

IN THE SUPREME COURT OF THE STATE OF NEVADA

GUILLERMO RENTERIA-NOVOA,

Appellant,

vs.

RENEE BAKER, WARDEN,
Lovelock Correctional Center

Supreme Court Case No. 84656

District Court Case No. C268285-1

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**APPELLANT'S APPENDIX
Volume II**

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Renteria-Novoa v. Warden Case No. 84656

INDEX TO APPELLANT'S APPENDIX

<u>Document</u>	<u>Page</u>
Amended Information	18-32
Findings of Fact, Conclusions of Law and Order 5-27-2015	1104-1108
Findings of Fact, Conclusions of Law and Order 4-27-2022	1419-1435
Information	1-17
Judgment of Conviction	1046-1053
Notice of Appeal 10-5-2012	1054-1057
Notice of Appeal 4-29-2022	1436-1438
Notice of Entry	1418
Order of Affirmance	1069-1076
Order of Reversal and Remand	1109-1116
Pro Per Petition for Writ of Habeas Corpus	1078-1092
Remittitur 10-21-2014	1077
Remittitu 4-24-2017	1117
Reply to State's Response to Supplemental Memorandum	1376-1391
Second Amended Information	33-42
State's Answering Brief (Direct Appeal)	1439-1520
State's Response to Pro Per Petition for Writ of Habeas Corpus	1093-1103
State's Response to Supplemental Memorandum	1356-1375
Supplemental Memorandum	1118-1355

<u>Transcript/Minutes</u>	<u>Page</u>
Transcript of Evidentiary Hearing	1392-1417
Transcript of Jury Trial Day 1	44-378
Transcript of Jury Trial Day 2	379-559
Transcript of Jury Trial Day 3	560-832
Transcript of Jury Trial Day.4	833-1045
Transcript of Sentencing	1058-1068

1 So I think what we're going to do now, since we don't know
2 when the second interpreter is going to come, let's bring the
3 jury in, and I'll ask Mr. Aguilar --

4 First I'm going to ask Ms. Martinez, now that she has
5 an interpreter, if there's any -- anything that she wants to
6 add in response to the questions that we've already gone over.
7 And then I'll ask Mr. Aguilar a little bit and see what his
8 level of comprehension is, is he understanding the questions
9 that have been asked so far and those kinds of things, and see
10 if we can proceed or not with -- without a second Spanish
11 interpreter.

12 You know what. Let's do this. Let's bring
13 Mr. Aguilar in separately actually. And then we'll question
14 him so he's not embarrassed in front of everybody. And -- I
15 was going to say let's bring Ms. Martinez in also, but Randy's
16 out.

17 THE MARSHAL: Do you want me to tell him?

18 THE COURT: Yeah. Let's bring 69, Ms. Martinez in
19 also.

20 (Prospective Jurors No. 68 and 69 enter the courtroom.)

21 THE COURT: Hi, Mr. Aguilar. Can you -- we need him
22 kind of near a microphone. Can you step up here kind of in
23 between these two tables.

24 All right. Ms. Martinez, come up here for a second.
25 This is Josephina. She is an interpreter. Okay. Before we

1 start, I wanted to ask you, I know I asked a bunch of
2 questions this morning. Did you understand all the questions
3 that I asked this morning? Do you want me to repeat any of
4 them?

5 PROSPECTIVE JUROR NO. 069: Yes. I understood all
6 the questions.

7 THE COURT: Okay. Were there any that you wanted me
8 to repeat for you now that you have the assistance of an
9 interpreter?

10 PROSPECTIVE JUROR NO. 069: No.

11 THE COURT: Are you the second interpreter?

12 THE INTERPRETER: Mm-hmm.

13 THE COURT: Oh, good. Excellent. For the record,
14 what is your name?

15 THE INTERPRETER: Yul Haasmann, Y-u-l. Haasmann,
16 H-a-a-s-m-a-n-n.

17 THE COURT: All right. I appreciate your being here.
18 This is Mr. Aguilar. He is a prospective juror in this case.
19 He indicated earlier that English is not his native language.

20 Now, now that we have the assistance of a second
21 Spanish interpreter present, Mr. Aguilar, this morning I asked
22 a series of questions to all the members of the prospective
23 jury. Did you understand all my questions, or are there any
24 that you want me to repeat now that you have the interpreter
25 here?

1 PROSPECTIVE JUROR NO. 068: I understood what he
2 asked me. What he was asking in general, I didn't catch it.

3 THE COURT: Okay. Let me ask you some questions.
4 Have you ever been convicted of a felony in the United States?

5 PROSPECTIVE JUROR NO. 068: No.

6 MS. FELICIANO: Judge, I'm sorry. I didn't catch
7 this. It's probably my mistake, but have we stated his badge
8 number for the record, since we're going to be doing
9 questioning?

10 THE COURT: In case I did not, Mr. Aguilar's badge
11 number is 68.

12 Mr. Aguilar, are you a citizen of the United States?

13 PROSPECTIVE JUROR NO. 068: Yes.

14 THE COURT: Let's see here. Are you acquainted with
15 any of the attorneys in this case, or any of the names that
16 were read to you earlier today?

17 PROSPECTIVE JUROR NO. 068: No.

18 THE COURT: Other than your language issue that you
19 mentioned, is there any reason why you could not serve as a
20 juror in this case for the rest of this week?

21 PROSPECTIVE JUROR NO. 068: I am unemployed. Right
22 now I am available.

23 THE COURT: Okay. Have you ever been engaged in law
24 enforcement work or have a close relative who's been engaged
25 in law enforcement work?

1 PROSPECTIVE JUROR NO. 068: No.

2 THE COURT: All right. Would you be able to follow
3 all instructions that I give on the law, even if the
4 instructions differ from your personal beliefs regarding what
5 the law should be?

6 PROSPECTIVE JUROR NO. 068: Yes.

7 THE COURT: Okay. Under our system there are certain
8 principles of law that apply in every criminal trial. They
9 are that the Information filed in this case is a mere
10 accusation and not itself evidence of guilt, that the
11 defendant is presumed innocent and the State must prove that
12 the defendant is guilty beyond a reasonable doubt. Do you
13 understand and agree with these basic principles of law?

14 PROSPECTIVE JUROR NO. 068: I agree with the law
15 must -- that the law must comply with the law.

16 THE COURT: Whether you agree with it or not?

17 PROSPECTIVE JUROR NO. 068: I agree.

18 THE COURT: Okay. Do you think that you might know
19 anything about this case other than what you've heard in the
20 court today?

21 PROSPECTIVE JUROR NO. 068: No. Because my degree in
22 my school up to the grade ten, I don't have much --

23 THE COURT: I'm not sure what he said.

24 PROSPECTIVE JUROR NO. 068: I mean, I don't have too
25 much experience.

1 THE COURT: No. I --

2 PROSPECTIVE JUROR NO. 068: [Unintelligible] listen
3 to the language because I don't understand it.

4 THE COURT: Okay. The question is: Do you think
5 that you might know something about this case; for example,
6 maybe you think you saw it on the Internet or heard it on the
7 news or read about it in the newspaper?

8 PROSPECTIVE JUROR NO. 068: No, no. Not me.

9 THE COURT: Do you want to just go ahead and do all
10 the questions, his biography, you know, where he works, that
11 kind of thing right now while we have him, or just...

12 MR. FELICIANO: It's up to the Court. I'd really
13 like to do it, I guess, while we're here. I mean, we can
14 [inaudible] while we're here.

15 THE COURT: No. Let's just -- we'll cover that when
16 we get to him then. Were there any other questions that I
17 missed? Let me just double-check my list here that I asked
18 everybody else.

19 MS. FLECK: You asked victim and accused?

20 THE COURT: Well, that goes with the individual one
21 by one.

22 MS. FLECK: What does he do for work?

23 THE COURT: He said he's unemployed, right?

24 MS. FLECK: Yeah, from what though?

25 THE COURT: What did you used to do before you were

1 unemployed?

2 PROSPECTIVE JUROR NO. 068: The whole time that I
3 have been here in the U.S. I have been a carpenter.

4 THE COURT: Okay. You know what. I did miss one
5 question. Do you have any close relatives or friends who
6 either work for the DA's office or might work for or are
7 criminal defense attorneys?

8 PROSPECTIVE JUROR NO. 068: No.

9 THE COURT: All right. Well, at least that catches
10 him up to where we are. All right. Let's do this. We might
11 as well keep the two of them in here and bring the rest of the
12 jurors in here and have them seated. Let's have the two of
13 them maybe sit kind of somewhere on that side, because there's
14 no more seats over there for the interpreters. All right.

15 All right. Let's bring them all in then. And you
16 know what, yeah, maybe just kind of in the back corner there.

17 Is there anything either side wanted to put on the
18 record before we bring the members of the prospective jury in?

19 MR. FELICIANO: No, Judge.

20 MS. FLECK: Nothing from the State.

21 THE COURT: All right. Let's bring them in then.

22 (Prospective jurors enter at 1:52 p.m.)

23 THE COURT: Will counsel stipulate to the presence of
24 the prospective jurors?

25 MS. FLECK: State stipulates, Your Honor.

1 MR. FELICIANO: Yes, Your Honor.

2 THE COURT: All right. Ladies and gentlemen, thank
3 you very much. I apologize for making you guys wait out in
4 the hallway for a few minutes, but you might remember that two
5 members of the prospective panel here today requested the
6 assistance of interpreters.

7 We now have some interpreters, so I wanted to make
8 sure that they were all caught up and up to speed on some of
9 the questions and they understood everything that had happened
10 today. So I had to make sure they were all on the same page.
11 I do apologize for making you guys wait, but hopefully you'll
12 understand why that happened.

13 All right. When we left off I was with Mr. Anderson.
14 Right. Where's the microphone, Randy? Do we have it? I
15 don't know what you did with it. Are we missing some people?

16 THE MARSHAL: Yeah, I think so, because I only count
17 [inaudible] 32 and then there's 23, so that's 55, and we're
18 short -- and we've only excused three.

19 THE CLERK: We've excused five.

20 THE MARSHAL: We have?

21 THE CLERK: Mm-hmm. Number 84 and [inaudible].

22 THE MARSHAL: Did I miss two?

23 THE CLERK: Mm-hmm.

24 (Inaudible discussion.)

25 THE COURT: All right. Let's get the microphone to

1 Mr. Anderson. Mr. Anderson, when we left, you had indicated
2 that you had a couple of very minor misdemeanor cases which
3 have now been closed. So the question is: Was there anything
4 about those experiences that might cause you to hesitate or
5 might cause any issues with you serving as a juror in this
6 case?

7 PROSPECTIVE JUROR NO. 057: No.

8 THE COURT: Do you think that you were treated fairly
9 by the police and the DA's office in your cases?

10 PROSPECTIVE JUROR NO. 057: No, not with the first
11 obstruction charge, but I figured I couldn't do much about it.

12 THE COURT: Who charged you? Was it the Clark County
13 DA's Office or someone else, Henderson city attorney?

14 PROSPECTIVE JUROR NO. 057: Henderson, I believe.

15 THE COURT: Henderson city attorney. All right. So
16 you don't think that you were necessarily treated fairly, and
17 that was the Henderson police, right?

18 PROSPECTIVE JUROR NO. 057: Yes, sir.

19 THE COURT: So given that feeling and, you know, I
20 don't know exactly what happened obviously, but let's say in
21 fact you were treated unfairly by either the Henderson police
22 or the Henderson city attorney's office, would that cause you
23 any concerns?

24 Could you be fair and impartial toward the Metro
25 police witnesses who testify in this case and the Clark County

1 DA's Office in this case? Would you hold it against them
2 that, you know, whatever happened in your other case?

3 PROSPECTIVE JUROR NO. 057: No.

4 THE COURT: Okay. You could be fair and impartial?

5 PROSPECTIVE JUROR NO. 057: Yes.

6 THE COURT: All right. I can't recall if I asked
7 this or not, but have you or anyone close to you ever been the
8 victim of a crime either sexual in nature or otherwise?

9 PROSPECTIVE JUROR NO. 057: No.

10 THE COURT: Can I get you to pass the microphone.
11 Hi. What is your badge number?

12 PROSPECTIVE JUROR NO. 013: 013.

13 THE COURT: Ms. Barrow.

14 PROSPECTIVE JUROR NO. 013: Yes.

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

16 PROSPECTIVE JUROR NO. 013: I am a teacher for the
17 Clark County School District.

18 THE COURT: How long have you done that?

19 PROSPECTIVE JUROR NO. 013: This is my seventh year.

20 THE COURT: Are you married?

21 PROSPECTIVE JUROR NO. 013: Yes.

22 THE COURT: And what does your husband do?

23 PROSPECTIVE JUROR NO. 013: He is a tile setter.

24 THE COURT: Okay. Any kids?

25 PROSPECTIVE JUROR NO. 013: Yes.

1 THE COURT: How old?

2 PROSPECTIVE JUROR NO. 013: I have twins.

3 They're 15.

4 THE COURT: Boys, girls?

5 PROSPECTIVE JUROR NO. 013: Boys.

6 THE COURT: Fifteen-year-old twins. All right. Ever
7 served on a jury before?

8 PROSPECTIVE JUROR NO. 013: No.

9 THE COURT: Have you or anyone close to you ever been
10 the victim of a crime either sexual in nature or otherwise?

11 PROSPECTIVE JUROR NO. 013: My house was burglarized
12 a year and a half ago.

13 THE COURT: Here in Las Vegas?

14 PROSPECTIVE JUROR NO. 013: Yes. North Las Vegas.

15 THE COURT: I'm sorry. North Las Vegas?

16 PROSPECTIVE JUROR NO. 013: Yes.

17 THE COURT: Did you call the police?

18 PROSPECTIVE JUROR NO. 013: Yes.

19 THE COURT: And did they respond?

20 PROSPECTIVE JUROR NO. 013: Yes.

21 THE COURT: And that was the North Las Vegas police?

22 PROSPECTIVE JUROR NO. 013: [No audible response.]

23 THE COURT: Did they catch anybody?

24 PROSPECTIVE JUROR NO. 013: No, not that I know of.

25 THE COURT: How do you -- how do you feel about the

1 job they did?

2 PROSPECTIVE JUROR NO. 013: I thought that --

3 THE COURT: Obviously it would have been better if
4 they caught somebody, but do you think that they -- is there
5 anything about their investigation that you think you have any
6 feelings, strong feelings one way or the other?

7 PROSPECTIVE JUROR NO. 013: No. I thought they did
8 okay.

9 THE COURT: Have you ever received a subpoena to
10 testify in trial?

11 PROSPECTIVE JUROR NO. 013: No.

12 THE COURT: So anything about that incident that
13 might cause you to be anything other than fair and impartial
14 in this case?

15 PROSPECTIVE JUROR NO. 013: No. I don't believe so.

16 THE COURT: Have you or anyone close to you ever been
17 accused of a crime, whether or not there was a conviction, and
18 either a crime that's sexual in nature or otherwise?

19 PROSPECTIVE JUROR NO. 013: Yes. My brother has
20 served time in two states outside Nevada.

21 THE COURT: Your brother has served time for what?

22 PROSPECTIVE JUROR NO. 013: In California, I believe
23 it was armed robbery. And in Texas it was breaking and
24 entering, I think.

25 THE COURT: Okay. How long ago was that?

1 PROSPECTIVE JUROR NO. 013: I believed -- I believe
2 the armed robbery was in 1994, and the breaking and entering
3 was probably in, I want to say 2000.

4 THE COURT: How many brothers do you have? Is this
5 the same brother that was the police officer, or not?

6 PROSPECTIVE JUROR NO. 013: No. I have two brothers.

7 THE COURT: Okay. Got you.

8 PROSPECTIVE JUROR NO. 013: Very different.

9 THE COURT: Just wanted to clarify that. Do you
10 think that he was treated fairly or unfairly by the system?

11 PROSPECTIVE JUROR NO. 013: I think he was treated
12 pretty fairly.

13 THE COURT: So is there anything about what happened
14 to him, anything he went through with the court system or
15 anything like that, that might cause you to be something other
16 than fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 013: No. I don't believe so.

18 THE COURT: I appreciate it. Can you pass the
19 microphone.

20 Hi. What is your badge number?

21 PROSPECTIVE JUROR NO. 016: 016.

22 THE COURT: Mr. Cordero.

23 PROSPECTIVE JUROR NO. 016: Yes.

24 THE COURT: Excellent. What do you do for a living?

25 PROSPECTIVE JUROR NO. 016: I'm engineer in Primm

1 Valley Resorts & Casino in Primm, Nevada.

2 THE COURT: How long have you done that?

3 PROSPECTIVE JUROR NO. 016: Nine years and six
4 months.

5 THE COURT: Are you married?

6 PROSPECTIVE JUROR NO. 016: Divorced.

7 THE COURT: Any kids?

8 PROSPECTIVE JUROR NO. 016: Two, 26 and 22.

9 THE COURT: How old, 22 and what?

10 PROSPECTIVE JUROR NO. 016: Twenty-six.

11 THE COURT: Twenty-six and 22.

12 PROSPECTIVE JUROR NO. 016: Oh, no, no. Twenty-four.
13 Twenty-four and 22.

14 THE COURT: Oh, 54 [sic]. Okay. Any grandkids?

15 PROSPECTIVE JUROR NO. 016: No.

16 THE COURT: Are your kids boys or girls?

17 PROSPECTIVE JUROR NO. 016: They're both girl.

18 THE COURT: Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 016: No. This is the first
20 time.

21 THE COURT: Have you or anyone close to you ever been
22 the victim of a crime either sexual in nature or otherwise?

23 PROSPECTIVE JUROR NO. 016: No.

24 THE COURT: Have you or anyone close to you ever been
25 accused of a crime, whether or not there was a conviction,

1 either sexual in nature or otherwise?

2 PROSPECTIVE JUROR NO. 016: No.

3 THE COURT: Let me get you to pass the microphone.

4 Hi. What is your badge number?

5 PROSPECTIVE JUROR NO. 017: 017.

6 THE COURT: Mr. Helbert.

7 PROSPECTIVE JUROR NO. 017: Yes.

8 THE COURT: I know your brother is an attorney. What
9 do you do for a living?

10 PROSPECTIVE JUROR NO. 017: That's my daughter.

11 THE COURT: Daughter.

12 PROSPECTIVE JUROR NO. 017: Yes. I'm sorry. I am
13 chief engineer at the Venetian.

14 THE COURT: For who?

15 PROSPECTIVE JUROR NO. 017: Venetian Palazzo Casino
16 Resort.

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

18 PROSPECTIVE JUROR NO. 017: I've been with the
19 company 14 years.

20 THE COURT: Are you married?

21 PROSPECTIVE JUROR NO. 017: Yes.

22 THE COURT: What does your wife do?

23 PROSPECTIVE JUROR NO. 017: She's a librarian for the
24 Clark County School District.

25 THE COURT: Okay. Any kids?

1 PROSPECTIVE JUROR NO. 017: Two.

2 THE COURT: How old, boys or girls?

3 PROSPECTIVE JUROR NO. 017: A girl 31, and a boy 29.

4 No grandchildren.

5 THE COURT: Ever served on a jury before?

6 PROSPECTIVE JUROR NO. 017: Yes.

7 THE COURT: Where and when?

8 PROSPECTIVE JUROR NO. 017: Here about two years ago,
9 two and a half, three.

10 THE COURT: Was it a criminal or civil case?

11 PROSPECTIVE JUROR NO. 017: Criminal.

12 THE COURT: It's a criminal case. And did you
13 actually end up on the jury, you go back in the jury room and
14 deliberate?

15 PROSPECTIVE JUROR NO. 017: Yes, I did.

16 THE COURT: Okay. Without telling us what the
17 verdict was, did the jury reach a verdict?

18 PROSPECTIVE JUROR NO. 017: On about half of the
19 counts.

20 THE COURT: And what happened on the other half? Was
21 it a hung jury?

22 PROSPECTIVE JUROR NO. 017: Yes.

23 THE COURT: Were you the foreperson?

24 PROSPECTIVE JUROR NO. 017: No.

25 THE COURT: Anything about that experience -- who was

1 the prosecuting entity? Was it the Clark County DA's Office?

2 PROSPECTIVE JUROR NO. 017: Yes.

3 THE COURT: Was it a case that involved Metro or a
4 different organization?

5 PROSPECTIVE JUROR NO. 017: Metro.

6 THE COURT: Anything about that jury that might cause
7 you to hesitate about serving again on another criminal case?

8 PROSPECTIVE JUROR NO. 017: No. Nothing.

9 THE COURT: Let me get you to pass the microphone.
10 What is your badge number?

11 PROSPECTIVE JUROR NO. 027: 027.

12 THE COURT: Oh, two, seven. Mr. Parry.

13 PROSPECTIVE JUROR NO. 027: Yes.

14 THE COURT: All right. What do you do for a living?

15 PROSPECTIVE JUROR NO. 027: I'm retired.

16 THE COURT: What did you use to do?

17 PROSPECTIVE JUROR NO. 027: I was a firefighter.

18 THE COURT: Here or somewhere else?

19 PROSPECTIVE JUROR NO. 027: North Las Vegas.

20 THE COURT: Married?

21 PROSPECTIVE JUROR NO. 027: Yes.

22 THE COURT: And what does your wife do?

23 PROSPECTIVE JUROR NO. 027: She substitute teaches
24 for Clark County School District.

25 THE COURT: Any kids?

1 PROSPECTIVE JUROR NO. 027: Four.

2 THE COURT: How old and are they boys or girls?

3 PROSPECTIVE JUROR NO. 027: Two boys, two girls. The
4 oldest is 36, the youngest is 25.

5 THE COURT: Any grandkids?

6 PROSPECTIVE JUROR NO. 027: Three.

7 THE COURT: How old are they?

8 PROSPECTIVE JUROR NO. 027: Four, two and three
9 months.

10 THE COURT: Okay. Ever served on a jury before?

11 PROSPECTIVE JUROR NO. 027: Yes.

12 THE COURT: Where and when?

13 PROSPECTIVE JUROR NO. 027: Here, probably 20 years
14 ago.

15 THE COURT: Was it a civil or criminal case?

16 PROSPECTIVE JUROR NO. 027: Civil.

17 THE COURT: And did you actually end up on the jury?

18 PROSPECTIVE JUROR NO. 027: Yes.

19 THE COURT: Without telling us what the verdict was,
20 did you reach a verdict?

21 PROSPECTIVE JUROR NO. 027: Yes.

22 THE COURT: And were you the foreperson?

23 PROSPECTIVE JUROR NO. 027: No.

24 THE COURT: What was the subject matter of the case,
25 if you remember generally?

1 PROSPECTIVE JUROR NO. 027: It was a civil suit. The
2 gentleman's mother-in-law ran into him, pinched him between
3 two cars.

4 THE COURT: Okay. So it's a personal injury type
5 action?

6 PROSPECTIVE JUROR NO. 027: Yes.

7 THE COURT: Anything about that experience that would
8 cause you to hesitate about serving as a juror in a criminal
9 case?

10 PROSPECTIVE JUROR NO. 027: Not -- that it just took
11 a long time to get over with.

12 THE COURT: Was it a multi-week trial or -- are you
13 talking about the trial or the deliberation?

14 PROSPECTIVE JUROR NO. 027: No. It just took -- it
15 just took four days. At the time I got four days off from the
16 fire department and it took all my four days, so I wasn't real
17 happy about that.

18 THE COURT: Okay. Have you or anyone close to you
19 ever been the victim of a crime either of a sexual nature or
20 otherwise?

21 PROSPECTIVE JUROR NO. 027: No.

22 THE COURT: Have you or anyone close to you ever been
23 accused of a crime, whether or not there was a conviction,
24 either sexual in nature or otherwise?

25 PROSPECTIVE JUROR NO. 027: No.

1 THE COURT: Let me get you to pass the microphone.

2 PROSPECTIVE JUROR NO. 027: One other thing. My
3 daughter-in-law is an attorney here in Las Vegas.

4 THE COURT: Oh. What's her name?

5 PROSPECTIVE JUROR NO. 027: Maren Parry. And also my
6 first cousin, Stan Parry, is also an attorney here.

7 THE COURT: Oh. Okay. He's your first cousin?

8 PROSPECTIVE JUROR NO. 027: Yes.

9 THE COURT: Have they -- do they do criminal defense?

10 PROSPECTIVE JUROR NO. 027: I'm not sure. My
11 daughter-in-law doesn't. I'm not sure if Stan does or not.

12 THE COURT: Have they, through the conversations that
13 you may have had with them, said anything to you that might be
14 a concern, anything that -- do they talk about cases of this
15 nature? Do they talk about criminal defense, any, you know,
16 things like that?

17 PROSPECTIVE JUROR NO. 027: No.

18 THE COURT: All right. I appreciate it. Thanks very
19 much for the clarification.

20 Hi. What is your badge number?

21 PROSPECTIVE JUROR NO. 024: 024.

22 THE COURT: Ms. Mashas, right?

23 PROSPECTIVE JUROR NO. 024: Correct.

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

25 PROSPECTIVE JUROR NO. 024: I'm a certified public

1 accountant.

2 THE COURT: How long have you done that?

3 PROSPECTIVE JUROR NO. 024: Thirty-plus years.

4 THE COURT: All in Las Vegas, or somewhere else?

5 PROSPECTIVE JUROR NO. 024: All in between --
6 basically Las Vegas. Part of the time I was a public
7 accountant, part of the time I was in private industry.

8 THE COURT: Are you married?

9 PROSPECTIVE JUROR NO. 024: I am.

10 THE COURT: What does your husband do?

11 PROSPECTIVE JUROR NO. 024: He's a security
12 consultant.

13 THE COURT: For who?

14 PROSPECTIVE JUROR NO. 024: Accuvant.

15 THE COURT: I'm not familiar. Are there -- when you
16 say security consultant, is he -- is he --

17 PROSPECTIVE JUROR NO. 024: Data security. So he --

18 THE COURT: Oh, data security. Okay. Any kids?

19 PROSPECTIVE JUROR NO. 024: Together we have five
20 ranging from 13 to 31.

21 THE COURT: Boys, girls?

22 PROSPECTIVE JUROR NO. 024: Three boys, two girls.

23 THE COURT: Ever served on a jury before?

24 PROSPECTIVE JUROR NO. 024: No.

25 THE COURT: Have you or anyone close to you ever been

1 the victim of a crime either sexual in nature or otherwise?

2 PROSPECTIVE JUROR NO. 024: No.

3 THE COURT: Have you or anyone close to you ever been
4 accused of a crime, whether or not there was a conviction,
5 whether that crime was sexual in nature or otherwise?

6 PROSPECTIVE JUROR NO. 024: Yes.

7 THE COURT: Okay. Can you explain who, where, when?

8 PROSPECTIVE JUROR NO. 024: This is difficult. My
9 brother is convicted of sexual assault, similar charges as the
10 defendant.

11 THE COURT: Here in Las Vegas or somewhere else?

12 PROSPECTIVE JUROR NO. 024: Here.

13 THE COURT: Okay. He was convicted. What year was
14 the conviction?

15 PROSPECTIVE JUROR NO. 024: 2007.

16 THE COURT: 2007. Was he prosecuted, I'm assuming,
17 by the Clark County DA's Office?

18 PROSPECTIVE JUROR NO. 024: Yes.

19 THE COURT: Was he -- is he incarcerated now, or he's
20 on probation, or...

21 PROSPECTIVE JUROR NO. 024: He's incarcerated now.

22 THE COURT: Were you involved in that case in any
23 way? Did you testify at the trial or anything like that?

24 PROSPECTIVE JUROR NO. 024: No. I was involved in
25 helping him.

1 THE COURT: Okay. How do you feel about that? Does
2 that cause you any concerns about sitting as a juror in this
3 criminal case?

4 PROSPECTIVE JUROR NO. 024: Yeah. I'm -- it scares
5 the bejeebers out of me, because I'm just -- I understood what
6 he went through. I don't know if he really did it or didn't
7 do it. I just don't like the process that he went through
8 with the police, with the attorney and the whole system. It
9 just didn't make any sense to me, the whole process.

10 THE COURT: Okay. Well, I mean, obviously I don't
11 know anything about your brother's case. What was your
12 brother's name, by the way?

13 PROSPECTIVE JUROR NO. 024: Do I really have to tell
14 you?

15 THE COURT: Well --

16 PROSPECTIVE JUROR NO. 024: I'll tell you. It's Paul
17 Provenzano [phonetic].

18 THE COURT: Okay. So I understand -- you know, I
19 guess, so do you feel that your brother was treated unfairly
20 by the system; is that what you're saying, or you just didn't
21 understand how the system works?

22 PROSPECTIVE JUROR NO. 024: Just from what I knew
23 what happened with the police and with the interview, I think
24 a lot of it was entrapment. I don't -- as I said, I don't
25 know if he really did it or didn't do it, but from what

1 happened, from what he told us that happened with the police,
2 it was somewhat entrapment getting him to agree to what they
3 were telling him that he should say.

4 THE COURT: Okay. Did you recognize any of the names
5 that were read to you earlier of the potential witnesses in
6 this case?

7 PROSPECTIVE JUROR NO. 024: No. Didn't recognize the
8 police officer's name.

9 THE COURT: Well, obviously I don't know the
10 circumstances of your brother's case. I don't know if he was
11 guilty or innocent obviously. But I mean, what happened to
12 him may or may not be something that happened in other cases.
13 But -- and obviously you haven't heard the evidence in this
14 case, so you don't know that either. But do you think that
15 you could put aside any concerns that you have about how he
16 was treated and be fair and impartial in this case?

17 PROSPECTIVE JUROR NO. 024: I am not sure.

18 THE COURT: Okay. You are not sure.

19 PROSPECTIVE JUROR NO. 024: I would weigh the
20 evidence, but I would have this slanted view in the back of my
21 mind of how he was treated, and I do have concerns even with
22 my 13-year-old. I won't let anyone take care of him, because
23 I'm afraid of people now.

24 THE COURT: Do you remember which judge he appeared
25 in front of, whose courtroom it was?

1 PROSPECTIVE JUROR NO. 024: Yeah. Valerie Adair.

2 THE COURT: All right. I appreciate it, and I know
3 it was difficult for you. I appreciate it. Can you pass the
4 microphone.

5 What is your badge number?

6 PROSPECTIVE JUROR NO. 023: 023.

7 THE COURT: Is it Ms. Shanor?

8 PROSPECTIVE JUROR NO. 023: Shanor is correct.

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

10 PROSPECTIVE JUROR NO. 023: I am the AP manager for
11 the Marshall Retail Group.

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

13 PROSPECTIVE JUROR NO. 023: Nine years.

14 THE COURT: All in Las Vegas?

15 PROSPECTIVE JUROR NO. 023: Yes, sir.

16 THE COURT: Are you married?

17 PROSPECTIVE JUROR NO. 023: Yes, I am.

18 THE COURT: What does your husband do?

19 PROSPECTIVE JUROR NO. 023: He's a painter.

20 THE COURT: Any kids?

21 PROSPECTIVE JUROR NO. 023: I have two children, a
22 daughter 35, and a son 30.

23 THE COURT: Any grandkids?

24 PROSPECTIVE JUROR NO. 023: I have four
25 grandchildren. I have a granddaughter 14. I have a

1 granddaughter four. I have a grandson nine, and I have a
2 grandson five.

3 THE COURT: Ever served on a jury before?

4 PROSPECTIVE JUROR NO. 023: No, sir.

5 THE COURT: Have you or anyone close to you ever been
6 the victim of a crime either sexual in nature or otherwise?

7 PROSPECTIVE JUROR NO. 023: My father was a -- for
8 domestic violence, but that was some 40 years ago.

9 THE COURT: He was the victim or he was accused?

10 PROSPECTIVE JUROR NO. 023: He was -- against my
11 mother.

12 THE COURT: Okay. That was 40 years ago?

13 PROSPECTIVE JUROR NO. 023: Yes.

14 THE COURT: Here or somewhere else?

15 PROSPECTIVE JUROR NO. 023: In Pennsylvania, sir.

16 THE COURT: Pennsylvania. Anything about that case
17 that would cause you to hesitate about serving as a juror in
18 this case?

19 PROSPECTIVE JUROR NO. 023: It was a different time
20 in an era. It was the '50s.

21 THE COURT: Okay. Do you think that he was treated
22 fairly or unfairly by the system?

23 PROSPECTIVE JUROR NO. 023: Too fairly.

24 THE COURT: Too fairly? Okay. So would that cause
25 you any concerns about serving as a juror in this case? Do

1 you think you can be fair and impartial in this case, or would
2 you have the concern that, well, the whole system is not
3 working, you know, those kinds of thoughts?

4 PROSPECTIVE JUROR NO. 023: That is a very tough
5 question. I honestly couldn't say a yes or a no. I would do
6 my best, but I can't honestly say, sir.

7 THE COURT: Is it just because of your father's case,
8 or do you have other reasons for that?

9 PROSPECTIVE JUROR NO. 023: Things I've had to deal
10 with over the years, things I've seen, things I've witnessed,
11 people I've come in contact with. I was a pastor's wife for
12 many years and I saw many, many, many things. And it's -- it
13 would be difficult, but I would do my best.

14 THE COURT: So other than your father, have you or
15 anyone close to you ever been accused of a crime whether or
16 not there was a conviction?

17 PROSPECTIVE JUROR NO. 023: No, sir.

18 THE COURT: Let me get you to pass the microphone.
19 Hi. What is your badge number, sir?

20 PROSPECTIVE JUROR NO. 022: 022.

21 THE COURT: Mr. -- is it Winings?

22 PROSPECTIVE JUROR NO. 022: Winings, correct.

23 THE COURT: Winings. What do you do for a living?

24 PROSPECTIVE JUROR NO. 022: I'm retired Navy, 17
25 years of it submarines, 23 total. And now I drive a cab in

1 Las Vegas.

2 THE COURT: So how long have you been in Las Vegas?

3 PROSPECTIVE JUROR NO. 022: Eighteen years.

4 THE COURT: And are you married?

5 PROSPECTIVE JUROR NO. 022: I'm married.

6 THE COURT: What does your wife do?

7 PROSPECTIVE JUROR NO. 022: She's disabled.

8 THE COURT: Any kids?

9 PROSPECTIVE JUROR NO. 022: I have four boys, five
10 grandchildren.

11 THE COURT: What are their ages?

12 PROSPECTIVE JUROR NO. 022: Grandchildren?

13 THE COURT: Yes.

14 PROSPECTIVE JUROR NO. 022: Range in ages from 15 to
15 two, the oldest being a granddaughter and the youngest a
16 granddaughter.

17 THE COURT: Ever served on a jury before?

18 PROSPECTIVE JUROR NO. 022: Nope.

19 THE COURT: Have you or anyone closely associated
20 with you ever been the victim of a crime either of a sexual
21 nature or otherwise?

22 PROSPECTIVE JUROR NO. 022: Not that I know of.

23 THE COURT: Have you or anyone close to you ever been
24 accused of a crime, whether or not there was a conviction,
25 either sexual in nature or otherwise?

1 PROSPECTIVE JUROR NO. 022: Nope.

2 THE COURT: Let me get you to pass the microphone.

3 Thank you.

4 And what is your badge number?

5 PROSPECTIVE JUROR NO. 021: 021.

6 THE COURT: Mr. -- is it Thaler?

7 PROSPECTIVE JUROR NO. 021: It is.

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

9 PROSPECTIVE JUROR NO. 021: Air traffic controller.

10 THE COURT: At McCarran?

11 PROSPECTIVE JUROR NO. 021: Mm-hmm.

12 THE COURT: How long have you done that?

13 PROSPECTIVE JUROR NO. 021: Coming up four years in

14 September.

15 THE COURT: Okay. It's a stressful job, isn't it?

16 PROSPECTIVE JUROR NO. 021: I love it.

17 THE COURT: Okay. Excellent. Are you married?

18 PROSPECTIVE JUROR NO. 021: No.

19 THE COURT: Any kids?

20 PROSPECTIVE JUROR NO. 021: No.

21 THE COURT: Ever served on a jury before?

22 PROSPECTIVE JUROR NO. 021: No.

23 THE COURT: Have you or anyone close to you ever been

24 the victim of a crime either sexual in nature or otherwise?

25 PROSPECTIVE JUROR NO. 021: No.

1 THE COURT: Have you or anyone close to you ever been
2 accused of a crime, whether or not there was a conviction,
3 either sexual in nature or otherwise?

4 PROSPECTIVE JUROR NO. 021: No.

5 THE COURT: I appreciate it. Let me get you to pass
6 the microphone.

7 Hi. What is your badge number?

8 PROSPECTIVE JUROR NO. 020: 020.

9 THE COURT: Ms. Johnson.

10 PROSPECTIVE JUROR NO. 020: Yes.

11 THE COURT: Okay. Excellent. What do you do for a
12 living?

13 PROSPECTIVE JUROR NO. 020: I'm retired.

14 THE COURT: What did you use to do?

15 PROSPECTIVE JUROR NO. 020: I worked at the postal
16 service for 34 years.

17 THE COURT: All in Las Vegas, or somewhere else?

18 PROSPECTIVE JUROR NO. 020: I started out in San
19 Francisco. I lived there for 33 years. Then I relocated with
20 the postal service to Charlotte, North Carolina, and I worked
21 there five years for the postal service. And then I was
22 transferred to Las Vegas, and I worked here five years and
23 then retired.

24 THE COURT: Are you married?

25 PROSPECTIVE JUROR NO. 020: Single.

1 THE COURT: Any kids?

2 PROSPECTIVE JUROR NO. 020: None.

3 THE COURT: Ever served on a jury before?

4 PROSPECTIVE JUROR NO. 020: Yes.

5 THE COURT: Where and when?

6 PROSPECTIVE JUROR NO. 020: San Francisco. I served
7 on a federal jury.

8 THE COURT: Do you remember when?

9 PROSPECTIVE JUROR NO. 020: It was prior to going to
10 Charlotte and it was, I'd say now, 15 years ago, 13 years ago,
11 something like that.

12 THE COURT: Okay. Was it a civil or criminal case?

13 PROSPECTIVE JUROR NO. 020: It was civil.

14 THE COURT: And did you actually end up on the jury?

15 PROSPECTIVE JUROR NO. 020: Yes, I did.

16 THE COURT: Did the jury reach a verdict?

17 PROSPECTIVE JUROR NO. 020: Yes, we did.

18 THE COURT: And without telling us -- were you the
19 foreperson?

20 PROSPECTIVE JUROR NO. 020: Yes, I was.

21 THE COURT: Okay. You were the foreperson. Anything
22 about that service that would cause you to hesitate about
23 serving again as a prospective juror?

24 PROSPECTIVE JUROR NO. 020: No.

25 THE COURT: Excellent. Have you or anyone close to

1 you ever been the victim of a crime either sexual in nature or
2 otherwise?

3 PROSPECTIVE JUROR NO. 020: No.

4 THE COURT: Have you or anyone close to you ever been
5 accused of a crime, whether or not there was a conviction,
6 either sexual in nature or otherwise?

7 PROSPECTIVE JUROR NO. 020: No.

8 THE COURT: I appreciate it. Let me get you to pass
9 the microphone.

10 What is your badge number, ma'am?

11 PROSPECTIVE JUROR NO. 018: 018.

12 THE COURT: Ms. Page.

13 PROSPECTIVE JUROR NO. 018: Mm-hmm.

14 THE COURT: All right. What do you do for a living?

15 PROSPECTIVE JUROR NO. 018: I'm administrative
16 assistant.

17 THE COURT: For what kind of organization?

18 PROSPECTIVE JUROR NO. 018: For a bank, Bank of Las
19 Vegas.

20 THE COURT: And how long have you been in Vegas?

21 PROSPECTIVE JUROR NO. 018: Fifty-nine years.

22 THE COURT: Okay. So you remember the old Mafia days
23 then?

24 PROSPECTIVE JUROR NO. 018: I remember, yeah, a lot
25 of the different days.

1 THE COURT: Are you married, any kids?

2 PROSPECTIVE JUROR NO. 018: Widowed, two children,
3 six grandchildren ranging in age from 15 to five.

4 THE COURT: Excellent. Boys, girls, both?

5 PROSPECTIVE JUROR NO. 018: Five boys, one girl.

6 THE COURT: Ever served on a jury before?

7 PROSPECTIVE JUROR NO. 018: No.

8 THE COURT: Have you or anyone close to you ever been
9 the victim of a crime either sexual in nature or otherwise?

10 PROSPECTIVE JUROR NO. 018: No.

11 THE COURT: Have you or anyone close to you ever been
12 accused of a crime, whether or not there was a conviction,
13 either sexual in nature or otherwise?

14 PROSPECTIVE JUROR NO. 018: No.

15 THE COURT: Let me get you to pass the microphone to
16 the gentleman in front of you.

17 What is your badge number?

18 PROSPECTIVE JUROR NO. 028: 028.

19 THE COURT: Mr. Carrera. All right. What do you do
20 for a living?

21 PROSPECTIVE JUROR NO. 028: [Inaudible.]

22 THE CLERK: I'm sorry?

23 THE COURT: He's a CPA.

24 Is that what you said?

25 PROSPECTIVE JUROR NO. 028: Yeah. A CPA.

1 THE COURT: How long have you been in Vegas?
2 PROSPECTIVE JUROR NO. 028: Thirteen years.
3 THE COURT: Are you married?
4 PROSPECTIVE JUROR NO. 028: Single.
5 THE COURT: Any kids?
6 PROSPECTIVE JUROR NO. 028: Nope.
7 THE COURT: Ever served on a jury before?
8 PROSPECTIVE JUROR NO. 028: No.
9 THE COURT: Have you or anyone close to you ever been
10 the victim of a crime either sexual in nature or otherwise?
11 PROSPECTIVE JUROR NO. 028: No.
12 THE COURT: Have you or anyone close to you ever been
13 accused of a crime, whether or not there was a conviction,
14 either sexual in nature or otherwise?
15 PROSPECTIVE JUROR NO. 028: No.
16 THE COURT: Let me get you to pass the microphone.
17 Hi. What was your badge number again?
18 PROSPECTIVE JUROR NO. 029: 029.
19 THE COURT: Right. Ms. McClure.
20 PROSPECTIVE JUROR NO. 029: Yes.
21 THE COURT: I know that you're a teacher, right?
22 PROSPECTIVE JUROR NO. 029: Correct. Fifth grade.
23 THE COURT: I'm sorry?
24 PROSPECTIVE JUROR NO. 029: Fifth grade.
25 THE COURT: Okay. How long have you been in Vegas?

1 PROSPECTIVE JUROR NO. 029: Going on seven years.

2 THE COURT: Are you married?

3 PROSPECTIVE JUROR NO. 029: Going to be.

4 THE COURT: Oh, that's right. With Officer Colucci,
5 right?

6 PROSPECTIVE JUROR NO. 029: Correct.

7 THE COURT: Do you guys have any kids?

8 PROSPECTIVE JUROR NO. 029: No.

9 THE COURT: Have you ever served on a jury before?

10 PROSPECTIVE JUROR NO. 029: No.

11 THE COURT: Have you or anyone close to you ever been
12 the victim of a crime either sexual in nature or otherwise?

13 PROSPECTIVE JUROR NO. 029: No.

14 THE COURT: Have you or anyone close to you ever been
15 accused of a crime, whether or not there was a conviction,
16 either sexual in nature or otherwise?

17 PROSPECTIVE JUROR NO. 029: No.

18 THE COURT: I appreciate it. Let me get you to pass
19 the microphone.

20 Hi. What is your badge number again?

21 PROSPECTIVE JUROR NO. 030: 030.

22 THE COURT: Right. Mr. Meckley.

23 PROSPECTIVE JUROR NO. 030: Yes.

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

25 PROSPECTIVE JUROR NO. 030: I am a conservation

1 programs coordinator for the Southern Nevada Water Authority.

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

3 PROSPECTIVE JUROR NO. 030: Eighteen years.

4 THE COURT: Married?

5 PROSPECTIVE JUROR NO. 030: Yes.

6 THE COURT: Any kids?

7 PROSPECTIVE JUROR NO. 030: Yes. I have a son 26, a
8 daughter 23.

9 THE COURT: And what does your wife do?

10 PROSPECTIVE JUROR NO. 030: She is a self-employed
11 horticulturalist.

12 THE COURT: Ever served on a jury before?

13 PROSPECTIVE JUROR NO. 030: No, sir.

14 THE COURT: Have you or anyone close to you ever been
15 the victim of a crime either sexual in nature or otherwise?

16 PROSPECTIVE JUROR NO. 030: Yes. Shortly before I
17 met my wife she lost her three-year-old son to a hit and run
18 drunk driver.

19 THE COURT: And do you remember what year that was
20 roughly?

21 PROSPECTIVE JUROR NO. 030: Twenty-three years ago.

22 THE COURT: Twenty-three years ago. Was there a --
23 did they catch the guy? Was there a criminal prosecution?

24 PROSPECTIVE JUROR NO. 030: Yes.

25 THE COURT: Did your wife have to testify in that

1 case?

2 PROSPECTIVE JUROR NO. 030: Yes.

3 THE COURT: Were you involved in that case in any
4 way?

5 PROSPECTIVE JUROR NO. 030: I didn't know her then.

6 THE COURT: Was there anything about that case, or
7 anything that your wife has said about that case that would
8 cause you any concern about serving as a juror in a criminal
9 case?

10 PROSPECTIVE JUROR NO. 030: No.

11 THE COURT: Anything about that case that would cause
12 you to be anything other than fair and impartial?

13 PROSPECTIVE JUROR NO. 030: No.

14 THE COURT: Okay. Have you or anyone close to you
15 ever been accused of a crime, whether or not there was a
16 conviction, either sexual in nature or otherwise?

17 PROSPECTIVE JUROR NO. 030: No.

18 THE COURT: Let me get you to pass the microphone.
19 Hi. What is your badge number?

20 PROSPECTIVE JUROR NO. 031: 031.

21 THE COURT: Mr. Dell.

22 PROSPECTIVE JUROR NO. 031: Mm-hmm.

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

24 PROSPECTIVE JUROR NO. 031: A teacher for Clark
25 County School District.

1 THE COURT: How long have you done that?

2 PROSPECTIVE JUROR NO. 031: This will be the end of
3 my sixth year.

4 THE COURT: Married, kids?

5 PROSPECTIVE JUROR NO. 031: Yep. I'm married, have a
6 four-year-old daughter and an 11-year-old daughter.

7 THE COURT: What does your wife do?

8 PROSPECTIVE JUROR NO. 031: Pre-school teacher.

9 THE COURT: For the Clark County School District
10 also, or for private?

11 PROSPECTIVE JUROR NO. 031: Actually, no. It's Seton
12 Academy, private.

13 THE COURT: Okay. Ever served on a jury before?

14 PROSPECTIVE JUROR NO. 031: No.

15 THE COURT: Have you or anyone close to you ever been
16 the victim of a crime either sexual in nature or otherwise?

17 PROSPECTIVE JUROR NO. 031: Just vandalism and a car
18 burglary, that's it. Neither of which were -- well, one was
19 reported to the police. The vandalism I didn't report. The
20 car burglary I -- it was just a really close friend, I was
21 watching his house, and I -- and the police came out. It was
22 last summer.

23 THE COURT: Okay. This was last summer?

24 PROSPECTIVE JUROR NO. 031: Mm-hmm.

25 THE COURT: And you said you did call the police on

1 that one?

2 PROSPECTIVE JUROR NO. 031: Yeah.

3 THE COURT: Did you have to testify in any court
4 proceeding --

5 PROSPECTIVE JUROR NO. 031: No.

6 THE COURT: Do you know if they ever caught the guy?

7 PROSPECTIVE JUROR NO. 031: No.

8 THE COURT: Anything about those two cases that would
9 cause you to have any concerns about serving as a juror in a
10 criminal case?

11 PROSPECTIVE JUROR NO. 031: No.

12 THE COURT: Any feelings one way or the other toward
13 the police or against the police because of those two cases?

14 PROSPECTIVE JUROR NO. 031: No.

15 THE COURT: Have you or anyone close to you ever been
16 accused of a crime, whether or not there was a conviction,
17 either sexual in nature or otherwise?

18 PROSPECTIVE JUROR NO. 031: I was convicted of theft
19 when I was 20, 20 or -- no, sorry, 22, back in Ohio, but it
20 was expunged from my record.

21 THE COURT: Okay. Was that a misdemeanor or a
22 felony?

23 PROSPECTIVE JUROR NO. 031: Misdemeanor.

24 THE COURT: Do you think you were treated fairly by
25 the system?

1 PROSPECTIVE JUROR NO. 031: Yes.

2 THE COURT: Anything about that conviction or the
3 court case or the investigation, or anything having to do with
4 that case that would cause you to have any feelings one way or
5 another about the police or law enforcement in this case?

6 PROSPECTIVE JUROR NO. 031: No.

7 THE COURT: Or the court system?

8 PROSPECTIVE JUROR NO. 031: No.

9 THE COURT: You can be fair and impartial
10 notwithstanding what happened?

11 PROSPECTIVE JUROR NO. 031: Yes.

12 THE COURT: I appreciate it. Can you pass the
13 microphone.

14 Hi. You are Number 32, correct?

15 PROSPECTIVE JUROR NO. 032: Number 32. Mm-hmm.

16 THE COURT: Mr. Bean, what do you do for a living?

17 PROSPECTIVE JUROR NO. 032: Journeyman lineman for
18 NV Energy.

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

20 PROSPECTIVE JUROR NO. 032: Twenty-eight years.

21 THE COURT: And I know your wife just had surgery on
22 Friday. Was she working before all this happened?

23 PROSPECTIVE JUROR NO. 032: No. She's a domestic
24 goddess.

25 THE COURT: Okay. Excellent. I'm sure your wife

1 will be very happy to hear that you --

2 PROSPECTIVE JUROR NO. 032: She's also disabled.

3 THE COURT: Okay. Any kids?

4 PROSPECTIVE JUROR NO. 032: We have two.

5 THE COURT: How old?

6 PROSPECTIVE JUROR NO. 032: I got one that's 27, and
7 one that's 17.

8 THE COURT: Boys, girls?

9 PROSPECTIVE JUROR NO. 032: One of each.

10 THE COURT: Ever served on a jury before?

11 PROSPECTIVE JUROR NO. 032: No. I've got this far,
12 but not on a jury.

13 THE COURT: But you've been called to the panel; is
14 that what you're saying, but you haven't even --

15 PROSPECTIVE JUROR NO. 032: No. I've never served.
16 I've came here for questions.

17 THE COURT: Anything about -- how many times?

18 PROSPECTIVE JUROR NO. 032: Three.

19 THE COURT: Okay. Anything about those experiences
20 that might cause you to hesitate about serving as a juror in
21 this case?

22 PROSPECTIVE JUROR NO. 032: No.

23 THE COURT: Have you or anyone closely associated
24 with you ever been the victim of a crime either sexual in
25 nature or otherwise?

1 PROSPECTIVE JUROR NO. 032: Yes.

2 THE COURT: Who, where and when?

3 PROSPECTIVE JUROR NO. 032: Where do I start. My
4 brother, discharging a firearm in a neighborhood.

5 THE COURT: How long ago was that?

6 PROSPECTIVE JUROR NO. 032: Ten years.

7 THE COURT: Was he -- was there a court case?

8 PROSPECTIVE JUROR NO. 032: Yeah. He served time, so
9 I guess something.

10 THE COURT: Was that here?

11 PROSPECTIVE JUROR NO. 032: Yes.

12 THE COURT: He served time. How do you think the
13 system treated him, and the police and the DA?

14 PROSPECTIVE JUROR NO. 032: I didn't -- wasn't part
15 of any of that. And then he went to a minimal security type
16 place.

17 THE COURT: So anything about that case that leaves
18 any strong feelings with you about the police, the DA, the
19 criminal justice system?

20 PROSPECTIVE JUROR NO. 032: No.

21 THE COURT: Is that the only person, or were there
22 others?

23 PROSPECTIVE JUROR NO. 032: My nephew hit and ran
24 killing a couple kids, and he served time for that. He turned
25 himself in and served time for that.

1 THE COURT: When did that happen?

2 PROSPECTIVE JUROR NO. 032: I'm saying 15 years ago.

3 THE COURT: Where?

4 PROSPECTIVE JUROR NO. 032: Here.

5 THE COURT: So he served time. How do you think he
6 was treated by the system?

7 PROSPECTIVE JUROR NO. 032: Fairly.

8 THE COURT: Same question, anything about that case
9 that would cause you to have strong feelings one way or the
10 other about any party to this case or about serving as a juror
11 in a criminal case?

12 PROSPECTIVE JUROR NO. 032: No.

13 THE COURT: Have you or anyone closely associated
14 with you -- I asked you the victim question, right? Have you
15 ever been the victim of a crime, other than the ones you just
16 mentioned?

17 PROSPECTIVE JUROR NO. 032: Does it have to go
18 through a courtroom, or what?

19 THE COURT: No.

20 PROSPECTIVE JUROR NO. 032: There was sexual stuff
21 against my step-father and us kids.

22 THE COURT: And your step-father. Okay. Where did
23 this happen?

24 PROSPECTIVE JUROR NO. 032: In our home.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR NO. 032: In our home.

2 THE COURT: No, no. What state? Was it here in
3 Nevada?

4 PROSPECTIVE JUROR NO. 032: Yeah, here.

5 THE COURT: Okay. Was there a -- did anyone call the
6 police? Was there an investigation, a court case?

7 PROSPECTIVE JUROR NO. 032: No.

8 THE COURT: Okay. Were you the victim, or your
9 siblings?

10 PROSPECTIVE JUROR NO. 032: All of us.

11 THE COURT: Okay. So how old were you when this
12 happened?

13 PROSPECTIVE JUROR NO. 032: From nine to eleven.

14 THE COURT: From nine to eleven. All right. So
15 given the allegations in this case, how would you feel about
16 serving as a juror in this case?

17 PROSPECTIVE JUROR NO. 032: I'd love to find him
18 guilty.

19 THE COURT: Well --

20 PROSPECTIVE JUROR NO. 032: If he was.

21 THE COURT: I'm sorry? Oh, you're talking about your
22 step-father who was guilty, right?

23 PROSPECTIVE JUROR NO. 032: Him too, yeah. I mean,
24 if there's no shadow of a doubt here, then yeah.

25 THE COURT: All right.

1 PROSPECTIVE JUROR NO. 032: I'm all about justice.

2 THE COURT: Hang on a second here. All right.

3 Hang on. So in this case, are you saying that -- all right.

4 I just want to be clear here. So given what happened to you,
5 and I don't -- you know, I'm not going to ask you to go into
6 details, because I can see it's kind of a painful subject for
7 you.

8 PROSPECTIVE JUROR NO. 032: Yeah.

9 THE COURT: But given what happened and the fact
10 that -- you know, since you were the victim, you obviously
11 know whether he was -- you know, whether he committed the
12 crime or not.

13 In this case, the whole point of having a jury is we
14 need to determine whether or not the person is guilty of the
15 crimes. As we sit here today we have no idea. In fact, as we
16 sit here today, under the law he's an innocent man because the
17 State hasn't proven anything about it, right?

18 PROSPECTIVE JUROR NO. 032: Correct.

19 THE COURT: So do you think that you could do that,
20 that you could sit here and be fair and impartial, when you
21 review the evidence, and make a determination based on the
22 evidence whether this particular person is guilty of something
23 that may or may not, I don't know all the details either, be
24 similar to what happened to you?

25 PROSPECTIVE JUROR NO. 032: I could do that, but I'd

1 really be leaning.

2 THE COURT: What does that mean? You'd really be
3 leaning what way?

4 PROSPECTIVE JUROR NO. 032: On the victim's side.

5 THE COURT: Well, so in every criminal case there's
6 two things that the State has to prove. First of all, whether
7 or not a crime was even committed. And secondly, even if it
8 was committed, whether or not the person who's charged with it
9 is the person who did it. Right.

10 PROSPECTIVE JUROR NO. 032: I understand that.

11 THE COURT: Let's even assume for a second that it
12 happened. Obviously as we sit here now the State hasn't
13 proven anything. Right. We don't even know if a crime
14 happened. It could be a false allegation as far as we know,
15 as we sit here right now in this instant. Right.

16 But let's say that it did happen. Just because a
17 crime happened doesn't necessarily mean that this person is
18 the person who did it. Right. So when you say you'd really
19 be leaning toward the victim, even if it happened to the
20 victim, you know, maybe it's mistaken identity or something
21 like that, would you allow for that possibility in your mind
22 or not?

23 PROSPECTIVE JUROR NO. 032: I can be fair.

24 THE COURT: Okay. How would you feel about serving
25 as a juror in a case like this? Do you think that you could

1 handle it emotionally?

2 PROSPECTIVE JUROR NO. 032: I think so.

3 THE COURT: Okay. All right. I appreciate it. And
4 I apologize for bringing up what's obviously a painful subject
5 but, you know, I got to do it.

6 The next person, what is your badge number?

7 PROSPECTIVE JUROR NO. 035: 035.

8 THE COURT: Zero, three, five. Is it
9 Ms. Moreno-Zepeda?

10 PROSPECTIVE JUROR NO. 035: Just Moreno now.

11 THE COURT: Okay. Ms. Moreno, what do you do for a
12 living?

13 PROSPECTIVE JUROR NO. 035: I work at a dental
14 office.

15 THE COURT: How long have you been in Vegas?

16 PROSPECTIVE JUROR NO. 035: For about 20 years.

17 THE COURT: Twenty years. Married, kids?

18 PROSPECTIVE JUROR NO. 035: No, no.

19 THE COURT: Ever served on a jury before?

20 PROSPECTIVE JUROR NO. 035: No.

21 THE COURT: Have you or anyone closely associated
22 with you ever been the victim of a crime either sexual in
23 nature or otherwise?

24 PROSPECTIVE JUROR NO. 035: No.

25 THE COURT: Have you or anyone closely associated

1 with you ever been accused of a crime, whether or not there
2 was a conviction, either sexual in nature or otherwise?

3 PROSPECTIVE JUROR NO. 035: No.

4 THE COURT: All right. Let me get you to pass the
5 microphone.

6 And what is your badge number, ma'am?

7 PROSPECTIVE JUROR NO. 037: 037.

8 THE COURT: Ms. Leavitt. What do you do for a
9 living?

10 PROSPECTIVE JUROR NO. 037: I'm a full-time student.

11 THE COURT: Where?

12 PROSPECTIVE JUROR NO. 037: University of Nevada,
13 Reno.

14 THE COURT: Okay. Excellent. Are you actually from
15 Las Vegas, or you're just going to school here?

16 PROSPECTIVE JUROR NO. 037: I'm from Las Vegas and
17 I've lived here for 18 years.

18 THE COURT: Okay. Excellent. What are you studying?

19 PROSPECTIVE JUROR NO. 037: Biology.

20 THE COURT: Are you still in class now, or is the
21 semester over; in other words, if you're here this week are
22 you going to miss any classes?

23 PROSPECTIVE JUROR NO. 037: No. It's summer.

24 THE COURT: Okay. Good. Married, kids?

25 PROSPECTIVE JUROR NO. 037: No.

1 THE COURT: Okay. Ever served on a jury before?

2 PROSPECTIVE JUROR NO. 037: No.

3 THE COURT: Have you or anyone closely associated
4 with you ever been the victim of a crime either sexual in
5 nature or otherwise?

6 PROSPECTIVE JUROR NO. 037: No.

7 THE COURT: Have you or anyone closely associated
8 with you ever been accused of a crime, whether or not there
9 was a conviction, either sexual in nature or otherwise?

10 PROSPECTIVE JUROR NO. 037: No.

11 THE COURT: Let me get you to pass the microphone.
12 Thank you.

13 What is your badge number?

14 PROSPECTIVE JUROR NO. 038: 038.

15 THE COURT: Ms. Alessio?

16 PROSPECTIVE JUROR NO. 038: Yes.

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

18 PROSPECTIVE JUROR NO. 038: I'm a bartender at
19 Encore.

20 THE COURT: How long have you done that?

21 PROSPECTIVE JUROR NO. 038: I've been there three
22 years.

23 THE COURT: How long have you been in Vegas?

24 PROSPECTIVE JUROR NO. 038: Ten years.

25 THE COURT: Married, kids?

1 PROSPECTIVE JUROR NO. 038: Married, step-son, six.

2 THE COURT: And what does your husband do?

3 PROSPECTIVE JUROR NO. 038: He's a professional
4 athlete.

5 THE COURT: What sport?

6 PROSPECTIVE JUROR NO. 038: UFC.

7 THE COURT: Oh, okay. Ever served on a jury before?

8 PROSPECTIVE JUROR NO. 038: No.

9 THE COURT: Have you or anyone closely associated
10 with you ever been the victim of a crime either sexual in
11 nature or otherwise?

12 PROSPECTIVE JUROR NO. 038: Not -- I haven't been a
13 victim, but I've had several complaints filed against Hispanic
14 workers at Encore Hotel for sexual harassment.

15 THE COURT: Are these people that you know very well,
16 close friends --

17 PROSPECTIVE JUROR NO. 038: No.

18 THE COURT: -- or just people that you sort of heard
19 through the grape vine type thing?

20 PROSPECTIVE JUROR NO. 038: No. Myself. I have
21 complaints against them, people that --

22 THE COURT: Oh, oh.

23 PROSPECTIVE JUROR NO. 038: Yeah. In different
24 departments of the hotel.

25 THE COURT: Got you. I understand. Have you

1 formally sued them, or you went through the process with your
2 company?

3 PROSPECTIVE JUROR NO. 038: I've just complained, or
4 done written complaints to the management team and human
5 resources and stuff.

6 THE COURT: Are there any court cases going on right
7 now, open cases?

8 PROSPECTIVE JUROR NO. 038: No. It hasn't gone that
9 far.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 038: I don't think it will.

12 THE COURT: Have you ever had to testify in court
13 regarding any of these complaints?

14 PROSPECTIVE JUROR NO. 038: No.

15 THE COURT: Is there anything about those cases that
16 would cause you to be something other than fair and impartial
17 in this case?

18 PROSPECTIVE JUROR NO. 038: Possibly.

19 THE COURT: In what way?

20 PROSPECTIVE JUROR NO. 038: Just my views on the way
21 that Hispanic men that aren't -- or weren't raised in the
22 U.S., the way that they treat women and their lack of respect
23 toward women.

24 THE COURT: Okay. Well, I mean, obviously, you know,
25 every culture has its different -- what is the word, beliefs

1 or its different customs, those kinds of things.

2 PROSPECTIVE JUROR NO. 038: Right.

3 THE COURT: But, you know, that doesn't necessarily
4 mean that every individual person raised in that culture
5 adheres to all those beliefs.

6 PROSPECTIVE JUROR NO. 038: Right.

7 THE COURT: Would you agree with that?

8 PROSPECTIVE JUROR NO. 038: Yeah. Of course not
9 every person, but I have encountered so many that my opinions
10 are probably that the majority of them do lack respect for
11 women.

12 THE COURT: Okay. So as you sit here right now, I
13 mean, you don't know very much about the case other than what
14 we've talked about here today --

15 PROSPECTIVE JUROR NO. 038: Right.

16 THE COURT: -- and the fact that Mr. Renteria-Novoa
17 obviously is a Hispanic man. He's here with the assistance of
18 a Spanish interpreter.

19 PROSPECTIVE JUROR NO. 038: Yes.

20 THE COURT: Do you think just based on what you know
21 about him right now, which is not very much at all, what do
22 you think about his attitudes toward women?

23 PROSPECTIVE JUROR NO. 038: Based on the allegations?

24 THE COURT: No. Just -- well, based on everything
25 that you know. Have you even -- have you reached a

1 conclusion, or do you know enough about him?

2 PROSPECTIVE JUROR NO. 038: I haven't, but it -- once
3 I sat down and heard what the accusations were, I kind of
4 formed an opinion at that point.

5 THE COURT: Regarding whether he's actually guilty of
6 them?

7 PROSPECTIVE JUROR NO. 038: Kind of, yes.

8 THE COURT: Even though you haven't heard any of the
9 evidence?

10 PROSPECTIVE JUROR NO. 038: Yes.

11 THE COURT: All right. If you were asked to serve as
12 a juror in this case, you would be taking an oath to uphold
13 the law, and under the law the defendant is innocent until the
14 State has proven him guilty. Could you follow that law or
15 not?

16 PROSPECTIVE JUROR NO. 038: Possibly.

17 THE COURT: Possibly. Depending on what?

18 PROSPECTIVE JUROR NO. 038: Right now I kind of feel
19 like he's just another one of those men that I've encountered.
20 So it would be hard to --

21 THE COURT: Even though you don't -- even though you
22 don't know very much about him at all.

23 PROSPECTIVE JUROR NO. 038: Yes.

24 THE COURT: You haven't even heard him really speak.

25 PROSPECTIVE JUROR NO. 038: Correct.

1 THE COURT: Okay. And is that based on the
2 charges --

3 PROSPECTIVE JUROR NO. 038: On my experience.

4 THE COURT: -- against him, or on your experience
5 with other people and the fact that he's of the same culture
6 as those other people?

7 PROSPECTIVE JUROR NO. 038: Right. Yes.

8 THE COURT: Okay. Does it matter to you what country
9 they're from, or just that they're of Latino descent?

10 PROSPECTIVE JUROR NO. 038: Of Latino descent.

11 THE COURT: Okay. Does it matter to you what age
12 they were when they came to the United States, or does that
13 not make a difference to you?

14 PROSPECTIVE JUROR NO. 038: That doesn't make a
15 difference.

16 THE COURT: Okay. All right. I appreciate it. Can
17 I get you to pass the microphone.

18 PROSPECTIVE JUROR NO. 038: Sure.

19 THE COURT: All right. What is your badge number?

20 PROSPECTIVE JUROR NO. 039: 039.

21 THE COURT: You're going to have to help me out with
22 your last name. How do you pronounce that?

23 PROSPECTIVE JUROR NO. 039: Gebrechristos.

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 039: Gebrechristos.

1 THE COURT: Gebrechistos?
2 PROSPECTIVE JUROR NO. 039: Yes.
3 THE COURT: All right. What do you do for a living?
4 PROSPECTIVE JUROR NO. 039: I drive a cab.
5 THE COURT: I'm sorry. I can't hear you.
6 PROSPECTIVE JUROR NO. 039: I'm a cab driver.
7 THE COURT: Oh, okay. Excellent. How long have you
8 been in Vegas?
9 PROSPECTIVE JUROR NO. 039: About 13 years.
10 THE COURT: Thirteen years. Married, kids?
11 PROSPECTIVE JUROR NO. 039: Married, no kids.
12 THE COURT: And what does your wife do?
13 PROSPECTIVE JUROR NO. 039: She is not working.
14 THE COURT: Okay. Ever served on a jury before?
15 PROSPECTIVE JUROR NO. 039: No.
16 THE COURT: Have you or anyone closely associated
17 with you ever been the victim of a crime either sexual in
18 nature or otherwise?
19 PROSPECTIVE JUROR NO. 039: No.
20 THE COURT: Have you or anyone closely associated
21 with you ever been accused of a crime, whether or not there
22 was a conviction, either sexual in nature or otherwise?
23 PROSPECTIVE JUROR NO. 039: No.
24 THE COURT: Let me get you to pass the microphone.
25 Ms. Zayan [phonetic]? I'm sorry. I forgot how to

1 pronounce your name.

2 PROSPECTIVE JUROR NO. 041: Zion [phonetic].

3 THE COURT: Zeihen. What do you do for a living?

4 PROSPECTIVE JUROR NO. 041: I work at retail.

5 THE COURT: At where?

6 PROSPECTIVE JUROR NO. 041: I work in retail.

7 THE COURT: Oh, okay. For what kind of organization?

8 PROSPECTIVE JUROR NO. 041: For Hard Rock Cafe.

9 THE COURT: Okay. Married, kids?

10 PROSPECTIVE JUROR NO. 041: No.

11 THE COURT: Ever served on a jury before?

12 PROSPECTIVE JUROR NO. 041: No.

13 THE COURT: Now, other than what we discussed before,
14 has anyone else in your circle ever been either the victim of
15 a crime or accused of a crime?

16 PROSPECTIVE JUROR NO. 041: Just me.

17 THE COURT: All right. I appreciate that. Can I get
18 you to pass the microphone down to that corner there.

19 Hi. What is your badge number?

20 PROSPECTIVE JUROR NO. 042: 042.

21 THE COURT: Can you give me one second. I'm sorry.

22 (Pause in proceedings)

23 THE COURT: I'm sorry. What was your badge number?

24 PROSPECTIVE JUROR NO. 042: 042.

25 THE COURT: Zero, four, two. Ms. Trotchie, that's

1 right. I know that you used to intern for P and P, but are
2 you working now?

3 PROSPECTIVE JUROR NO. 042: Yes.

4 THE COURT: What do you do?

5 PROSPECTIVE JUROR NO. 042: I work at Health South
6 Henderson. I am front desk.

7 THE COURT: Okay. And how long have you been in
8 Vegas?

9 PROSPECTIVE JUROR NO. 042: I've been in Vegas for 22
10 years.

11 THE COURT: Married, kids?

12 PROSPECTIVE JUROR NO. 042: I have kids.

13 THE COURT: How old?

14 PROSPECTIVE JUROR NO. 042: I have a two-year-old and
15 a four-month-old.

16 THE COURT: Boys, girls?

17 PROSPECTIVE JUROR NO. 042: Girls.

18 THE COURT: Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 042: No.

20 THE COURT: Have you or anyone closely associated
21 with you ever been the victim of a crime either sexual in
22 nature or otherwise?

23 PROSPECTIVE JUROR NO. 042: Yes.

24 THE COURT: Who, where, when?

25 PROSPECTIVE JUROR NO. 042: Me. Battery, domestic

1 violence.

2 THE COURT: How long ago?

3 PROSPECTIVE JUROR NO. 042: Just last year.

4 THE COURT: Did you report it to the police?

5 PROSPECTIVE JUROR NO. 042: No. Somebody else did, a
6 witness.

7 THE COURT: Okay. So did you have to go in court and
8 testify? Was an arrest made?

9 PROSPECTIVE JUROR NO. 042: Yes.

10 THE COURT: And who was the prosecuting entity; was
11 that Metro and the DA's office, or was it Henderson or North
12 Las Vegas or Boulder City or somewhere else?

13 PROSPECTIVE JUROR NO. 042: It was the DA and Metro.

14 THE COURT: Okay. So when you testified, was it in
15 this building right here?

16 PROSPECTIVE JUROR NO. 042: Yes.

17 THE COURT: Okay. How do you feel about that case?
18 Do you think the case was run fairly, unfairly?

19 PROSPECTIVE JUROR NO. 042: It was a long process
20 because of priors.

21 THE COURT: Was it a felony or a misdemeanor, do you
22 know?

23 PROSPECTIVE JUROR NO. 042: They were trying to get
24 him with a habitual.

25 THE COURT: Okay. And what was this person's

1 relationship to you?

2 PROSPECTIVE JUROR NO. 042: He's my kids' dad.

3 THE COURT: Was he convicted?

4 PROSPECTIVE JUROR NO. 042: Yes.

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

6 PROSPECTIVE JUROR NO. 042: Yes.

7 THE COURT: Anything about what happened to you and
8 your experience with the court system that would cause you to
9 hesitate about serving as a juror on this case?

10 PROSPECTIVE JUROR NO. 042: Other than what I've been
11 exposed to from P and P.

12 THE COURT: Okay. Right. Which you mentioned
13 before. But anything about that case?

14 PROSPECTIVE JUROR NO. 042: No.

15 THE COURT: Okay. Any feelings one way or another
16 about the DA's office or the Metro police as a result of that
17 case?

18 PROSPECTIVE JUROR NO. 042: No.

19 THE COURT: Other than this person, has anyone else
20 in your circle ever been accused of a crime?

21 PROSPECTIVE JUROR NO. 042: I have.

22 THE COURT: Okay. What were you accused of doing?

23 PROSPECTIVE JUROR NO. 042: When I was 15, for --
24 they put it to me as association, for knowing about stolen
25 property.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 042: And charges were dropped
3 on me. All I had to pay was a hundred dollar restitution.

4 THE COURT: Oh, okay. And that was when you were --
5 that was in juvenile court?

6 PROSPECTIVE JUROR NO. 042: Yeah.

7 THE COURT: Okay. Anything about that experience
8 that would cause you to hesitate? Do you feel that you were
9 treated fairly?

10 PROSPECTIVE JUROR NO. 042: No.

11 THE COURT: Okay. Any hard feelings toward anyone,
12 the DA, the police, anything, anybody, the court system as a
13 result of that case?

14 PROSPECTIVE JUROR NO. 042: No.

15 THE COURT: Okay. I appreciate it. Can you pass the
16 microphone.

17 What is your badge number, ma'am?

18 PROSPECTIVE JUROR NO. 043: 043.

19 THE COURT: Ms. Valerio?

20 PROSPECTIVE JUROR NO. 043: Yes.

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

22 PROSPECTIVE JUROR NO. 043: I am a Spanish instructor
23 at UNLV.

24 THE COURT: How long have you done that?

25 PROSPECTIVE JUROR NO. 043: About four years.

1 THE COURT: All right. How long have you been in
2 Vegas total?

3 PROSPECTIVE JUROR NO. 043: It's going to be five
4 years in September.

5 THE COURT: Okay. Married, kids?

6 PROSPECTIVE JUROR NO. 043: Yes. I'm married.

7 THE COURT: What does your husband do?

8 PROSPECTIVE JUROR NO. 043: He works in accounting.
9 He's a controller.

10 THE COURT: For UNLV, or for someone else?

11 PROSPECTIVE JUROR NO. 043: No. For GPI, Gaming
12 Partners International.

13 THE COURT: Okay. Ever served on a jury before?

14 PROSPECTIVE JUROR NO. 043: No.

15 THE COURT: Have you or anyone closely associated
16 with you ever been the victim of a crime either sexual in
17 nature or otherwise?

18 PROSPECTIVE JUROR NO. 043: No.

19 THE COURT: Have you or anyone closely associated
20 with you ever been accused of a crime, whether or not there
21 was a conviction, either sexual in nature or otherwise?

22 PROSPECTIVE JUROR NO. 043: No.

23 THE COURT: Let me get you to pass the microphone.

24 Hi. What is your badge number again?

25 PROSPECTIVE JUROR NO. 044: 044.

1 THE COURT: Right. Okay. What do you do for a
2 living?

3 PROSPECTIVE JUROR NO. 044: I was an airline pilot,
4 24 years.

5 THE COURT: Airline pilot, 24 years. Married, kids?

6 PROSPECTIVE JUROR NO. 044: Divorced, one grown son.

7 THE COURT: Ever served on a jury before?

8 PROSPECTIVE JUROR NO. 044: No, sir.

9 THE COURT: Have you or anyone closely associated
10 with you ever been the victim of a crime either sexual in
11 nature or otherwise?

12 PROSPECTIVE JUROR NO. 044: Not sexual. Yeah, I was
13 a victim about 22 years ago of an armed home invasion.

14 THE COURT: All right. Twenty-two years ago you were
15 a victim.

16 PROSPECTIVE JUROR NO. 044: Yeah.

17 THE COURT: Here or somewhere else?

18 PROSPECTIVE JUROR NO. 044: It was in California.

19 THE COURT: And did you call the police, or were the
20 police called?

21 PROSPECTIVE JUROR NO. 044: Oh, yeah. Well, I
22 didn't. I was just unconscious at the time. I took a bullet
23 in the back.

24 THE COURT: Oh, okay.

25 PROSPECTIVE JUROR NO. 044: And they took me away. I

1 survived though.

2 THE COURT: Okay. Did they ever catch this person?

3 PROSPECTIVE JUROR NO. 044: No, sir.

4 THE COURT: They never did?

5 PROSPECTIVE JUROR NO. 044: No, sir.

6 THE COURT: Okay. Any feelings about that one way or
7 the other? Any hard feelings toward law enforcement or the
8 court system?

9 PROSPECTIVE JUROR NO. 044: You know, I've gotten
10 over it pretty much. Occasional nightmares, but...

11 THE COURT: I didn't hear that. I'm sorry.

12 PROSPECTIVE JUROR NO. 044: I'm just saying I've
13 gotten over it. Occasional nightmares about the actual
14 incident. But the law enforcement, they were -- I don't know.
15 They just kind of let it go. They didn't follow up on it.
16 They never found the guys, didn't really try, I don't think.

17 THE COURT: So I take it you're somewhat unsatisfied
18 with the law enforcement response. Is that --

19 PROSPECTIVE JUROR NO. 044: At that time, yes.

20 THE COURT: Does that cause you any concern about
21 this case; in other words, if -- I mean, obviously that was
22 California, so it's a different law enforcement organization.
23 If knowing that this case is a criminal case brought on
24 behalf -- by the DA's office with investigation by the Metro
25 police, would you have any feelings about the DA or the police

1 department as a result of what happened to you?

2 PROSPECTIVE JUROR NO. 044: No, sir.

3 THE COURT: So you could -- you would -- they
4 wouldn't be less credible to you simply because they're in law
5 enforcement, would they?

6 PROSPECTIVE JUROR NO. 044: Well, somewhat, but I'd
7 try to be fair about it.

8 THE COURT: I'm sorry. What do you mean by somewhat?
9 Just because of what happened to you in California 23 years
10 ago --

11 PROSPECTIVE JUROR NO. 044: Yeah.

12 THE COURT: Okay. What does one have to do with the
13 other, if you don't mind me asking?

14 PROSPECTIVE JUROR NO. 044: Oh, just association.
15 They really don't -- I try to be open minded about that.

16 THE COURT: So do you think that you could put aside
17 your feelings and be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 044: Yes, sir.

19 THE COURT: Let me get you to pass the microphone.
20 Hi. What is your badge number?

21 PROSPECTIVE JUROR NO. 055: 055.

22 THE COURT: Ms. Quince.

23 PROSPECTIVE JUROR NO. 055: Quincy [phonetic].

24 THE COURT: Quince. I'm sorry. All right. What do
25 you do for a living?

1 PROSPECTIVE JUROR NO. 055: I'm a full-time student.

2 THE COURT: Where?

3 PROSPECTIVE JUROR NO. 055: College of Southern
4 Nevada.

5 THE COURT: Okay. How long have you been in Vegas?

6 PROSPECTIVE JUROR NO. 055: Two years.

7 THE COURT: Two years. So where -- did you come here
8 just to go to school, or are you living here permanently now?

9 PROSPECTIVE JUROR NO. 055: Permanently.

10 THE COURT: Where'd you move from?

11 PROSPECTIVE JUROR NO. 055: I was a resident of
12 California, but I was living in Norfolk, Virginia.

13 THE COURT: Okay. Married, kids?

14 PROSPECTIVE JUROR NO. 055: Married.

15 THE COURT: What does your husband do?

16 PROSPECTIVE JUROR NO. 055: He does lighting
17 controls.

18 THE COURT: Okay. Ever served on a jury before?

19 PROSPECTIVE JUROR NO. 055: No.

20 THE COURT: Have you or anyone closely associated
21 with you ever been the victim of a crime either sexual in
22 nature or otherwise?

23 PROSPECTIVE JUROR NO. 055: No.

24 THE COURT: Have you or anyone closely associated
25 with you ever been accused of a crime, whether or not there

1 was a conviction, either sexual in nature or otherwise?

2 PROSPECTIVE JUROR NO. 055: No.

3 THE COURT: Let me get you to pass the microphone.

4 What is your badge number, sir?

5 PROSPECTIVE JUROR NO. 046: 046.

6 THE COURT: Mr. Ferguson, what do you do for a
7 living?

8 PROSPECTIVE JUROR NO. 046: Distribution supervisor
9 with Southern Wine & Spirits.

10 THE COURT: And how long have you been in Vegas?

11 PROSPECTIVE JUROR NO. 046: My whole life, 48 years.

12 THE COURT: Married, kids?

13 PROSPECTIVE JUROR NO. 046: Single. Single parent,
14 two daughters.

15 THE COURT: Two daughters. How old are they?

16 PROSPECTIVE JUROR NO. 046: Fifteen and 21.

17 THE COURT: Ever served on a jury before?

18 PROSPECTIVE JUROR NO. 046: Yes.

19 THE COURT: Where and when?

20 PROSPECTIVE JUROR NO. 046: Las Vegas, about ten
21 years ago.

22 THE COURT: Criminal or civil case?

23 PROSPECTIVE JUROR NO. 046: Civil.

24 THE COURT: Civil case. And you actually ended up on
25 the jury?

1 PROSPECTIVE JUROR NO. 046: Yes.

2 THE COURT: Without telling us what the verdict was,
3 was a verdict rendered by the jury?

4 PROSPECTIVE JUROR NO. 046: Yes.

5 THE COURT: Were you the foreperson?

6 PROSPECTIVE JUROR NO. 046: No.

7 THE COURT: Anything about that experience that would
8 cause you to hesitate about serving again on a jury in a very
9 different kind of case?

10 PROSPECTIVE JUROR NO. 046: No.

11 THE COURT: Have you or anyone closely associated
12 with you ever been the victim of a crime either sexual in
13 nature or otherwise?

14 PROSPECTIVE JUROR NO. 046: No.

15 THE COURT: Have you or anyone closely associated
16 with you ever been accused of a crime, whether or not there
17 was a conviction, either sexual in nature or otherwise?

18 PROSPECTIVE JUROR NO. 046: I was.

19 THE COURT: You were accused of a crime?

20 PROSPECTIVE JUROR NO. 046: Yes.

21 THE COURT: When was this?

22 PROSPECTIVE JUROR NO. 046: Actually, I was --
23 my 25th birthday I got a DUI.

24 THE COURT: Okay. Here or somewhere else?

25 PROSPECTIVE JUROR NO. 046: Here.

1 THE COURT: Was that prosecuted, if you remember, by
2 the Clark County DA or Henderson or North Las Vegas, or
3 someone else?

4 PROSPECTIVE JUROR NO. 046: Clark County.

5 THE COURT: It was Clark County. Do you think that
6 you were treated fairly or unfairly?

7 PROSPECTIVE JUROR NO. 046: I was treated fairly.

8 THE COURT: Anything about that case that causes you
9 to have any hard feelings one way or another about law
10 enforcement?

11 PROSPECTIVE JUROR NO. 046: No.

12 THE COURT: Anything about that case that would cause
13 you to hesitate about serving as a juror in a criminal case?

14 PROSPECTIVE JUROR NO. 046: No.

15 THE COURT: Let me get you to pass the microphone.
16 Hi. What is your badge number?

17 PROSPECTIVE JUROR NO. 048: 048.

18 THE COURT: Mr. Garwood, what do you do for a living?

19 PROSPECTIVE JUROR NO. 048: I'm an architectural
20 access surveyor.

21 THE COURT: How long have you been in Vegas?

22 PROSPECTIVE JUROR NO. 048: Ten years.

23 THE COURT: Married, kids?

24 PROSPECTIVE JUROR NO. 048: Married, three kids.

25 THE COURT: What does your wife do?

1 PROSPECTIVE JUROR NO. 048: She's an administrative
2 assistant.

3 THE COURT: For what kind of organization?

4 PROSPECTIVE JUROR NO. 048: She's in a jewelry store.

5 THE COURT: And you said you had kids?

6 PROSPECTIVE JUROR NO. 048: Three kids.

7 THE COURT: How old are they?

8 PROSPECTIVE JUROR NO. 048: Thirty-three, 32 and 19.

9 THE COURT: Any grandkids?

10 PROSPECTIVE JUROR NO. 048: One. She's four.

11 THE COURT: Granddaughter?

12 PROSPECTIVE JUROR NO. 048: Granddaughter, yes.

13 THE COURT: Ever serve on a jury before?

14 PROSPECTIVE JUROR NO. 048: Yes, I have.

15 THE COURT: Where and when?

16 PROSPECTIVE JUROR NO. 048: Phoenix, about 12 years
17 ago.

18 THE COURT: Do you remember if it was a civil or a
19 criminal case?

20 PROSPECTIVE JUROR NO. 048: It was a criminal.

21 THE COURT: You actually ended up on the jury?

22 PROSPECTIVE JUROR NO. 048: Yes, I did.

23 THE COURT: Without telling us what the verdict was,
24 did the jury render a verdict?

25 PROSPECTIVE JUROR NO. 048: Yes, we did.

1 THE COURT: Were you the foreperson?

2 PROSPECTIVE JUROR NO. 048: No.

3 THE COURT: What kind of case was it? Was it a
4 sex-related case?

5 PROSPECTIVE JUROR NO. 048: It was a DUI.

6 THE COURT: It was a DUI. All right. Anything about
7 that service that would cause you to hesitate about serving
8 again as a juror in a criminal case?

9 PROSPECTIVE JUROR NO. 048: No.

10 THE COURT: Have you or anyone close to you ever been
11 the victim of a crime either sexual in nature or otherwise?

12 PROSPECTIVE JUROR NO. 048: Yes. My sister.

13 THE COURT: What happened with your sister?

14 PROSPECTIVE JUROR NO. 048: She was sexually
15 assaulted about -- it was about 45 years ago.

16 THE COURT: Forty-five years ago. So how old were
17 you at the time?

18 PROSPECTIVE JUROR NO. 048: Twelve, fourteen.

19 THE COURT: Do you have strong memories of that
20 case --

21 PROSPECTIVE JUROR NO. 048: Yes, I do.

22 THE COURT: -- or is it just sort of -- okay.

23 Were you involved in that case in any way? Were you
24 a witness or --

25 PROSPECTIVE JUROR NO. 048: Just witness.

1 THE COURT: Did you have to testify in court?

2 PROSPECTIVE JUROR NO. 048: Yes, I did.

3 THE COURT: And any strong feelings about that
4 experience that might cause you to hesitate about --

5 PROSPECTIVE JUROR NO. 048: It happened so long ago
6 and it was in South America at the time.

7 THE COURT: It was where?

8 PROSPECTIVE JUROR NO. 048: In South America.

9 THE COURT: Oh. I'm sure their court system's very
10 different down there too, right?

11 PROSPECTIVE JUROR NO. 048: Totally.

12 THE COURT: So is there anything at all about the
13 case that should cause anyone here any concern?

14 PROSPECTIVE JUROR NO. 048: No.

15 THE COURT: No. So the fact that you're -- let's put
16 the court case aside. The fact that your sister was a victim
17 of a sexual assault -- and you said that you were a witness
18 to it?

19 PROSPECTIVE JUROR NO. 048: Yes, I was.

20 THE COURT: Did you actually see the assault, or you
21 saw --

22 PROSPECTIVE JUROR NO. 048: Yes, I did.

23 THE COURT: Okay. So how do you feel -- does that
24 cause any concern for you about serving as a juror in this
25 case, knowing what the charges are, not knowing -- obviously

1 you don't know the facts yet, but at least what the charges
2 are?

3 PROSPECTIVE JUROR NO. 048: No. I don't think so.

4 THE COURT: You don't think so?

5 PROSPECTIVE JUROR NO. 048: No.

6 THE COURT: So you think that you could be fair and
7 impartial in determining the guilt or innocence of the accused
8 even though you previously have witnessed a sexual assault?

9 PROSPECTIVE JUROR NO. 048: Yes.

10 THE COURT: Okay. All right. Have you or anyone
11 close to you ever been accused of a crime, whether or not
12 there was a conviction, whether it was sexual in nature or
13 otherwise?

14 PROSPECTIVE JUROR NO. 048: No.

15 THE COURT: Let me get you to pass the microphone.

16 Hi. What is your badge number?

17 PROSPECTIVE JUROR NO. 049: 049.

18 THE COURT: Mr. Iverson.

19 PROSPECTIVE JUROR NO. 049: Yes.

20 THE COURT: All right. What do you do for a living?

21 PROSPECTIVE JUROR NO. 049: Teacher.

22 THE COURT: For the school district or somewhere
23 else?

24 PROSPECTIVE JUROR NO. 049: Clark County School
25 District.

1 THE COURT: How long have you done that?
2 PROSPECTIVE JUROR NO. 049: This is my tenth year.
3 THE COURT: Married, kids?
4 PROSPECTIVE JUROR NO. 049: About to be divorced.
5 THE COURT: I'm sorry?
6 PROSPECTIVE JUROR NO. 049: About to be divorced.
7 THE COURT: About to be divorced. I'm sorry to hear
8 that. Any kids?
9 PROSPECTIVE JUROR NO. 049: An 11-year-old girl,
10 eight-year-old boy.
11 THE COURT: And what does your -- well, I'll call her
12 your current wife, but --
13 PROSPECTIVE JUROR NO. 049: She's also -- a
14 librarian.
15 THE COURT: Ever served on a jury before?
16 PROSPECTIVE JUROR NO. 049: Yes.
17 THE COURT: Where and when?
18 PROSPECTIVE JUROR NO. 049: Eight years ago here in
19 Clark County.
20 THE COURT: Criminal or civil case?
21 PROSPECTIVE JUROR NO. 049: Civil.
22 THE COURT: Did the jury render a verdict?
23 PROSPECTIVE JUROR NO. 049: Yes.
24 THE COURT: Were you the foreperson?
25 PROSPECTIVE JUROR NO. 049: No.

1 THE COURT: Anything about that service that would
2 cause you to hesitate about serving again as a juror?

3 PROSPECTIVE JUROR NO. 049: I think just length of
4 the trial and how it took me away from -- inconvenience of
5 missing work, I guess.

6 THE COURT: How long was that trial?

7 PROSPECTIVE JUROR NO. 049: It was about the same as
8 this.

9 THE COURT: Do you remember the subject matter, what
10 kind of case it was?

11 PROSPECTIVE JUROR NO. 049: Personal injury. The
12 victim's daughter actually worked at the school that I
13 currently work at, so somewhat awkward.

14 THE COURT: Okay. So other than the inconvenience
15 and obviously, you know, that's what happens with jury duty,
16 but it's a civic duty, is there anything else about that
17 experience that would cause you to hesitate?

18 PROSPECTIVE JUROR NO. 049: No.

19 THE COURT: Have you or anyone close to you ever been
20 the victim of a crime either sexual in nature or otherwise?

21 PROSPECTIVE JUROR NO. 049: No.

22 THE COURT: Have you or anyone close to you ever been
23 accused of a crime, whether or not there was a conviction,
24 either sexual in nature or otherwise?

25 PROSPECTIVE JUROR NO. 049: Nope.

1 THE COURT: I appreciate that. Does that finish up
2 the first row there?

3 THE MARSHAL: Yes.

4 THE COURT: Let me get counsel to approach very
5 quickly.

6 (Bench conference.)

7 THE COURT: Here's my very first question. We've
8 been going a little bit over an hour now. Why don't we have a
9 break.

10 (Inaudible responses.)

11 MS. FELICIANO: One thing just before we take the
12 break. One of the jurors, I know his daughter that he
13 mentioned. We're just going to put that on the record.

14 THE COURT: Oh. Which one [inaudible]?

15 MS. FELICIANO: Juror No. 27, the retired
16 firefighter.

17 THE COURT: How do you know her?

18 MS. FELICIANO: I know --

19 THE COURT: I know Stan Parry, but I don't think I
20 know --

21 MS. FELICIANO: I used to work for Stan Parry as
22 well, so I was just going to make that record. I used to work
23 for Stan Parry.

24 THE COURT: Do you want to ask him about that, or...

25 MS. FELICIANO: I mean, no, because he wouldn't -- he

1 doesn't know me [inaudible] it should never come up. You know
2 what I mean. He wouldn't be talking to Maren.

3 THE COURT: Right. Exactly.

4 MS. FELICIANO: But I did [inaudible] close friends
5 with her, so I just wanted to [inaudible] since I don't know
6 him and he shouldn't be talking about the trial anyway.

7 THE COURT: Right. Okay.

8 MS. FELICIANO: [Inaudible.]

9 THE COURT: Let's take a break and we can put all
10 this on the record.

11 MS. FELICIANO: Okay.

12 THE COURT: All right.

13 (End bench conference.)

14 THE COURT: Ladies and gentlemen, here's what we're
15 going to do. We've been going a little bit over an hour now.
16 Let's take a short bathroom and snack break. One thing I
17 forgot to tell you this morning. Since I know these days are
18 kind of long, I don't mind if you guys bring in beverages and
19 snacks. There is a snack machine and beverage machine not on
20 this floor, but one floor up and one floor down. So if you
21 want to get something, that's fine.

22 As long as it's not something that's going to be
23 really obtrusive like, you know, I'm not in favor of a bag of
24 chips because then, you know, not so much me, but the court
25 recorder can hear you munching away in the microphone. But if

1 it's something that you want to nibble on that's relatively --
2 that's not going to draw a lot of attention, I don't mind if
3 you do that.

4 So let's make it about a ten-minute break. There's a
5 couple things that we need to put on the record, and then
6 we'll go on from there. During this break, the same things
7 that I talked about during lunch apply. Don't talk about this
8 case. Don't reach any conclusions. Don't research this case.
9 If you see people out in the hallway, don't talk with them.
10 Don't talk to anyone who doesn't have a juror badge on.

11 Obviously don't investigate this case. And if you
12 see any of us out in the hallway, I don't think we'll be out
13 in the hallway, but if you see us, don't talk with us. All
14 right. See you guys here in ten minutes.

15 (Prospective jurors recessed at 2:50 p.m.)

16 THE COURT: All right. We're outside the presence of
17 the jury. Anything that either side wanted to put on the
18 record?

19 MS. FELICIANO: The only thing I was going to put on
20 the record, Judge, is just what I had mentioned at the bench.
21 Juror Badge No. 27, his name is Michael Parry. He mentioned
22 that his daughter-in-law is an attorney here in town. Her
23 name is Maren Parry. I am friends with her. I went to law
24 school with Maren. I also know then what would be his son.
25 His name is Brandon.

1 I've never met Michael Parry before and don't know
2 him. Also he mentioned that his cousin, Stan Parry, is an
3 attorney here in town, and I worked for Stan Parry in 2007.
4 It's not an issue. Like I said, I don't know him.

5 If he were to be seated on the jury, as long as he
6 followed the admonishment of not discussing the case with
7 family and friends, which we have no reason to believe he
8 wouldn't, then it would never come up with either Maren or
9 Brandon or Stan. But I just, in the interest of full
10 disclosure, wanted to put that on the record.

11 THE COURT: Okay. State, anything you want to put on
12 the record along that vein, or not?

13 MS. FLECK: Not right now. Thank you, Your Honor.

14 THE COURT: Then let's talk -- do you guys need a
15 break also? Do you want to come back here in a couple
16 minutes, or just keep going ahead?

17 MR. FELICIANO: Could use a quick break.

18 MS. FELICIANO: Yeah, me too.

19 THE COURT: Okay. Let's take a short break then.

20 (Court recessed at 2:53 p.m. until 3:01 p.m.)

21 (Outside the presence of the prospective jurors.)

22 THE COURT: Back on the record. We're outside the
23 presence of the jury. The defendant's present with the
24 assistance of a Spanish interpreter.

25 All right. So just so you guys know, I'm done with

1 my part. So now I'm going to turn it over to you guys. But
2 before we do that, is there anything that either side wanted
3 to put on the record regarding any of the prospective jurors?

4 MS. FLECK: Nothing from the State.

5 MR. FELICIANO: No, Judge.

6 THE COURT: All right. Then is there anything else?
7 Let's -- is there any reason not to bring them back in, other
8 than we're not quite at the full ten minutes yet?

9 MS. FLECK: No. We can wait.

10 THE COURT: Well, if they're all out there, let's
11 bring them back in. I'm sure they'd be happy to move it
12 along. Oh, you know what. Hang on.

13 Right when you guys left, Randy said that Juror
14 No. 22, the retired Navy guy on his way out the door said to
15 Randy that there was something that he had forgotten to
16 mention that he wanted to mention. I have no idea what it is.
17 Do you want to just bring him back in here and I'll question
18 him, or do you want to bring him back in here especially to
19 find out what it is?

20 MS. FLECK: We can just ask him when he comes -- when
21 they all come in. Twenty-two, or Number 22. I have it
22 marked --

23 THE COURT: Badge No. 22. I don't know what seat
24 he's in, but he's the retired Navy guy with the disabled wife.

25 MS. FLECK: Do you want to ask him, Winings?

1 THE MARSHAL: I think he's in Seat 11.

2 THE COURT: Seat 11.

3 MS. FLECK: Twelve.

4 THE COURT: Mr. or Mrs. Feliciano, do you want to
5 just bring him in and I'll ask him, or...

6 MR. FELICIANO: I'm sorry. What...

7 THE COURT: Juror No. 22, on his way out the door
8 said to Randy that he had forgotten to mention something.

9 MR. FELICIANO: Oh.

10 THE COURT: Do you want to bring him in specially, or
11 do you just want to bring the whole panel in and I'll just ask
12 him?

13 MR. FELICIANO: Whatever the Court's pleasure.

14 THE COURT: Okay. Well, let's just bring them all
15 back in here and I'll just ask him right away then, and
16 hopefully it's not something sensitive. But it seems like --
17 Randy made it sound like it was something I said triggered his
18 memory on something that he should have mentioned.

19 All right. Let's bring them back in then.

20 (Prospective jurors enter at 3:04 p.m.)

21 THE MARSHAL: We have one straggler in the bathroom.

22 THE COURT: Oh, okay.

23 THE MARSHAL: The panel's all here, Judge.

24 THE COURT: All right. Will counsel stipulate to the
25 presence of the prospective panel?

1 MS. FLECK: State does, Your Honor.

2 MR. FELICIANO: Yes, Your Honor.

3 THE COURT: All right. Before we begin, Mr. Winings,
4 Juror No. 22, I apologize for singling you out. It's not my
5 goal to embarrass you. But my marshal tells me that on your
6 way out -- do you have the microphone somewhere?

7 THE MARSHAL: Yeah.

8 THE COURT: On your way out the door you had
9 mentioned that there was something that you had forgotten to
10 mention.

11 PROSPECTIVE JUROR NO. 022: These are items that I
12 try to forget about. But my oldest son, right, I don't know
13 when, and I found out about 15 years ago he was -- for sexual
14 assault. Don't know if he was convicted or not. And my two
15 younger son --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 022: And my two younger sons,
18 Jeff, the youngest one, Jeff was convicted of burglary. And
19 also, a way back, when they had a big ice bust in town, he was
20 part of that. It was all federal. And they -- it was all
21 done in Hawaii.

22 THE COURT: All right. So you said your oldest son,
23 was he convicted 15 years --

24 PROSPECTIVE JUROR NO. 022: He's a legitimate --
25 illegitimate, and I don't know anything more than that, other

1 than the state highway patrol told me that there's charges out
2 for him for sexual assault. That's all I know.

3 THE COURT: Okay. There's charges out, so you don't
4 even know what the status is of the case or anything like
5 that?

6 PROSPECTIVE JUROR NO. 022: No. No.

7 THE COURT: And then with your youngest son then, do
8 you --

9 PROSPECTIVE JUROR NO. 022: He did 11 years in
10 prison.

11 THE COURT: Okay. He did 11 years in prison.

12 PROSPECTIVE JUROR NO. 022: He's out.

13 THE COURT: Was that here or somewhere else?

14 PROSPECTIVE JUROR NO. 022: It was a federal charge.

15 THE COURT: I mean, was -- did it happen in Las
16 Vegas?

17 PROSPECTIVE JUROR NO. 022: It was done in Hawaii,
18 but he served his time in California.

19 THE COURT: Was there anything about either of those
20 two cases that would cause you to hesitate about serving as a
21 juror in a criminal case?

22 PROSPECTIVE JUROR NO. 022: No.

23 THE COURT: Anything about the fact that your oldest
24 son, even though you -- it doesn't sound like you have much
25 contact with him, was at least --

1 PROSPECTIVE JUROR NO. 022: I never raised him or
2 nothing.

3 THE COURT: -- accused of a sex related crime, and
4 you don't --

5 PROSPECTIVE JUROR NO. 022: It wouldn't affect me,
6 no.

7 THE COURT: -- you don't even know if he was
8 convicted, right?

9 PROSPECTIVE JUROR NO. 022: That's correct. But it
10 wouldn't affect my judgment at all.

11 THE COURT: All right. I appreciate your letting me
12 know about that. Thank you very much.

13 All right. At this time, State, do you have any
14 questions for the members of the prospective jury?

15 MS. FLECK: I do, Your Honor. Thank you.

16 All right. Ladies and gentlemen, we have spent a
17 significant amount of the day talking about reasons why people
18 can't be here or don't want to be here. Anyone that's
19 actually excited to be here, that when they got their summons
20 they thought, you know, I'm kind of interested to go down and
21 do this? Mr. Winings, what did you feel when you got your
22 summons?

23 PROSPECTIVE JUROR NO. 022: Well, I've never had a
24 chance to do this.

25 THE MARSHAL: Sir, sir --

1 THE COURT: We need the microphone. Sorry.

2 THE MARSHAL: Need your badge number, name, and then
3 answer the question, please.

4 PROSPECTIVE JUROR NO. 022: 022, Winings. I've never
5 had a chance to do anything like this before because, you
6 know, I'm 60 now and I've been in the military for 23 years.
7 And I look -- since I've never been part of the system before,
8 I was looking forward to be part of it for once.

9 MS. FLECK: Okay. So you kind of view it as your
10 civil duty?

11 PROSPECTIVE JUROR NO. 022: Looking forward to it.

12 MS. FLECK: And is it participating in the process,
13 or learning something more about the criminal justice system?
14 What is it that --

15 PROSPECTIVE JUROR NO. 022: Both.

16 MS. FLECK: Okay. Anyone else feel that way, or
17 interested in it? Okay. So I have my work cut out for me.

18 I guess the idea that hopefully the judge has already
19 imparted to everyone and that I will, is that our goal for
20 both the State and the defense is to find a jury at the end of
21 the day that is fair and impartial to both sides, to both the
22 State and to the defense, and that if there is anything that
23 you've thought about while you've heard questions posed to
24 other people or answers that you'll continue to hear and it
25 brings something up in your mind like you know what, I might

1 not be the right person for this, if you've forgotten
2 something, as Mr. Winings had, or if you're kind of
3 embarrassed to say something.

4 You've heard the charges, 37 counts of sexual abuse.
5 Serious case. So if there's anything in your past, in your
6 experiences that you think it's just nagging in the back of my
7 mind but I don't really want to say it, this is the time to
8 say it. Again, both the State and the defense need to have an
9 impaneled jury that comes into this courtroom obviously with
10 your own experiences, but able to listen to the evidence and
11 not make a judgment until all of that evidence is put forth.

12 So with that, any other questions that I ask is never
13 intended to embarrass anybody, and I'm sorry and I apologize
14 in advance. But it's just a way of me getting to know you and
15 you also maybe reflecting within yourself if this is really
16 the kind of case that you should be sitting on.

17 First of all, who has seen CSI, CSI type shows?
18 Okay. The majority of people. Can we all agree that this is
19 a real courtroom and not a set in Hollywood? Anybody have an
20 issue with that?

21 Okay. Is there anyone that's going to say, you know
22 what, this is a sexual assault case, if there's not forensic
23 evidence, if there's not DNA, if there's not fingerprints,
24 there's no way that I can convict? Anyone feel that way?

25 Anyone think, you know what, I can't just listen to a

1 victim, I can't just take the word of someone, I would have to
2 have DNA? Anyone?

3 Okay. Criminal justice system, we've talked about --
4 most people have talked about kind of leaning one way towards
5 law enforcement. I think, Mr. Nicol, you talked a little bit
6 about not finding -- or usually thinking that law enforcement
7 is not credible based upon your experiences.

8 THE MARSHAL: Hang on a second. Let me get him the
9 microphone.

10 PROSPECTIVE JUROR NO. 044: It's 044. And I'm sorry,
11 the question was?

12 MS. FLECK: Well, just asking you a little bit to
13 elaborate on what it is that -- because I believe you were the
14 victim of a crime; is that right?

15 PROSPECTIVE JUROR NO. 044: Yes. Yes, ma'am.

16 MS. FLECK: And what crime was that?

17 PROSPECTIVE JUROR NO. 044: It was an armed home
18 invasion.

19 MS. FLECK: And then there's -- no one was
20 apprehended?

21 PROSPECTIVE JUROR NO. 044: No. I was handcuffed and
22 boom, and didn't take anything and then --

23 MS. FLECK: Oh, they were. Okay. I'm sorry.

24 PROSPECTIVE JUROR NO. 044: Oh, yeah.

25 MS. FLECK: I didn't -- you're a little bit of a soft

1 speaker.

2 PROSPECTIVE JUROR NO. 044: But no, my experience was
3 that with the law enforcement, I mean, they were doing their
4 job, but they -- not getting into all the facts, but the
5 nature of the -- well, anyway, they didn't seem -- because I
6 had survived and they were overworked and, you know, they
7 didn't follow up on the case that much.

8 MS. FLECK: Okay.

9 PROSPECTIVE JUROR NO. 044: And it was almost
10 impossible to track this guy down. Once he's gone, he's gone.
11 Jumped on the train and was gone, another city, I guess.
12 Anyway, so I don't blame them for that.

13 MS. FLECK: So did they apprehend him or not?

14 PROSPECTIVE JUROR NO. 044: No.

15 MS. FLECK: They did not.

16 PROSPECTIVE JUROR NO. 044: As far as I know they
17 never -- that's what I mean. Whenever I inquired, you know,
18 follow up on the case, did you find anybody, any evidence,
19 anything going on; oh, no, no, we'll come back in a year,
20 we'll -- it's still an active case, we can't tell you
21 anything, so.

22 MS. FLECK: And is that -- what jurisdiction was that
23 in, what city?

24 PROSPECTIVE JUROR NO. 044: Oh, this was in
25 California, near San Francisco.

1 MS. FLECK: Is that the sole issue that you have, or
2 experience that you had with law enforcement that gives you
3 that feeling?

4 PROSPECTIVE JUROR NO. 044: Yes.

5 MS. FLECK: Solely that?

6 PROSPECTIVE JUROR NO. 044: [No audible response.]

7 MS. FLECK: Okay. So fair to say that completely
8 different city, completely different case, completely
9 different law enforcement officers?

10 PROSPECTIVE JUROR NO. 044: Yes.

11 MS. FLECK: So there's nothing else that has had such
12 an overarching feeling in your mind to cause all law
13 enforcement to not be credible, it was just stemming from that
14 experience?

15 PROSPECTIVE JUROR NO. 044: I would say so, yes.

16 MS. FLECK: Anything else then that you've listened
17 to when you've talked with other -- or heard other people's
18 answers, heard other questions that are posed that have made
19 you think, you know what, maybe I wouldn't be the person to be
20 a juror in this case?

21 PROSPECTIVE JUROR NO. 044: No.

22 MS. FLECK: You can be fair and impartial to both
23 sides?

24 PROSPECTIVE JUROR NO. 044: I'll try.

25 MS. FLECK: You can try?

1 PROSPECTIVE JUROR NO. 044: Yeah.

2 MS. FLECK: Any hesitation in that?

3 PROSPECTIVE JUROR NO. 044: Nah.

4 MS. FLECK: Sorry. The word "try" always gives me a
5 little bit of --

6 PROSPECTIVE JUROR NO. 044: I'm sorry.

7 MS. FLECK: -- pause.

8 Okay. If you're chosen to be a juror, promise to do
9 the very best job you can possibly do?

10 PROSPECTIVE JUROR NO. 044: Scout's honor.

11 MS. FLECK: Thank you.

12 Okay. So any other, any other ill will or feelings
13 against law enforcement that hasn't come out with anyone yet,
14 based upon either criminal cases you've had, based upon, you
15 know, anything in your life?

16 And Ms. Mashas, I'll -- I want to kind of flesh out
17 your feeling on the criminal justice system.

18 PROSPECTIVE JUROR NO. 024: 024.

19 MS. FLECK: You disclosed that your brother had an
20 active case here. Neither Mr. Graham or I were the district
21 attorneys on that case, I trust?

22 PROSPECTIVE JUROR NO. 024: That is correct.

23 MS. FLECK: Do you know who was?

24 PROSPECTIVE JUROR NO. 024: I can picture him in my
25 mind, but I don't remember the name.

1 MS. FLECK: Did your brother go to trial, or did he
2 take a plea?

3 PROSPECTIVE JUROR NO. 024: He took a plea.

4 MS. FLECK: And who was his criminal defense
5 attorney?

6 PROSPECTIVE JUROR NO. 024: Tom Pitaro.

7 MS. FLECK: So understanding that you obviously, you
8 know, you're emotional about it and you have every right to
9 be, that you were close to your brother, I assume?

10 PROSPECTIVE JUROR NO. 024: Yes.

11 MS. FLECK: Did you know the victim in the case?

12 PROSPECTIVE JUROR NO. 024: Yes.

13 MS. FLECK: Was that a person also within your
14 family?

15 PROSPECTIVE JUROR NO. 024: No.

16 MS. FLECK: Do you think that there's any way that
17 you can set that aside?

18 I mean, given that you're visibly upset, I know that
19 you are -- if you're thinking with your head and not your
20 heart you would tell me probably that, you know, you know it's
21 a different case and you know it's different prosecutors and
22 different evidence and all of that kind of stuff. So those
23 would be the right answers, I know.

24 But if you're looking within your heart, do you think
25 you can really be fair to the State, given our office

1 prosecuted your brother for the exact same offense?

2 PROSPECTIVE JUROR NO. 024: No. I'm not sure I can
3 be impartial.

4 MS. FLECK: Your Honor, I'm going to make a motion
5 for cause right now on Ms. Mashas.

6 THE COURT: Mr. or Ms. Feliciano, do you have any
7 questions you wish to ask her?

8 MS. FELICIANO: The Court's brief indulgence.

9 (Pause in proceedings)

10 MR. FELICIANO: No questions. Thank you, Judge.

11 THE COURT: Ms. -- is it Ms. Mashas? Is that how you
12 pronounce it? I apologize. Ms. Mashas, thank you very much
13 for your service. You are excused. Please report to the
14 third floor, jury services room on the third floor, and they
15 will give you more instructions. All right.

16 And we need to get the next person in line.

17 THE CLERK: Badge No. 058, Elaine Cory.

18 THE COURT: Come on up, ma'am, and have a seat in the
19 seat that Ms. Mashas is now leaving.

20 All right. Ms. Cory, since you're just now taking a
21 seat in this area, let me go ahead and ask you to give us a
22 brief biographical sketch. What do you do, are you married,
23 does your husband work? I know you're moving to Texas but,
24 you know, kids, that kind of thing.

25 PROSPECTIVE JUROR NO. 058: I work at Harrah's hotel

1 and casino at the front desk.

2 THE COURT: All right. How long have you done that?

3 PROSPECTIVE JUROR NO. 058: Almost 13 years.

4 THE COURT: Are you married?

5 PROSPECTIVE JUROR NO. 058: Yes.

6 THE COURT: What does your husband do?

7 PROSPECTIVE JUROR NO. 058: Security.

8 THE COURT: For what kind of organization?

9 PROSPECTIVE JUROR NO. 058: Mandalay Bay.

10 THE COURT: Okay. What are you going to be doing in
11 Texas?

12 PROSPECTIVE JUROR NO. 058: Retiring.

13 THE COURT: Okay. Congratulations.

14 PROSPECTIVE JUROR NO. 058: Babysitting.

15 THE COURT: Any kids?

16 PROSPECTIVE JUROR NO. 058: Yes.

17 THE COURT: How old?

18 PROSPECTIVE JUROR NO. 058: Thirty-nine and 34, two
19 boys.

20 THE COURT: Any grandkids?

21 PROSPECTIVE JUROR NO. 058: Yes.

22 THE COURT: How old are they?

23 PROSPECTIVE JUROR NO. 058: Twelve, nine, eight,
24 seven and four.

25 THE COURT: Do they live in Texas; is that why you're

1 moving there, or no?

2 PROSPECTIVE JUROR NO. 058: Two are in Texas and
3 three are in Indiana.

4 THE COURT: Okay. Ever served on a jury before?

5 PROSPECTIVE JUROR NO. 058: No.

6 THE COURT: Have you or anyone closely associated
7 with you ever been the victim of a crime either sexual in
8 nature or otherwise?

9 PROSPECTIVE JUROR NO. 058: No.

10 THE COURT: Have you or anyone closely associated
11 with you ever been accused of a crime, whether or not there
12 was a conviction, either sexual in nature or otherwise?

13 PROSPECTIVE JUROR NO. 058: Yes.

14 THE COURT: Who was that and where and when?

15 PROSPECTIVE JUROR NO. 058: My husband, September
16 of '10, solicitation.

17 THE COURT: Okay. So did he go to court? What
18 happened?

19 PROSPECTIVE JUROR NO. 058: It was dismissed.

20 THE COURT: It was dismissed. Who was he arrested
21 by? Was it Metro, was it Henderson, was it North Las Vegas?

22 PROSPECTIVE JUROR NO. 058: Metro. They arrested
23 three in a row two minutes apart.

24 THE COURT: Okay. So do you -- I take it from your
25 tone of voice, do you feel that he was treated unfairly?

1 PROSPECTIVE JUROR NO. 058: Yes.

2 THE COURT: Is that something that you would hold
3 against the State in this case, knowing that it's the same
4 organization? I don't know if it's the same officers or not,
5 but I'm going to guess not. But is that something that you
6 would hold against the State?

7 PROSPECTIVE JUROR NO. 058: Possibly.

8 THE COURT: In what way would -- if a Metro police
9 officer were to come in and testify, would you find him less
10 credible because of what happened to your husband, or would
11 you even --

12 PROSPECTIVE JUROR NO. 058: I think there's a lot of
13 entrapment in this city.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 058: And my husband has 20
16 years of police enforcement back in Indiana.

17 THE COURT: He was a sworn officer in Indiana?

18 PROSPECTIVE JUROR NO. 058: He worked for the DOT,
19 for the State of Indiana.

20 THE COURT: All right. So -- all right. When you
21 say that you think there's a lot of entrapment in this city,
22 is that just from what happened to your husband, or is that
23 other knowledge, things you've read and heard?

24 PROSPECTIVE JUROR NO. 058: The knowledge I've heard.

25 THE COURT: I guess what I'm going after is why do

1 you believe that?

2 PROSPECTIVE JUROR NO. 058: From what happened to him
3 and the two guys behind him, and then from what the lawyers'
4 offices told us.

5 THE COURT: Who was his lawyer?

6 PROSPECTIVE JUROR NO. 058: I knew you were going to
7 ask me that, and I can't remember.

8 THE COURT: That's okay if you can't. That's all
9 right. So do you think -- I mean, you don't think that every
10 case involves entrapment. There --

11 PROSPECTIVE JUROR NO. 058: No.

12 THE COURT: There actually is legitimate police work
13 out there in our community, right?

14 PROSPECTIVE JUROR NO. 058: No. I'm not stupid. I
15 know not every case is entrapment.

16 THE COURT: So not knowing anything about this case,
17 do you believe that it happened in this case, or are you able
18 to keep an open mind on that question?

19 PROSPECTIVE JUROR NO. 058: In this particular case?

20 THE COURT: Right.

21 PROSPECTIVE JUROR NO. 058: I would keep an open
22 mind.

23 THE COURT: So notwithstanding whatever happened to
24 your husband and you obviously haven't dived into the details
25 here, but do you think that you could keep an open mind toward

1 everything in this case and evaluate the evidence fairly and
2 impartially, or not?

3 PROSPECTIVE JUROR NO. 058: I would like to think so.

4 THE COURT: What do you mean you would like to
5 think so? Can you explain that?

6 PROSPECTIVE JUROR NO. 058: Well, you know, as the
7 case gets presented, if I feel that there's some entrapment,
8 obviously I might lean that way.

9 THE COURT: What -- okay.

10 PROSPECTIVE JUROR NO. 058: When my husband was
11 arrested, he said to the other -- he said to the officer, you
12 know, something about it's my -- he said something about what
13 do I do, and the officer said -- my husband said, I wasn't
14 guilty. The officer looked at him and laughed and said, It's
15 your word against hers.

16 THE COURT: So if someone were to come in here and
17 claim that they were a victim of a crime, obviously we know in
18 this case it's an alleged sexual assault -- okay. The officer
19 said that to you, right?

20 PROSPECTIVE JUROR NO. 058: To my husband.

21 THE COURT: Is that something that you'd hold against
22 the victim in this case if the victim came in here and said a
23 crime was committed against me?

24 PROSPECTIVE JUROR NO. 058: No. No.

25 THE COURT: All right. Other than your husband then,

1 anyone else closely associated with you ever been accused of a
2 crime sexual in nature or otherwise?

3 PROSPECTIVE JUROR NO. 058: No.

4 THE COURT: All right. Thank you very much. Let me
5 get you to hand the microphone back to Randy.

6 Ms. Fleck, you may continue.

7 MS. FLECK: Okay. I'm going to quickly ask the
8 general law enforcement question again. Anyone else have sort
9 of ill will or concerns or anything in the back of their mind
10 that they thought about? No. Okay.

11 Then Ms. Cory, I'm going to come to you, since you
12 were the last one in the hot seat. So was the woman that was
13 involved with your husband's case, was that an undercover
14 officer?

15 PROSPECTIVE JUROR NO. 058: Yes.

16 MS. FLECK: Okay. So that's how you -- that's why
17 you feel it was entrapment?

18 PROSPECTIVE JUROR NO. 058: Yes.

19 MS. FLECK: All right.

20 PROSPECTIVE JUROR NO. 058: Not only that, like I
21 said, there were two others arrested within two to three
22 minutes of him right in the same place. They were all right
23 together in jail, processed, you know, one right after the
24 other.

25 MS. FLECK: So did they also -- for the same thing?

1 PROSPECTIVE JUROR NO. 058: Yes.

2 MS. FLECK: And so in your mind, because there were
3 more than one, it made the officers -- I guess I don't
4 understand how that -- how does that in your mind tell you
5 that there was some sort of entrapment?

6 PROSPECTIVE JUROR NO. 058: When there's three in a
7 row two minutes apart.

8 MS. FLECK: Okay.

9 PROSPECTIVE JUROR NO. 058: What else would you call
10 that?

11 MS. FLECK: And it was the same female officers?

12 PROSPECTIVE JUROR NO. 058: Yes.

13 MS. FLECK: Got it. Okay. So you bring up a good
14 point, which is that your husband told you that the officer
15 said, you know, it's basically your word against hers.

16 PROSPECTIVE JUROR NO. 058: Mm-hmm.

17 MS. FLECK: Is your concern that it was a police
18 officer and their word versus your husband's or a civilian's,
19 a normal person in society; is that your concern, like the
20 power differential?

21 PROSPECTIVE JUROR NO. 058: I guess I would have to
22 say so, yes.

23 MS. FLECK: If you were asked to be a juror in this
24 case -- you know, oftentimes in sexual assault cases there are
25 only two people. Right. Oftentimes --

1 PROSPECTIVE JUROR NO. 058: Yes.

2 MS. FLECK: -- there's only the victim and the
3 suspect. What kinds of things would you use in a situation --
4 I understand with your husband it might be a little bit
5 different because it's law enforcement. Would you agree that
6 in other situations there may be often times where you have to
7 judge credibility based upon just two people's story?

8 PROSPECTIVE JUROR NO. 058: I'm sorry. Say that
9 again.

10 MS. FLECK: I know. I started -- that was awful.
11 But anyway. Okay. Let me start over.

12 That there are times when you will only have two
13 people's story, so you'll be in a position where you kind of
14 have to judge a person's credibility?

15 PROSPECTIVE JUROR NO. 058: Yes.

16 MS. FLECK: What kinds of things would you use or do
17 you use in your life to judge a person's credibility, when
18 really all you have are two different people's versions of
19 what happened?

20 PROSPECTIVE JUROR NO. 058: Well, I think mannerisms
21 and body language can say a lot, and I think if you pay
22 attention to that person you can get a good feel for them.

23 MS. FLECK: Okay. Let's talk about children. You
24 have children of your own and grandchildren that you're going
25 to go take care of. When your children were growing up, did

1 you ever have times where you had to kind of decide whether
2 your child was telling the truth, or maybe versus an adult?

3 PROSPECTIVE JUROR NO. 058: No.

4 MS. FLECK: Ever put in a position where you had to
5 judge credibility between any children and an adult?

6 PROSPECTIVE JUROR NO. 058: No. My husband worked
7 for law enforcement. They toed a tight rope, let me tell you.

8 MS. FLECK: Do you agree that a child or a minor
9 can -- or I guess, do you have any feelings about children as
10 witnesses, or kind of evaluating a younger person's version of
11 what happened versus an adult's, any issues with that?

12 PROSPECTIVE JUROR NO. 058: No.

13 MS. FLECK: In your experience as a mom, what are
14 some reasons that you've come across that children may not
15 tell the truth?

16 PROSPECTIVE JUROR NO. 058: Well, I suppose they do
17 for lack of attention at times.

18 MS. FLECK: Okay. So to get attention. What else?

19 PROSPECTIVE JUROR NO. 058: I suppose some kids are
20 just ornery.

21 MS. FLECK: All right. Any problems then, if you're
22 asked to be a juror in this case, listening to testimony of
23 who's now, you know, actually a young woman, but listening to
24 a version of events that she would be recalling from as far
25 back as 11 years old, and judging that against maybe adults?

1 PROSPECTIVE JUROR NO. 058: I wouldn't have a problem
2 with it.

3 MS. FLECK: So kind of knowing this case and the fact
4 that you may be asked to judge credibility, but that it's not
5 going to be law enforcement really against anybody, does that
6 clear up any issues that you have from that case with your
7 husband?

8 PROSPECTIVE JUROR NO. 058: Say that again.

9 MS. FLECK: Knowing that in this case there's not --
10 you would be asked to judge credibility --

11 PROSPECTIVE JUROR NO. 058: Right.

12 MS. FLECK: -- but it wouldn't be say Metro versus a
13 defendant or Metro versus a victim, given that there isn't law
14 enforcement involved in that and that it's just people, does
15 that clear up the issues that you have regarding law
16 enforcement and regarding entrapment?

17 PROSPECTIVE JUROR NO. 058: Yes.

18 MS. FLECK: Okay. So you can listen to the testimony
19 of a law enforcement officer as just a fact finder or somebody
20 who's doing an investigation?

21 PROSPECTIVE JUROR NO. 058: Yes.

22 MS. FLECK: Any other concerns that you have about
23 sitting as a juror on this case?

24 PROSPECTIVE JUROR NO. 058: No.

25 MS. FLECK: Your move to Texas, is that something

1 that is overriding in your mind such that you won't be able to
2 listen with a clear mind?

3 PROSPECTIVE JUROR NO. 058: I can get along with it.

4 MS. FLECK: All right. If you're asked to be a
5 juror, you promise to do the very best job you can possibly
6 do?

7 PROSPECTIVE JUROR NO. 058: Yes.

8 MS. FLECK: All right. Thank you.

9 MR. FELICIANO: Judge, may we approach briefly?

10 THE COURT: Sure.

11 (Bench conference.)

12 MS. FELICIANO: So at this point we're going to ask
13 to dismiss the panel based on the questioning that Ms. Fleck
14 just engaged in with the witness, telling the witness that the
15 credibility at issue here is only between the alleged victim
16 and the defendant, and that there are no issues with law
17 enforcement credibility.

18 Just therefore took away any chance for us to attack
19 or [inaudible] the police investigation in this case by her
20 saying law enforcement is just fact finders here, there's no
21 issues with credibility. That's just [inaudible] law
22 enforcement credibility [inaudible] to say something like that
23 without having any [inaudible]. It's --

24 MS. FLECK: That's not what I was saying.

25 MS. FELICIANO: That's exactly what was just said.

1 She was told that can you sit on this jury knowing that you're
2 not going to have to be judging law enforcement credibility
3 and there are no issues with law enforcement credibility, you
4 only have to be judging the credibility of the alleged victim
5 against the defendant.

6 That just told the entire jury that the investigation
7 in this case was above board, credible, and that we have no
8 issues with it, which is incredibly prejudicial to
9 Mr. Renteria.

10 MS. FLECK: Well, you can clear it up, but just
11 say -- or I can clear it up right now and I -- the point was
12 that it's not an issue like if with her husband's, where it's
13 law enforcement as a -- as [inaudible] entrapment. But it's
14 not like this was a situation where an officer [inaudible],
15 you know, trying to troll and look for young girls. That's
16 all I'm saying. I don't think that anybody took it like that.

17 But I'll clear it up and say -- or you clear it up.

18 THE COURT: Right. I mean, it seems like something
19 pretty clear to me, because all day long I've been saying
20 things, because I don't even know who your witnesses are. You
21 know, it's one of the strange things where I know less about
22 the case than either of you. I've been asking all the jurors
23 if police officers were to come in here and testify would you
24 be fair and impartial. I've said that 20 times today.

25 So I think it's pretty clear that police officers

1 might come in and testify, so I don't know why the juror would
2 conclude, you know, based on the one question that, oh, that
3 means I don't have to listen to what -- you know, I don't have
4 to decide if the police officers are believable or not.

5 MS. FELICIANO: Because the State just made the
6 representation that this is not about police officer
7 credibility, the credibility of the officers are not at issue
8 in this case and that only the credibility of the alleged
9 victim is at issue.

10 MS. FLECK: First of all, it's my --

11 MS. FELICIANO: That's what the State just said.

12 MS. FLECK: First of all, you get to get up and say
13 whatever you want. Just because I say it doesn't mean it's
14 true. I mean, I say a lot of things up there that's against
15 your theory of the case, against everything that you --

16 MS. FELICIANO: By vouching for the witness, we're
17 not getting [inaudible] police officer and saying this is not
18 an issue in the case. That's improper vouching and that's a
19 misrepresentation of what's at issue.

20 THE COURT: I mean, we can certainly clear it up.
21 But my impression of the entire line of questioning is that
22 her husband's case was because he's solicited by [inaudible]
23 police officer [inaudible]. That's not the case here.

24 MS. FLECK: And I'll say [inaudible] you have to
25 judge the credibility of a police officer the same as everyone

1 else. I'm not conceding that that clarifies that we're asking
2 to dismiss the panel. I mean, we're not going to concede that
3 that clears up the issue [inaudible].

4 THE COURT: Well, I mean, it's denied, because I
5 think we can -- first of all, it's fixable [inaudible]. But
6 my understanding is the whole point of the questioning is her
7 husband was allegedly [inaudible] accused of soliciting a
8 police officer, and I think Ms. Fleck's point is it's not a
9 police officer who's saying I'm the victim and he did this
10 to me.

11 MS. FLECK: Correct.

12 THE COURT: In this case it's a, for want of a better
13 word, civilian. [Inaudible] civilian witness. I think that
14 was the point. And I don't remember your exact wording, but
15 that's what I got your point to be.

16 MS. FLECK: I'll clarify.

17 THE COURT: Maybe she phrased it inelegantly, but I
18 don't know why at this stage -- I mean, because I'm not
19 confused by it. I'm not sure how many jurors are, but we can,
20 you know, clear it up.

21 MS. FLECK: I'll clarify it and just say you have to
22 judge the credibility of all witnesses.

23 THE COURT: All right.

24 (End bench conference.)

25 MS. FLECK: May I proceed?

1 THE COURT: You may.

2 MS. FLECK: Okay. Just to clarify in case there was
3 any confusion, obviously all of the witnesses that come and
4 testify before you, whether it's a victim, a family member, or
5 a law enforcement, you judge the credibility of each and every
6 witness.

7 So if I in any way implied that you don't have to
8 judge the credibility of law enforcement, that was not my
9 intent. My intent was to flesh out if since it's not a law
10 enforcement officer who is sort of saying this is what was
11 done to me, if it clears up your issues with your husband.
12 Are we on the same page?

13 PROSPECTIVE JUROR NO. 058: Yes.

14 MS. FLECK: Okay. Wonderful.

15 PROSPECTIVE JUROR NO. 058: We always were.

16 MS. FLECK: Okay. Great. Thank you.

17 Okay. There's a number of mandatory reporters.
18 Mr. Brahmer, your wife -- you're not, but your wife is a
19 substitute teacher. As a substitute teacher, has she ever
20 talked to you -- sorry.

21 PROSPECTIVE JUROR NO. 001: 001.

22 MS. FLECK: Thank you. Okay. Has she ever talked to
23 you about her job as a substitute teacher and whether or not
24 she's ever had to report sexual abuse?

25 PROSPECTIVE JUROR NO. 001: She talks about her job

1 all the time, nothing about that though.

2 MS. FLECK: Okay. Nothing about kids at school that
3 have ever disclosed to her that they were victims or anything
4 like that?

5 PROSPECTIVE JUROR NO. 001: No. If it's happened,
6 she's never talked about it.

7 MS. FLECK: Okay. The only other thing then that I
8 think that you talked about is that you were accused of a
9 misdemeanor theft.

10 PROSPECTIVE JUROR NO. 001: Convicted.

11 MS. FLECK: Convicted. And when was that?

12 PROSPECTIVE JUROR NO. 001: I was 18, which would
13 be 1990.

14 MS. FLECK: Here in Las Vegas?

15 PROSPECTIVE JUROR NO. 001: Colorado.

16 MS. FLECK: All right. Any issues with that at all?
17 I mean, I --

18 PROSPECTIVE JUROR NO. 001: No. I was just a dumb
19 kid who stole some stuff and got caught, that simple.

20 MS. FLECK: All right. No kids, right?

21 PROSPECTIVE JUROR NO. 001: No kids.

22 MS. FLECK: Any issues judging the credibility of
23 children or young -- when I say children, it's -- the victim
24 in this case is now a 19-year-old woman. So any issues
25 though, listening to testimony about kids, what happened when

1 they were children, anything like that, not having much
2 experience of your own?

3 PROSPECTIVE JUROR NO. 001: No.

4 MS. FLECK: And maybe you do with nieces or nephews,
5 but any issues with that?

6 PROSPECTIVE JUROR NO. 001: None.

7 MS. FLECK: All right. Promise you'll do the very
8 best job you can possibly do if you're chosen to be a juror?

9 PROSPECTIVE JUROR NO. 001: Yes.

10 MS. FLECK: Thank you.

11 Number 6, Ms. Barrow.

12 PROSPECTIVE JUROR NO. 013: 013.

13 MS. FLECK: And you are also a teacher for Clark
14 County School District.

15 PROSPECTIVE JUROR NO. 013: Yes. I teach third
16 grade.

17 MS. FLECK: What do you teach?

18 PROSPECTIVE JUROR NO. 013: Third grade.

19 MS. FLECK: At what school?

20 PROSPECTIVE JUROR NO. 013: Walter Bracken Elementary
21 School.

22 MS. FLECK: A mandatory reporter, right?

23 PROSPECTIVE JUROR NO. 013: Yes.

24 MS. FLECK: Have you ever had or been involved in any
25 mandatory reporting through your job?

1 PROSPECTIVE JUROR NO. 013: Fortunately no, not yet.

2 MS. FLECK: How about any of the teachers that you're
3 close with?

4 PROSPECTIVE JUROR NO. 013: My first year teaching I
5 know a teacher I use to work with, she reported some child
6 abuse incident.

7 MS. FLECK: Having experience with children, what
8 kinds of things do you use to kind of judge credibility?

9 PROSPECTIVE JUROR NO. 013: Well, I feel -- working
10 with children for so long, I feel like a lot of times you can
11 tell when they're being honest with you, especially if there
12 is a lot of emotion when they're talking to you about things
13 that are happening to them on the playground or whatever.
14 However I have also had experience with students looking at me
15 and lying straight to my face with tears in their eyes as
16 well.

17 So it's, you know, it can be really hard sometimes to
18 judge when they're telling the truth, especially if they're
19 good at...

20 MS. FLECK: All right. Okay. So you just kind of go
21 with your gut then at that --

22 PROSPECTIVE JUROR NO. 013: A lot of times you
23 have to, and a lot of times it's a matter of making sure you
24 can find facts or witnesses and corroborate their story, or
25 corroborate with their story.

1 MS. FLECK: Okay. How about this idea. Would you
2 agree that just because a person may have made a foolish
3 choice as a -- you know, when they were younger, that they are
4 still entitled to the same exact protections under the law as
5 a victim when they're older?

6 Maybe somebody made a mistake and did something that
7 you would say, well, that was foolish or that was, you know,
8 that was a bad decision, but they were young and -- would you
9 hold that against them as a victim later in life?

10 PROSPECTIVE JUROR NO. 013: I don't think so. I
11 think everybody makes mistakes [inaudible].

12 MS. FLECK: So you wouldn't automatically disbelieve
13 what a witness said because they had made an immature decision
14 at say 11 years old?

15 PROSPECTIVE JUROR NO. 013: No.

16 MS. FLECK: Okay.

17 PROSPECTIVE JUROR NO. 013: And I do have one thing I
18 wanted to say. I did have a student named Maritza back
19 in 2004, and I think that was one of the names of the -- but I
20 wasn't sure if the age doesn't fit. I don't recall her last
21 name.

22 MS. FLECK: Third grade?

23 PROSPECTIVE JUROR NO. 013: Yes. She was probably
24 about nine at the time.

25 MS. FLECK: I don't think that -- do you remember her

1 last name?

2 PROSPECTIVE JUROR NO. 013: No, I don't
3 unfortunately. It was during my student teaching.

4 MS. FLECK: Okay. I don't think that that could
5 possibly be her, but I'll --

6 PROSPECTIVE JUROR NO. 013: I didn't think so, but --

7 MS. FLECK: I'll check into it.

8 Okay. So we were talking about automatically
9 disbelieving. So you wouldn't -- you can account for reasons
10 why people do things, you're not going to judge somebody based
11 upon a decision they made when they were young?

12 PROSPECTIVE JUROR NO. 013: No.

13 MS. FLECK: Now, who was it convicted of the robbery
14 with a deadly weapon?

15 PROSPECTIVE JUROR NO. 013: It was my -- my older
16 brother.

17 MS. FLECK: And also the breaking and entering?

18 PROSPECTIVE JUROR NO. 013: Yes.

19 MS. FLECK: How involved were you in those cases?

20 PROSPECTIVE JUROR NO. 013: It was -- he was in
21 California and I was here. It was out of state. I had
22 nothing to do with it.

23 MS. FLECK: Okay. How about your parents or your
24 other members of your family, were they involved in it?

25 PROSPECTIVE JUROR NO. 013: No. He had -- was moved

1 out of state by himself.

2 MS. FLECK: Okay. No problems stemming from that
3 case with the State or the criminal justice system generally?

4 PROSPECTIVE JUROR NO. 013: No.

5 MS. FLECK: Any problems or any concerns that you
6 have about sitting as a juror on this particular case?

7 PROSPECTIVE JUROR NO. 013: I don't believe so.

8 MS. FLECK: Promise you can do the very -- you will
9 do the very best job you can possibly do?

10 PROSPECTIVE JUROR NO. 013: Oh, definitely.

11 MS. FLECK: If we prove our case to you beyond a
12 reasonable doubt, which is our burden and I'll talk about that
13 in a second, if we prove our case beyond a reasonable doubt,
14 do you have any problem coming in here on 37 counts and
15 telling the defendant that he's guilty?

16 PROSPECTIVE JUROR NO. 013: If it's proven without a
17 reasonable doubt I have no problem with that.

18 MS. FLECK: Okay. So then, I guess let's talk a
19 little bit about beyond a reasonable doubt. That's our
20 burden. It's, you know, met in courthouses every day. That's
21 one that we -- we want to meet that burden. So I think you
22 said beyond any -- did you say beyond any doubt?

23 PROSPECTIVE JUROR NO. 013: Mm-hmm.

24 MS. FLECK: Okay. So our burden isn't beyond any
25 doubt, it's beyond a reasonable doubt. So you wouldn't hold

1 us to a higher standard than the law does, would you?

2 PROSPECTIVE JUROR NO. 013: No. I think if there
3 isn't any reasonable doubt as far as his guilt, I would have
4 to go with the evidence.

5 MS. FLECK: When you say you would have to, do you
6 have some concerns about this kind of a case, or is there some
7 hesitation that you have that would make you feel like that's
8 not something you really feel comfortable with?

9 PROSPECTIVE JUROR NO. 013: The only issue I have
10 with this case is it involves a minor. And working with kids
11 and having children, of course it's going to affect -- you're
12 going to have opinions and feelings about that. But as far as
13 looking at things and trying not to -- I guess looking at them
14 fairly, I definitely want to try my best with [inaudible] that
15 makes sense.

16 MS. FLECK: It definitely makes sense. And I guess
17 you -- my only thing that I want to make sure is that you
18 almost sound hesitant, like you -- like you want more proof
19 than the State's actually required to bring. Like when you
20 say beyond any doubt -- and it's semantics, you know. So it
21 could just be just that.

22 But I just want to make sure that you feel
23 comfortable returning a verdict of guilty. Like at the end of
24 the day, that's what you will be charged with doing. You'll
25 be asked to go back, deliberate, talk with perfect strangers

1 about what happened in the case and have an exchange of ideas,
2 and at the end of that you'll be asked to render a verdict.
3 Is that something that you feel comfortable with?

4 PROSPECTIVE JUROR NO. 013: Yes. I think if -- like
5 I said, if the evidence is there and I believe it's beyond a
6 reasonable doubt, I wouldn't have a problem with a guilty
7 verdict.

8 MS. FLECK: Okay. All right. Thank you very much.
9 Mr. -- Ms. McClure, 17. Seat 17.

10 PROSPECTIVE JUROR NO. 029: 029.

11 MS. FLECK: Okay. So you're also a mandatory
12 reporter, right?

13 PROSPECTIVE JUROR NO. 029: Yes.

14 MS. FLECK: Have you ever had an opportunity to
15 report any kind of a sexual abuse or child abuse through your
16 job?

17 PROSPECTIVE JUROR NO. 029: No, not sexual. But this
18 year I did have to report to Title I, who then goes to CPS
19 after they further investigate it just on more of lack of
20 parental involvement.

21 MS. FLECK: Child neglect?

22 PROSPECTIVE JUROR NO. 029: Child neglect in terms of
23 their kids coming to school unsanitary, those kinds of things.
24 But nothing ever sexual.

25 MS. FLECK: Okay. No disclosures have been made to

1 you through school?

2 PROSPECTIVE JUROR NO. 029: No.

3 MS. FLECK: We talked a little bit about your
4 upcoming engagement. Congratulations.

5 PROSPECTIVE JUROR NO. 029: Thanks.

6 MS. FLECK: And you said that you still think that
7 you can be fair.

8 PROSPECTIVE JUROR NO. 029: Yes.

9 MS. FLECK: Again, it's beyond a reasonable doubt.
10 That's a burden that we, you know, have accepted and embraced,
11 and that's what we want -- that's the evidence we want to
12 bring forward. So just because you're engaged to someone in
13 law enforcement, that doesn't mean that if I didn't prove my
14 case that you would just let me slide, because you're about to
15 marry someone in law enforcement?

16 PROSPECTIVE JUROR NO. 029: Oh, yeah. No way.

17 MS. FLECK: All right. Good. Promise you'll do the
18 best job you can possibly do if you're chosen?

19 PROSPECTIVE JUROR NO. 029: Yes.

20 MS. FLECK: All right. Thank you.

21 And finally -- well, no. Two more. Mr. Dell, also a
22 teacher. And --

23 PROSPECTIVE JUROR NO. 031: 031.

24 MS. FLECK: Zero, three, one. What grade do you
25 teach?

1 PROSPECTIVE JUROR NO. 031: Seniors.

2 MS. FLECK: Oh, yikes.

3 PROSPECTIVE JUROR NO. 031: But I taught eighth
4 graders for five years before that.

5 MS. FLECK: Which one's worse?

6 PROSPECTIVE JUROR NO. 031: Seniors.

7 MS. FLECK: Yeah?

8 PROSPECTIVE JUROR NO. 031: Yeah. They care a lot
9 less.

10 MS. FLECK: They care a lot less?

11 PROSPECTIVE JUROR NO. 031: Yes.

12 MS. FLECK: How about your wife, what does she teach?

13 PROSPECTIVE JUROR NO. 031: She teaches -- oh, geez.
14 Mostly three and four-year-olds.

15 MS. FLECK: Okay. That's a good age.

16 PROSPECTIVE JUROR NO. 031: Yeah.

17 MS. FLECK: Any opportunity that you've had as a
18 mandatory reporter to have sexual abuse disclosed to you and
19 further, going to report?

20 PROSPECTIVE JUROR NO. 031: I have never reported
21 any.

22 MS. FLECK: Anyone ever disclosed anything like that?

23 PROSPECTIVE JUROR NO. 031: I have -- have a case
24 that's pending in my school right now. I don't think it's --
25 I don't know if it would be considered sexual. It's a teacher

1 who pinched a kid basically. And there was a -- last year
2 there was a girl at my school and I was informed that this was
3 a problem that she was having and that it had already been
4 reported.

5 MS. FLECK: Okay. And --

6 PROSPECTIVE JUROR NO. 031: I'm sorry. She was my
7 student.

8 MS. FLECK: Which school do you teach at?

9 PROSPECTIVE JUROR NO. 031: Palo Verde High School.

10 MS. FLECK: How about your wife, any time that she's
11 had to report?

12 PROSPECTIVE JUROR NO. 031: No -- no -- just
13 reporting through her supervisor about neglect, but other than
14 that, that was it. No any kind of mandatory reporting to CPA
15 or -- or I'm sorry, C -- CPS. Sorry.

16 MS. FLECK: No problem. You also have an
17 11-year-old. Additionally, besides teaching, you have an
18 11-year-old at home.

19 PROSPECTIVE JUROR NO. 031: Yeah.

20 MS. FLECK: Any issue with the fact that, as you've
21 heard, the age around when the State has alleged that this
22 starts is when the victim's about 11, any problems with that?

23 PROSPECTIVE JUROR NO. 031: I -- I'd like to say that
24 I'm an impartial person, but I would not be a completely
25 honest person if I said that I wasn't -- I didn't connect

1 somewhat with that situation as far as whether or not, you
2 know, just the pain or the trauma involved in the situation of
3 a girl that age. I would be -- I'd be lying if I didn't say
4 that I would envision my daughter in that situation.

5 MS. FLECK: Which is fair, I think, and everyone's
6 going to bring their own experiences into the courtroom.

7 How about the fact that she's around the same age,
8 would you be able to judge her and her experience and her kind
9 of reactions as an individual as opposed to comparing them to
10 your daughter and saying, well, my daughter wouldn't have
11 acted that way, or my daughter would have done something
12 different? Would you be able to judge her on her own?

13 PROSPECTIVE JUROR NO. 031: Yes.

14 MS. FLECK: Okay. And not impute your daughter's
15 personality or decision making?

16 PROSPECTIVE JUROR NO. 031: No. I've taught -- you
17 know, I've taught sixth grade too, and I would say I would
18 compare the witness to every other, you know, child that age
19 that I've ever encountered, but not just my daughter, no.

20 MS. FLECK: Okay. So you would just -- you would
21 just draw on your experience with children that age generally?

22 PROSPECTIVE JUROR NO. 031: Yes.

23 MS. FLECK: All right. Fair. And so when you say
24 that you would have an issue with it, you know, again, the
25 judge has talked a lot about this, that until -- you know, the

1 defendant is innocent until proven guilty. It's our burden to
2 bring forward the evidence, and then and only then should any
3 kind of decision be rendered.

4 So at that point if, you know, someone is found
5 guilty, I think anybody can agree that the charges are
6 egregious and that the charges are something that people
7 can't -- you know, when people say, well, I just think that
8 it's sickening, well, but at this point he's innocent; we
9 agree with that?

10 PROSPECTIVE JUROR NO. 031: Yes.

11 MS. FLECK: Okay. So can you put the feelings aside
12 that you have about the actual crime and say I can listen to
13 the evidence and then render a verdict, and then make my
14 decision about how I feel about the crime in this case or
15 about the defendant or, you know, the evidence as opposed to
16 saying, well, just because I hear the charges, they -- they're
17 so inflammatory that I can't be fair?

18 PROSPECTIVE JUROR NO. 031: I'm not sure I understand
19 the...

20 MS. FLECK: Can you listen to the evidence and then
21 base your decision --

22 PROSPECTIVE JUROR NO. 031: Yes, I can.

23 MS. FLECK: So because I -- what I guess I'm trying
24 to say, and this is for everybody, is that when people say,
25 well, these charges are just, you know, it's so awful, what I

1 hear is, which is true, but we haven't proven our case yet.

2 PROSPECTIVE JUROR NO. 031: Right.

3 MS. FLECK: So once we would, if we do, then that
4 decision can be made or you could have those feelings. But
5 until we present that evidence and we prove our case, you
6 would agree that the defendant sits innocent and that those
7 are just words and ideas as they stand right now?

8 PROSPECTIVE JUROR NO. 031: Yes. Because I would
9 want anybody to do the same for me.

10 MS. FLECK: Right. So you'll hold us to our burden,
11 not a higher burden?

12 PROSPECTIVE JUROR NO. 031: Right.

13 MS. FLECK: If you're chosen, promise to do the very
14 best job you can possibly do?

15 PROSPECTIVE JUROR NO. 031: I would.

16 MS. FLECK: Okay. Thank you.

17 Mr. Iverson, 32.

18 PROSPECTIVE JUROR NO. 049: Yep. 049, Tony Iverson.

19 MS. FLECK: Mr. Iverson, where do you teach school?

20 PROSPECTIVE JUROR NO. 049: At Walter Johnson Junior
21 High School.

22 MS. FLECK: Walter Dotson?

23 PROSPECTIVE JUROR NO. 049: Johnson.

24 MS. FLECK: Oh, Johnson. You said junior high?

25 PROSPECTIVE JUROR NO. 049: Yeah. Sixth grade.

1 MS. FLECK: So around this age, right?

2 PROSPECTIVE JUROR NO. 049: [No audible response.]

3 MS. FLECK: Same kinds of questions then that I just
4 posed. Any problem judging this girl and saying, well, this
5 is how she dealt with life, or this is the experiences that
6 she had and this is the path she chose as opposed to well,
7 Susie, Mary or Joanie wouldn't have done that?

8 PROSPECTIVE JUROR NO. 049: Do I have a problem with
9 how the victim, is that what you're saying?

10 MS. FLECK: Do you have a -- will you be able to
11 judge her -- her on her own individual experiences as opposed
12 to any student that you may teach or any experiences that you
13 have at school?

14 PROSPECTIVE JUROR NO. 049: I believe so.

15 MS. FLECK: Okay. I guess kind of account for
16 personal reactions to things as opposed to comparing them to
17 how other students would act?

18 PROSPECTIVE JUROR NO. 049: I guess so, yes.

19 MS. FLECK: Your -- as a teacher, have you ever been
20 in a position where you had to do any mandatory reporting?

21 PROSPECTIVE JUROR NO. 049: I haven't had to directly
22 report, but people on my team or that I work closely with, you
23 know, kind of -- I don't want to say taken turns, but, you
24 know, they've had to go ahead and do certain things like that.

25 A couple that I work with very closely, I don't know

1 if they had to testify or were present at court for something
2 that sounds very similar to this, that it happened at our
3 school, a girl walking home through her apartments was
4 molested over the course of a few years. And it wasn't a
5 student that I had, but, you know, obviously it's a story that
6 they had told me just regarding, you know, why they were
7 absent today, because they had to appear or go to court, or
8 whatever the case was.

9 MS. FLECK: Okay. All right. So you weren't
10 involved then in testifying or anything?

11 PROSPECTIVE JUROR NO. 049: I -- no.

12 MS. FLECK: How about your wife or soon to be ex, any
13 time that she's had to do that?

14 PROSPECTIVE JUROR NO. 049: Not to my knowledge.

15 MS. FLECK: Okay. What grade does she teach?

16 PROSPECTIVE JUROR NO. 049: All, K through 5.

17 MS. FLECK: And at what school?

18 PROSPECTIVE JUROR NO. 049: Doris Reed Elementary.

19 MS. FLECK: How old were your kids?

20 PROSPECTIVE JUROR NO. 049: My -- I have an
21 11-year-old daughter and an 8-year-old son.

22 MS. FLECK: Okay. So again then, I guess, the same
23 question. Any problem with the fact that you have an
24 11-year-old daughter, just that that's the age of -- that this
25 started, per our allegation?

1 PROSPECTIVE JUROR NO. 049: Probably along the same
2 lines as he has. I mean, that's like any father with
3 their 11-year-old daughter. That's my baby girl and I
4 couldn't imagine.

5 MS. FLECK: Okay. Any issues then as you've listened
6 to my questions or anyone else's answers, any issues that have
7 come up in your mind about sitting as a juror on this
8 particular case?

9 PROSPECTIVE JUROR NO. 049: No.

10 MS. FLECK: If we prove our case to you beyond a
11 reasonable doubt, do you have any problem with coming back in
12 here and finding the defendant guilty?

13 PROSPECTIVE JUROR NO. 049: No.

14 MS. FLECK: Okay. All right. Okay. Mr. Bean, I
15 know. Sorry. You know, we kind of actually talked about what
16 you had been through with your step-dad, and you said that
17 that isn't going to affect your ability, that you can still be
18 fair and that you can handle it emotionally. I wanted to talk
19 to you more about your brother and your nephew. Any issues
20 with law enforcement regarding your brother and your nephew?

21 PROSPECTIVE JUROR NO. 032: No.

22 MS. FLECK: Those were a long time ago in other
23 jurisdictions and you have no issues with that?

24 PROSPECTIVE JUROR NO. 032: [No audible response.]

25 MS. FLECK: Okay. Your wife, how much -- I love that

1 she's a domestic goddess. So -- I want to be a domestic
2 goddess, but instead I'll pick this jury.

3 So how much is that on your mind? Is that on your
4 mind at all in terms of -- I mean, I know it's on your mind,
5 but is it something that you think you can set aside and
6 listen to the evidence in this case with an open mind, or is
7 it something that's so overriding that you think, you know
8 what, I just -- I can't really listen and be fair to both
9 sides?

10 PROSPECTIVE JUROR NO. 032: I can listen and be fair.

11 MS. FLECK: All right. Good. Any other issues then?

12 PROSPECTIVE JUROR NO. 032: No. I was going to be
13 one of the people that raised their hand earlier about being
14 excited to be a part of this. Normally I want to do this --

15 MS. FLECK: Until you heard the charges?

16 PROSPECTIVE JUROR NO. 032: That, but also just that
17 it's, you know, the time frame.

18 MS. FLECK: With what's going on with your wife?

19 PROSPECTIVE JUROR NO. 032: Yeah.

20 MS. FLECK: Okay. Understandable. All right. If
21 you can put all those things aside, I guess that that's more
22 my concern. More my concern is just that she would be on your
23 mind to the point that you wouldn't really be listening to the
24 evidence. But if you don't have a problem, neither do I.
25 Okay. Great. Thank you.

1 Ms. Zeihen. Sorry. How is it?

2 PROSPECTIVE JUROR NO. 041: [Inaudible.]

3 MS. FLECK: Zeihen.

4 PROSPECTIVE JUROR NO. 041: Like the park.

5 MS. FLECK: Oh, Zion. Cool.

6 THE MARSHAL: Jurors, please remember your badge
7 numbers [inaudible].

8 PROSPECTIVE JUROR NO. 041: 041.

9 MS. FLECK: Okay. You've been visibly emotional
10 through the first part of the voir dire. And again, it's --
11 none of these questions are meant to embarrass you, so I'm
12 sorry. The abuse that you suffered is similar to the charges
13 in this case. And who was the perpetrator?

14 PROSPECTIVE JUROR NO. 041: A former -- at the time,
15 two step-brothers and a step-sister.

16 MS. FLECK: All right. Were any of them prosecuted?

17 PROSPECTIVE JUROR NO. 041: No.

18 MS. FLECK: Did you disclose to law enforcement?

19 PROSPECTIVE JUROR NO. 041: I was from ages three to
20 six.

21 MS. FLECK: So it was out of your control?

22 PROSPECTIVE JUROR NO. 041: [Inaudible.]

23 MS. FLECK: And did you ever tell anyone that
24 didn't -- that you felt should have gone forward to law
25 enforcement?

1 PROSPECTIVE JUROR NO. 041: I -- you know, childhood
2 dramas, you tend to block it out until an event occurs that
3 brings it back out. And my freshman year I was actually raped
4 twice, which kind of brought everything back. And at that
5 point I was, well, no one's going to believe me because their
6 stories are better than mine. So I told my dad about the
7 stuff that happened when I was a kid and that was kind of it.

8 MS. FLECK: Wow. Okay. So in high school, these
9 were different people than your -- the family members that you
10 were referring to?

11 PROSPECTIVE JUROR NO. 041: Correct.

12 MS. FLECK: And one of the reasons that you didn't
13 tell is because you felt like nobody would believe you?

14 PROSPECTIVE JUROR NO. 041: Correct.

15 MS. FLECK: How long then did it take until you
16 ultimately told someone?

17 PROSPECTIVE JUROR NO. 041: It took me about a year
18 to talk to my dad about it. And then I felt bad for telling
19 my dad what happened because then he felt guilty.

20 MS. FLECK: Okay. So a lot of your -- a lot of your
21 concern with not telling was hurting other people in your
22 family?

23 PROSPECTIVE JUROR NO. 041: [Inaudible.]

24 MS. FLECK: Okay. Well, I don't want to belabor the
25 point, and I don't certainly want to make you relive something

1 that was -- is fairly fresh probably and that you're so
2 physically kind of hurt by. So any way you can possibly sit
3 on this jury with an open mind?

4 PROSPECTIVE JUROR NO. 041: Honestly, I'd say no,
5 because I'm still trying to figure out how to get past my
6 issues with five people and still trying to find that justice
7 for myself. And I feel like if I were to sit on this jury,
8 then I would just want to give the justice to the victim
9 because I don't have it for me. I don't have that peace of
10 mind for me.

11 MS. FLECK: All right. Thank you so much for being
12 honest.

13 And I will make a motion for cause.

14 THE COURT: Response.

15 MR. FELICIANO: Your Honor, submit it.

16 THE COURT: All right. Ms. Zeihen, I appreciate your
17 service today. Please report to the jury services room on the
18 third floor. And I do hope you understand that it's not our
19 intention to embarrass you about something that obviously, you
20 know, has a lot of meaning for you. And I apologize that you
21 had to talk about this in front of a room full of people, but,
22 you know, it's part of the process.

23 But thank you for your service, and they'll give you
24 further instructions on the third floor.

25 Who's the next person?

1 THE CLERK: Badge No. 059, Tiffany Crockett.

2 THE COURT: Ms. Crockett, can you come up here and
3 take a seat in Ms. Zeihen's chair. All right. Ms. Crockett,
4 since you're now moving up into this area, give us a brief
5 biographical sketch. What do you do, are you married, does
6 your husband work, have any kids, how old?

7 PROSPECTIVE JUROR NO. 059: I do retail associate in
8 the clothing industry. No, I'm not married. I have two kids,
9 an 11-year-old and a 4-year old.

10 THE COURT: Boys or girls?

11 PROSPECTIVE JUROR NO. 059: Boys.

12 THE COURT: Okay. Ever served on a jury before?

13 PROSPECTIVE JUROR NO. 059: No.

14 THE COURT: Have you or anyone closely associated
15 with you ever been the victim of a crime either sexual in
16 nature or otherwise?

17 PROSPECTIVE JUROR NO. 059: Yes.

18 THE COURT: Sorry?

19 PROSPECTIVE JUROR NO. 059: Yes.

20 THE COURT: And who was that?

21 PROSPECTIVE JUROR NO. 059: A family member. It's
22 the same situation, she was 13, and the person that was
23 accused was 35.

24 THE COURT: Who was the person who was accused? Was
25 that another family member?

1 PROSPECTIVE JUROR NO. 059: It was a family friend.

2 THE COURT: Who was this family member to you, the
3 victim, the 13-year-old?

4 PROSPECTIVE JUROR NO. 059: A cousin.

5 THE COURT: Did this happen here in Las Vegas, or
6 somewhere else?

7 PROSPECTIVE JUROR NO. 059: [Unintelligible.]

8 THE COURT: It happened in Las Vegas?

9 PROSPECTIVE JUROR NO. 059: In Las Vegas, yes.

10 THE COURT: Were you involved in that in any way?
11 Were you a witness? Were you -- did you ever testify in the
12 case, anything like that?

13 PROSPECTIVE JUROR NO. 059: No, not testify. Just
14 was around when everything came out in the open.

15 THE COURT: All right. So was the person ever
16 arrested?

17 PROSPECTIVE JUROR NO. 059: No.

18 THE COURT: No?

19 PROSPECTIVE JUROR NO. 059: No.

20 THE COURT: Was it reported to the police?

21 PROSPECTIVE JUROR NO. 059: Yes.

22 THE COURT: To who? To Metro or to North Las Vegas
23 or Henderson, or who?

24 PROSPECTIVE JUROR NO. 059: I believe it was Metro.

25 THE COURT: And how long ago was this?

1 PROSPECTIVE JUROR NO. 059: Probably about nine years
2 ago.

3 THE COURT: Nine years ago. Who reported it to the
4 police?

5 PROSPECTIVE JUROR NO. 059: The child's mother.

6 THE COURT: Did this happen -- you said that the
7 child was a cousin. Did this happen -- were you living
8 together? Was it something you heard about in a different
9 part of town, or -- I guess I'm asking the question is how
10 close were you to what happened?

11 PROSPECTIVE JUROR NO. 059: We were very close.
12 We're first cousins and we deal with each other every day.
13 The mother actually found out and she called myself and my
14 sister to come help her.

15 THE COURT: Okay. So the mom called Metro, and then
16 the person was never arrested though?

17 PROSPECTIVE JUROR NO. 059: No.

18 THE COURT: Anything about that -- how do you feel
19 about Metro's response?

20 PROSPECTIVE JUROR NO. 059: I believe it was
21 attentive. I think it was okay.

22 THE COURT: You think it was okay even though no one
23 was ever arrested or brought to trial?

24 PROSPECTIVE JUROR NO. 059: Well, the mother actually
25 never pressed charges, so that's why it wasn't taken further.

1 THE COURT: Do you know why?

2 PROSPECTIVE JUROR NO. 059: She kind of didn't
3 believe her.

4 THE COURT: Okay. The mom didn't believe her
5 daughter is what you're saying?

6 PROSPECTIVE JUROR NO. 059: Yes.

7 THE COURT: So anything about that case that causes
8 you to have feelings one way or the other about serving as a
9 juror on this case?

10 PROSPECTIVE JUROR NO. 059: Just dealing with
11 children in general, I think it's a sad case. So it kind of
12 affects me that way.

13 THE COURT: Well, I mean, there's no question that
14 it's, you know, it's -- the accusations are what they are and
15 we're all human beings here. But do you think that you could
16 be fair and impartial in hearing the evidence that's presented
17 in this case?

18 PROSPECTIVE JUROR NO. 059: Yes, Your Honor.

19 THE COURT: Okay. Have you ever served on a jury
20 before?

21 PROSPECTIVE JUROR NO. 059: I'm sorry?

22 THE COURT: Have you ever served on a jury before?

23 PROSPECTIVE JUROR NO. 059: No.

24 THE COURT: All right. Ms. Fleck, do you have any
25 questions for Ms. Crockett?

1 MS. FLECK: Not -- not in particular right now. I
2 may when I continue.

3 THE COURT: Okay. Sure.

4 MS. FLECK: Okay. Ms. Trotchie, also the victim of a
5 battery domestic violence. That was -- sorry. Number -- in
6 Seat 26.

7 PROSPECTIVE JUROR NO. 042: 042.

8 MS. FLECK: So you were the victim of a battery
9 domestic violence, and our office prosecuted the person.

10 PROSPECTIVE JUROR NO. 042: Yes.

11 MS. FLECK: Were you happy with that prosecution?

12 PROSPECTIVE JUROR NO. 042: I mean, at the same time
13 it's my kids' dad. I mean, it's mixed emotions.

14 MS. FLECK: Right. So it's hard because he -- you
15 said that -- did we get habitual on him, or we tried to get
16 habitual on him?

17 PROSPECTIVE JUROR NO. 042: They tried to get the
18 habitual on him, but he -- his -- it was going to go to trial,
19 like it was going to go through the whole jury thing. But
20 when they tried to get him with a habitual he took a plea.

21 MS. FLECK: It was a felony battery domestic
22 violence?

23 PROSPECTIVE JUROR NO. 042: Yeah. But he has priors
24 though. Like this was just a one-time thing with me.

25 MS. FLECK: Right. Was it a -- how did it get to

1 felony? Was it a battery domestic violence third, was it
2 strangulation?

3 PROSPECTIVE JUROR NO. 042: Come to find out, because
4 I didn't know anything until it was brought before the judge,
5 he was pending a charge of robbery, pending a charge of
6 strangulation, BDV 3, and I was BDV 4.

7 MS. FLECK: Okay. All right. So you say that you
8 didn't know that. So are you -- were you not that close with
9 him?

10 PROSPECTIVE JUROR NO. 042: I was, but it was
11 like it -- in our time of separation he did his own thing.
12 But in the time of that separation that's what he caught and
13 I, you know, never paid attention to it because, you know, I
14 was just -- my focus was taking care of the kids. Like I
15 didn't care what he was doing.

16 MS. FLECK: Okay. Understood. So how do you resolve
17 that? You know, how do you resolve that in your mind?

18 I mean, I understand it's a relationship, so affairs
19 of the heart are somewhat different. But not wanting, you
20 know, the father of your children prosecuted and then saying,
21 well, yeah, I guess I'm satisfied with the prosecution, do you
22 have any animosity or do you hold any ill will against law
23 enforcement in general based upon his cases that he's gone
24 through, the fact he's been in the system so much?

25 PROSPECTIVE JUROR NO. 042: No.

1 MS. FLECK: And he's been shipped off to prison?

2 PROSPECTIVE JUROR NO. 042: Yeah. He's in prison
3 now.

4 MS. FLECK: And you're okay with that?

5 PROSPECTIVE JUROR NO. 042: Yeah.

6 MS. FLECK: Let's talk a little bit about your time
7 with P and P. You had said a couple of things about the fact
8 that you would have a problem sitting as a juror just because
9 of the stories that you've heard through PSIs and things
10 through P and P.

11 PROSPECTIVE JUROR NO. 042: Well, the thing was is
12 that working in the sex offender unit, like I was able to have
13 access to the files. Like I was able to read on the files of
14 the people that I was going out in the field to serve and do
15 checks on them, you know, do home checks and everything.

16 So the stories like, it really got into gruesome
17 detail from like touching and what age they were, you know,
18 what they did. It's just like it just blew me away, like that
19 people can actually have a heart like that to do something to.
20 Like it didn't even have to be a girl. There was boys too.
21 It's just the simple fact that I'm just --

22 MS. FLECK: So it was just the content that surprised
23 you, that that kind of stuff actually happens?

24 PROSPECTIVE JUROR NO. 042: Yeah. I thought it was
25 something you may see on TV like, you know, this stuff isn't

1 real. But this was actually reality.

2 MS. FLECK: Right. So now that you know it's
3 reality, can you sit and listen to the evidence in this
4 case -- and there will be -- I mean, it will be detailed. It
5 will be obviously of a very sexual nature. Is that something
6 that you think -- you know, the judge -- I don't know exactly
7 how --

8 You're kind of a mixed bag for me here because, you
9 know, you've worked in the criminal justice system and you've
10 worked with people who have already been convicted. So I can
11 assume you understand the burden of beyond a reasonable
12 doubt --

13 PROSPECTIVE JUROR NO. 042: Yes.

14 MS. FLECK: -- and that you're comfortable with the
15 notions of innocent until proven guilty.

16 PROSPECTIVE JUROR NO. 042: Yes.

17 MS. FLECK: And that you wouldn't want to prejudge a
18 person on something especially of this nature before you heard
19 evidence.

20 PROSPECTIVE JUROR NO. 042: Oh, definitely. I mean,
21 there's been times that I've witnessed stuff go down without
22 evidence. It was a he said, she said matter, you know.

23 MS. FLECK: Okay. Well, yeah. And that's --
24 unfortunately, in these cases a lot of times that's how it
25 works, because there's simply no one else there. But besides

1 that, you know, the things that you had said earlier is that
2 you would vote guilty basically just because of, I think,
3 experiences that you've had at P and P.

4 Do you think you can't sit as a juror and understand
5 that the defendant in this case has not yet been convicted?
6 He has not yet been put into the parole and probation
7 department. He's not yet had a chance to even tell the
8 stories that you had experience reading. Do you have a --
9 would you really have an issue with that, or are you just --

10 PROSPECTIVE JUROR NO. 042: I would do my best to
11 look past it. I mean, everybody is different, you know,
12 especially with the stories that I have read. You know, not
13 everybody was doing the same thing. Not everybody was charged
14 with the same sex crime, you know. Everybody had different
15 charges, but were still listed as a sex offender.

16 MS. FLECK: Okay. So I guess here's the thing.
17 Can -- do you think that you can wait until we present the
18 evidence in this case to come up with any kind of judgment or
19 a decision as to the defendant's guilt in this case?

20 PROSPECTIVE JUROR NO. 042: Yeah.

21 MS. FLECK: And you can set aside the other things
22 that you have read and understand that those are different
23 people with different victims, different -- different
24 scenarios, different dates, everything? Can you do that?

25 PROSPECTIVE JUROR NO. 042: Yeah.

1 MS. FLECK: All right. You can be fair to both the
2 State then and also to the defense?

3 PROSPECTIVE JUROR NO. 042: Yes.

4 MS. FLECK: All right. Okay. Since you are there,
5 I'm just going to actually go right next to you. This is kind
6 of off topic, because we were sort of talking about victims.
7 But Ms. Valerio, you are a Spanish instructor at UNLV?

8 Yes. I'm sorry.

9 PROSPECTIVE JUROR NO. 043: 043.

10 MS. FLECK: Zero, four, three. You already know --
11 obviously we've had some interpreter issues already. So you
12 know that there will be some Spanish speakers taking the
13 stand.

14 PROSPECTIVE JUROR NO. 043: Yeah.

15 MS. FLECK: Can you, do you think, and this is very
16 difficult for people, but listen to the English interpretation
17 of what is said and take that as the evidence as opposed to
18 what you hear coming from the witness's mouth? Do you
19 understand what I'm saying?

20 PROSPECTIVE JUROR NO. 043: Yes.

21 MS. FLECK: So the evidence that will be in the case
22 is the testimony that actually comes from the interpreter, not
23 what you hear the Spanish speaker saying.

24 PROSPECTIVE JUROR NO. 043: Okay.

25 MS. FLECK: Do you think you'll have a problem with

1 that?

2 PROSPECTIVE JUROR NO. 043: [No audible response.]

3 MS. FLECK: And I guess what you'll be saying in your
4 mind probably is what if it's different, right? What if
5 it's -- what if [inaudible]?

6 PROSPECTIVE JUROR NO. 043: Yeah. I mean, yeah. But
7 shouldn't the interpretation be as close as to what the person
8 is saying in the -- in their native language, right?

9 MS. FLECK: Okay. If you were chosen to be a juror
10 and you found that the interpretation was wrong, do you have
11 the kind of personality where you could grab the court
12 personnel, grab somebody around and say, hey, listen, I think
13 we've got a problem, there's something that's not kind of
14 jiving in my mind?

15 PROSPECTIVE JUROR NO. 043: I studied translation as
16 part of my master's, so I'll probably be a little picky as far
17 as interpretation and the translation meaning. I mean,
18 honestly.

19 MS. FLECK: Okay. But picky to the point that it's
20 going to affect your ability to listen? I mean, I guess what
21 I'm trying to say is sometimes we have issues where somebody
22 that is so well-versed in both languages will kind of dissect
23 the differences between the interpretation and what was
24 actual -- you know, the Spanish speaking and then the
25 English --

1 PROSPECTIVE JUROR NO. 043: Mm-hmm.

2 MS. FLECK: -- when you're really supposed to be
3 taking the English as the testimony. That's what you're
4 supposed to be relying on, not saying, well, there's a
5 different nuance, or it could mean this. Do you think that
6 given your -- that you've mastered both languages that you
7 would be able to do that --

8 PROSPECTIVE JUROR NO. 043: You know --

9 MS. FLECK: -- as part of your oath?

10 PROSPECTIVE JUROR NO. 043: -- now that I know that
11 I'm supposed to just listen to the English version, of course
12 I will do that and forget about -- you know, try not to listen
13 to the Spanish version of it. Yes. But if you have told me,
14 you know, if I hadn't known this, then probably I would have
15 listened more to the Spanish version.

16 MS. FLECK: Okay. Right. And that's -- right. The
17 actual testimony that's coming out is the English. That's
18 what's in evidence.

19 PROSPECTIVE JUROR NO. 043: Okay.

20 MS. FLECK: But then -- you know, then of course if
21 there's something grossly different and the person's just not
22 getting it right, that you would have the personality to kind
23 of speak up and say, hey, you know, somebody should -- this is
24 my issue, this is what I've heard that's different --

25 PROSPECTIVE JUROR NO. 043: Yes.

1 MS. FLECK: -- that personality?

2 PROSPECTIVE JUROR NO. 043: Yes.

3 MS. FLECK: All right. Any other issues that you've
4 heard or that have come to your mind as you've listened to
5 other people's answers or any of my questions?

6 PROSPECTIVE JUROR NO. 043: No.

7 MS. FLECK: If we prove our case beyond a reasonable
8 doubt and you're chosen to be a juror, do you have any problem
9 coming back in here and finding the defendant guilty?

10 PROSPECTIVE JUROR NO. 043: I have no problem, no.

11 MS. FLECK: Thank you.

12 Okay. Mr. Garwood. Yes.

13 PROSPECTIVE JUROR NO. 048: 048.

14 MS. FLECK: You talked about the events with your
15 sister some 45 years ago, and that you think that you can
16 still be fair. You know, again, not to embarrass anybody, but
17 was this a stranger situation?

18 PROSPECTIVE JUROR NO. 048: It was a boyfriend of a
19 maid.

20 MS. FLECK: A boyfriend of a maid. Was your sister
21 working as a maid?

22 PROSPECTIVE JUROR NO. 048: No. We were living in
23 Colombia, and our maid had a boyfriend over.

24 MS. FLECK: Got it. I see. Okay. So I didn't know
25 if like you were summering -- okay. So the boyfriend -- and

1 then did you walk in on it?

2 PROSPECTIVE JUROR NO. 048: Yes.

3 MS. FLECK: All right. Okay. So somewhat different,
4 I guess, than this case. Just it's also sexual in nature, but
5 not -- that was a stranger situation, a not ongoing?

6 PROSPECTIVE JUROR NO. 048: No, it wasn't. I think
7 it was a one-time occurrence.

8 MS. FLECK: Okay. All right. So no problems with
9 that?

10 PROSPECTIVE JUROR NO. 048: No.

11 MS. FLECK: All right. Any other issues that you --
12 that have come to your mind as you've listened to any of the
13 questions or answers today?

14 PROSPECTIVE JUROR NO. 048: None.

15 MS. FLECK: Any problem finding the defendant guilty
16 if we prove our case beyond a reasonable doubt?

17 PROSPECTIVE JUROR NO. 048: No.

18 MS. FLECK: Okay. And finally on that row, the only
19 other person is -- that I need to talk to is Mr. Ferguson.
20 You have a teenage daughter 15 years old?

21 PROSPECTIVE JUROR NO. 046: Yes.

22 MS. FLECK: Yes. Same kinds of questions that were
23 posed then earlier regarding teenage girls. Will you be able
24 to judge credibility based on the victim in this case, or
25 judge her as an individual and not compare her to your own

1 daughter and say, well, you know, my daughter may have acted
2 different, or my daughter wouldn't have done this?

3 PROSPECTIVE JUROR NO. 046: I'd have to say it's
4 going to be hard. It's going to be hard for me to be
5 impartial in this case. It's going to be difficult.

6 MS. FLECK: Okay. Based on?

7 PROSPECTIVE JUROR NO. 046: Just hearing some of the
8 things I've already heard and just having two girls. And how
9 long he's been in the country and he doesn't even speak
10 English, or comprehend English, that bothers me as well.

11 MS. FLECK: Okay. All right. Then those are two
12 issues we should talk about. So first of all, again, the -- I
13 don't think that anyone would disagree that these acts, if
14 someone's guilty of them, are horrific. I don't imagine
15 anybody on earth would disagree with that.

16 But as the defendant stands today he's innocent. We
17 haven't presented any evidence. He is not guilty of the
18 charges. So as of now it's just a charging document and he
19 should be, you know, basically judged accordingly. So are you
20 saying that you have already formed an opinion?

21 PROSPECTIVE JUROR NO. 046: Just having two girls,
22 it's already something set in my head that there's a mechanism
23 that just triggers, you know. I guess like the other
24 gentleman said, when you have girls, it's just it's very
25 difficult. And yeah, I've already -- I can't say I've already

1 formed an opinion, but I'm leaning that way already, because
2 it's just -- you hear about this stuff every day and it's
3 normally the truth, so.

4 MS. FLECK: Okay. Well, then let's talk about the
5 other issue, which is that -- and this is something that I
6 should pose -- I think the judge did, but I guess if anyone
7 has revisited that idea now that it's been sort of brought
8 out, if anyone else feels that -- feels the same way, that
9 he's going to be using the assistance of an interpreter, that
10 he has, you know, has not necessarily mastered the English
11 language. So you think that you can't be fair to him based
12 upon that?

13 PROSPECTIVE JUROR NO. 046: I wouldn't say that I'm
14 prejudiced, but depending on the severity of these charges,
15 he's had plenty of time to learn the language. And I surely
16 probably would have knowing the severity of these charges,
17 would have at least learned the language knowing that I'm
18 going to be charged and going to court. To me it just --
19 didn't take that step and I don't know why. It just boggles
20 my mind.

21 MS. FLECK: And that certainly is a different issue
22 than us meeting our elements of whether or not he committed,
23 you know, sexual assault or lewdness. Is it such an
24 overriding issue in your mind that you think you can't be fair
25 and listen to the evidence?

1 I mean, being -- thinking to yourself, God, why
2 hasn't he even, you know, learned English if he lives here,
3 that's -- that's something that, you know, you might just
4 think in passing as opposed to I just -- I can't even listen
5 to any of the evidence against this person because of that.
6 Is it something that's --

7 PROSPECTIVE JUROR NO. 046: It's not to that degree.

8 MS. FLECK: It's not to that degree?

9 PROSPECTIVE JUROR NO. 046: No. It's --

10 MS. FLECK: So I hear that you have concerns
11 regarding the charges, and I hear that you have concerns
12 regarding the defendant using an interpreter, not mastering
13 English. Do you think that you can sit and be fair and
14 impartial, listen to the evidence, not make a decision until
15 the close of that evidence, or are those concerns really so,
16 you know, overriding in your mind that you can't give the
17 defendant a fair shake?

18 PROSPECTIVE JUROR NO. 046: I would say they're not
19 overriding. I'll be able to listen.

20 MS. FLECK: So you can -- you'll be able to listen.
21 Okay. All right.

22 Okay. Let's go back. Mr. Richard, very quickly.

23 Do you want to send the microphone over.

24 PROSPECTIVE JUROR NO. 002: 002.

25 MS. FLECK: Briefly. So carrying a concealed weapon

1 conviction 18 years ago. Is it similar to Mr. Brahmer, where
2 it's like look, I -- it's something that happened ages ago
3 and --

4 PROSPECTIVE JUROR NO. 002: Yes.

5 MS. FLECK: -- it has nothing to do with my life
6 anymore?

7 PROSPECTIVE JUROR NO. 002: And now I do have the
8 permit.

9 MS. FLECK: Good. You learned, right? Okay. So no
10 issues from that case, no --

11 PROSPECTIVE JUROR NO. 002: None.

12 MS. FLECK: Anything that's come to your mind as
13 you've listened to the questions that have been posed today?

14 PROSPECTIVE JUROR NO. 002: No.

15 MS. FLECK: If you're chosen to be a juror, you
16 promise to do the very best job you can possibly do?

17 PROSPECTIVE JUROR NO. 002: Yes.

18 MS. FLECK: Okay. Thank you.

19 Okay. Mr. Cordero. I have similar questions for a
20 few people and Mr. Cordero's one of them. You speak with
21 somewhat of an -- oh, wait. Where am I. Oh, sorry. Okay. I
22 have -- and this is for Mr. Cordero, Mr. Correa, and Mr. --
23 help me out, Geb --

24 PROSPECTIVE JUROR NO. 039: Gebrechristos.

25 MS. FLECK: Gebrechristos. Okay. All of you speak

1 with accents, and no one has had an issue understanding
2 anything. That's not my question. Okay. I'll start with
3 Mr. Cordero. Are you -- where --

4 PROSPECTIVE JUROR NO. 016: 016.

5 MS. FLECK: Zero, one, six. Were you born in the
6 United States?

7 PROSPECTIVE JUROR NO. 016: No.

8 MS. FLECK: Where were you born?

9 PROSPECTIVE JUROR NO. 016: In the Philippines.

10 MS. FLECK: In the Philippines?

11 PROSPECTIVE JUROR NO. 016: Yes.

12 MS. FLECK: So how old were you when you moved here?

13 PROSPECTIVE JUROR NO. 016: Like 28, I think, back in
14 Guam.

15 MS. FLECK: Did you say eight years old?

16 PROSPECTIVE JUROR NO. 016: Twenty-eight.

17 MS. FLECK: Oh, 28. Okay. Any experience with the
18 criminal justice system back home?

19 PROSPECTIVE JUROR NO. 016: No.

20 MS. FLECK: Between you or your family?

21 PROSPECTIVE JUROR NO. 016: No.

22 MS. FLECK: Okay. So and the reason I ask is just
23 because obviously the laws will be different here than at
24 home, correct?

25 PROSPECTIVE JUROR NO. 016: Yeah.

1 MS. FLECK: So no problem following the law that
2 you're given, that you're taking oath to take -- or to follow
3 by the judge? No problem following that and not saying, well,
4 it's not how we do it back home?

5 PROSPECTIVE JUROR NO. 016: Not a problem in that,
6 yeah.

7 MS. FLECK: Any other problems that come to your mind
8 regarding sitting as a juror on this case?

9 PROSPECTIVE JUROR NO. 016: No. I don't have a
10 problem with that.

11 MS. FLECK: Okay. If you were me representing the
12 State, or the Felicianos representing the defense, would you
13 want someone with your mindset, your experiences to sit as a
14 juror on that trial?

15 PROSPECTIVE JUROR NO. 016: Yes. Yeah.

16 MS. FLECK: Okay. You can be fair and impartial?

17 PROSPECTIVE JUROR NO. 016: For the defense and the
18 states.

19 MS. FLECK: What's that?

20 PROSPECTIVE JUROR NO. 016: For the defense and the
21 State, yeah.

22 MS. FLECK: All right. Great. Thank you. Can you
23 just pass the microphone down then.

24 PROSPECTIVE JUROR NO. 053: 053.

25 MS. FLECK: Pardon me?

1 PROSPECTIVE JUROR NO. 053: My number is 053.

2 MS. FLECK: Zero, five, three. All right. Mr. or
3 Dr. Correa. Is it Correa?

4 PROSPECTIVE JUROR NO. 053: Correa.

5 MS. FLECK: Okay. Where are you from?

6 PROSPECTIVE JUROR NO. 053: I was born in Puerto
7 Rico.

8 MS. FLECK: Puerto Rico. And how long have you lived
9 in the States?

10 PROSPECTIVE JUROR NO. 053: Since 1990.

11 MS. FLECK: I didn't get, are you married?

12 PROSPECTIVE JUROR NO. 053: No. I'm not.

13 MS. FLECK: Okay. You have one son though, right?

14 PROSPECTIVE JUROR NO. 053: Yes.

15 MS. FLECK: And does he live here?

16 PROSPECTIVE JUROR NO. 053: Yes.

17 MS. FLECK: Same kinds of questions then that I just
18 posed to Mr. Cordero. Any problem following the laws that are
19 given to you by the judge in this case and not saying, well,
20 we don't -- it's different in Puerto Rico?

21 PROSPECTIVE JUROR NO. 053: It's the same thing in
22 Puerto Rico because it's a U.S. territory.

23 MS. FLECK: Oh, yeah. Right. So okay. Good. Thank
24 you. I know. I know. Okay. So any problems then at all?

25 PROSPECTIVE JUROR NO. 053: No.

1 MS. FLECK: You've listened to all of the questions?

2 PROSPECTIVE JUROR NO. 053: Yes.

3 MS. FLECK: Listened to everyone's answers. If
4 you're chosen to be a juror, promise to do the very best job
5 you can possibly do?

6 PROSPECTIVE JUROR NO. 053: Yes.

7 MS. FLECK: All right. Cool. Thank you.

8 Then I will go down to Mr. Gebrechristos, which I'm
9 sure I slaughtered again.

10 PROSPECTIVE JUROR NO. 039: 039.

11 MS. FLECK: And sir, where are you from?

12 PROSPECTIVE JUROR NO. 039: I'm from East Africa,
13 Eritrea.

14 MS. FLECK: From where?

15 PROSPECTIVE JUROR NO. 039: Eritrea.

16 MS. FLECK: Eritrea. Okay. Well, I don't think that
17 they have the same laws that we have here, right?

18 PROSPECTIVE JUROR NO. 039: No.

19 MS. FLECK: All right. Any problem listening to the
20 instructions that you're given at the end of the case and
21 abiding by those and following those, as opposed to comparing
22 it to the way that any case of this nature would be dealt with
23 at home?

24 PROSPECTIVE JUROR NO. 039: I don't have any problem.

25 MS. FLECK: Have you had any issues with any of the

1 concepts, beyond a reasonable doubt, innocent until proven
2 guilty, any of those concepts that you haven't really agreed
3 with or that have posed a problem to you?

4 PROSPECTIVE JUROR NO. 039: No.

5 MS. FLECK: If you're chosen to be a juror, promise
6 to do the very best job you can possibly do?

7 PROSPECTIVE JUROR NO. 039: I will.

8 MS. FLECK: Ms. Leavitt, you have a very --

9 PROSPECTIVE JUROR NO. 037: 037.

10 MS. FLECK: Sorry. Thank you. You have a very
11 popular last name in our courthouse. Do you know any or are
12 you related to any judges, defense attorneys?

13 PROSPECTIVE JUROR NO. 037: The only one I'm aware of
14 is deceased.

15 MS. FLECK: Okay. The only one that you're aware
16 that you were related to?

17 PROSPECTIVE JUROR NO. 037: Yes.

18 MS. FLECK: All right. So -- right. There's a lot
19 of Leavitts and sometimes you don't even know which ones
20 you're related to, right? So no one that you can think that
21 you know of?

22 PROSPECTIVE JUROR NO. 037: No.

23 MS. FLECK: Okay. You're a student now up at
24 college, right?

25 PROSPECTIVE JUROR NO. 037: Mm-hmm.

1 MS. FLECK: How old are you?

2 PROSPECTIVE JUROR NO. 037: Twenty-one.

3 MS. FLECK: So maybe you're one of the younger
4 potential jurors. Do you have any problem deliberating, kind
5 of thinking, well, you know what, I'm younger and I might not
6 have as much life experience, but I'm going to go in and
7 deliberate and kind of share ideas; any problem with that?

8 PROSPECTIVE JUROR NO. 037: No.

9 MS. FLECK: Do you feel that you can kind of stick up
10 for yourself and stick up for your ideas even if you were
11 against people that disagree with you --

12 PROSPECTIVE JUROR NO. 037: Yes.

13 MS. FLECK: -- that were older?

14 PROSPECTIVE JUROR NO. 037: Mm-hmm.

15 MS. FLECK: Okay. Any problems or any concerns that
16 you have had based upon any of the questions that have already
17 been posed?

18 PROSPECTIVE JUROR NO. 037: No.

19 MS. FLECK: Any problem finding the defendant guilty
20 if we prove our case beyond a reasonable doubt?

21 PROSPECTIVE JUROR NO. 037: No.

22 MS. FLECK: Okay. Thank you. Can we pass it back to
23 Number 5. And I'm going by seat number, but that is
24 Mr. Anderson. Thank you.

25 Mr. Anderson, how old are you?

1 PROSPECTIVE JUROR NO. 057: Twenty-one.

2 MS. FLECK: Twenty-one. All right. So same kinds of
3 questions then that I just posed to Ms. Leavitt. Do you feel
4 like you have the personality that if you were asked to
5 deliberate you could go back and exchange ideas with people
6 that you don't know, people that you're not familiar with, and
7 kind of hold your own as to your ideas?

8 PROSPECTIVE JUROR NO. 057: Yes.

9 MS. FLECK: Based upon the two cases that you have,
10 minor -- and they're, you know, misdemeanors. That
11 obstruction of a police officer, how did that -- how did that
12 go down?

13 PROSPECTIVE JUROR NO. 057: He was just like being
14 rude to me and [inaudible].

15 MS. FLECK: And you didn't look down?

16 PROSPECTIVE JUROR NO. 057: No. He was just like
17 trying to like -- I wasn't doing anything wrong. He came up
18 when I was talking to another officer and told me to look
19 down, like being disrespectful to me. And I understand he's a
20 police officer, but I didn't like being disrespected.

21 MS. FLECK: Okay. Where were you when that happened?

22 PROSPECTIVE JUROR NO. 057: In Henderson.

23 MS. FLECK: But where were you? Were you out? What
24 were you doing?

25 PROSPECTIVE JUROR NO. 057: Yeah. I was just out. I

1 was at my friend's house.

2 MS. FLECK: Okay. Do you have an overriding issue
3 with law enforcement based upon that?

4 PROSPECTIVE JUROR NO. 057: No. I think it was just
5 that guy that --

6 MS. FLECK: He was just a jerk?

7 PROSPECTIVE JUROR NO. 057: Yes.

8 MS. FLECK: Okay. Fair enough. And you can get over
9 that?

10 PROSPECTIVE JUROR NO. 057: Yes.

11 MS. FLECK: Any issues that have come to your mind
12 that make you think, you know what, I don't mind sitting as a
13 juror, but maybe this isn't the best case to sit on?

14 PROSPECTIVE JUROR NO. 057: [No audible response.]

15 MS. FLECK: No?

16 PROSPECTIVE JUROR NO. 057: No.

17 MS. FLECK: Any problem finding the defendant guilty
18 if we prove our case beyond a reasonable doubt?

19 PROSPECTIVE JUROR NO. 057: No.

20 MS. FLECK: All right. Thank you.

21 Down at the end, Mr. Helbert.

22 PROSPECTIVE JUROR NO. 017: 017.

23 MS. FLECK: Okay. Let's see. Your brother is a
24 criminal defense attorney, right?

25 PROSPECTIVE JUROR NO. 017: He was.

1 MS. FLECK: He was. Now he's doing family law?

2 PROSPECTIVE JUROR NO. 017: Yes.

3 MS. FLECK: When he was practicing criminal defense,
4 was that here?

5 PROSPECTIVE JUROR NO. 017: No. It was in
6 California.

7 MS. FLECK: What kinds of cases did he focus on, if
8 any?

9 PROSPECTIVE JUROR NO. 017: It was early in his
10 career, so he was, you know, he just did a lot of public
11 defending work.

12 MS. FLECK: So whatever kind of came his way, just
13 general stuff?

14 PROSPECTIVE JUROR NO. 017: Yes.

15 MS. FLECK: All right.

16 PROSPECTIVE JUROR NO. 017: Parole hearings, that
17 kind of thing too.

18 MS. FLECK: Okay. So it's not something that you
19 would say is so like ingrained within him, he's not like a die
20 hard criminal defense attorney such that if you returned a
21 verdict of guilty you couldn't go to Thanksgiving dinner?

22 PROSPECTIVE JUROR NO. 017: No. Once he got married,
23 she made him go the other way as far as family law went. He
24 quit doing defense.

25 MS. FLECK: Okay. Any -- oh, that was the other

1 thing. You did sit as a juror on a criminal case a couple
2 years ago. Were either Mr. Graham or I the district attorneys
3 on that case?

4 PROSPECTIVE JUROR NO. 017: No.

5 MS. FLECK: Anything about sitting as a juror just a
6 couple years ago that makes you think, you know, I just -- I
7 don't want to do this again or -- I understand the time frame
8 and the time commitment, that kind of thing. But anything
9 that occurred that was so overwhelming to you that you think I
10 wouldn't -- I wouldn't be good for this?

11 PROSPECTIVE JUROR NO. 017: No. I -- no. I think I
12 learned from that experience actually, too.

13 MS. FLECK: Okay. All right. Perfect. Thank you.

14 Ms. Johnson, same kinds of question for you regarding
15 your service as a juror.

16 PROSPECTIVE JUROR NO. 020: 020.

17 MS. FLECK: Thank you. You sat as a federal juror
18 and you were actually the forewoman. When was that?

19 PROSPECTIVE JUROR NO. 020: It was [inaudible] --
20 eight to ten to twelve years ago.

21 MS. FLECK: Got you.

22 PROSPECTIVE JUROR NO. 020: I normally don't use the
23 mike. I have a very strong voice, but I was trying not to
24 over-shatter it.

25 MS. FLECK: Okay. Anything about that service on

1 that jury that makes you think that you wouldn't be a good
2 juror for this particular case?

3 PROSPECTIVE JUROR NO. 020: No. But I do need to
4 tell you something. I was remiss in not telling you earlier
5 that I taught school for 14 years in San Francisco. And when
6 you went around to the teachers, I thought I should
7 acknowledge that.

8 MS. FLECK: Okay.

9 PROSPECTIVE JUROR NO. 020: I didn't have an event of
10 reporting, but I did teach school in San Francisco.

11 MS. FLECK: Okay. All right. Thank you. Then just
12 listening to all of the questions that I have posed and
13 listening to the answers that other people have said, has it
14 triggered anything in your mind that makes you think this
15 isn't the best jury for you to sit on?

16 PROSPECTIVE JUROR NO. 020: No.

17 MS. FLECK: Think you can be fair and impartial to
18 both sides?

19 PROSPECTIVE JUROR NO. 020: Definitely.

20 MS. FLECK: And if we prove our case beyond a
21 reasonable doubt, do you have any problem finding the
22 defendant guilty?

23 PROSPECTIVE JUROR NO. 020: No problem.

24 MS. FLECK: Okay. Thank you.

25 Ms. Shanor, 023. Catching on.

1 PROSPECTIVE JUROR NO. 023: 023.

2 MS. FLECK: You said that you don't know if you can
3 be fair because of things that you've seen over the years, and
4 then you kind of lingered on, and then you said, Well, I was a
5 pastor's wife, and then you kind of lingered on.

6 PROSPECTIVE JUROR NO. 023: I was married for 21
7 years to an ordained minister. The husband I acknowledged
8 today is my second husband. We were in reporting situations
9 at numerous times when we were in the South Bend, Indiana
10 area.

11 There is also a conflict of when it's a pastor, but
12 we don't hold the same as in the Catholic church. And
13 somebody was reported, a young girl reported it, and two other
14 young girls stepped forward to the pastor and they did get
15 reported. And I was a part of that in the State of Indiana,
16 South Bend.

17 MS. FLECK: Okay. So when you kind of lingered off,
18 is it you're saying because you've had experiences with it
19 before it's -- I mean, I trust that you --

20 PROSPECTIVE JUROR NO. 023: I have a 15-year-old
21 granddaughter. I have a four-year-old granddaughter. I've
22 worked a lot with people. When you were talking and I was
23 listening as we were all discussing on listening to children,
24 who's telling the truth, who's not, it's a very tough area.
25 It's the children who don't -- it's a tough area, and it's

1 heartbreaking is what it is. It's just heartbreaking. How do
2 you make that decision when I don't know the person?

3 MS. FLECK: All right.

4 PROSPECTIVE JUROR NO. 023: It's easier to make a
5 decision when you know somebody, you've lived with them,
6 you've talked with them, you've had interaction. It's hard
7 for me to think that I could be impartial when I didn't know
8 anybody in this situation. Do you know what I'm saying? I
9 don't know if I could be a fair impartial judge.

10 MS. FLECK: Okay. So you're leaning more towards the
11 fact that you don't want to make a credibility decision or a
12 judgment on people on something when you don't have more
13 information or knowledge, I guess?

14 PROSPECTIVE JUROR NO. 023: Yes. And especially when
15 you said the other remark which kind of raised my thought
16 process also, is if there would be no DNA evidence, it would
17 just be talk. Not -- I think I would struggle with that.

18 MS. FLECK: And that's -- I mean, I appreciate you
19 being honest, because that's just the nature of a lot of
20 cases, you know. That's why I bring up the CSI question and
21 that's why I ask people to really think about that, because
22 this is real life, you know. These are real cases and real
23 crime scenes, and in real life you don't get the kind of stuff
24 that you get on CSI. So --

25 PROSPECTIVE JUROR NO. 023: That is it. This is a

1 very important thing and judgment should be made again, as you
2 keep saying, beyond a reasonable doubt. And it's -- people's
3 lives are in our hands and it's a very, very important
4 process.

5 MS. FLECK: Mm-hmm. Yeah. Absolutely, I agree.
6 But, you know, the law will -- accounts for things like that.
7 The law accounts for the fact that you're not always going to
8 have DNA, and it accounts for -- you'll be instructed at the
9 end it accounts for situations like that because that's just
10 the reality, so.

11 All right. Well, you tell me, you know, I mean, I
12 trust -- you seem like a person who has reflected on this and
13 been listening and really would want to do the best job you
14 could possibly do. But, you know, your oath will be to follow
15 the law. Your oath will be to set aside any prior experiences
16 and judge the case on the evidence in this case. Do you think
17 you can do that?

18 PROSPECTIVE JUROR NO. 023: I honestly couldn't
19 answer that question. I would have to say no.

20 MS. FLECK: Okay. I'm going to make a motion for
21 cause.

22 THE COURT: Mr. Feliciano or Ms. Feliciano.

23 MR. FELICIANO: We'll submit, Judge.

24 THE COURT: Ms. Shanor, thank you very much for your
25 willingness to serve. You are excused. Please report to jury

1 services on the third floor, and they'll give you further
2 instructions. All right. Thank you very much.

3 We need to get the next person in line.

4 THE CLERK: The next one is Badge No. 062, Sophia
5 Stiperski.

6 THE COURT: All right. Is it Ms. Stiperski; is that
7 how you pronounce it?

8 PROSPECTIVE JUROR NO. 062: Yes.

9 THE COURT: Give us a brief biographical sketch; what
10 do you do, are you married, if you're married what your
11 husband does, those kinds of things.

12 PROSPECTIVE JUROR NO. 062: Yes. I'm a performer for
13 Cirque du Soleil. Right now I'm on disability because I'm
14 pregnant, so I'm not working.

15 THE COURT: Oh, okay.

16 PROSPECTIVE JUROR NO. 062: My husband -- I'm
17 married, and my husband is a musician. And I have two kids,
18 two daughters. I have one 10 years old, one two years old,
19 and one on the way. And that's it.

20 THE COURT: Okay. Ever served on a jury before?

21 PROSPECTIVE JUROR NO. 062: No.

22 THE COURT: Have you or anyone closely associated
23 with you ever been the victim of a crime either sexual in
24 nature or otherwise?

25 PROSPECTIVE JUROR NO. 062: Some co-worker, but

1 nobody related in my family.

2 THE COURT: Okay. Is it someone -- when you say a
3 co-worker, is it someone that you're very close to?

4 PROSPECTIVE JUROR NO. 062: People that I work with.
5 Two girls that I worked with were sexually assaulted.

6 MS. FLECK: How long ago did this happen?

7 PROSPECTIVE JUROR NO. 062: One it's about eight
8 years ago, and the other one two years ago.

9 THE COURT: Eight years ago and two years ago. All
10 right. Do you know if the police were involved in either
11 case, or both cases?

12 PROSPECTIVE JUROR NO. 062: Yeah. They were both
13 involved, yeah.

14 THE COURT: Were you involved in the cases in any
15 way?

16 PROSPECTIVE JUROR NO. 062: No, not at all.

17 THE COURT: So you just -- you heard from them, or
18 you heard about --

19 PROSPECTIVE JUROR NO. 062: I worked with them, so
20 I -- yeah, exactly.

21 THE COURT: So anything -- knowing about what
22 happened with those two co-workers, and I don't know how much
23 detail they went into when they talked with you about it, but
24 is there anything about those two cases that might affect your
25 ability to serve as a juror in this case?

1 PROSPECTIVE JUROR NO. 062: I don't think so.

2 THE COURT: So you can be fair and impartial even
3 though the charges in this case might -- I mean, obviously I
4 don't know what happened to your co-workers, but to the extent
5 that there might be some similarity, that wouldn't be a
6 concern for you, you could be fair and impartial in this case?

7 PROSPECTIVE JUROR NO. 062: I think so.

8 THE COURT: Have you or anyone closely associated
9 with you ever been accused of a crime, whether or not there
10 was a conviction, and whether it's sexual in nature or
11 otherwise?

12 PROSPECTIVE JUROR NO. 062: Nobody related, but some
13 co-workers too, one for DUI and one for murder.

14 THE COURT: Okay. Were you involved in those cases
15 in any way?

16 PROSPECTIVE JUROR NO. 062: No. I just know the
17 person. They just work in the same place as me.

18 THE COURT: Were they close friends of yours, or just
19 co-workers?

20 PROSPECTIVE JUROR NO. 062: Co-workers.

21 THE COURT: Anything about their cases that would
22 affect your ability to serve in this case?

23 PROSPECTIVE JUROR NO. 062: No.

24 THE COURT: Okay. And then let me ask you -- first
25 of all, congratulations on your pregnancy. Is there any --

1 you know, sometimes, depending on how the pregnancy goes,
2 there might be issues.

3 You know, maybe you can't sit for long periods of
4 time, maybe you have, you know, back pains, maybe you have to
5 go to the bathroom frequently, those kinds of things. Is
6 that -- is that an issue for you? I mean, everybody's
7 pregnancy's a little bit different.

8 PROSPECTIVE JUROR NO. 062: Well, I'm not in my best
9 shape, I can tell you this. That's why I'm off work right
10 now. So I do feel still nauseous at some times and tired, but
11 I'm okay.

12 THE COURT: Are you taking anything for your nausea?

13 PROSPECTIVE JUROR NO. 062: No.

14 THE COURT: Are you okay -- if you're asked to serve
15 as a juror in this case, you would essentially be sitting here
16 for the hours that I outlined this week. We'll start, you
17 know, mid to late morning and go until 5:00 o'clock with
18 breaks. I try to take breaks every hour, hour and a half
19 or so. Would that be sufficient for you, or do you think
20 you'd have an issue with that?

21 PROSPECTIVE JUROR NO. 062: No. I think I will --
22 yeah.

23 THE COURT: If you do end up on the jury, if
24 anything -- if you need anything, you know, if you feel
25 nauseous, if you need to go to the bathroom, anything like

1 that, would you please raise your hand and let me know?

2 PROSPECTIVE JUROR NO. 062: Yes.

3 THE COURT: Okay. I appreciate that.

4 All right. Ms. Fleck.

5 MS. FLECK: Thank you. And I'll be brief. Two down,
6 please, to Mr. Thaler.

7 PROSPECTIVE JUROR NO. 021: 021.

8 MS. FLECK: Thank you. Mr. Thaler, my only question
9 for you, no kids. Any issues judging the credibility of --
10 and again, it's really not an issue in this case because she
11 is older. But just, you know, not having kids, maybe feeling
12 uncomfortable listening to experiences that she would have had
13 through her life and not necessarily having any frame of
14 reference, any problem with that?

15 PROSPECTIVE JUROR NO. 021: No.

16 MS. FLECK: Okay. Anything that you have heard that
17 causes concern for you?

18 PROSPECTIVE JUROR NO. 021: No.

19 MS. FLECK: Any problem finding the defendant guilty
20 if we meet our burden of beyond a reasonable doubt?

21 PROSPECTIVE JUROR NO. 021: No.

22 MS. FLECK: Okay. Thank you.

23 And two down, Ms. Page. Ms. Page, you have a lot of
24 kids, right?

25 PROSPECTIVE JUROR NO. 018: 018. Only two. Two

1 children, but six grandchildren.

2 MS. FLECK: Okay. Six grandchildren.

3 PROSPECTIVE JUROR NO. 018: Six grandchildren.

4 MS. FLECK: Anything that you have heard today that
5 has given you concern about sitting as a juror on this
6 particular case?

7 PROSPECTIVE JUROR NO. 018: No.

8 MS. FLECK: No problems thus far?

9 PROSPECTIVE JUROR NO. 018: No.

10 MS. FLECK: Okay. Promise you'll do the very best
11 job you can possibly do if you're chosen to be a juror?

12 PROSPECTIVE JUROR NO. 018: Yes.

13 MS. FLECK: Thank you. And right in front of you,
14 Mr. Carrera.

15 PROSPECTIVE JUROR NO. 028: Sure. 028.

16 MS. FLECK: Also no kids.

17 PROSPECTIVE JUROR NO. 028: No kids.

18 MS. FLECK: Any issues with any of the concepts we've
19 been talking about?

20 PROSPECTIVE JUROR NO. 028: No, not at all.

21 MS. FLECK: Any issues with sitting as a juror in
22 this particular case?

23 PROSPECTIVE JUROR NO. 028: [Unintelligible.] By
24 nature I'm skeptical and must always adhere by my standards,
25 so yeah, I'm always very objective [unintelligible].

1 MS. FLECK: So beyond a reasonable doubt, but not
2 more --

3 PROSPECTIVE JUROR NO. 028: Yeah.

4 MS. FLECK: -- right?

5 PROSPECTIVE JUROR NO. 028: Exactly.

6 MS. FLECK: Okay. Are you good with that?

7 PROSPECTIVE JUROR NO. 028: Yeah.

8 MS. FLECK: All right. Thank you.

9 And finally, Mr. Meckley.

10 PROSPECTIVE JUROR NO. 030: 030.

11 MS. FLECK: Thank you. Do you have any law
12 enforcement experience?

13 PROSPECTIVE JUROR NO. 030: No, ma'am.

14 MS. FLECK: No? For some reason on our sheet it
15 shows that you're in the FBI. That's pretty cool.

16 PROSPECTIVE JUROR NO. 030: [Unintelligible.]

17 MS. FLECK: No. I'm like, why isn't he telling me
18 that. What does he do in the FBI that he's holding out.

19 So okay. So same kinds of questions. I know that
20 your wife's son was tragically killed, but no issue
21 transferring it into this courtroom?

22 PROSPECTIVE JUROR NO. 030: [Inaudible.]

23 MS. FLECK: All right. Any other issues at all that
24 you have thought about?

25 PROSPECTIVE JUROR NO. 030: No.

1 MS. FLECK: Promise you'll do the very best job you
2 can possibly do if chosen to be a juror?

3 PROSPECTIVE JUROR NO. 030: [Inaudible.]

4 MS. FLECK: Okay. All right. One more. Right.
5 Ms. Ferguson -- no, Ms. Quince, was it?

6 UNKNOWN SPEAKER: 035.

7 MS. FLECK: 035. I missed it. Something -- okay.
8 Any issues that you've -- that have come to your mind?

9 PROSPECTIVE JUROR NO. 035: No.

10 MS. FLECK: Not at all?

11 PROSPECTIVE JUROR NO. 035: No.

12 MS. FLECK: No children. Any issues with hearing
13 testimony about somebody when they were growing up or what the
14 experiences that they had as a child?

15 PROSPECTIVE JUROR NO. 035: No.

16 MS. FLECK: Nothing. Okay. Promise you'll do the
17 very best job you can possibly do if you're chosen?

18 PROSPECTIVE JUROR NO. 035: Yes.

19 MS. FLECK: All right. I think that that is
20 everybody. Anything else as a catchall that anyone has
21 thought about that's sitting within our 32 that they feel that
22 they should disclose? Nothing.

23 Okay. I will pass the panel for cause.

24 THE COURT: All right. Hang on. I know we're
25 getting close, but can counsel approach for 15 seconds on a

1 scheduling matter.

2 (Bench conference.)

3 THE COURT: How much time do you guys think you need?
4 Because it's getting close to 5:00 o'clock. I'd rather
5 frankly, if I asked for a vote, I think the majority of the
6 jurors would probably rather stay and have most of them go
7 home today, but I don't know if you guys have any issue with
8 staying past 5:00 o'clock or not.

9 MS. FLECK: I don't.

10 THE COURT: So how much time do you guys think you
11 need roughly?

12 MS. FELICIANO: I mean, the State was just a couple
13 of hours.

14 THE COURT: Right. So I'm just asking --

15 MS. FELICIANO: So I would be -- I mean [inaudible],
16 right?

17 MR. FELICIANO: Yeah. I don't really want them to
18 think that we're --

19 MS. FELICIANO: Keeping them later.

20 MR. FELICIANO: -- keeping them later. [Inaudible.]
21 So I'd rather just start right up tomorrow morning.

22 THE COURT: All right. Because it's almost 5:00
23 o'clock now.

24 UNKNOWN SPEAKER: We're also going to lose them as
25 far as we're staying much later. I mean --

1 THE COURT: Well, my concern is -- I mean, depending
2 on how long you're going to go, I mean, bringing them all back
3 here tomorrow and then we send them home like an hour later, I
4 mean, there's nothing more annoying than that frankly.

5 (Inaudible.)

6 MR. FELICIANO: I'm probably going to be longer than
7 that, if I have to go -- if I have to [inaudible].

8 MS. FLECK: Why don't we just still stay, stay as
9 late as possible, because we'll still get an hour done.

10 MR. FELICIANO: Well, then we're basically in the
11 same boat. I mean, I really don't want them to think that --

12 MS. FELICIANO: Why would we keep them for just an
13 hour and then bring everybody back tomorrow? It's not as if
14 we're going to get through picking a jury tonight. Just
15 because we question doesn't mean that we're not going to have
16 to then re-question everybody who fills a spot in the
17 peremptory. It's not -- it's not an hour's worth of work.

18 THE COURT: Well, here's the thing. [Inaudible] and
19 then they can all come back tomorrow. If we're going -- if
20 we're not --

21 MS. FELICIANO: That's what I'm saying. Yeah, that's
22 what the State just suggested, keep them for an hour and then
23 bring them back.

24 THE COURT: Right. I mean, what's the point of that?
25 If we keep them for an hour it looks like we're going to send

1 all but 14 of them home. But you're telling me it's not going
2 to be an hour, it's going to be a lot longer than that, right?

3 MS. FELICIANO: Well, even if we question them for
4 only an hour, then we have to use all our peremptories, then
5 fill and re-question with anybody who took a spot for a
6 peremptory.

7 MS. FLECK: No.

8 MS. FELICIANO: Well, yeah, I guess we're
9 [inaudible].

10 MS. FLECK: No, we don't. Once we pass them for
11 cause, then we do our peremptories.

12 MS. FELICIANO: Yeah. Yeah. [Inaudible.]

13 MS. FLECK: And I think -- I mean, I asked -- I tried
14 to ask a lot of questions that were like for the defense too.

15 MR. FELICIANO: Well, we still have our --

16 MS. FLECK: Of course. No, no. I'm not saying that.
17 I'm just saying that, you know, I did try to flush out people
18 that were --

19 THE COURT: All right. Well, I mean, if it's not
20 going to be an hour, then I'm not keeping them. I'm just
21 going to send them home. Because like I said, I don't want to
22 make them stay and then make them all come back tomorrow
23 anyway. That's, you know, that's more annoying than, you
24 know, [inaudible] have everybody come back here and then we'll
25 send most of them home by lunchtime tomorrow, or shortly

1 thereafter.

2 Because making them stay and then making them come
3 back is the worst of both worlds frankly. All right. Then
4 let's just send them home and have them all come back at
5 10:30-ish tomorrow then. All right.

6 (End bench conference.)

7 THE COURT: All right. Ladies and gentlemen, here is
8 what we were just discussing. It's now coming up on 5:00
9 o'clock. And unfortunately for a variety of reasons, part of
10 which, you know, is frankly the fault of the interpreter's
11 office, we didn't get as far as we wanted to today.

12 So what I'm going to do, and I know that this is
13 going to be slightly annoying to everybody here, but we're
14 going to adjourn for the day and have all of you come back
15 at 10:30 tomorrow. It's my hope that all but 14 of you would
16 be able to go home tomorrow maybe shortly after lunch.

17 So for tomorrow morning, you don't have to go back to
18 the third floor. Just come up here to the 10th floor -- hang
19 on.

20 We have a question here?

21 THE MARSHAL: They have to check in tomorrow on the
22 third floor and then come up here.

23 THE COURT: Okay. So you do need to go to the third
24 floor. All right. So for tonight, the same admonitions that
25 I gave to you apply. Do not reach any conclusions about this

1 case. Do not talk to anybody about this case. Do not
2 investigate any facts relating to this case. Do not view any
3 media, press or Internet reports about the case. Do not talk
4 to anyone who may be involved in any way with this case. Do
5 not discuss the facts of this case with each other.

6 Remember, while you're in the courthouse or in the
7 vicinity, please wear your badges. And I'll see all of you
8 tomorrow at 10:30 then.

9 (Prospective jurors recessed at 4:48 p.m.)

10 THE COURT: All right. We're now outside the
11 presence of the jury. Was there anything that either side
12 wanted to put on the record?

13 MS. FELICIANO: Just briefly, Judge. I know that the
14 bench conferences are recorded, but in the event that it
15 didn't get recorded --

16 THE COURT: You might want to make a record of
17 anything you want to make a record of, because you can't --

18 MS. FELICIANO: Right.

19 THE COURT: With the microphones here, you can't
20 guarantee anything.

21 MS. FELICIANO: You can't trust it. That's what I'm
22 doing. And just to make the record that there was the issue
23 regarding the police officer credibility, and that was during
24 the State's voir dire, I apologize, I don't have the badge
25 number right in front of me.

1 But we did move to dismiss the panel as a whole,
2 saying that it had been tainted by the State was questioning
3 the prospective juror about believing a police officer and
4 told the juror, well, in this case you're not going to have to
5 assess the credibility of the police officer, that's not at
6 issue, the only credibility issue is the credibility of the
7 alleged victim and the defendant.

8 And so at the bench we moved to dismiss the panel,
9 that the panel has been tainted at this point by the State
10 essentially vouching for the credibility of the police officer
11 and their investigation when the credibility of the officers
12 is at issue during the trial. That would be akin to us
13 getting up and telling the jury you're to assume that the
14 defendant is telling the truth and the only credibility you're
15 assessing is that of the alleged victim.

16 It's improper vouching. The panel was tainted as a
17 whole. I believe the State said that it would clarify that
18 with the prospective juror and did clarify that statement, but
19 to us that has not cured the prejudice.

20 THE COURT: Right. And I believe we were talking
21 about Juror No. 58, Elaine Cory, whose husband was arrested
22 for solicitation of an undercover officer, but that case was
23 dismissed. Is that the juror we're talking about?

24 MS. FLECK: Yes.

25 MS. FELICIANO: That's correct.

1 THE COURT: All right. Ms. Fleck, anything that you
2 want to put on the record?

3 MS. FLECK: Well, Judge, I certainly did not -- that
4 isn't what I intended and I don't believe that that was the
5 line like logically in the context of that conversation, that
6 that was really how it came out. The facts in that case are
7 that the woman's husband was soliciting an undercover officer,
8 so she feels as though law enforcement uses entrapment.

9 So what I meant to say is since you won't be -- this
10 isn't a case where, for example, the defendant was online in a
11 chat room soliciting an undercover officer posing as a
12 12-year-old girl. Entirely different.

13 So what I meant to say and what I clarified, and I
14 don't believe that anyone took it this way, is that it's not
15 going to be victim -- or defendant versus law enforcement,
16 that it's, you know, two people as opposed to the defendant
17 versus an entity, as she felt with her husband.

18 So certainly I never meant to imply that an officer's
19 credibility wouldn't be at issue, as is in every case, which I
20 think I clarified. But what I meant is it's a different
21 situation than her husband was facing.

22 THE COURT: Right. Well, and I explained this during
23 the bench conference also, but for the record, I know the
24 statement that Ms. -- I keep wanting to call you Ms. Porray.

25 But as Mrs. Feliciano mentioned, and I understand the

1 basis of the objection, but I -- my -- from what I heard,
2 although the particular question was not perhaps the most
3 elegantly worded question, in context with the other questions
4 of that juror and sort of the thrust of where Ms. Fleck was
5 going was that in her husband's case it was the word of a
6 victim, slash, police officer against her husband's word.

7 And the point that Ms. Fleck was making in context
8 was that in this case the victim, the alleged victim is not a
9 police officer and so it's not the same factual scenario. At
10 the bench conference Ms. Fleck volunteered to clarify it, she
11 did, and the victim -- I'm sorry, the juror, Juror No. 58,
12 indicated that that was her understanding as well.

13 And in fact, she even volunteered the next sentence,
14 which was something along the lines of we were always on the
15 same page. I can't remember the exact words.

16 MS. FLECK: She said we were always on the same --

17 THE COURT: Right. And so I don't believe that in
18 the context of the entire line of questioning that there has
19 been any confusion, either on that part of that particular
20 juror or on the part of the panel, and therefore at the bench
21 conference I denied the motion.

22 Anything else that either side wanted to put on the
23 record?

24 MS. FLECK: Nothing from the State.

25 MR. FELICIANO: No, Judge. I think that's it.

1 THE COURT: All right. I have a criminal calendar
2 tomorrow. It's pretty short. I'm told it's only ten pages.
3 We usually -- unless there's a -- we have to put on a
4 probation revo hearing or something like that, we're usually
5 done around 10:00, between 10:00 and 10:15 with shorter
6 calendars.

7 So if you guys can be here at about 10:15, just in
8 case there's anything we need to put on the record, with the
9 expectation that if I have to put on -- you know how it is.
10 If there's a revo hearing that goes, it goes and everyone has
11 to sit around and wait and I apologize in advance. But
12 obviously there's no way to know whether it's going to be
13 negotiated or not.

14 But if you guys can be here a little bit early, that
15 way we can cover things and get the jury in here as quickly as
16 possible, that would be great.

17 And did you, Ms. Fleck, did you get your -- the
18 exhibit question answered with Tia?

19 MS. FLECK: Oh, no.

20 THE COURT: You asked earlier about the exhibits that
21 were in evidence.

22 MS. FLECK: Yeah. I wanted to look at that. I can
23 do it in the morning though.

24 THE CLERK: Yeah. You can do it in the morning. I'm
25 sorry. I did not go down to the vault.

1 MS. FLECK: That's fine. And I'll bring the amended.

2 THE COURT: Okay. I guess we'll deal with that
3 either at lunch or at 10:15, yeah, in the morning. All right.

4 MS. FLECK: Okay. Thank you.

5 THE MARSHAL: Before you let them go, hang on.

6 THE COURT: Hang on a second.

7 (Pause in proceedings)

8 THE COURT: All right. Well, this is what Randy, the
9 marshal, is telling me. On the way out he had a short
10 conversation with Juror No. 094, who looks to be Ms.
11 Kowalczyk.

12 Is that the person you spoke with?

13 THE MARSHAL: Yes.

14 THE COURT: And even -- oh, you know what. It's
15 because she's not in the box, we didn't ask the has anyone
16 been accused of a crime. She believed that Ms. Fleck
17 prosecuted her husband. I don't have all the details and
18 apparently the juror's gone, but that's probably something
19 that you might have to clear up. She -- it looks like she's a
20 good --

21 MS. FLECK: Which one is she?

22 MR. GRAHAM: 094.

23 THE COURT: She's 13 away from being -- oh, no.
24 She's more than 13. She's 15 away or 16 away from being in
25 the box. I don't know if we'll need to get to that, but

1 that's something that --

2 MS. FLECK: 094, Kimberly --

3 THE COURT: Kowalczyk. Randy, was there any other
4 information given?

5 THE MARSHAL: She just asked for -- asked Michelle's
6 name, said that she thinks she's the one that prosecuted her
7 husband.

8 THE COURT: Okay. Well --

9 MS. FLECK: Did she say if she liked her husband or
10 not?

11 THE COURT: Is it an ex-husband, or was it --

12 THE MARSHAL: She didn't say. She didn't get that
13 far.

14 THE COURT: All right. Well, since she's not in the
15 box, I didn't ask her the question about anyone ever being
16 accused of a crime. So I guess when we reconvene tomorrow
17 we'll -- we may not have to deal with it. Like I said, she's
18 about 15 or 16 --

19 MS. FLECK: Can we do it outside the presence?

20 THE COURT: Yeah. We'll bring her in and see. All
21 right.

22 MS. FLECK: Thank you.

23 (Court recessed for the evening at 4:57 p.m.)
24
25

CERTIFICATION

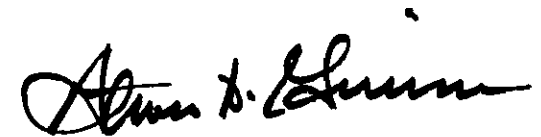
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C268285-1
)	DEPT NO. XX
vs.)	
)	
GUILLERMO RENTERIA-NOVOA,)	TRANSCRIPT OF
)	PROCEEDINGS
Defendant.)	
_____)	

BEFORE THE HONORABLE JEROME TAO, DISTRICT COURT JUDGE

JURY TRIAL - DAY 2

TUESDAY, MAY 22, 2012

APPEARANCES:

For the State: MICHELLE FLECK, ESQ.
NICKOLAS J. GRAHAM, ESQ.
Deputy District Attorneys

For the Defendant: MIKE FELICIANO, ESQ.
AMY A. FELICIANO, ESQ.
Deputy Public Defenders

Interpreters: Maria Peralta de Gomez
Irma Sanchez
Mario Maldonado
Manuel Cavillo
Rico Rodriguez
Josephine Dooley

RECORDED BY SARA RICHARDSON, COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

1 **LAS VEGAS, NEVADA, TUESDAY, MAY 22, 2012, 10:56 A.M.**

2 * * * * *

3 (Outside the presence of the prospective jurors.)

4 THE COURT: Back on the record. State versus
5 Guillermo Renteria-Novoa. Case No. C268285. Mr. Renteria
6 Novoa is present in custody with the assistance of a Spanish
7 interpreter.

8 Madam Interpreter, for the record, what is your name?

9 THE INTERPRETER: Maria Peralta de Gomez.

10 THE COURT: Thank you. Here's the situation. It is
11 now 11:00 o'clock. We had instructed the jurors to come back
12 here at 10:00 o'clock and check in with jury services on the
13 third floor. They're all here except for Juror No. 64,
14 Charolette Temple, who has not checked in downstairs and she's
15 not out in the hallway right now.

16 Everyone else is here, and we checked around and we
17 don't have a cellphone number for her. People have been
18 trying to get in touch with her from jury services and we are
19 unable to do so. So I'll also note that it looks like if
20 anybody in the box is challenged, she would actually be the
21 very next juror to be put in the box.

22 So the question is, what are we going to do about
23 this? She's an hour late now officially, and the rest of the
24 jury is waiting out in the hallway. And they've been waiting
25 out there for at least half an hour. So anybody have any

1 suggestions, proposals?

2 MS. FLECK: She's the one who is sitting over here in
3 the corner, 26, Seat 26?

4 THE MARSHAL: No. She's next up if we --

5 THE COURT: She's not in the box yet. She's the next
6 person who would be in the box, so she doesn't have a numbered
7 seat. She's in like the second row there.

8 MS. FLECK: Oh. I mean, that's fine. I don't have
9 any problems getting rid of her. I can't even remember who
10 she is.

11 THE COURT: I honestly can't even -- you know,
12 because she's not in the box she hasn't been asked anything
13 yet, and my notes indicate she hasn't responded to any of the
14 general questions that I've asked the panel, so we don't know
15 very much about her.

16 So on behalf of the defendant then?

17 MR. FELICIANO: We'll submit it, Judge.

18 THE COURT: All right. Well, here is what I'm going
19 to do. She is over an hour late. No one has any contact
20 information, and because I don't really know very much about
21 her, she hasn't answered any questions in the affirmative or
22 the negative, what we'll do is we'll proceed without her.

23 So what we'll do is we'll excuse Juror No. 64, and
24 bring the rest of the jury in rather than have them just keep
25 waiting out in the hallway then. All right, Randy.

1 Before we do that, is there anything else that either
2 side wanted to put on the record?

3 MS. FLECK: Nothing from the State.

4 THE COURT: I'll note for the record that the second
5 amended Information was filed in open court this morning by
6 the State. On behalf of the defendant, do you guys have a
7 copy of this?

8 MR. FELICIANO: We do.

9 THE COURT: Okay. And I also have been given -- I
10 know we actually [unintelligible] off the record, but on the
11 record given a proposed set of jury instructions revised by
12 the State, and apparently to at least in part reflect the
13 second amended Information. Does the defense have a copy of
14 this?

15 MR. FELICIANO: We do.

16 THE COURT: All right. So what we'll do is we'll
17 have to see how far we get today, and set aside some time
18 maybe -- what I'm thinking was actually maybe tomorrow, I have
19 a civil calendar that should be over relatively quickly,
20 probably around like 10:00 or so, but at some point we need to
21 settle the jury instructions.

22 I don't know if you guys think we'll be ready to do
23 so tomorrow, or if you guys need more time to work on your
24 proposed instructions.

25 MS. FELICIANO: I think it depends on how many

1 witnesses we get through. We're hesitant about settling jury
2 instructions before we're done with the State's presentation
3 of the evidence obviously. We're working on them, but there
4 are some that we just can't submit.

5 THE COURT: Right. All right. Well, let's see how
6 far we get and we'll have to do that at some point. I usually
7 like to do it, you know, in the mornings before we bring the
8 jury back, rather than have them wait for a couple hours just
9 cooling their heels and wondering what's going on.

10 So all right. If there's nothing else that either
11 side wanted to put on the record, let's go ahead and bring the
12 jurors in.

13 I also notice that there's two other additional
14 interpreters, one Spanish interpreter and one Tagalog
15 interpreter from the court interpreter's office here to assist
16 Jurors No. 69 and 71. For the record, can you state your
17 names for the record?

18 THE INTERPRETER: Josephina Dooley, Tagalog
19 interpreter, and --

20 THE INTERPRETER: Rico Rodriguez.

21 THE COURT: Okay. Thank you for being here. And
22 when Mr. -- I'm sorry?

23 (The Court and clerk confer.)

24 THE COURT: Oh, you're both Tagalog interpreters?

25 THE INTERPRETER: Yes, Your Honor.

1 THE COURT: Oh. We need a second Spanish interpreter
2 for Mr. Aguilar though. Do we have one?

3 THE MARSHAL: We've called and nobody's come over
4 yet.

5 MS. FLECK: So they just sent somebody else.

6 THE COURT: Okay. Yeah. We don't need two Tagalog
7 interpreters. We need one Spanish and one Tagalog. Well,
8 Mr. Aguilar would actually be next up, since Ms. Temple's not
9 here.

10 THE CLERK: [Inaudible.]

11 THE COURT: Got you. Okay.

12 THE COURT: All right. Well, did they give any --

13 THE MARSHAL: The secretary [inaudible] up
14 immediately. She didn't know that he wasn't here.

15 THE COURT: Okay. Well, let's wait for a couple
16 minutes then.

17 THE CLERK: Ms. Temple has just showed up. Jury
18 services contacted Paula and she's on her way up.

19 THE COURT: Okay. Well, so let's wait a couple
20 minutes for her to get here and for the interpreter to get
21 here. So we'll go ahead and...

22 (Pause in proceeding.)

23 THE COURT: Are we still on the record?

24 THE COURT RECORDER: Yes.

25 THE COURT: All right. So that moots -- we've just

1 been notified by jury services that Ms. Temple, Juror No. 64,
2 is here, so that moots the record that I made a couple minutes
3 ago. So we'll wait until she gets here.

4 (Pause in proceeding.)

5 THE COURT: All right. We now have the assistance
6 of a -- are we on the record?

7 THE COURT RECORDER: Mm-hmm.

8 THE COURT: A Spanish interpreter to assist
9 Mr. Aguilar, Juror No. 68. Madam Interpreter, for the record,
10 what is your name?

11 THE INTERPRETER: Irma Sanchez.

12 THE COURT: All right. Thanks. One of the jurors is
13 going to come in here. Juror No. 68 is a Spanish-speaker, and
14 what we're going to do is we're going to have him and the
15 other Tagalog speakers sit in the first row over there. All
16 right. Thanks.

17 All right. Randy, let's bring them in.

18 (Prospective jurors enter at 11:11 a.m.)

19 THE COURT: All right. Will counsel stipulate to the
20 presence of the prospective jury?

21 MS. FLECK: The State does. Thank you.

22 MR. FELICIANO: Yes, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, welcome
24 back. I know that we're off to a little bit of a later start
25 than we had anticipated, but apparently we had trouble

1 rounding everybody up. But we're all here now, so we are
2 ready to resume.

3 Yesterday afternoon the State passed the panel for
4 cause. So on behalf of Mr. Renteria-Novoa, did you guys have
5 any questions?

6 MR. FELICIANO: Yes, Your Honor.

7 THE COURT: All right. Please proceed.

8 MR. FELICIANO: Does anybody have the mike?

9 THE MARSHAL: I have the mike. Just let me know who
10 you want it to go to.

11 MR. FELICIANO: Okay. I'm just going to go -- move
12 along the line [inaudible].

13 THE MARSHAL: Folks, please remember, the last four
14 of your badge number and your name, and speak directly into
15 the top of the mike.

16 PROSPECTIVE JUROR NO. 001: 001, Brahmer.

17 MR. FELICIANO: Mr. Brahmer. Okay. You talked about
18 some issue you had 21 years ago when you were -- were you
19 arrested in that case?

20 PROSPECTIVE JUROR NO. 001: Yeah.

21 MR. FELICIANO: How were you treated by the police?

22 PROSPECTIVE JUROR NO. 001: Just fine.

23 MR. FELICIANO: And did you go to trial or anything
24 like that?

25 PROSPECTIVE JUROR NO. 001: Just -- yeah, court, and

1 just an in and out type deal. No major -- no big deal.

2 MR. FELICIANO: And I wanted to ask you about the
3 presumption of innocence. You've heard -- we heard a lot
4 yesterday about the district attorney saying if they prove
5 their case would people be willing to convict. Now, what if
6 they don't prove their case?

7 PROSPECTIVE JUROR NO. 001: You acquit.

8 MR. FELICIANO: And how do you feel about that?

9 PROSPECTIVE JUROR NO. 001: That's fine. That's how
10 it works.

11 MR. FELICIANO: So as Mr. Renteria-Novoa stands here
12 now, if I were to ask you what your verdict was, what would
13 you say?

14 PROSPECTIVE JUROR NO. 001: Not guilty.

15 MR. FELICIANO: And that's because?

16 PROSPECTIVE JUROR NO. 001: Because no one's proved
17 anything yet. There's -- I don't even know if a crime's been
18 committed.

19 MR. FELICIANO: And that's because that's what we're
20 here for, right?

21 PROSPECTIVE JUROR NO. 001: [No audible response.]

22 MR. FELICIANO: So I mean, you've heard the nature of
23 the allegations and, you know, these types of allegations can
24 be very emotional for a lot of people, as we've heard
25 yesterday. I mean, how does that make you feel, sitting on a

1 jury where we have allegations of sexual misconduct?

2 PROSPECTIVE JUROR NO. 001: It's a dirty world, you
3 know, it happens. If it really happened, then it's horrible,
4 but we don't know yet.

5 MR. FELICIANO: But the actual charge itself, is
6 there something that it triggers in you where you don't think
7 you could be fair, or do you think you could --

8 PROSPECTIVE JUROR NO. 001: No. Sure, I can be fair.
9 Sure.

10 MR. FELICIANO: Now, is there anything else that
11 since -- you know, you heard a lot of other questions and
12 answers yesterday. Is there anything else that maybe
13 triggered something in your mind that you wanted to share with
14 us?

15 PROSPECTIVE JUROR NO. 001: No.

16 MR. FELICIANO: If you were sitting where
17 Mr. Renteria-Novoa is sitting, would you want somebody like
18 yourself, like minded sitting where you're sitting right now?

19 PROSPECTIVE JUROR NO. 001: Yeah.

20 MR. FELICIANO: So you think you can be fair?

21 PROSPECTIVE JUROR NO. 001: Sure.

22 MR. FELICIANO: All right. Thanks. If you could
23 pass the mike. Thank you.

24 PROSPECTIVE JUROR NO. 002: 002, Garry Richard.

25 MR. FELICIANO: Mr. Richard, you have a child.

1 PROSPECTIVE JUROR NO. 002: Yes.

2 MR. FELICIANO: And you've heard the nature of these
3 allegations.

4 PROSPECTIVE JUROR NO. 002: Yes.

5 MR. FELICIANO: How does that make you feel?

6 PROSPECTIVE JUROR NO. 002: It's shocking. You hear
7 it all the time, on the news and everything also.

8 MR. FELICIANO: Do you think just because there's an
9 allegation, an allegation has been made, does that make you
10 think that something must have happened?

11 PROSPECTIVE JUROR NO. 002: No. No. I mean, we
12 don't know the information on everything yet, so I'll sit and
13 listen.

14 MR. FELICIANO: So is there anything that you've
15 heard today or you've heard yesterday that would -- that makes
16 you want to add something that we might want to know before we
17 proceed about you?

18 PROSPECTIVE JUROR NO. 002: No. I'm open minded.

19 MR. FELICIANO: Now, you sat on a jury. Was that
20 about 18 years ago?

21 PROSPECTIVE JUROR NO. 002: Correct.

22 MR. FELICIANO: When you were sitting on that jury,
23 were the lawyers objecting and doing things like that, going
24 back and forth?

25 PROSPECTIVE JUROR NO. 002: Yes.

1 MR. FELICIANO: Was it getting kind of maybe a little
2 heated?

3 PROSPECTIVE JUROR NO. 002: It was, yes. I mean, but
4 we came up with a decision and it was two -- two different
5 stories about the whole entire thing, but we made a decision.

6 MR. FELICIANO: Now, as far as the way the lawyers
7 were acting, how does that make you feel as far as lawyers
8 getting up and objecting and...

9 PROSPECTIVE JUROR NO. 002: You guys have to do what
10 you have to do. I mean, if one object to another, then you
11 have the right. I mean, we still want to listen to each side.

12 MR. FELICIANO: All right. So like if we're over
13 here during certain testimony and we're objecting and doing
14 our job, are you going to hold that against us?

15 PROSPECTIVE JUROR NO. 002: No. You guys have to do
16 your job.

17 MR. FELICIANO: Even if it might make it a little bit
18 heated at some times?

19 PROSPECTIVE JUROR NO. 002: No. You guys still have
20 to do your job.

21 MR. FELICIANO: Is that something that you're going
22 to hold against Mr. Renteria --

23 PROSPECTIVE JUROR NO. 002: No.

24 MR. FELICIANO: -- the conduct of his lawyers?

25 PROSPECTIVE JUROR NO. 002: No.

1 MR. FELICIANO: Okay. Now, you had the carrying a
2 concealed -- the CCW conviction way back. You said you since
3 got your permit.

4 PROSPECTIVE JUROR NO. 002: Yes.

5 MR. FELICIANO: And do you -- you were treated fairly
6 by the police?

7 PROSPECTIVE JUROR NO. 002: Yes. I was.

8 MR. FELICIANO: You didn't go to trial or anything
9 like that?

10 PROSPECTIVE JUROR NO. 002: No. Just in and out of
11 court and then paid the fine and they confiscated the weapon.

12 MR. FELICIANO: Now, if -- if you had gone to trial,
13 I mean, what type of evidence would you expect -- maybe not
14 specifically in your case. What type of evidence would you
15 expect the government to bring against somebody? And there's
16 no wrong answers.

17 PROSPECTIVE JUROR NO. 002: Yeah. I mean, I was
18 wrong. I was young at the time for carrying it without a
19 permit. I did have the blue card and everything else. It
20 just wasn't, you know, registered through Metro to have a
21 carrying a concealed weapon.

22 MR. FELICIANO: How about things like say
23 fingerprints; is that something that you would expect to see
24 if you were -- if you were listening to a case and trying to
25 determine whether someone was guilty or innocent?

1 MS. FLECK: Judge, can we approach?

2 THE COURT: You may.

3 (Bench conference.)

4 MS. FLECK: I think that this is -- sorry. I think
5 that this is improper. It's starting to go to like --

6 THE COURT: Yeah. [Inaudible.]

7 MS. FLECK: And it's like, you know, that we need to
8 get into jury instructions and we need to start explaining
9 that, you know, all evidence is -- the circumstantial evidence
10 is [inaudible] into that jury instruction where, you know,
11 the -- all you need is the testimony of the victim. Like
12 you're starting to get into things that you're going to then
13 need to explain instructions to them.

14 MR. FELICIANO: You know, yesterday they asked the
15 CSI question, which is exactly the same type of thing.

16 THE COURT: Yeah, but the difference is they didn't
17 go into specifics [inaudible] what about that.

18 MS. FLECK: And the difference is, is it's my burden.

19 MR. FELICIANO: It doesn't matter. What else are we
20 talking about? We're talking about CSI. We're talking about
21 [inaudible].

22 (Inaudible - remainder of bench not transcribed.)

23 (End bench conference.)

24 MR. FELICIANO: Okay. So just getting back to what
25 we were talking about, say fingerprints. If there was a case

1 where say the State didn't have fingerprints, do you think
2 that would affect your decision whether somebody was guilty or
3 innocent?

4 PROSPECTIVE JUROR NO. 002: It probably will, yeah.
5 Maybe.

6 MR. FELICIANO: What about things like DNA, like
7 having DNA versus not having DNA?

8 PROSPECTIVE JUROR NO. 002: Well, if they have DNA,
9 then it's proven.

10 MR. FELICIANO: So it's a pretty solid -- if there's
11 some DNA, it's a pretty solid case; is that fair to say?

12 PROSPECTIVE JUROR NO. 002: Yes.

13 MR. FELICIANO: Okay. Thank you, sir.

14 PROSPECTIVE JUROR NO. 005: 005, James Schmidt.

15 MR. FELICIANO: Mr. Schmidt, you were -- your
16 apartment was broken into years ago?

17 PROSPECTIVE JUROR NO. 005: About 40 years ago.

18 MR. FELICIANO: Forty years ago. Do you remember it
19 pretty well?

20 PROSPECTIVE JUROR NO. 005: I wasn't there when it
21 happened, so. I remember the incident. They just broke in a
22 window and came in and...

23 MR. FELICIANO: Did the, when -- the police came out
24 for it?

25 PROSPECTIVE JUROR NO. 005: Yeah. It was pretty

1 obvious it was a bunch of kids, because they stole a whole
2 stack of Playboy magazines.

3 MR. FELICIANO: Did they take a lot of other things,
4 or just the Playboy?

5 PROSPECTIVE JUROR NO. 005: That was probably worth
6 as much as anything. You know, whatever was visible they
7 grabbed and took.

8 MR. FELICIANO: So was there a -- you could tell
9 where they came in from?

10 PROSPECTIVE JUROR NO. 005: Yeah. They broke a
11 window out.

12 MR. FELICIANO: Did they do like forensic type work,
13 like CSI type work?

14 PROSPECTIVE JUROR NO. 005: Not that I remember.

15 MR. FELICIANO: And how do you feel about that?

16 PROSPECTIVE JUROR NO. 005: I have no problem
17 with it. It's something that happens.

18 MR. FELICIANO: Well, as far as like with a crime
19 scene investigation, do you think someone who's charged with a
20 crime is entitled to a complete thorough investigation?

21 PROSPECTIVE JUROR NO. 005: Absolutely.

22 MR. FELICIANO: And what are some things that would
23 be included in the complete thorough investigation, say in
24 your case, that might have changed the outcome?

25 PROSPECTIVE JUROR NO. 005: Well, they could have

1 found fingerprints. They may or may not have been on file,
2 so -- if it was as they thought, kids.

3 MR. FELICIANO: And was it because, I guess, just the
4 Playboys were stolen they really didn't do much with it, or --

5 PROSPECTIVE JUROR NO. 005: Well, there was a few
6 other things. The stereo was taken and a few things like
7 that. But the whole thing didn't amount to that much.

8 MR. FELICIANO: And you do have one son.

9 PROSPECTIVE JUROR NO. 005: Yes.

10 MR. FELICIANO: And I don't remember. Do you have
11 grandkids?

12 PROSPECTIVE JUROR NO. 005: No, not yet.

13 MR. FELICIANO: The nature of these types of charges,
14 how do they make you feel?

15 PROSPECTIVE JUROR NO. 005: They don't make me feel
16 anything one way or the other particularly. I mean, it's
17 something that goes on these days unfortunately.

18 MR. FELICIANO: All right. How do you feel -- I
19 mean, do you think because somebody has been charged with a
20 crime like this that they must have done it?

21 PROSPECTIVE JUROR NO. 005: Well, they've got to have
22 some basis to make the charge. I'll have to hear what the
23 information is.

24 MR. FELICIANO: So you need to listen to the
25 witnesses and hear what they have to say?

1 PROSPECTIVE JUROR NO. 005: Absolutely.

2 MR. FELICIANO: And is it --

3 PROSPECTIVE JUROR NO. 005: I mean, somebody thinks
4 they have enough to make a charge, but...

5 MR. FELICIANO: So when listening to the witnesses
6 testify, when you're judging their credibility, what are
7 things that you look at?

8 PROSPECTIVE JUROR NO. 005: Their actions, their
9 attitude, the way they handle themselves in the situation.

10 MR. FELICIANO: What about --

11 PROSPECTIVE JUROR NO. 005: Whether they're confident
12 in what they're saying or whether they're lying.

13 MR. FELICIANO: What about if say the information
14 that they're testifying to changes over time, would that
15 affect your --

16 PROSPECTIVE JUROR NO. 005: Changes in what way?

17 MR. FELICIANO: Well, if they tell a story one time
18 and then it changes the next time they tell it, would that
19 influence your -- how you see them as far as credible one way
20 or another?

21 PROSPECTIVE JUROR NO. 005: Probably.

22 MR. FELICIANO: And the truth doesn't change.
23 It's --

24 PROSPECTIVE JUROR NO. 005: Yeah. I mean, if you're
25 going to tell a story, let's stick to it.

1 MR. FELICIANO: Okay. So I mean --

2 PROSPECTIVE JUROR NO. 005: Get your story straight
3 before you start.

4 MR. FELICIANO: So I mean, do you think that the
5 truth generally doesn't change and whatever's true tends to
6 stay the same?

7 PROSPECTIVE JUROR NO. 005: I would think so, yes.

8 MR. FELICIANO: And how about like keeping lies, do
9 you think keeping lies straight is difficult?

10 PROSPECTIVE JUROR NO. 005: It's more difficult than
11 keeping the truth straight, definitely.

12 MR. FELICIANO: Is that because you have to kind of
13 remember what you lied about?

14 PROSPECTIVE JUROR NO. 005: What did I say the last
15 time.

16 MR. FELICIANO: You see that Mr. Renteria-Novoa's
17 using the assistance of an interpreter. How does that make
18 you feel one way or another?

19 PROSPECTIVE JUROR NO. 005: Not a whole lot
20 [inaudible]. That's his right and his privilege.

21 MR. FELICIANO: I know these days there's a
22 certain -- there's a certain climate. There are certain
23 attitudes sometimes towards people that might not speak the
24 language if they're here in this country. Is that anything --
25 do you feel anything about that -- do you feel anything like

1 that, that, you know, he should be here, he should know the
2 language, things like that?

3 PROSPECTIVE JUROR NO. 005: As far as that goes, I'm
4 old school, you know. If you're going to live here you should
5 be speaking the language, yes.

6 MR. FELICIANO: All right. But is that something you
7 would hold against him, say as far as him being guilty or not
8 guilty?

9 PROSPECTIVE JUROR NO. 005: No.

10 MR. FELICIANO: Now, is there anybody else that feels
11 differently about that? You do. Okay. Can we -- we might
12 have to bounce around a little bit. Thank you, sir.

13 Badge No. 38. Okay. So how do you feel about it?

14 PROSPECTIVE JUROR NO. 038: Well, I think he's
15 clearly either now an illegal immigrant or was at some point
16 of his coming to the U.S. And illegal immigration is by
17 definition contemptuous, so it's clear that this man already
18 breaks the law.

19 And the fact that he's lived here long enough to
20 potentially commit crimes and still doesn't speak the language
21 that's native to the U.S. is aggravating, to say the least.

22 MR. FELICIANO: And you had some issues with -- I
23 guess at work, right, with Latino men?

24 PROSPECTIVE JUROR NO. 038: Correct.

25 MR. FELICIANO: It's happened a lot throughout the

1 years?

2 PROSPECTIVE JUROR NO. 038: Throughout my life, yes.

3 MR. FELICIANO: Now, it sounds like you have some
4 pretty strong -- strong opinions about this; is that fair to
5 say?

6 PROSPECTIVE JUROR NO. 038: Fair to say.

7 MR. FELICIANO: And it sounds like if you were
8 sitting where Mr. Renteria-Novoa was sitting, you probably
9 wouldn't want somebody who thinks like you sitting on this
10 jury.

11 PROSPECTIVE JUROR NO. 038: Absolutely not.

12 MR. FELICIANO: Okay. So although you want to give
13 him a fair shake, I would imagine, it sounds like it might be
14 impossible in this case.

15 PROSPECTIVE JUROR NO. 038: I could not fairly give
16 him a fair open minded opinion or trial because to me he's
17 already a law breaker in the U.S.

18 MR. FELICIANO: Judge, I have a motion.

19 THE COURT: All right. Does the State wish to
20 traverse?

21 MS. FLECK: No, that's okay. Thank you, Your Honor.

22 THE COURT: All right. Ms. Alessio, is that how you
23 pronounce your last name, Alessio or Alessio?

24 PROSPECTIVE JUROR NO. 038: Alessio.

25 THE COURT: Thank you for your service. You are

1 excused. Please go down to the jury services room on the
2 third floor and they'll give you further instructions.

3 PROSPECTIVE JUROR NO. 038: Okay. Thank you.

4 THE COURT: All right. So we need the next person,
5 who will be?

6 THE CLERK: Badge No. 064, Charolette Temple.

7 THE COURT: All right. Ms. Temple, do you have the
8 microphone? Since you're just now coming up here, can you
9 give us a little bit of a biographical sketch? What do you
10 do, are you married, what does your husband do, do you have
11 kids?

12 THE MARSHAL: Your badge number.

13 PROSPECTIVE JUROR NO. 064: I'm an administrative
14 assistant for Desert Springs Hospital.

15 THE COURT: I'm sorry. Can you repeat that?

16 PROSPECTIVE JUROR NO. 064: Administrative assistant
17 for Desert Springs Hospital.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 064: Not married. I have
20 a 29-year-old son, a two-year-old granddaughter that lives in
21 Chicago.

22 THE COURT: And how long have you worked at that
23 hospital?

24 PROSPECTIVE JUROR NO. 064: For 14 months.

25 THE COURT: Fourteen months. Did you live in Las