROR 806: Yeah, exact. Liability, but it was  
9 outside. He fell.

10 MS. MARLAND: Okay.

11 PROSPECTIVE JUROR 806: And he was trying to get money  
12 out of it.

13 MS. MARLAND: Did you ever have to go to court for that?

14 PROSPECTIVE JUROR 806: No. No.

15 MS. MARLAND: Okay.

16 PROSPECTIVE JUROR 806: We didn't have to, but we have  
17 lawyers and everything and they did it for us.

18 MS. MARLAND: Okay.

19 PROSPECTIVE JUROR 806: So --

20 MS. MARLAND: Do you ultimately feel satisfied or  
21 dissatisfied with --

22 PROSPECTIVE JUROR 806: No, yeah. No, yeah. Because it  
23 wasn't our fault.

24 MS. MARLAND: Okay.

25 PROSPECTIVE JUROR 806: But he's still trying, so --

1 MS. MARLAND: Okay.

2 PROSPECTIVE JUROR 806: It's been years.

3 MS. MARLAND: Fair enough.

4 PROSPECTIVE JUROR 806: Yeah.

5 MS. MARLAND: And that was -- so you didn't actually have  
6 to come into a courtroom?

7 PROSPECTIVE JUROR 806: No, we didn't.

8 MS. MARLAND: Okay, perfect. Anyone else who's had any  
9 type of experience with the judicial process as a whole? Seeing no more  
10 hands. So just talking a little more about the criminal justice system and,  
11 you know, government as a whole. If I were to say our system of  
12 government, our system of judicial process is one of the best in the  
13 world, does anyone feel strongly for or against that statement? Mr.  
14 Romero and Mr. Logan after that.

15 PROSPECTIVE JUROR 831: Sorry. Romero, 0831. I feel like  
16 the justice system on the economic spectrum is -- tend to be -- leans  
17 more on those of financial promise. And I feel like not every time, but  
18 there is a lot of times especially in recent moments were given the seed  
19 of maybe different racial or economic profiles, the outcome would've  
20 been different. I have no personal, you know encounters, or I've faced  
21 that in the criminal system, but I see it. I see it a lot. And those are my  
22 thoughts on it.

23 MS. MARLAND: Okay. And on the whole do you believe that  
24 the justice system, the way we've set up the judicial process works other  
25 than the issue you mentioned with the criminal justice system as a

1 whole?

2 PROSPECTIVE JUROR 831: Yes. I believe it's not a perfect  
3 system. Nothing is, but on a general basis, I do feel like, yes.

4 MS. MARLAND: Okay. And would you agree with me that  
5 there are rules and procedures and processes that are in place to try to  
6 make the system as fair as possible?

7 PROSPECTIVE JUROR 831: At the local level, yes. And I feel  
8 like the more blue collar you'd say, or white collar, I don't know if I get  
9 them reversed. The more it goes up, I feel like those kind of fall out the  
10 window, but I feel like 90 percent our judicial system is pretty fair and  
11 just.

12 MS. MARLAND: Yeah, thank you. Can you pass that mic  
13 down to Mr. Logan please? Hi.

14 PROSPECTIVE JUROR 1038: Hi. Yeah. I think it's the best in  
15 the world. I mean, it's got some flaws, but like he said, white collar  
16 crime, they find a way to get around a lot of things.

17 MS. MARLAND: And --

18 PROSPECTIVE JUROR 1038: But --

19 MS. MARLAND: -- do you believe that the systems we  
20 currently have in place, you know, the three separate branches of  
21 government, separation of powers and the way our judges and judicial  
22 processes work, ultimately are effective?

23 PROSPECTIVE JUROR 1038: Yeah, I do.

24 MS. MARLAND: Okay.

25 PROSPECTIVE JUROR 1038: It was perverted a little bit in the

1 last few years, but Congress, you know, has stepped up now.

2 MS. MARLAND: Okay. And so for the most part, at least on  
3 the local level, do you believe that the system does what it can within the  
4 confines of what, you know, Congress and the legislature are set up?

5 PROSPECTIVE JUROR 1038: Yes.

6 MS. MARLAND: All right. Does anyone disagree with that or  
7 agree with it? Seeing no hands for strong feelings about that. Thank  
8 you, Mr. Logan. And just kind of going towards witness testimony.  
9 Does anyone have any trouble -- would anyone have any trouble  
10 convicting someone on the basis of witness testimony alone? Seeing a  
11 hand. And that would be Mr. Wallace. Can you pass that down? Thank  
12 you.

13 PROSPECTIVE JUROR 1025: 1025, Jordan Wallace. Yeah.  
14 I'd say I would have a little bit of a hard time with just, you know, he said  
15 she said type --

16 MS. MARLAND: Okay.

17 PROSPECTIVE JUROR 1025: -- of things.

18 MS. MARLAND: What kind of evidence would you expect to  
19 see in a criminal case?

20 PROSPECTIVE JUROR 1025: I don't know. Hard evidence, I  
21 suppose. Physical evidence. I don't know, but I mean, just as a whole,  
22 it's kind of an uncomfortable feeling just to kind of have your opinion will  
23 dictate, you know, somebody else's future, whether good or bad. You  
24 know, facts right or wrong. I don't know. That's personal to me.

25 MS. MARLAND: Of course. And I don't expect anything

1 other than personal opinions.

2 PROSPECTIVE JUROR 1025: Yeah, sure.

3 MS. MARLAND: So would you expect -- you said hard  
4 evidence to. Would you expect to see documents? Would you expect to  
5 see --

6 PROSPECTIVE JUROR 1025: Yeah, yeah. I guess like if it was  
7 you know, like -- I don't know, like fraud or like something like that, you'd  
8 want to see a money trail type thing and things like that, or if it was I  
9 don't know, murder, I guess you'd want to see, you know, evidence of a  
10 crime scene so.

11 MS. MARLAND: And that's fair enough.

12 PROSPECTIVE JUROR 1025: Yeah, so.

13 MS. MARLAND: Do you have any preconception about  
14 needing to have forensic evidence, you know, like what you see on CSI  
15 or Law and Order the photograph from the eyeball?

16 PROSPECTIVE JUROR 1025: No. I don't know how that all  
17 works. So I don't have any preconceptions on that. That's I guess, more  
18 of a personal moral view, I guess, as it all -- that's kind of -- I don't know,  
19 kind of an uncomfortable feeling.

20 MS. MARLAND: Fair to say, it sounds like you're saying  
21 you'd be uncomfortable just convicting on the basis of witness testimony  
22 alone without any additional evidence?

23 PROSPECTIVE JUROR 1025: Yeah, no. I'd be uncomfortable.  
24 I'd almost be uncomfortable just in general, but having, you know -- but  
25 yeah, for sure.

1 MS. MARLAND: So just to follow up on that, you said you'd  
2 be uncomfortable just in general. Do you feel like you would have  
3 trouble sitting in judgment on someone as to their guilt or innocence?

4 PROSPECTIVE JUROR 1025: Yeah. In the sense of -- yeah.  
5 Because you know, if -- you know, say you get the wrong -- you know,  
6 well, like my grandpa, for instance, back in, like back in the '60s. He was  
7 on a trial, it was a murder trial, and he was one of the few people that  
8 thought he was, you know, more on the innocent side and eventually  
9 you know, like they came to the conclusion that, you know, the guy did  
10 it, but I think that was something that kind of, you know, ate at him  
11 throughout his life, you know. And I think casting judgment on  
12 somebody and, you know, for -- maybe you're right, maybe, you know,  
13 it's justified. But you know, in the off chance it's not then it's like, you  
14 know, you just put -- you could put an innocent man behind bars, you  
15 could do things like that. And that would be something, I guess, morally  
16 you know, not the -- you know, I agree with all their previous statements  
17 about the system, but --

18 MS. MARLAND: Of course.

19 PROSPECTIVE JUROR 1025: -- just for a personal view, I  
20 think that's where I stand.

21 MS. MARLAND: Okay. And just to make sure. So hopefully  
22 you understand that Mr. Blandino, as we speak is currently an innocent  
23 man and it is the State's burden --

24 PROSPECTIVE JUROR 1025: Oh, of course, yeah.

25 MS. MARLAND: -- to prove beyond a reasonable doubt?



1 PROSPECTIVE JUROR 1025: Yeah, no. That's just -- that's  
2 nothing to do with this trial in general. That's just more of a personal,  
3 yeah.

4 MS. MARLAND: Absolutely. And would you have any moral  
5 concern if the State proves, you know, the evidence beyond a reasonable  
6 doubt and convicting someone?

7 PROSPECTIVE JUROR 1025: I don't know. That would have  
8 to be one of those things where you'd have to go through the  
9 circumstances yourself and through the process and see it all for  
10 yourself before you, you know, you can have that. Because I say, you  
11 know, you -- say I was there and I saw everything and it was -- and  
12 you're like oh, he's guilty. Obviously he's guilty then it's that. Or, you  
13 know, but if there was that off chance where you're like, I'm not sure.  
14 And then maybe, so.

15 MS. MARLAND: Of course.

16 PROSPECTIVE JUROR 1025: Yeah.

17 MS. MARLAND: Thank you.

18 PROSPECTIVE JUROR 1025: Yeah, no problem.

19 MS. MARLAND: Anyone else --

20 PROSPECTIVE JUROR 1025: Sit down?

21 MS. MARLAND: Yes. For now.

22 PROSPECTIVE JUROR 1025: Okay.

23 MS. MARLAND: Anyone else have any issues in terms of  
24 determining guilt or innocence based on witness testimony alone? And  
25 that would be Mr. Lockhart.

1 THE COURT: I just want to correct it because the jury would  
2 determine guilty or not.

3 MS. MARLAND: Guilty or not guilty. I apologize.

4 THE COURT: That's okay.

5 MS. MARLAND: Yes. Mr. Lockhart.

6 PROSPECTIVE JUROR 994: Yes, yes. Jacob Lockhart 0994. I  
7 don't believe that eyewitness testimonies are as truthful, especially if I  
8 remember correctly, this trial's from 2019. So it being a few years ago,  
9 it's kind of less viable to have eyewitness memory kind of. Like there are  
10 plenty of ways that we've tested that eyewitnesses based off questioning  
11 and different things, answers can be skewed, and different memories are  
12 altered. So just having memory alone, especially from years ago, I don't  
13 find it as viable as other evidence.

14 MS. MARLAND: Fair to say it sounds like you would expect  
15 to see additional evidence as well?

16 PROSPECTIVE JUROR 994: Yes.

17 MS. MARLAND: Okay. Would you have any trouble in  
18 convicting someone without say forensic evidence? So we're talking,  
19 you know, DNA, fingerprints?

20 PROSPECTIVE JUROR 994: No.

21 MS. MARLAND: Okay. But you would expect to have  
22 something more -- you would like to have something more than witness  
23 testimony?

24 PROSPECTIVE JUROR 994: Yes, correct.

25 MS. MARLAND: Fair enough. Anyone else? Ms. Tanasescu.

1 THE MARSHAL: Can you pass the microphone  
2 (indiscernible).

3 MS. MARLAND: Can you pass the --

4 PROSPECTIVE JUROR 806: Thank you. Tanasescu, 0806. I  
5 mean, I -- this is very interesting, but I get very emotional, so I don't  
6 know if that's a problem. It's just, I don't want to send someone that is  
7 not guilty. Just -- I just want to, like if I see the evidence and everything,  
8 I want to be sure that I'm doing the correct thing.

9 MS. MARLAND: Fair enough.

10 PROSPECTIVE JUROR 806: Yes.

11 MS. MARLAND: And you do understand that would be after  
12 the presentation of the State's entire case? It's entirely the State's  
13 burden to prove beyond a reasonable doubt. If, you know, if you do find  
14 that the State has, you know, proved beyond a reasonable doubt, the  
15 crimes charged, would you have any issue in coming back with a verdict  
16 of guilty?

17 PROSPECTIVE JUROR 806: I'm sorry. I didn't --

18 MS. MARLAND: Absolutely.

19 PROSPECTIVE JUROR 806: I didn't understand the question.

20 MS. MARLAND: If -- you know, if you do find that the State,  
21 you know, after showing all the evidence has proved -- has met their  
22 burden, would you have any trouble coming back with the verdict a  
23 guilty?

24 PROSPECTIVE JUROR 806: No.

25 MS. MARLAND: Okay. And you know, the contrary being, if

1 you find that the State has not proved beyond a reasonable doubt, would  
2 you have any trouble coming back with a verdict of not guilty?

3 PROSPECTIVE JUROR 806: (Indiscernible).

4 MS. MARLAND: Okay. Anyone else expect any specific type  
5 of evidence from a criminal trial? Seeing no hands. So going back to  
6 witness testimony. Fair to say -- Ms. Tanasescu mentioned this, but fair  
7 to say that everyone understands that people act differently to the same  
8 situation? Does anyone expect witnesses or victim of a crime to react in  
9 a certain manner when they're testifying? No hands. Ms. Antuna.

10 PROSPECTIVE JUROR 802: Sorry. Can you repeat the  
11 question? It didn't --

12 MS. MARLAND: Sure.

13 PROSPECTIVE JUROR 802: - quite make sense.

14 MS. MARLAND: Absolutely. Would you expect a victim of  
15 crime to react in a specific manner, if they testify?

16 PROSPECTIVE JUROR 802: They might be upset.

17 MS. MARLAND: Okay. Is that something you would expect  
18 from them or would you -- fair to say that they may react in a different  
19 manner than you may in the same situation?

20 PROSPECTIVE JUROR 802: I don't know if it's my job to  
21 expect anything from them.

22 MS. MARLAND: Fair enough. Would you find it concerning  
23 if they were not upset if they were testifying?

24 PROSPECTIVE JUROR 802: Maybe a little.

25 MS. MARLAND: Can you maybe explain why? I'm putting

1 you on the spot?

2 PROSPECTIVE JUROR 802: No. That's okay. That's fair. I  
3 mean, if I were a victim, I would probably be upset, but that's me putting  
4 my feelings on them.

5 MS. MARLAND: Yeah. And -- but would you agree with me  
6 that people act in different ways, react in different ways?

7 PROSPECTIVE JUROR 802: When they're on the stand, sure.

8 MS. MARLAND: Okay. And just to follow up since I have  
9 you in the hot seat.

10 PROSPECTIVE JUROR 802: Okay.

11 MS. MARLAND: So you are an executive producer with the  
12 local news channel?

13 PROSPECTIVE JUROR 802: Yes.

14 MS. MARLAND: What kind of stories do you produce?

15 PROSPECTIVE JUROR 802: All.

16 MS. MARLAND: All types of stories. Any -- do you do  
17 specific shows? Morning, afternoons, evenings.

18 PROSPECTIVE JUROR 802: I'm the evening EP. So I'm over  
19 the 3:00, 5:00, 6:00 and 11:00.

20 MS. MARLAND: Okay. And do you cover all relevant news?

21 PROSPECTIVE JUROR 802: Yes.

22 MS. MARLAND: All right. How long have you been doing  
23 that?

24 PROSPECTIVE JUROR 802: Five years.

25 MS. MARLAND: You like it?

1 PROSPECTIVE JUROR 802: It depends. Sometimes, The  
2 news is hard, you know, we have a lot of bad news lately.

3 MS. MARLAND: Is it --

4 PROSPECTIVE JUROR 802: Yeah.

5 MS. MARLAND: I mean, I can't imagine that must be easy to  
6 see that going through every day.

7 PROSPECTIVE JUROR 802: Yeah.

8 MS. MARLAND: And we appreciate what you do.

9 PROSPECTIVE JUROR 802: Oh, thank you.

10 MS. MARLAND: And I will ask to pass this to Ms. Eady. Did I  
11 pronounce that right? I apologize.

12 PROSPECTIVE JUROR 636: Yes.

13 MS. MARLAND: Eady, okay, great. Ms. Eady, you  
14 mentioned you worked in customer service?

15 PROSPECTIVE JUROR 636: Yes.

16 MS. MARLAND: Have you ever interacted with people who  
17 were upset with the company you work for?

18 PROSPECTIVE JUROR 636: Yes, often.

19 MS. MARLAND: And what proportion of the calls you get  
20 involve some type of complaint?

21 PROSPECTIVE JUROR 636: So this -- the company that I'm  
22 with now, I'm pretty new at it, but I worked customer service for a  
23 medical group. And I would say a good 80 percent of the patients that  
24 call were angry or upset about something.

25 MS. MARLAND: Okay. And how do you deal with upset

1 customers?

2 PROSPECTIVE JUROR 636: Generally you just maintain your  
3 composure. I don't let it affect my tone or how I interact with the  
4 customer. I apologize. And I try and find a solution to the issue,  
5 problem that you're having.

6 MS. MARLAND: Have you ever had to escalate any calls to a  
7 manager or someone higher up?

8 PROSPECTIVE JUROR 636: Yeah. I've had to do it, but we're  
9 taught to deescalate first as best we can before escalating a call to a  
10 manager, but I have had to do it.

11 MS. MARLAND: Okay. And do you have any interaction with  
12 the person of whom -- I'm sorry. That's badly phrased. Do you ever  
13 have any follow ups with the person who is being the subject of the  
14 complaint?

15 PROSPECTIVE JUROR 636: Generally, no.

16 MS. MARLAND: Okay. Does that go to someone else or --

17 PROSPECTIVE JUROR 636: Yeah. That goes to someone  
18 else.

19 MS. MARLAND: Okay. And I know a couple people here  
20 mentioned working with various people. So Ms. -- I'm sorry, Mr.  
21 Esperanza back at you. Yeah. There you are. Thank you, Ms. Eady.

22 PROSPECTIVE JUROR 818: Oh badge number is 0818. Can  
23 you repeat what you were asking?

24 MS. MARLAND: Absolutely. Have you ever had to deal with  
25 difficult customers?

1 PROSPECTIVE JUROR 818: Not really. Just because I work  
2 in the back, so I'm mostly like a back stalker.

3 MS. MARLAND: Okay.

4 PROSPECTIVE JUROR 818: I'm not really in the front lines in  
5 the retail store, so I can't really say a story of dealing with rude  
6 customers.

7 MS. MARLAND: Okay. Have you ever been made aware of  
8 anything along those lines at work or?

9 PROSPECTIVE JUROR 818: Just like chit chats, but I don't  
10 really pay attention to it.

11 MS. MARLAND: Okay. Fair to say you stay out of the  
12 drama?

13 PROSPECTIVE JUROR 818: Yeah.

14 MS. MARLAND: Okay. So going to -- sorry, here we go.  
15 Back actually to Ms. Tanasescu real quick. Thank you, Mr. Esperanza.

16 PROSPECTIVE JUROR 806: 0806.

17 MS. MARLAND: Ms. Tanasescu, you mentioned you're a  
18 cross fit gym owner?

19 PROSPECTIVE JUROR 806: Yes.

20 MS. MARLAND: Do you ever have to deal with people who  
21 have complaints about, you know, the trainers, the gym, anything  
22 frankly?

23 PROSPECTIVE JUROR 806: Not really. Yeah, no. Actually  
24 they're pretty nice. Yeah.

25 MS. MARLAND: Okay.



1 PROSPECTIVE JUROR 806: Just that guy that was outside.  
2 That's pretty much it.

3 MS. MARLAND: Was he a prior client?

4 PROSPECTIVE JUROR 806: Actually, no. His granddaughter  
5 used to come to our gym, and she kept coming and she apologized.

6 MS. MARLAND: Okay.

7 PROSPECTIVE JUROR 806: Yeah.

8 MS. MARLAND: And how long have you owned the gym?

9 PROSPECTIVE JUROR 806: Seven years.

10 MS. MARLAND: All right. And you mentioned that your  
11 spouse is in information systems or --

12 PROSPECTIVE JUROR 806: Consulting.

13 MS. MARLAND: Consulting?

14 PROSPECTIVE JUROR 806: Yeah.

15 MS. MARLAND: Okay.

16 PROSPECTIVE JUROR 806: Programming.

17 MS. MARLAND: All right. And actually, sorry. You  
18 mentioned you had clients who were law enforcement?

19 PROSPECTIVE JUROR 806: Yes. Yeah.

20 MS. MARLAND: Do you ever have any discussions with  
21 them about their work?

22 PROSPECTIVE JUROR 806: Yes. I mean, just like how was  
23 their day and things like that.

24 MS. MARLAND: I'm assuming you're probably making them,  
25 you know, do squats while you're asking these questions?

1 PROSPECTIVE JUROR 806: Exactly, yes.

2 MS. MARLAND: Okay. So fair to say they weren't -- there  
3 would not have been a very in-depth conversation about their --

4 PROSPECTIVE JUROR 806: No.

5 MS. MARLAND: -- daily work?

6 PROSPECTIVE JUROR 806: No. But I would go like -- like  
7 two weeks ago, one of them, he just became a marshal.

8 MS. MARLAND: Okay.

9 PROSPECTIVE JUROR 806: So I went to the ceremony and  
10 everything. So they became more than just a client.

11 MS. MARLAND: Okay.

12 PROSPECTIVE JUROR 806: Yeah.

13 MS. MARLAND: So you guys are friendly?

14 PROSPECTIVE JUROR 806: Yes. Yeah.

15 MS. MARLAND: Friendly acquaintances?

16 PROSPECTIVE JUROR 806: Yeah.

17 MS. MARLAND: Okay. And I believe this was asked, but  
18 would any of these contacts with your clients affect your ability to be fair  
19 and impartial?

20 PROSPECTIVE JUROR 806: No.

21 MS. MARLAND: Okay. Fair to say that you would judge the  
22 case based on the facts presented to you?

23 PROSPECTIVE JUROR 806: Yes.

24 MS. MARLAND: Thank you. I believe we had -- sorry. Ms.  
25 Hernandez?

1 PROSPECTIVE JUROR 903: Yes.

2 MS. MARLAND: Yes, hi.

3 PROSPECTIVE JUROR 903: Hi.

4 MS. MARLAND: Couldn't find you.

5 PROSPECTIVE JUROR 903: Badge number 903.

6 MS. MARLAND: Thank you. So you mentioned you worked  
7 as a casino administrative manager?

8 PROSPECTIVE JUROR 903: Correct.

9 MS. MARLAND: Do you ever have to deal with customers,  
10 clients at the casino?

11 PROSPECTIVE JUROR 903: Yes.

12 MS. MARLAND: Okay. And do you have to deal with  
13 complaints?

14 PROSPECTIVE JUROR 903: We do, yes.

15 MS. MARLAND: Okay.

16 PROSPECTIVE JUROR 903: Also for with mainly employees  
17 that have complaints about customers as well.

18 MS. MARLAND: Okay.

19 PROSPECTIVE JUROR 903: On the back end.

20 MS. MARLAND: So fair to say you have to deal with a lot of  
21 conflict management?

22 PROSPECTIVE JUROR 903: Yes.

23 MS. MARLAND: So how would you generally handle conflict  
24 management, whether between customer and clients or within, you  
25 know, employees?

1 PROSPECTIVE JUROR 903: Well, I just transferred here, so I  
2 was in human resources for the last seven years. So that kind of was my  
3 daily operations. So just hearing both sides of every story, right.  
4 Getting all your details and then determining your outcome.

5 MS. MARLAND: Okay. Do you ever have any people who  
6 are unhappy with your ultimate outcome?

7 PROSPECTIVE JUROR 903: Of course, yes.

8 MS. MARLAND: Okay. And how do you ultimately have to  
9 deal with them?

10 PROSPECTIVE JUROR 903: As long as you're fair and  
11 consistent, I think that you have to have a reasoning as to why it was a  
12 choice that was made and then just kind of communicate that to them  
13 the best you can. You're not always going to make them happy, but you  
14 just kind of move forward.

15 MS. MARLAND: Okay. So fair to say that part of your job is  
16 accepting that you can't make everyone happy?

17 PROSPECTIVE JUROR 903: Correct.

18 MS. MARLAND: Okay. Thank you. And so you mentioned  
19 also you just transferred?

20 PROSPECTIVE JUROR 903: About six months ago, yeah. So  
21 it's in the same casino. It's at MGM Grand.

22 MS. MARLAND: Okay.

23 PROSPECTIVE JUROR 903: But I was in human resources  
24 before my role now.

25 MS. MARLAND: So more responsibilities probably now?

1 PROSPECTIVE JUROR 903: Yeah. Just a little bit.  
2 MS. MARLAND: Congratulations.  
3 PROSPECTIVE JUROR 903: Thank you.  
4 MS. MARLAND: And good luck.  
5 PROSPECTIVE JUROR 903: Thank you. Mr. -- oh --  
6 THE MARSHAL: Give me one second. I've got to change the  
7 batteries.  
8 MS. MARLAND: Okay. Were good?  
9 THE MARSHAL: Yeah.  
10 MS. MARLAND: All right. Thank you. So I was going to put  
11 Ms. --  
12 PROSPECTIVE JUROR 896: Deguevara.  
13 MS. MARLAND: -- Deguevara on the hot seat.  
14 PROSPECTIVE JUROR 896: 896.  
15 MS. MARLAND: Thank you. So you mentioned you're a  
16 strategist for a school district and you help mentor teachers?  
17 PROSPECTIVE JUROR 896: Correct.  
18 MS. MARLAND: Can you tell us a little more about that?  
19 PROSPECTIVE JUROR 896: I just started this year. It's been  
20 helping them in the classrooms. You know, how to work with their small  
21 groups. Because we're going away from whole group teaching to small  
22 groups. So how to set it up, what it looks like if they need help and  
23 assistance.  
24 MS. MARLAND: Okay. So do you kind of help out in the  
25 classroom occasionally to help?

1 PROSPECTIVE JUROR 896: I do. Well, this year, yes.  
2 Because we're short-staffed so I've been subbing a lot.

3 MS. MARLAND: Okay. So part of it is also dealing with  
4 children?

5 PROSPECTIVE JUROR 896: Correct?

6 MS. MARLAND: So I'm assuming the kids don't have too  
7 many complaints other than the usual, you know, he's being mean to  
8 me?

9 PROSPECTIVE JUROR 896: When's snack time?

10 MS. MARLAND: Okay. What years do you help mentor  
11 teachers in?

12 PROSPECTIVE JUROR 896: I'm in the K to five.

13 MS. MARLAND: Okay. So probably a lot of, when's snack  
14 time?

15 PROSPECTIVE JUROR 896: When's snack time, yes.

16 MS. MARLAND: Okay.

17 PROSPECTIVE JUROR 896: When's recess, when's lunch?

18 MS. MARLAND: Do you ever have to deal with teachers  
19 who, you know, obviously you said you mentor them?

20 PROSPECTIVE JUROR 896: Uh-huh.

21 MS. MARLAND: Do they come to you with concerns?

22 PROSPECTIVE JUROR 896: Correct.

23 MS. MARLAND: Do you ever have to deal with inter school  
24 conflicts, like teachers within the same school?

25 PROSPECTIVE JUROR 896: Sometimes yes.

1 MS. MARLAND: Okay. And how do you deal with that?

2 PROSPECTIVE JUROR 896: Oh, we just, you know, it's --  
3 we're all in for the children and [indiscernible]. So it's helping our school  
4 become better. So we take both sides in consideration, but as a team we  
5 come together to see what is the best for the children.

6 MS. MARLAND: Fair enough. So prior to getting into this  
7 position last year, what were you doing?

8 PROSPECTIVE JUROR 896: I was a first grade teacher and a  
9 second grade teacher.

10 MS. MARLAND: You are a braver woman than I. So how  
11 many children did you have on an average day in a classroom?

12 PROSPECTIVE JUROR 896: Anywhere from 16 to 24, just  
13 depends --

14 MS. MARLAND: So --

15 PROSPECTIVE JUROR 896: -- what year the [indiscernible]  
16 school district is and class size reduction.

17 MS. MARLAND: Fair to say you probably had to have like 24  
18 arms?

19 PROSPECTIVE JUROR 896: I wish I did, yes.

20 MS. MARLAND: All right. Well, thanks for what you do.

21 PROSPECTIVE JUROR 896: Thank you.

22 MS. MARLAND: And I'm going to ask you to pass this over  
23 to Mr. Lockhart.

24 THE COURT: Okay. At this time we're going to take a recess.  
25 During this recess you're admonished not to discuss or communicate

1 with anyone including your fellow jurors in any way regarding the case  
2 or its merits, either by voice, phone, email, text, internet or other means  
3 of communication or social media, or read, watch or listen to any news  
4 or media accounts, or commentary about the case, or do any research  
5 such as consulting dictionaries, using the internet or using reference  
6 materials, make any investigation, test a theory of the case, recreate any  
7 aspect of the case or in any other way investigate or learn about the case  
8 on your own, or form or express any opinion regarding the case until it's  
9 finally submitted to you. We'll be in recess for ten minutes. Thank you.

10 THE MARSHAL: Thank you. All rise for the exiting jury.  
11 Please jurors.

12 [Prospective jury out at 4:24 p.m.]

13 [Recess taken from 4:25 p.m. to 4:40 p.m.]

14 THE MARSHAL: All rise for entering jury, please.

15 [Prospective Jury in at 4:44 p.m.]

16 THE COURT: Does the State of Nevada stipulate to the  
17 presence of the panel?

18 MR. DICKERSON: We do, Your Honor.

19 MR. JUDD: Yes, Your Honor.

20 THE COURT: Okay. All right. And the Defense stipulates --

21 MR. JUDD: Yes.

22 MR. BATEMANN: Yes, Your Honor.

23 THE COURT: -- as well? Okay. Thank you. Let's see. Juror  
24 Number 16 wants to address the court. If you'll state your name and  
25 badge number. Did you want to address the court, sir?



1 PROSPECTIVE JUROR 931: Yeah.  
2 THE COURT: Your name and badge number?  
3 PROSPECTIVE JUROR 931: Maxx Garcia --  
4 THE COURT: Okay.  
5 PROSPECTIVE JUROR 931: -- 0931.  
6 THE COURT: All right. And I think you told the court marshal  
7 that you --  
8 PROSPECTIVE JUROR 931: Yeah.  
9 THE COURT: -- you're a diabetic?  
10 PROSPECTIVE JUROR 931: I'm type one diabetic, yeah.  
11 THE COURT: Okay.  
12 PROSPECTIVE JUROR 931: Well, pretty much I just -- I have  
13 to go to the bathroom like every 15, 20 minutes sometimes. So it's like  
14 sitting still is kind of a little antsy. But, yeah. I'm also new to this so I  
15 didn't know how often we were getting our breaks and lunches, so that  
16 was my main thing.  
17 THE COURT: Okay. Because I've had diabetics that have sat  
18 on my panel before.  
19 PROSPECTIVE JUROR 931: Uh-huh.  
20 THE COURT: If you need to bring food in --  
21 PROSPECTIVE JUROR 931: Uh-huh.  
22 THE COURT: -- drink, whatever it is to keep your blood sugar  
23 --  
24 PROSPECTIVE JUROR 931: Right.  
25 THE COURT: -- that's fine. I don't mind. In fact I invite you

1 to. Are you insulin dependent?

2 PROSPECTIVE JUROR 931: Yes, I am.

3 THE COURT: Okay. And do you take it at certain times  
4 during the day?

5 PROSPECTIVE JUROR 931: I have an insulin pump, but like I  
6 have to correct it every once and awhile.

7 THE COURT: Okay. I mean, if you were on this panel I would  
8 -- and you needed to go out to do something with your insulin, we would  
9 just take a break.

10 PROSPECTIVE JUROR 931: Okay.

11 THE COURT: Again, I just -- I mean, you've been okay today?

12 PROSPECTIVE JUROR 931: Yeah.

13 THE COURT: All right. I mean, do you like have candy or  
14 food just --

15 PROSPECTIVE JUROR 931: Yeah, yeah. I have it in my  
16 pocket, yeah.

17 THE COURT: Okay. I just want to make sure you know you  
18 can bring that in and --

19 PROSPECTIVE JUROR 931: Okay.

20 THE COURT: -- if at any time you have to leave, you can just  
21 raise your hand and let me know.

22 PROSPECTIVE JUROR 931: Okay, good.

23 THE COURT: Okay. But thank you and thank you very  
24 much --

25 PROSPECTIVE JUROR 931: Thank you.

1 THE COURT: -- for being here. And Ms. Marland, you may  
2 continue with your voir dire.

3 THE MARSHAL: Just make sure your microphone's on.

4 MS. MARLAND: Working? Perfect. All right. Hi, again. So I  
5 was -- I believe I was putting Mr. Lockhart on the hot seat before we  
6 stopped.

7 Okay. So there were a couple questions that were previously  
8 asked about, you know, interactions at work. You mentioned you  
9 worked for -- in counseling for a mental health center; is that correct?

10 PROSPECTIVE JUROR 994: Uh-huh.

11 MS. MARLAND: So -- and you're also a student?

12 PROSPECTIVE JUROR 994: Yes.

13 MS. MARLAND: Is your mic on?

14 PROSPECTIVE JUROR 994: Yes.

15 MS. MARLAND: Okay.

16 PROSPECTIVE JUROR 994: Hello.

17 MS. MARLAND: Perfect. And you said you study  
18 psychology?

19 PROSPECTIVE JUROR 994: Yes, that's correct.

20 MS. MARLAND: So what's the end goal with your studies?

21 PROSPECTIVE JUROR 994: My minor's in neuroscience, so  
22 I'm trying to do research in brain development kind of.

23 MS. MARLAND: Okay. And how long have you worked for  
24 the counseling center?

25 PROSPECTIVE JUROR 994: This one specifically a year. I

1 was at one before that for about another year.

2 MS. MARLAND: Okay. Is it -- I don't want to ask too many  
3 questions because I know a lot of it's confidential, but fair to say you deal  
4 with all types of people within the counseling center?

5 PROSPECTIVE JUROR 994: Yes. Mine specifically I deal with  
6 fairly normal regular people, I don't deal with too many psychotics at my  
7 facility specifically.

8 MS. MARLAND: Okay. So not too many severe types of  
9 mental illnesses?

10 PROSPECTIVE JUROR 994: Not too much at mine.

11 MS. MARLAND: Okay. Would you agree with me that  
12 people who do have mental health concerns can still commit crimes?

13 PROSPECTIVE JUROR 994: Yes.

14 MS. MARLAND: Okay. And how much longer do you have  
15 with your studies?

16 PROSPECTIVE JUROR 994: This is my last semester.

17 MS. MARLAND: Congratulations.

18 PROSPECTIVE JUROR 994: Thank you.

19 MS. MARLAND: And are you planning on staying local  
20 afterwards?

21 PROSPECTIVE JUROR 994: For the time being, yes.

22 MS. MARLAND: Okay. Do you know if you're going to stay  
23 with the counseling agency?

24 PROSPECTIVE JUROR 994: For the time being, yeah.

25 MS. MARLAND: For the time being? Okay. Fair enough.

1 And I'm going to ask you to pass this right -- actually not right behind  
2 you. To Ms., I'm so sorry, Phetdaovieng. Did I completely butcher that?

3 PROSPECTIVE JUROR 933: It's okay.

4 MS. MARLAND: How do you pronounce it?

5 PROSPECTIVE JUROR 933: You said it right, Phetdaovieng.

6 MS. MARLAND: I did? Okay.

7 PROSPECTIVE JUROR 933: Yes.

8 MS. MARLAND: I'm happy to hear that. So you mentioned  
9 you're a casino -- you work in a casino or did I complete --

10 PROSPECTIVE JUROR 933: No.

11 MS. MARLAND: The retail gift shop.

12 PROSPECTIVE JUROR 933: Yes.

13 MS. MARLAND: I'm sorry. And you're married to someone  
14 who works within the casino system?

15 PROSPECTIVE JUROR 933: Yeah.

16 MS. MARLAND: Yeah? Okay. I just wanted to make sure I  
17 took the right notes. And you've been in Clark County for 25 years; is  
18 that right?

19 PROSPECTIVE JUROR 933: Yes.

20 MS. MARLAND: All right. And what kind of -- I know you  
21 mentioned doing some college?

22 PROSPECTIVE JUROR 933: Yes.

23 MS. MARLAND: Yes? Okay. I'm sorry. I know -- I tend to be  
24 a little soft spoken without the mic, so I'm just going to ask you to raise  
25 that mic up to your mouth. Thank you. What were you studying in

1 college initially?

2 PROSPECTIVE JUROR 933: Just general business.

3 MS. MARLAND: General business?

4 PROSPECTIVE JUROR 933: Yes.

5 MS. MARLAND: Okay. And you have two children who are  
6 adults?

7 PROSPECTIVE JUROR 933: Yes.

8 MS. MARLAND: And do you talk to them about their jobs a  
9 lot?

10 PROSPECTIVE JUROR 933: I leave my job.

11 MS. MARLAND: Are you retired?

12 PROSPECTIVE JUROR 933: I don't -- no. I mean, I leave the  
13 job, whatever like at the work --

14 MS. MARLAND: Okay.

15 PROSPECTIVE JUROR 933: -- but I don't bring anything  
16 home.

17 MS. MARLAND: So you guys don't discuss work at home?

18 PROSPECTIVE JUROR 933: No.

19 MS. MARLAND: All right. Do your kids -- do you see your  
20 kids often?

21 PROSPECTIVE JUROR 933: Yes.

22 MS. MARLAND: Are they local?

23 PROSPECTIVE JUROR 933: They live with me.

24 MS. MARLAND: I'm sorry?

25 PROSPECTIVE JUROR 933: They stay with me.

1 MS. MARLAND: They live --  
2 PROSPECTIVE JUROR 933: They stay with me --  
3 MS. MARLAND: They live with you? Okay. Got it.  
4 THE COURT: Her children are minors.  
5 PROSPECTIVE JUROR 933: They're not minor. They're --  
6 THE COURT: Oh they're not minors?  
7 PROSPECTIVE JUROR 933: Yeah.  
8 MS. MARLAND: One of them is a web developer and the  
9 other's a first grade teacher?  
10 PROSPECTIVE JUROR 933: A teacher, yes.  
11 MS. MARLAND: I mean --  
12 THE COURT: Sorry.  
13 MS. MARLAND: -- if they were minors I'd be extremely  
14 impressed. But -- so does your -- so you mentioned they live locally?  
15 PROSPECTIVE JUROR 933: Yeah, they live --  
16 MS. MARLAND: With you.  
17 PROSPECTIVE JUROR 933: -- locally with me, yes.  
18 MS. MARLAND: Okay. Got it.  
19 PROSPECTIVE JUROR 933: Same house.  
20 MS. MARLAND: Thank you so much. So working in the  
21 retail shop do you ever have to deal with difficult customers?  
22 PROSPECTIVE JUROR 933: Yes, every day.  
23 MS. MARLAND: Yeah? And how do you usually deal with  
24 them?  
25 PROSPECTIVE JUROR 933: I normally -- if they have a

1 complaint I normally let them speak and say whatever they have to say.  
2 And after they finish I would apologize and try to make things better for  
3 them to the best of my knowledge, regardless.

4 MS. MARLAND: And fair to say that sometimes it may be  
5 frustrating --

6 PROSPECTIVE JUROR 933: Yes.

7 MS. MARLAND: -- and --

8 PROSPECTIVE JUROR 933: So I just put a smile on my face  
9 and just apologize.

10 MS. MARLAND: So even if --

11 PROSPECTIVE JUROR 933: Yeah.

12 MS. MARLAND: -- you don't believe that --

13 PROSPECTIVE JUROR 933: Yes.

14 MS. MARLAND: -- there was anything wrong --

15 PROSPECTIVE JUROR 933: Yes.

16 MS. MARLAND: -- you would still do that for purposes of  
17 customer service essentially?

18 PROSPECTIVE JUROR 933: Yes.

19 MS. MARLAND: Okay. Thank you, Ms. Phetdaovieng. I'm  
20 again sorry about that.

21 PROSPECTIVE JUROR 933: It's okay.

22 MS. MARLAND: So going to Mr. Tang. Behind. Thank you.

23 PROSPECTIVE JUROR 872: Hi.

24 MS. MARLAND: Hi. So you mentioned you used to work as  
25 a casino dealer as well?



1 PROSPECTIVE JUROR 872: Right.

2 MS. MARLAND: Or in the casinos. I'm sorry, for me casinos  
3 -- so was that a yes?

4 PROSPECTIVE JUROR 872: Yes.

5 MS. MARLAND: Okay. How long did you work with the  
6 casinos?

7 PROSPECTIVE JUROR 872: Well, I was at the Palms for like  
8 six months, but I was -- I've been in the casino business for over 20  
9 years, so.

10 MS. MARLAND: Over 20 years?

11 PROSPECTIVE JUROR 872: Yeah.

12 MS. MARLAND: Okay. And have you been in Las Vegas for  
13 that long?

14 PROSPECTIVE JUROR 872: Yeah, 30 years.

15 MS. MARLAND: 30 years? Got it. And then you're married  
16 to someone who works as a sales manager at a cigar shop?

17 PROSPECTIVE JUROR 872: Yes.

18 MS. MARLAND: Do you ever gets perks of that job?

19 PROSPECTIVE JUROR 872: Yes.

20 MS. MARLAND: Nice.

21 PROSPECTIVE JUROR 872: And yeah, I smoke a lot too.

22 MS. MARLAND: Okay. So you mentioned you have a minor  
23 child?

24 PROSPECTIVE JUROR 872: 12 years old.

25 MS. MARLAND: 12 years old?

1 PROSPECTIVE JUROR 872: Uh-huh.

2 MS. MARLAND: All right. So almost a teen, but not quite  
3 yet? Or is she 12 going on 30?

4 PROSPECTIVE JUROR 872: Yes, pretty much. Right, yeah.

5 MS. MARLAND: Okay. So who -- how do you deal with -- is  
6 it a daughter or --

7 PROSPECTIVE JUROR 872: Son.

8 MS. MARLAND: Son?

9 PROSPECTIVE JUROR 872: My son, yeah.

10 MS. MARLAND: Okay. How do you deal with your son when  
11 there's some type of, you know, issue at home?

12 PROSPECTIVE JUROR 872: I believe in authority, you know,  
13 like I was going to tell you, I would get up and say that I believe in the  
14 law. But that law, there might be chaos. So I actually strongly support  
15 the police. I mean, the authority is like being -- also being a parent, so if  
16 you don't follow the rules you should be punished. So I favor more  
17 like --

18 MS. MARLAND: Okay. So are you kind of the authoritarian  
19 at home?

20 PROSPECTIVE JUROR 872: My wife is actually.

21 MS. MARLAND: I feel like most mothers are.

22 PROSPECTIVE JUROR 872: Sorry. It's just [indiscernible]  
23 and then is like, you know [indiscernible].

24 MS. MARLAND: Okay.

25 PROSPECTIVE JUROR 872: [Indiscernible].

1 MS. MARLAND: Okay. So fair to say it sounds like you're  
2 saying you believe in the judicial process we currently have?

3 PROSPECTIVE JUROR 872: I do. I mean, I strongly do. I  
4 mean, if it's not -- like I said, without the law, you know, there's chaos.  
5 You've got to follow the rules. If you want to change the rules you just  
6 run for office, you know? That's what I believe (indiscernible).

7 MS. MARLAND: Fair enough. So fair to say that you agree  
8 that the procedures that we do have currently set up help enforce the  
9 laws that our legislator in acts?

10 PROSPECTIVE JUROR 872: Yeah, strongly. As I -- after -- I  
11 keep telling because, you know --

12 MS. MARLAND: Okay.

13 PROSPECTIVE JUROR 872: -- I believe in the law. I mean,  
14 you just got to follow the rules. In life there's the rules for reason.

15 MS. MARLAND: Okay.

16 PROSPECTIVE JUROR 872: If you don't follow it you should  
17 be punished.

18 MS. MARLAND: And fair to say you also -- do you also  
19 understand that, you know, it is the State's burden to prove that, you  
20 know, the charges --

21 PROSPECTIVE JUROR 872: Yeah.

22 MS. MARLAND: -- before you guys. And if you were to  
23 return a verdict today does anyone have any issue saying that, you  
24 know, Mr. Blandino as we speak here today is innocent and not guilty?

25 PROSPECTIVE JUROR 872: Yeah. We prove he's -- you

1 know, you guys prove that actually did what he did, and I strongly agree  
2 with that.

3 MS. MARLAND: Okay. So you're saying that, you know, it is  
4 the State's burden to prove beyond a reasonable doubt that Mr. Blandino  
5 committed the crimes he's charged with?

6 PROSPECTIVE JUROR 872: Yeah. If -- yeah. If the State  
7 proves that will all the evidence and stuff that he's beyond a reasonable  
8 doubt, you know, find him guilty. We should agree to like find him guilty  
9 because --

10 MS. MARLAND: And speaking of agreements, since I've got  
11 you up there, does anyone have any trouble discussing things and  
12 deliberating with other people? I see no hands, sounds like everyone's  
13 on board for having some discussions.

14 Does anyone here feel strongly against, you know, conflict  
15 with other members potentially on the jury?

16 Does anyone feel like if, you know, a 11 people are in the  
17 room and say one thing and they say something different, does anyone  
18 have any issue sitting there and continuing to discuss?

19 PROSPECTIVE JUROR 872: If -- I have a foreman, right?  
20 Because if we don't -- if somebody's going to disagree with somebody  
21 it's going to be, you know, an argument going on forever. So it's hard to  
22 say that -- you know, when you get some people together they have  
23 different opinions and stuff.

24 MS. MARLAND: Mr. -- but I guess my question is, would you  
25 agree to continue discussing it if you do have some type of

1 disagreement with someone in the deliberation room?

2 PROSPECTIVE JUROR 872: You should because you got to  
3 come a result, right?

4 MS. MARLAND: Does anyone here feel differently? And I  
5 see no hands.

6 And Ms. Ogden, I haven't spoken to you yet.

7 PROSPECTIVE JUROR 854: Yes.

8 MS. MARLAND: Hi. Thank you, Mr. Tang.

9 PROSPECTIVE JUROR 872: All right. You're welcome.

10 PROSPECTIVE JUROR 854: Hi.

11 MS. MARLAND: Hi. So you moved here from Georgia two  
12 years ago?

13 PROSPECTIVE JUROR 854: Yes.

14 MS. MARLAND: So why Vegas?

15 PROSPECTIVE JUROR 854: Family.

16 MS. MARLAND: Okay. Are you originally from Las Vegas or  
17 do you have family here?

18 PROSPECTIVE JUROR 854: No. My significant others family  
19 is here.

20 MS. MARLAND: Okay. Do you like it better in Las Vegas or?

21 PROSPECTIVE JUROR 854: A little bit, yeah. I'm from a  
22 small town, so yeah. It's very different here.

23 MS. MARLAND: Okay. So do -- bless you. And you  
24 mentioned that you were -- you study business?

25 PROSPECTIVE JUROR 854: I did study business, yes.

1 MS. MARLAND: You did study business. And currently you  
2 work with stocks?

3 PROSPECTIVE JUROR 854: Yes. Stock transfer agency.

4 MS. MARLAND: Okay. And I have no idea what that actually  
5 means that you do, so can you tell us a little more about what you do?

6 PROSPECTIVE JUROR 854: Yeah. So in my department I'm  
7 actually in corporate actions, so if a company say was to change their  
8 name or they were to declare stock dividend or a split I would facilitate  
9 that.

10 MS. MARLAND: And how large is your company?

11 PROSPECTIVE JUROR 854: Very small actually. Very small.  
12 We are based here in Las Vegas, about 22 employees total.

13 MS. MARLAND: Okay.

14 PROSPECTIVE JUROR 854: So.

15 MS. MARLAND: And do you deal with everyone, all 22  
16 people or 21 people?

17 PROSPECTIVE JUROR 854: Bits and pieces here and there,  
18 yeah.

19 MS. MARLAND: Okay. And are you in position of authority  
20 or are you kind of --

21 PROSPECTIVE JUROR 854: Bottom of the food change. I  
22 actually started a little over six months ago, so.

23 MS. MARLAND: So making your way up?

24 PROSPECTIVE JUROR 854: Yes.

25 MS. MARLAND: And do you ever have conflict with your

1 colleagues?

2 PROSPECTIVE JUROR 854: You know, no. Not since I've  
3 been there so far, knock on wood. No. Everyone's really easy to get  
4 along with, so I was actually surprised.

5 MS. MARLAND: And how do you deal with conflict, you  
6 know, in general when you have a disagreement with someone?

7 PROSPECTIVE JUROR 854: I think it's important to hear both  
8 sides and, you know, come to an agreement together. Everyone's not  
9 going to agree with how you feel, but I think it's important to talk it out.

10 MS. MARLAND: Okay. And -- so you're of the opinion that,  
11 you know, communication is key?

12 PROSPECTIVE JUROR 854: It is key, yes.

13 MS. MARLAND: Okay. Does anyone disagree with that?  
14 No? I feel like most women always agree with that and it sounds like  
15 every man here does too, so thank you.

16 PROSPECTIVE JUROR 854: Thank you.

17 MS. MARLAND: And so everyone would be comfortable  
18 deliberating together in a room until you guys come to a decision?  
19 Seeing everyone nodding yes.

20 Thank you, Ms. Ogden.

21 PROSPECTIVE JUROR 854: Thank you.

22 MS. MARLAND: Ms. Cantu.

23 PROSPECTIVE JUROR 875: Right here.

24 MS. MARLAND: Right there. So Ms. Cantu, you mentioned  
25 you worked as a phlebotomist?

1 PROSPECTIVE JUROR 875: Yes.

2 MS. MARLAND: Drawing blood?

3 PROSPECTIVE JUROR 875: Yes.

4 MS. MARLAND: All right. And do you have to deal with a lot  
5 of people doing that?

6 PROSPECTIVE JUROR 875: Yes.

7 MS. MARLAND: Okay. Fair to say not everyone's happy  
8 about, you know, the needle part of it?

9 PROSPECTIVE JUROR 875: Oh, no. Yeah, no. More anxious  
10 than like, I don't know, angry or anything like that. So not a lot of mean  
11 people, but anxious people.

12 MS. MARLAND: Okay. And how do you kind of discuss  
13 things with them when, you know, people come in and are upset about  
14 the draw?

15 PROSPECTIVE JUROR 875: Oh I think just like telling them  
16 exactly what's happening helps the best. I don't really get personal. I  
17 just like tell them what I'm doing, and it gets them through it.

18 MS. MARLAND: Okay. And as a phlebotomist have you ever  
19 worked with law enforcement?

20 PROSPECTIVE JUROR 875: I mean, I've drawn blood off of a  
21 police officer, but no. Not like -- I haven't worked in a jail or anything like  
22 that.

23 MS. MARLAND: Okay. Fair enough. And so thank you for  
24 being the best phlebotomist as you've previously said. And how long  
25 have you been in Las Vegas?



1 PROSPECTIVE JUROR 875: My whole, I was born here.  
2 MS. MARLAND: Whole life?  
3 PROSPECTIVE JUROR 875: Yes.  
4 MS. MARLAND: Okay. Have you ever lived elsewhere?  
5 PROSPECTIVE JUROR 875: For six months I spent time at  
6 Escondido, California because my fiancée had a job there, but I don't  
7 think I was like an official resident.  
8 MS. MARLAND: Okay. And then straight back to Vegas?  
9 PROSPECTIVE JUROR 875: Yes.  
10 MS. MARLAND: Okay. And do you disagree with anything  
11 that was previously said in terms of witness testimony say?  
12 PROSPECTIVE JUROR 875: I mean, I would probably like to  
13 see evidence, but I think I can make a decision or form an opinion based  
14 on what people say.  
15 MS. MARLAND: Okay. And you'd feel comfortable sitting in  
16 judgement of someone and then also judging credibility of witnesses, et  
17 cetera?  
18 PROSPECTIVE JUROR 875: Yeah.  
19 MS. MARLAND: Yes?  
20 PROSPECTIVE JUROR 875: Yeah.  
21 MS. MARLAND: Okay. Any concerns there?  
22 PROSPECTIVE JUROR 875: No.  
23 MS. MARLAND: No?  
24 PROSPECTIVE JUROR 875: No.  
25 MS. MARLAND: All right. I'm going to take you off the hot

1 seat.

2 THE COURT: Okay. At this time we're going to have to  
3 conclude for the evening.

4 During this recess you're not to discuss or communicate with  
5 anyone including your fellow jurors in any way regarding the case or its  
6 merits, either by voice, phone, email, text, internet or other means of  
7 communication or social media, or read, watch or listen to any news or  
8 media accounts or commentary about the case, or do any research such  
9 as consulting dictionaries, using the internet or using reference  
10 materials, make any investigation, test a theory of the case, recreate any  
11 aspect of the case or in any other way investigate or learn about the case  
12 on your own, or form or express any opinion regarding the case until it's  
13 finally submitted to you.

14 The 24 that are in the box I am going to excuse you and ask  
15 that you come back tomorrow morning at 9:00 a.m. I'm sure you figured  
16 out that we cannot start until everybody, every single person is here. So  
17 if you would keep that in mind when you come back tomorrow and be,  
18 you know, courteous to your fellow jurors.

19 So at this time the record will reflect I'm going to let the 24  
20 that are in the box, you're excused. We'll see you tomorrow morning.  
21 I'm going to do them in groups.

22 [Prospective Jury out at 5:03 p.m.]

23 THE COURT: Okay. At this time Eric Surprenant, okay. You  
24 need to come back tomorrow morning at 9:00, but you are excused at  
25 this time. Thank you for being here.

1                   Rose Hinojos?

2                   PROSPECTIVE JUROR 1132: Hinojos.

3                   THE COURT: Okay. I'm sorry.

4                   PROSPECTIVE JUROR 1132: No problem.

5                   THE COURT: You need to come back tomorrow morning at  
6 9:00 o'clock and thank you very much for being here. You just come  
7 right up to the 14th floor and Officer Hawks will greet you.

8                   And Kathy Tafoya, we will see you tomorrow morning at 9:00  
9 o'clock as well. So again, if you just come up to the 14th floor and then  
10 Officer Hawks will greet you and bring you in when we are ready. And  
11 again, thank you very much for being here today.

12                  All right. And at this time Sebastian Arba, you're excused.  
13 You do not need to return, okay. Evel -- you can go. Evel Yakunda, you  
14 are excused. You do not need to come back tomorrow. Thank you for  
15 being here. Katherine -- you can go. Katherine Stephens, you are  
16 excused. Thank you for being here. You do not have to come back  
17 tomorrow.

18                  PROSPECTIVE JUROR 892: Thank you, Your Honor.

19                  THE COURT: You bet. Elkin Lopera-Munoz, okay. You are  
20 excused and you do not have to come back tomorrow. Crystal  
21 Davenport, you are excused. You do not have to come back tomorrow.  
22 Rhett Bartholomew, you are excused. You do not have to come back  
23 tomorrow.

24                  PROSPECTIVE JUROR 997: Thank you, Your Honor.

25                  THE COURT: Jasmine Livingston.

1 PROSPECTIVE JUROR 1043: Yes, ma'am.

2 THE COURT: You are excused. You do not have to come  
3 back tomorrow.

4 PROSPECTIVE JUROR 1043: Good luck everyone.

5 THE COURT: Thank you. Laurence Heiss, you are excused.  
6 Laurence Heiss.

7 PROSPECTIVE JUROR 1058: Yes, hi.

8 THE COURT: Okay. You are excused. You do not have to  
9 come back tomorrow.

10 PROSPECTIVE JUROR 1058: Thank you, Your Honor.

11 THE COURT: Emilia Michener, you are excused. You do not  
12 have to come back tomorrow.

13 PROSPECTIVE JUROR 1078: Thank you, Your Honor.

14 THE COURT: Mabel Magana, you are excused. You do not  
15 have to come back tomorrow. Brian Berg, you are excused. You do not  
16 have to come back tomorrow.

17 Okay. And then -- okay. Everybody else that's here --  
18 because I told the jury to come back, right?

19 THE CLERK: I can read their names.

20 THE COURT: Okay. Go ahead.

21 THE CLERK: Mei Wang.

22 THE COURT: You're excused. Do not have to come back  
23 tomorrow.

24 PROSPECTIVE JUROR 865: Thank you.

25 THE CLERK: Maria --

1 THE COURT: You bet.

2 THE CLERK: Maria Lejardi.

3 THE COURT: You are excused. You do not have to come  
4 back tomorrow.

5 PROSPECTIVE JUROR 945: Thank you. It was a pleasure.

6 THE CLERK: Samuel Villanueva.

7 THE COURT: Mr. Villanueva, you are excused. You do not  
8 have to come back tomorrow.

9 PROSPECTIVE JUROR 951: Thank you, Your Honor.

10 THE CLERK: Puanani Lonetti.

11 THE COURT: You are excused. You do not have to come  
12 back tomorrow and good luck to you.

13 THE CLERK: Milton Linn.

14 THE COURT: You're excused. You do not have to come back  
15 tomorrow.

16 PROSPECTIVE JUROR 1001: Thank you, Your Honor.

17 THE CLERK: And Damario Lomax. Oh and I've got one  
18 more.

19 THE COURT: Mr. Lomax, you're excused. Thank you for  
20 being here. You do not have to come back tomorrow.

21 THE CLERK: Last one is Jose Pineda.

22 THE COURT: Mr. Pineda, you're excused. You do not have  
23 to come back tomorrow.

24 PROSPECTIVE JUROR 1009: Thank you, Your Honor.

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

1                   Okay. The record will reflect that the hearing is taking place -  
2 - no Mr. Bateman, you do have to be back here tomorrow morning.

3                   MR. BATEMANN: Are you sure? Check it again.

4                   MR. DICKERSON: Nice try.

5                   MR. BATEMANN: It was like I was waiting for my name.

6                   MR. DICKERSON: Not too bad.

7                   MR. BATEMANN: I was waiting for my name. Oh well.

8                   THE COURT: So we have three left on this panel and the jury  
9 commissioner's going to have nine more tomorrow incase --

10                  MR. DICKERSON: Okay. I appreciate it, Your Honor.

11                  THE COURT: -- we need any additional jurors.

12                  MR. DICKERSON: Thank you.

13                  MR. BATEMANN: All right.

14                  THE DEFENDANT: Nine more did she say?

15                  THE CLERK: 10 more at 9:00.

16                  THE DEFENDANT: Nine more.

17                  THE COURT: 10 more?

18                  MR. BATEMANN: Thank you.

19                  THE CLERK: Uh-huh.

20                  MR. DICKERSON: Thank you.

21                  MR. BATEMANN: 10 more at 9:00.

22                  THE COURT: Okay. 10 more.

23                  MR. BATEMANN: That's right.

24                  THE COURT: And if we need more we'll get more.

25                  MR. DICKERSON: So Your Honor, we're starting at 9:00

1 tomorrow?

2 THE COURT: That's correct.

3 MR. DICKERSON: When will -- when do expect to take a  
4 lunch?

5 THE COURT: As close to noon --

6 MR. DICKERSON: Noonish.

7 THE COURT: -- as possible.

8 MR. DICKERSON: Okay, great.

9 THE COURT: I mean --

10 MR. DICKERSON: Okay, fantastic.

11 THE COURT: I think you all will be done with jury selection.

12 MR. DICKERSON: Yeah.

13 MR. BATEMANN: Hopefully. And I have two hearings at  
14 8:00 tomorrow, so --

15 THE COURT: Okay.

16 MR. BATEMANN: -- they should be done in time, but --

17 THE CLERK: Well, Mr. Bateman --

18 THE COURT: Okay.

19 MR. BATEMANN: -- they're not always --

20 THE CLERK: -- just let me know who it's with and I'll email  
21 their clerk to get you called.


22 MR. BATEMANN: Okay. The one I'm concerned is a lower  
23 level arraignment. It's just a --

24 THE CLERK: Okay, yeah.

25 MR. BATEMANN: -- guilty plea.

1 THE CLERK: Just email me --  
2 MR. BATEMANN: Okay.  
3 THE COURT: Okay.  
4 THE CLERK: -- your case information.  
5 MR. BATEMANN: Awesome.  
6 THE COURT: Yeah. We'll tell them to call your case --  
7 MR. BATEMANN: All right. Give me a golden ticket, right, to  
8 the front of the line.  
9 THE COURT: -- so you can get done.  
10 MR. DICKERSON: Goodnight.  
11 THE COURT: Goodnight everyone.  
12 [Proceedings adjourned at 5:08 p.m.]

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19  
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
21 audio-visual recording of the proceeding in the above entitled case to the  
best of my ability.

22   
23 \_\_\_\_\_  
Maukele Transcribers, LLC  
24 Jessica B. Cahill, Transcriber, CER/CET-708  
25



## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **APPELANT'S APPENDIX V** with the Clerk of the Court by using the electronic filing system on the 27<sup>th</sup> day of March 2023.

The following participants in this case are registered electronic filing system users and will be served electronically:

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