

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 III**

JEAN J. SCHWARTZER, ESQ
Nevada Bar No. 11223
Law Office of Jean J. Schwartzer
411 E. Bonneville Avenue
Suite 360
Las Vegas, Nevada 89101
(702) 979-9941
Attorney for Appellant

STEVEN B. WOLFSON, ESQ.
Nevada Bar No. 1565
Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155
(702) 671-2500
Attorney for Respondent

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1 Vegas before that?

2 PROSPECTIVE JUROR NO. 064: No.

3 THE COURT: How -- so you've only been in Las Vegas
4 for 14 months?

5 PROSPECTIVE JUROR NO. 064: I've been in Las Vegas
6 for 12 month -- well, I've been in Las Vegas for 15 months.

7 THE COURT: Fifteen months. And where'd you move
8 from?

9 PROSPECTIVE JUROR NO. 064: Texas.

10 THE COURT: From Texas. Did you come out here just
11 for the job, or for other reasons?

12 PROSPECTIVE JUROR NO. 064: No. For other reasons.

13 THE COURT: Okay. So let me ask you this. You
14 haven't been in Las Vegas for very long, 15 months. Do you
15 feel like you're part of the community? And what I'm really
16 getting at is this. Obviously the way -- what we want on the
17 jury is a cross-section of the community, people who sort of
18 care enough that they're taking an interest in what's going on
19 here.

20 Given the fact you've only been here 15 months, do
21 you feel that this is your home and you care about what's
22 happening in this community in general?

23 PROSPECTIVE JUROR NO. 064: [Inaudible.]

24 THE COURT: I'm sorry?

25 PROSPECTIVE JUROR NO. 064: For now.

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

3 PROSPECTIVE JUROR NO. 064: No.

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

6 PROSPECTIVE JUROR NO. 064: My son.

7 THE COURT: Your son. Where and when and what
8 happened?

9 PROSPECTIVE JUROR NO. 064: He was a victim of
10 attempted murder in Chicago, Illinois.

11 THE COURT: How long ago?

12 PROSPECTIVE JUROR NO. 064: In 2002.

13 THE COURT: 2010.

14 PROSPECTIVE JUROR NO. 064: 2002.

15 THE COURT: Okay. Were the police called?

16 PROSPECTIVE JUROR NO. 064: Yes.

17 THE COURT: Was there a court case? Was someone
18 arrested?

19 PROSPECTIVE JUROR NO. 064: Yes.

20 THE COURT: And did your son -- or did you have to
21 participate in the court case at all?

22 PROSPECTIVE JUROR NO. 064: No.

23 THE COURT: All right. Your son, did he have to
24 testify?

25 PROSPECTIVE JUROR NO. 064: Yes.

1 THE COURT: Are you happy with the way that court
2 case worked out?

3 PROSPECTIVE JUROR NO. 064: Yes.

4 THE COURT: So was there anything about that case,
5 what happened to your son or how the court system or the
6 police treated him or anyone else in the case, that would
7 affect your ability to be fair and impartial in this criminal
8 case?

9 PROSPECTIVE JUROR NO. 064: No.

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

14 PROSPECTIVE JUROR NO. 064: I had a DUI in 2006,
15 January 1st of 2006.

16 THE COURT: Was that also in Chicago?

17 PROSPECTIVE JUROR NO. 064: In Texas.

18 THE COURT: Texas. I'm sorry. All right. Were you
19 convicted?

20 PROSPECTIVE JUROR NO. 064: No.

21 THE COURT: Okay. What happened?

22 PROSPECTIVE JUROR NO. 064: They dropped it.

23 THE COURT: Oh. So the case was dismissed?

24 PROSPECTIVE JUROR NO. 064: Yes.

25 THE COURT: All right. Any feelings about that case?

1 Were you treated fairly by the police and the system?

2 PROSPECTIVE JUROR NO. 064: Yes.

3 THE COURT: Okay. A little bit of hesitation there.

4 Do you -- I mean, or am I reading too much into --

5 PROSPECTIVE JUROR NO. 064: It was a random thing.

6 It was New Year's Day and I was living in Houston at that
7 time. It was my second day actually living in Houston from
8 Chicago, and they randomly pulled over so many cars that was
9 leaving a concert.

10 THE COURT: Right. Okay.

11 PROSPECTIVE JUROR NO. 064: And I was involved in the
12 pullover.

13 THE COURT: Checkpoint type thing. Okay.

14 PROSPECTIVE JUROR NO. 064: Yes.

15 THE COURT: So the case was ultimately dismissed. So
16 how do you feel overall about the criminal justice system and
17 how you were treated?

18 PROSPECTIVE JUROR NO. 064: It was fine.

19 THE COURT: Okay. Anything about that case that
20 would cause you to be something other than fair and impartial
21 if asked to serve in this case?

22 PROSPECTIVE JUROR NO. 064: No.

23 THE COURT: So would you hold it against law
24 enforcement in this case that the police in Texas pulled you
25 over? If -- would you hold it against the DAs or any of their

1 witnesses in any way that, hey, you know, this was maybe a bad
2 arrest in Houston and they just kind of pulled over everybody?
3 Would that be an issue for you?

4 PROSPECTIVE JUROR NO. 064: No.

5 THE COURT: All right. Mr. Feliciano, you may
6 continue.

7 THE MARSHAL: [Inaudible.]

8 MR. FELICIANO: Yes, please.

9 MS. FLECK: Judge, can we approach real quickly?

10 THE COURT: Sure.

11 (Bench conference.)

12 MS. FLECK: I get to question the new ones.

13 THE COURT: I'm sorry?

14 MS. FLECK: When if -- do I get to question the new
15 ones once he's finished completely?

16 THE COURT: Yeah.

17 MS. FLECK: Okay. So once he's finished with
18 everyone, and then I'll --

19 THE COURT: Or do you want to do it now? It doesn't
20 matter to me either way. Whatever you prefer.

21 MR. FELICIANO: Do you just want to go now?

22 MS. FLECK: Yeah, that's fine.

23 MR. FELICIANO: Since -- should we stick with the
24 same order?

25 THE COURT: You just wanted to do -- the two of you

1 just do right now, and just do --

2 MS. FLECK: I do it and then he'll go up again?

3 THE COURT: Yeah.

4 MS. FLECK: Once I pass for cause.

5 THE COURT: Yeah, let's do that.

6 (End bench conference.)

7 THE COURT: All right. Here's what we're going
8 to do. Ms. Temple, since you just came up for the first time,
9 we're going to allow Ms. Fleck to ask a couple questions of
10 you first. All right.

11 MS. FLECK: Thank you, Your Honor.

12 Just briefly, just some of the questions that you
13 heard yesterday regarding children and kind of children's
14 experiences. If somebody at a young age made a kind of an
15 immature decision, is that something that you would hold
16 against them later in life, or would you be able to account
17 for that?

18 PROSPECTIVE JUROR NO. 064: [Inaudible.]

19 THE COURT RECORDER: I can't hear her.

20 THE MARSHAL: Ma'am, [inaudible].

21 PROSPECTIVE JUROR NO. 064: Everybody makes some bad
22 choices in life when they're younger, and I think everybody --
23 I mean, some people change once they get older.

24 MS. FLECK: So just because someone at one point made
25 maybe an immature decision, you would agree that they're

1 entitled to the exact same level of justice under the law as
2 anyone else?

3 PROSPECTIVE JUROR NO. 064: Exactly.

4 MS. FLECK: Okay. Any problems that you have thought
5 of or any issues that have come to mind as you've sat and
6 listened to everybody?

7 PROSPECTIVE JUROR NO. 064: No.

8 MS. FLECK: Promise you'll do the very best job you
9 can possibly do if you're chosen to be a juror?

10 PROSPECTIVE JUROR NO. 064: If I can.

11 MS. FLECK: Thank you. I will pass Ms. Temple for
12 cause.

13 MR. FELICIANO: Can we approach briefly?

14 THE COURT: Sure.

15 (Bench conference.)

16 MR. FELICIANO: [Inaudible.]

17 MS. FLECK: I'll push it down so they can't see it.

18 THE COURT: Okay. I can't see it from here, so
19 [inaudible].

20 MS. FLECK: Yeah. I'll push it down, or I'll
21 minimize it.

22 THE COURT: Okay.

23 (End bench conference.)

24 THE COURT: All right. Mr. Feliciano, you may
25 proceed.

1 MR. FELICIANO: Thank you.

2 THE MARSHAL: [Inaudible.]

3 MR. FELICIANO: Yes, please.

4 THE MARSHAL: Did you want Juror No. 3?

5 MR. FELICIANO: Perfect.

6 PROSPECTIVE JUROR NO. 053: 053, Antonio Correa.

7 MR. FELICIANO: Zero, five, three. Mr. Correa?

8 PROSPECTIVE JUROR NO. 053: Yeah.

9 MR. FELICIANO: You just heard what the last juror

10 that just got excused said. Did you hear that, about --

11 PROSPECTIVE JUROR NO. 053: Yes.

12 MR. FELICIANO: How do you feel about that?

13 PROSPECTIVE JUROR NO. 053: I'm Hispanic myself. I

14 was born in Puerto Rico, raised in Puerto Rico until I was 25

15 years old, so I have no issues with that.

16 MR. FELICIANO: Now, is there anybody else in this

17 room that feels the way that prospective juror feels? Because

18 now is the time. Okay. Could you pass the mike over to him

19 real quick.

20 And how do you feel about that?

21 PROSPECTIVE JUROR NO. 057: I think you --

22 MR. FELICIANO: I'm sorry. I need your badge number.

23 PROSPECTIVE JUROR NO. 057: 057.

24 MR. FELICIANO: Mr. Anderson?

25 PROSPECTIVE JUROR NO. 057: Yes.

1 MR. FELICIANO: So you feel the same way she felt
2 about, I guess, non-English speakers?

3 PROSPECTIVE JUROR NO. 057: Yes.

4 MR. FELICIANO: Could you explain that for us?

5 PROSPECTIVE JUROR NO. 057: I think if you live here
6 you should speak English.

7 MR. FELICIANO: All right. Do you feel that that
8 feeling is so strong that you couldn't give Mr. Renteria-Novoa
9 a fair trial?

10 PROSPECTIVE JUROR NO. 057: Yes.

11 MR. FELICIANO: And why is that? Could you maybe
12 explain --

13 PROSPECTIVE JUROR NO. 057: Just how she said. I
14 think if you live here you should speak English, and
15 especially if you're getting in trouble you should be able to
16 understand what's going on.

17 MR. FELICIANO: So although -- although you'd like to
18 give Mr. Renteria a fair trial, is that something -- you're
19 telling us that's something you just can't do?

20 PROSPECTIVE JUROR NO. 057: Yes.

21 MR. FELICIANO: Judge, I have a motion.

22 THE COURT: Mr. Anderson, let me ask you a question.
23 Yesterday I asked everybody in the room does anybody here have
24 a problem with the fact that the defendant is here with the
25 assistance of a Spanish interpreter, and you didn't raise your

1 hand. How come your answer is different now?

2 PROSPECTIVE JUROR NO. 057: Well, I just --

3 THE COURT: Is it because you just heard what she
4 said and you're trying to get off of jury duty? Because I'm
5 going to be blunt with you. If I think that you're lying, I
6 can throw you in jail.

7 PROSPECTIVE JUROR NO. 057: No, I'm not. I just -- I
8 thought about it. I didn't really think about it until then.
9 But I thought about it and that's how I feel. Like I didn't
10 expect to be asked it, but now I thought about it over the day
11 and I agree.

12 THE COURT: All right. Does the State wish to
13 traverse?

14 MS. FLECK: No, thank you.

15 THE COURT: All right. Mr. Anderson, you -- let me
16 ask you this. I mean, you may prefer that people in the
17 United States speak English, but obviously you're aware that a
18 lot of people don't, right?

19 PROSPECTIVE JUROR NO. 057: Yes.

20 THE COURT: All right. In fact, millions of people
21 now living in the United States don't speak English, or at
22 least don't speak it very well, correct?

23 PROSPECTIVE JUROR NO. 057: Yes.

24 THE COURT: Are you saying that in any case involving
25 any one of those millions of people you could never be a fair

1 and impartial juror?

2 PROSPECTIVE JUROR NO. 057: I mean, I think if
3 you're -- like if they're not getting in trouble, then I have
4 no problem with it. But if they're in trouble and they're in
5 court, they should be able to understand what's going on,
6 otherwise you -- I mean, you should stay out of trouble either
7 way, but especially if you're in this type of situation you
8 should understand what's going on. Otherwise --

9 THE COURT: Well, if they don't understand what's
10 going on, does that make them guilty of what they're accused
11 of doing?

12 PROSPECTIVE JUROR NO. 057: I think that --

13 THE COURT: What about -- let me ask you a
14 hypothetical. What if somebody who doesn't speak English
15 happens to be falsely accused, now he's in court, he obviously
16 doesn't understand what's going on. What would you do if you
17 were a juror in that case? Would you find him guilty because
18 he doesn't understand what's going on?

19 PROSPECTIVE JUROR NO. 057: Well, I also think that
20 the charges just don't come out of nowhere. Like you don't
21 just wake up one day and out of nowhere it's, you know, all
22 the sudden you're in jail. Like something happens. So that's
23 another reason that I don't think I would be able to be --

24 THE COURT: So anyone who's charged with a crime is
25 automatically guilty; is that what you're saying?

1 PROSPECTIVE JUROR NO. 057: It depends on the crime.
2 I mean, but for the most part, yes.

3 THE COURT: And does it make any difference to you
4 whether the person who's charged with a crime does or does not
5 speak English? I mean, isn't what you're saying also true of
6 people who speak English, or am I misunderstanding?

7 PROSPECTIVE JUROR NO. 057: Well, yes. It's true for
8 both sides that if you get -- I think for the most part if you
9 get charged with a crime that you probably did it.

10 THE COURT: So I mean, do you not -- I mean, the
11 point of a trial is to determine whether or not the person did
12 what they are accused of doing. Do you understand that? I
13 mean, I went through this yesterday and you didn't indicate
14 any misunderstanding about what I said, right?

15 PROSPECTIVE JUROR NO. 057: Yes. But I mean, the
16 more I thought about it -- I mean, I didn't raise my hand
17 yesterday, but I thought about it and I agree with like what
18 she was saying earlier.

19 THE COURT: All right. Mr. Anderson, here's what's
20 going to happen. You don't get to go home. You get to go sit
21 in the back of the courtroom. All right. So we're going to
22 pull someone else to sit in your seat.

23 THE CLERK: Badge No. 068, Mr. Aguilar.

24 UNKNOWN SPEAKER: [Inaudible.]

25 THE COURT: Right. So I don't know how we're going

1 to do that. We need -- I don't know if there's a way that we
2 can re-arrange people or...

3 I don't know if there's a way that we can...

4 (Inaudible discussion.)

5 THE COURT: All right. Mr. Aguilar, can you give us
6 a brief biographical sketch of yourself? What do you do for a
7 living, are you married, does your wife work, do you have
8 kids?

9 PROSPECTIVE JUROR NO. 068: Yes. I'm married and I
10 have children.

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

12 PROSPECTIVE JUROR NO. 068: I'm a member of the
13 carpenter's union.

14 THE COURT: Okay. How long have you lived in Las
15 Vegas?

16 PROSPECTIVE JUROR NO. 068: I want to rectify
17 something. I got confused yesterday. I said that I had been
18 living here for 10 years. But I've been living here for 20
19 years.

20 THE COURT: Oh, okay. All right. So you've been
21 here for 20 years. And you said that you're married. Does
22 your wife work?

23 PROSPECTIVE JUROR NO. 068: My wife works.

24 THE COURT: What does she do?

25 PROSPECTIVE JUROR NO. 068: She works as housekeeping

1 in Palazzo Venetian.

2 THE COURT: Okay. And how old are your kids?

3 PROSPECTIVE JUROR NO. 068: Sixteen, fourteen, and
4 eight.

5 THE COURT: Are they boys or girls?

6 PROSPECTIVE JUROR NO. 068: Boys.

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

8 PROSPECTIVE JUROR NO. 068: 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. 068: No.

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

16 PROSPECTIVE JUROR NO. 068: No.

17 THE COURT: Okay. I appreciate it.

18 Ms. Fleck, do you have any questions for Mr. Aguilar?

19 MS. FLECK: Yes. Mr. Aguilar, now that you have an
20 interpreter helping you, how do you feel now about
21 participating in the trial?

22 PROSPECTIVE JUROR NO. 068: Well, I've listened to
23 several experiences, unfortunate ones that I haven't happened,
24 unfortunate ones that I haven't happened.

25 MS. FLECK: You mean while we were going through this

1 process?

2 PROSPECTIVE JUROR NO. 068: Yes.

3 MS. FLECK: So you mean other things that people have
4 disclosed?

5 PROSPECTIVE JUROR NO. 068: No.

6 MS. FLECK: I don't understand. Have you -- now that
7 you have the use of an interpreter, how do you feel about
8 sitting as a juror, about the entire process?

9 PROSPECTIVE JUROR NO. 068: As far -- as far the
10 questions that have been asked, I feel uncomfortable being
11 here.

12 MS. FLECK: What part makes you uncomfortable?

13 PROSPECTIVE JUROR NO. 068: On the part of the
14 accused, what he's accused about.

15 MS. FLECK: So the crime themselves make you feel
16 uncomfortable?

17 PROSPECTIVE JUROR NO. 068: Yes, the crime.

18 MS. FLECK: Okay. I mean, is that just -- is it that
19 you feel uncomfortable because they're of the nature of the
20 crime, or is there something about the accused and his
21 position that makes you feel uncomfortable?

22 PROSPECTIVE JUROR NO. 068: I'm not used to being in
23 these kind of situations, but it's uncomfortable for me that
24 somebody commits a crime.

25 MS. FLECK: Okay. Understood. You moved here 20

1 years ago from where?

2 PROSPECTIVE JUROR NO. 068: I'm from Mexico.

3 MS. FLECK: And the last 20 years have you lived in
4 Las Vegas?

5 PROSPECTIVE JUROR NO. 068: In Las Vegas.

6 MS. FLECK: Any contact with the criminal justice
7 system when you were living back in Mexico?

8 PROSPECTIVE JUROR NO. 068: No.

9 MS. FLECK: I posed some questions yesterday
10 regarding laws being different here in the United States as
11 opposed to in another country. If you were chosen to be a
12 juror, any problem following the law that's read to you by the
13 judge and not comparing it to something that happens back
14 home?

15 PROSPECTIVE JUROR NO. 068: No. No problem at all,
16 except my problem is that I can't speak or write the language.

17 MS. FLECK: So with the use of an interpreter, even
18 with the help of an interpreter, do you still feel that
19 uncomfortable and that you would not be a good juror for this
20 case?

21 PROSPECTIVE JUROR NO. 068: Yes. I feel very
22 uncomfortable.

23 MS. FLECK: Okay. So and I'm not trying to -- I'm
24 not trying to like drag something out of you that you don't
25 want to say, but I need you to kind of explain to me and to

1 the judge, to the defense why you think you wouldn't be a good
2 juror, why you're uncomfortable. Everybody's uncomfortable
3 with the charges. Is there something different for you that
4 makes you feel like you should not be on this jury?

5 PROSPECTIVE JUROR NO. 068: There's not a difference
6 at all, but in this particular kind of situations I get very
7 nervous.

8 MS. FLECK: Okay. But a lot of people are nervous,
9 so that's -- so besides that, do you think that you can be
10 fair then to sit on the jury? Do you think you can be fair
11 and listen to both sides?

12 PROSPECTIVE JUROR NO. 068: Yes. It could be
13 possible.

14 MS. FLECK: Your Honor, I -- I don't know if you have
15 anymore questions. Otherwise I --

16 THE COURT: Mr. Aguilar, I understand that, you know,
17 this is -- jury service is not something that anybody's use
18 to. We call you out of your daily life, we ask you to come
19 here and we ask you to deal with, in this case, charges that
20 are very uncomfortable for everybody. Are you saying that you
21 would be so nervous and so uncomfortable that you wouldn't be
22 able to perform your duty as a juror?

23 PROSPECTIVE JUROR NO. 068: Yes. I consider that,
24 because what I listen to, I forget things.

25 THE COURT: I'm not -- I'm not sure what you're

1 saying. You don't -- you forget things?

2 PROSPECTIVE JUROR NO. 068: Yes. In general a lot of
3 the questions from yesterday, I don't even remember them.

4 THE COURT: Do you have any medical conditions that
5 interfere with your memory, or is it just that you generally
6 have a bad memory?

7 PROSPECTIVE JUROR NO. 068: Yeah. I think that in
8 general I have very bad memory.

9 THE COURT: Okay. During the trial, if you are asked
10 to serve as a juror in this case, you would be allowed to have
11 a notebook and a pen. In fact, we give you a notebook and a
12 pen. Would that -- if you were able to write things down,
13 would you be able to perform your duty as a juror?

14 PROSPECTIVE JUROR NO. 068: Yes. I came here to
15 render a service.

16 THE COURT: Okay. Now, I understand that you're
17 nervous and, you know, I would venture to guess that probably
18 a majority of people in this room are nervous and a little
19 uncomfortable right now. But do you think that you would be
20 able to put that aside and with the assistance of a notepad
21 and a pen be able to render your service and to listen to the
22 evidence and be fair and impartial?

23 PROSPECTIVE JUROR NO. 068: I will try.

24 THE COURT: Okay. All right. I appreciate that.
25 Mr. Feliciano, did you have any questions for

1 Mr. Aguilar?

2 MR. FELICIANO: Not at this time. I will later down
3 the road.

4 THE COURT: All right. Ms. Fleck, anymore questions?

5 MS. FLECK: I'm going to actually make a challenge
6 for cause. I just -- based upon, you know, the -- him not
7 remembering what was said today, what he had just said
8 yesterday. I don't believe that he's comfortable to the point
9 that I don't think he can listen.

10 I think he's nervous to the point that he can't
11 listen. And I don't think that while we're using an
12 interpreter and it's not necessarily coming through, it's
13 clear to me that he's not capable of sitting on this jury
14 listening, making this grave of a decision. I just -- I'm
15 going to make a challenge for cause.

16 THE COURT: Mr. Feliciano, I know that you just sort
17 of waived your opportunity to traverse, but now that there's
18 an actual motion on the table, do you wish to traverse?

19 MR. FELICIANO: Yes.

20 THE COURT: Okay. You may proceed.

21 MR. FELICIANO: Sir, you said that -- you just said a
22 moment ago that I guess you could do your duty if you were
23 selected for the jury?

24 PROSPECTIVE JUROR NO. 068: Yes, I did say it. But
25 now that I'm listening to that person, I take it back and I

1 don't feel I can take the responsibility about a trial of this
2 nature.

3 MR. FELICIANO: Well, I mean, it's a really big
4 responsibility and everybody in this room is part of it. I
5 mean, how -- is there something about you that's different,
6 where you can't bear that responsibility and give Mr. Renteria
7 Novoa a fair trial?

8 PROSPECTIVE JUROR NO. 068: Well, I too have children
9 and I wouldn't like -- that I wouldn't like to be in a
10 situation where the offended party's family is in right now.

11 MR. FELICIANO: Well, nobody would like that. But if
12 you were given a notepad and able to take notes, could you
13 follow along with the trial?

14 PROSPECTIVE JUROR NO. 068: To my possibilities or
15 abilities, yes.

16 MR. FELICIANO: And could you give Mr. Renteria Novoa
17 a fair trial?

18 PROSPECTIVE JUROR NO. 068: Well, I'm an immigrant
19 and I'm a citizen because that's what an immigration judge
20 decided. But if the person that's being accused right now is
21 proven to be guilty, the authorities should do their job.

22 MR. FELICIANO: What if they're proven to be not --
23 what if the State doesn't prove their case, will you find him
24 not guilty?

25 PROSPECTIVE JUROR NO. 068: Not guilty.

1 MR. FELICIANO: Thank you, sir.

2 Judge, we would submit that he's -- he can serve.

3 THE COURT: All right. The motion's denied. We'll
4 keep him for now. You may continue.

5 MR. FELICIANO: Okay. If you'd pass it back to
6 Mr. Correa.

7 PROSPECTIVE JUROR NO. 053: 053, Antonio Correa.

8 MR. FELICIANO: Thank you. Okay. And just so we're
9 clear, nobody else -- nobody else has those feelings, while
10 we're here? Okay. All right. thank you.

11 Sir, you're a physician, correct?

12 PROSPECTIVE JUROR NO. 053: Yes.

13 MR. FELICIANO: And you have one child?

14 PROSPECTIVE JUROR NO. 053: Yes.

15 MR. FELICIANO: Is there anything about the nature of
16 these allegations that makes it difficult for you to be fair?

17 PROSPECTIVE JUROR NO. 053: I don't think so.

18 MR. FELICIANO: You've never been on a jury before,
19 is that --

20 PROSPECTIVE JUROR NO. 053: No.

21 MR. FELICIANO: -- correct?

22 Okay. Is that something -- do you want to be on a
23 jury?

24 PROSPECTIVE JUROR NO. 053: Well, if I'm chosen, I'll
25 be here.

1 MR. FELICIANO: Okay. So is there anything else that
2 we need to know about you that may affect your ability to be
3 fair?

4 PROSPECTIVE JUROR NO. 053: I don't think so.

5 MR. FELICIANO: If you were sitting in that chair
6 where Mr. Renteria-Novoa is sitting, would you be comfortable
7 with a person with your mindset judging you?

8 PROSPECTIVE JUROR NO. 053: Yes. I think so.

9 MR. FELICIANO: Thank you, sir.

10 I think we can -- yeah. Thanks.

11 PROSPECTIVE JUROR NO. 013: 013, Roshelle Barrow.

12 MR. FELICIANO: You're a third grade teacher; is that
13 correct?

14 PROSPECTIVE JUROR NO. 013: Yes.

15 MR. FELICIANO: Okay. And I have a note here that I
16 wrote down that you said you can tell when kids are being
17 honest?

18 PROSPECTIVE JUROR NO. 013: No. There's no --

19 MR. FELICIANO: That's just what I wrote, so.

20 PROSPECTIVE JUROR NO. 013: Yeah. No -- well, most
21 of the time I find when children are maybe -- if they're
22 telling on somebody for offense against them, for example I
23 had a student come up to me the other day and said he was
24 getting punched on the bus, and he was crying. And so I'm
25 going to tend to believe him because he's crying.

1 And I went up to the office and of course the office
2 took care of it. I didn't -- you know, I didn't hear the
3 other side of the story or anything like that. But so I guess
4 if something like that, if a child is -- or a minor is coming
5 up to accuse somebody of hurting them, I'm going to think
6 what's the motive for them to say something like that. So I
7 definitely take that into account, I guess, is what I'm
8 saying.

9 MR. FELICIANO: Have you ever had any kids come up to
10 you and lie about stuff?

11 PROSPECTIVE JUROR NO. 013: Oh, yes. And I said that
12 yesterday too. I've had kids come up to me with tears in
13 their eyes and I know that they're flat out lying to me as
14 well. It's just part of dealing with children.

15 MR. FELICIANO: Have you ever had to judge the
16 credibility of two conflicting stories?

17 PROSPECTIVE JUROR NO. 013: Unfortunately sometimes I
18 have to do that. It's difficult and a lot of times I end up
19 calling parents in and telling them the situation and trying
20 to rectify it that way.

21 MR. FELICIANO: And if -- what are some of the things
22 that you look at when you're trying to determine who's
23 credible and who's not credible?

24 PROSPECTIVE JUROR NO. 013: I -- definitely the first
25 thing I ask is was anybody around, anybody see it happen,

1 anybody hear. I definitely try to get the facts of what
2 actually occurred. Sometimes when it's just one versus the
3 other and there's nobody around to corroborate their story, I
4 just have to speak with them individually and, like I say,
5 talk to their parents and tell them the situation. But I
6 can't really -- sometimes you just don't know.

7 MR. FELICIANO: So corroborating evidence has helped
8 you before?

9 PROSPECTIVE JUROR NO. 013: Oh, definitely.
10 Definitely.

11 MR. FELICIANO: Since you do deal with children, what
12 do you think about these charges?

13 PROSPECTIVE JUROR NO. 013: Well, they're ugly
14 charges of course, you know.

15 MR. FELICIANO: Do you think, considering that you
16 deal with children on a day-to-day basis, that you could put
17 that aside and judge this case on the facts?

18 PROSPECTIVE JUROR NO. 013: Working with children,
19 like I said before, for a minor to come up and accuse an adult
20 of doing something like that, it's going to be very difficult
21 for me not to believe a child, because unless there's, you
22 know, evidence or a reason why they would make something up
23 like that.

24 MR. FELICIANO: So if you were sitting in that chair,
25 how would you feel if someone with your mindset was on your

1 jury?

2 PROSPECTIVE JUROR NO. 013: To be honest, I would
3 probably be a little worried, because I probably have a
4 tendency to side for the minor, you know, or the minors. I
5 would -- I still think if a minor says somebody did that to
6 them, or something in that nature, you know, there's -- I
7 don't know if -- there could be reasons, you know, that
8 they're making it up.

9 MR. FELICIANO: Mm-hmm.

10 PROSPECTIVE JUROR NO. 013: But it's such a heinous
11 crime I just -- it's hard for me to imagine somebody deciding
12 to put somebody in his position out of spite or whatever.

13 MR. FELICIANO: Well, when allegations are made, I
14 mean, I don't think you can say the minor's going to know
15 we're -- that we're going to end up here; is that fair to say?

16 PROSPECTIVE JUROR NO. 013: Yes. That's very fair to
17 say.

18 MR. FELICIANO: That they might not understand the
19 consequences of their actions?

20 PROSPECTIVE JUROR NO. 013: Yes.

21 MR. FELICIANO: But I mean, taking all that into
22 consideration, do you think you can be a fair juror and give
23 Mr. Renteria-Novoa a fair trial?

24 PROSPECTIVE JUROR NO. 013: I would definitely try my
25 best to be fair and listen to both sides of the evidence and

1 the defendant and the accuser.

2 MR. FELICIANO: Okay. Anything else you think we
3 should know?

4 PROSPECTIVE JUROR NO. 013: No.

5 MR. FELICIANO: Okay. Thank you.

6 PROSPECTIVE JUROR NO. 016: 016, Ged Cordero.

7 MR. FELICIANO: Zero, one, six. Mr. Cordero, you
8 have two children?

9 PROSPECTIVE JUROR NO. 016: Yes.

10 MR. FELICIANO: Two grown children?

11 PROSPECTIVE JUROR NO. 016: Yeah.

12 MR. FELICIANO: And how do these allegations -- what
13 do you think about these allegations? How do they make you
14 feel?

15 PROSPECTIVE JUROR NO. 016: I believe it's like an
16 [unintelligible] a bad allegation, you know, because we don't
17 know yet if the plaintiff or the -- what they call this, the
18 defendant is -- you know, because we [unintelligible] right
19 now I don't know what this case. I don't know what's going
20 on. We don't know what's, you know, we have to go through the
21 process of the trial, listen for the evidence and the
22 witnesses.

23 MR. FELICIANO: And how do you feel about taking on
24 that burden? I know that's a burden that we're going to ask
25 you to take on. Is that something that's difficult for you?

1 PROSPECTIVE JUROR NO. 016: Actually it's not. It's
2 not so difficult for me.

3 MR. FELICIANO: So you're able to look at both sides
4 and be fair?

5 PROSPECTIVE JUROR NO. 016: Definitely we have to
6 look for both sides, you know.

7 MR. FELICIANO: Now, if the State was unable to prove
8 their case and they don't prove their case, what would be your
9 verdict?

10 PROSPECTIVE JUROR NO. 016: Oh, if they don't prove
11 their case, then the defendant is going to be not guilty.

12 MR. FELICIANO: And you would have no problem
13 bringing back a not guilty verdict if you believe that they
14 haven't proven their case?

15 PROSPECTIVE JUROR NO. 016: I don't have any problem,
16 you know. It depends on the trial, the witnesses and then,
17 you know, the evidence.

18 MR. FELICIANO: Is there any other information you
19 think we should know before we select the jury?

20 PROSPECTIVE JUROR NO. 016: [Unintelligible] no.

21 MR. FELICIANO: No. Okay. Would you pass the mike,
22 please, sir.

23 PROSPECTIVE JUROR NO. 017: 017, Helbert.

24 MR. FELICIANO: Zero, one, seven. You said your
25 daughter's an attorney?

1 PROSPECTIVE JUROR NO. 017: That's correct.

2 MR. FELICIANO: What type of law does she practice?

3 PROSPECTIVE JUROR NO. 017: She practices family law.

4 MR. FELICIANO: And you do have other than your girl,
5 you have a boy as well?

6 PROSPECTIVE JUROR NO. 017: Correct.

7 MR. FELICIANO: Have you ever had to judge
8 credibility between both of them when they were younger?

9 PROSPECTIVE JUROR NO. 017: Absolutely.

10 MR. FELICIANO: Well, what kind of things would
11 happen, if you can remember?

12 PROSPECTIVE JUROR NO. 017: You know, they both have
13 their own stories to tell, so.

14 MR. FELICIANO: So how would you go about sifting
15 through everything and getting at the truth?

16 PROSPECTIVE JUROR NO. 017: Just questioning them in
17 detail basically, to figure out where they're coming from.

18 MR. FELICIANO: So basically, whichever -- whichever
19 side sounds better or makes the most sense?

20 PROSPECTIVE JUROR NO. 017: That, and trying to see
21 where they're coming from, whether it's emotional, that
22 they're trying to, you know, maybe that's the cause of
23 somebody saying something rather than the truth.

24 MR. FELICIANO: Has your daughter ever practiced any
25 criminal law?

1 PROSPECTIVE JUROR NO. 017: No, she has not.

2 MR. FELICIANO: And you served on a criminal jury
3 before?

4 PROSPECTIVE JUROR NO. 017: Yes, and it was eerily
5 similar to this one.

6 MR. FELICIANO: Okay. You mean the charges?

7 PROSPECTIVE JUROR NO. 017: Yes.

8 MR. FELICIANO: How was that experience for you?

9 PROSPECTIVE JUROR NO. 017: It was hard, very hard.

10 MR. FELICIANO: It's a lot to ask you to take on,
11 right?

12 PROSPECTIVE JUROR NO. 017: Yeah. There's a lot at
13 stake, so.

14 MR. FELICIANO: Was that here?

15 PROSPECTIVE JUROR NO. 017: Yes.

16 MR. FELICIANO: And I don't remember, but how long
17 ago was that?

18 PROSPECTIVE JUROR NO. 017: It's closer to four
19 years. I checked that last night.

20 MR. FELICIANO: Is there anything about that
21 experience that makes it difficult, where you don't want to be
22 a part of it again?

23 PROSPECTIVE JUROR NO. 017: Yeah, absolutely.
24 There's -- there was some tough decisions that had to be made
25 by everyone on the jury. And some of them, it didn't do so

1 well with some of the decisions we came up with.

2 MR. FELICIANO: Despite all of that, I mean, is that
3 something you can put aside and do it again for us?

4 PROSPECTIVE JUROR NO. 017: I've learned from it. So
5 yeah, there's certain things that I'm going to retain as a
6 result of being on that jury.

7 MR. FELICIANO: All right. So I mean, that
8 experience obviously stayed with you.

9 PROSPECTIVE JUROR NO. 017: Oh, yes. Yes. Well, it
10 has now that I'm back here again, yeah.

11 MR. FELICIANO: And so do you think you could give
12 Mr. Renteria-Novoa a fair trial?

13 PROSPECTIVE JUROR NO. 017: I certainly hope so, yes.

14 MR. FELICIANO: When you say you hope so, that --

15 PROSPECTIVE JUROR NO. 017: Basically it comes down
16 to who you believe.

17 MR. FELICIANO: So whatever --

18 PROSPECTIVE JUROR NO. 017: There was no real hard
19 evidence or DNA, none of that again. So it comes down to the
20 testimony of both, both parties.

21 MR. FELICIANO: So that's what you would judge the
22 case on?

23 PROSPECTIVE JUROR NO. 017: That's where we -- yeah.
24 That's how that one came about, yes.

25 MR. FELICIANO: So if the State doesn't prove their

1 case, what do you -- what's your vote?

2 PROSPECTIVE JUROR NO. 017: Well, again, not guilty.

3 MR. FELICIANO: Thank you, sir.

4 PROSPECTIVE JUROR NO. 027: 027, Parry.

5 MR. FELICIANO: Oh, two, seven. Mr. Parry.

6 PROSPECTIVE JUROR NO. 027: Yes.

7 MR. FELICIANO: You have some two nephews that work
8 for Metro?

9 PROSPECTIVE JUROR NO. 027: Yes. One's a bailiff and
10 one works for Metro.

11 MR. FELICIANO: And they talked to you about their
12 work?

13 PROSPECTIVE JUROR NO. 027: A little bit.

14 MR. FELICIANO: Do -- anything about that make it
15 difficult to judge the credibility of an officer? I mean,
16 would you give an officer more credibility as opposed to
17 someone who's not an officer?

18 PROSPECTIVE JUROR NO. 027: Yes.

19 MR. FELICIANO: And why is that?

20 PROSPECTIVE JUROR NO. 027: Because they're officers.

21 MR. FELICIANO: Do you think there's ever times that
22 officers could be less credible than someone who's a
23 non-officer?

24 PROSPECTIVE JUROR NO. 027: Obviously.

25 MR. FELICIANO: So could you judge the officer just

1 like you would judge the other witnesses that come in the room
2 and testify? Could you be -- give them the same level of
3 scrutiny?

4 PROSPECTIVE JUROR NO. 027: Yes.

5 MR. FELICIANO: The nature of these charges, as we've
6 been hearing, it's difficult for a lot of people to deal with.
7 How do you feel about that?

8 PROSPECTIVE JUROR NO. 027: I have no problem
9 with it.

10 MR. FELICIANO: So you think you can be -- you can be
11 fair and give Mr. Renteria-Novoa a fair trial?

12 PROSPECTIVE JUROR NO. 027: Yes.

13 MR. FELICIANO: And you have been on a jury before?

14 PROSPECTIVE JUROR NO. 027: Yes.

15 MR. FELICIANO: And that was a civil -- a civil case?

16 PROSPECTIVE JUROR NO. 027: Yes.

17 MR. FELICIANO: Now, you're going to be instructed
18 not now, but you'll be instructed later, if you're on the
19 jury, about the law of criminal law, and it's different as far
20 as the burden of proof that the State has to present. Is
21 that -- that's beyond --

22 As Ms. Fleck was saying yesterday, it's beyond a
23 reasonable doubt. It's much higher than the preponderance of
24 the evidence standard that you had in your civil trial. Is
25 that -- do you have an issue with those --

1 MS. FLECK: I'm going to object as to the
2 qualification of much higher. It's the highest burden in the
3 system, but it's not much higher.

4 THE COURT: Can you clarify and rephrase the
5 question.

6 MR. FELICIANO: Okay. It's the highest burden that
7 we have in the system. Would you have any problems then from
8 your past trial experience dealing with a different burden of
9 proof?

10 PROSPECTIVE JUROR NO. 027: No.

11 MR. FELICIANO: And do you have some attorneys in
12 your family?

13 PROSPECTIVE JUROR NO. 027: Yes.

14 MR. FELICIANO: And they don't practice criminal law,
15 or have they ever?

16 PROSPECTIVE JUROR NO. 027: My daughter-in-law
17 doesn't, but I'm not sure about my [inaudible].

18 MR. FELICIANO: Anything about having attorneys in
19 your family --

20 THE COURT: Hang on a second.

21 (Pause in proceedings)

22 THE COURT: Can you speak into the microphone, sir.
23 Thanks. We just need to record everything that's being said.

24 MR. FELICIANO: So anything about having attorneys in
25 your family make it difficult to be on a case and be on a

1 jury?

2 PROSPECTIVE JUROR NO. 027: No.

3 MR. FELICIANO: Okay. Is there anything else you
4 think we should know before we select our jury?

5 PROSPECTIVE JUROR NO. 027: The only thing that's
6 going to be kind of disturbing to me, to listen to somebody
7 translate right behind me. It's very annoying. So I don't
8 know how I can pay attention to the testimony and then have it
9 repeated in another language right behind me.

10 MR. FELICIANO: Okay.

11 PROSPECTIVE JUROR NO. 027: It's very difficult, I
12 think.

13 MR. FELICIANO: Well, we'll see what we can do about
14 that for you. Sorry. Thank you.

15 THE COURT: All right. Let's do this. We've got an
16 indication that some of the jurors want to take a restroom
17 break. It's now 12:20. The question is do we want to just
18 take a quick break and push through, or do you guys want to
19 break for lunch now?

20 Can counsel approach very quickly and let's talk
21 about scheduling very quickly.

22 (Bench conference.)

23 THE COURT: You guys want to just keep -- do you want
24 me to even ask them, or you want to just break for lunch now?

25 MS. FLECK: It's up to you. I mean, we called off

1 our -- I had the victim coming at 1:00, and I told her to --

2 THE COURT: Yeah. We're not going to --

3 MS. FLECK: So --

4 MR. FELICIANO: I don't know if they want -- it's
5 going to be -- I'm not even halfway done, so it's going to be
6 a while. I don't know if we should just break for lunch and
7 come back, or --

8 MS. FLECK: I think they're annoyed is all.

9 THE COURT: Let me say something. I thought I said
10 this [inaudible]. Ordinarily you don't get to go juror by
11 juror. All right. It's supposed to be group questions and
12 you ask follow-ups. But I'm giving you some slack. But
13 please hurry it up and don't ask the same questions I asked
14 yesterday. I could have answered half of their questions
15 about previous jury service, because they told me yesterday.

16 MR. FELICIANO: Well, Judge, then I got different
17 answers.

18 THE COURT: Let's speed it up. All right.

19 MR. FELICIANO: I will speed it up.

20 THE COURT: All right. So let's take a lunch break,
21 and then we'll have them come back in an hour then.

22 UNKNOWN SPEAKER: Let's decide what to do about
23 Mr. Aguilar.

24 THE COURT: I'm sorry?

25 UNKNOWN SPEAKER: I mean, the entire jury panel, the

1 guy just said it's really annoying to listen to the
2 interpreter, and the entire panel was like yeah.

3 THE COURT: Well, it is, because he can't -- because
4 he's sitting right behind there. I can even hear the
5 interpreter. It's actually even distracting me and I'm 30
6 feet away. So I don't know if we should move them to a
7 different --

8 MR. FELICIANO: Maybe they can use the transmitter.

9 THE COURT: Like the headphones. The problem is I
10 think there's only one, then they would hear -- there's only
11 one frequency.

12 UNKNOWN SPEAKER: Why don't we just get rid of him.

13 THE COURT: I'm thinking maybe when we come back,
14 maybe we have him sit in the front so that when they're
15 talking it can come this way rather than --

16 UNKNOWN SPEAKER: The thing is, why don't we just
17 agree to [inaudible]. I mean, his actual answers were worse
18 actually for the defendant in terms that if he's guilty, he
19 should go -- I think the fact -- just the fact that he's
20 Hispanic, if that's the only reason that we're keeping him, he
21 was nonresponsive to answers even in English -- I mean, even
22 in Spanish.

23 THE COURT: Well, let's do this. Let's send him off
24 to lunch, and then we can talk about this after they're gone.

25 UNKNOWN SPEAKER: Okay.

1 THE COURT: All right. Because the pregnant woman
2 needs a bathroom break. All right.

3 (End bench conference.)

4 THE COURT: All right. Here's what we're going
5 to do. It's now 12:25, and as I indicated, we've gotten some
6 indication that some of the jurors need a break. So let's
7 take a one-hour break for lunch.

8 Same admonitions apply, which are during lunch you
9 are not to reach any conclusions about this case. Do not talk
10 to anyone about the case. Do not investigate any facts of
11 this case. Do not view any media, press or Internet reports
12 about this case. Do not talk to anyone who may have been
13 involved in any way with this case. Do not discuss the facts
14 of this case with each other. Remember to wear your badges at
15 all times while you are in and around the courthouse.

16 We'll see you at -- it's now like 12:24. Let's make
17 it 1:25. All right. Thanks.

18 (Prospective jurors recessed at 12:21 p.m.)

19 THE COURT: We're still on the record. We're now
20 outside the presence of the jury. Did anybody want to put
21 anything on the record? We had a couple of bench conferences.
22 I don't know if either side wanted to memorialize them or not.

23 MS. FLECK: You know, I would just like to renew my
24 motion for cause on Mr. Aguilar, Badge No. 0068. He is
25 currently in the box with the aid of an interpreter. He --

1 his first question was -- or his first response today was,
2 hey, I got confused yesterday when asked how long he'd lived
3 here, and that was once we had the interpreter. And yesterday
4 he said ten years, now today he said 20.

5 He was non-responsive to numerous questions today by
6 me and the defense and the judge even with the use of the
7 interpreter. He has repeatedly said that he's uncomfortable
8 and nervous. I know that that doesn't mean that he wouldn't
9 be qualified, but I don't think he's understanding. I don't
10 know that he has a -- he has problems remembering things. He
11 said he didn't remember any of the questions even that were
12 posed yesterday.

13 I don't know how we expect somebody to listen to
14 testimony then and be able to be a qualified juror if he can't
15 even remember questions that were posed yesterday. So will he
16 say the trigger words, yes, he can be fair and impartial;
17 sure. But on a totality of every single thing that he has
18 said and the way that he's acted and the fact that he's
19 non-responsive, he doesn't really seem to understand what's
20 going on.

21 Furthermore, he has said -- or he's using the
22 interpreter and Mr. Parry has now expressed that it is
23 distracting to him, he feels uncomfortable sitting through the
24 entire trial because of that. That's really the only concern
25 that he has said about sitting on this jury. As soon as

1 Mr. Parry said that, literally 90 percent of the panel who's
2 in the box starts shaking their head yes.

3 So it's distracting to everybody to the point that
4 now we're losing interest from other jurors because of the
5 interpreter. I'm not saying he's not entitled to be on a jury
6 because of that, but with the totality of every single other
7 thing, I think that he should be kicked.

8 And I'll go back to his actual answers regarding
9 conviction was if he's guilty, he should be punished. If he
10 is -- I come here legally and I now have gone through my
11 courses and basically showing respect for the criminal justice
12 system.

13 So in terms of how he would play out for the State, I
14 don't feel uncomfortable with him sitting on the jury in terms
15 of his legal views. So I think the record would reflect that
16 he -- I feel like the answers that he gave were worse for the
17 defense than for the State. But so I renew my motion.

18 THE COURT: All right. Your response.

19 MR. FELICIANO: Judge, when he was asked if -- how
20 long he had been here, I believe that was without the
21 assistance of an interpreter, and that's when we got one. And
22 he cleared that up this morning. I asked him if he could be
23 fair; he said he could be fair and listen throughout the trial
24 and take notes. We see no reason why he should be kicked.

25 It's unfortunate that it's distracting to Mr. Barry

1 [sic], but that juror does have a right to be on the jury. So
2 we would submit that he's fine and we would ask that he remain
3 on the jury.

4 THE COURT: All right. Well, there's two separate
5 issues here. Number one is whether or not he can actually
6 comprehend what's going on and can be fair and impartial. And
7 the second issue is whether or not his presence with the
8 interpreter is distracting to the other members of the jury.

9 I will note that when the other juror, Mr. Parry,
10 Badge No. 27, indicated that he was distracted by the
11 interpreter, the other -- many of the other jurors did also
12 nod their heads. And I don't know -- well, the situation is
13 Mr. Aguilar is currently seated in Seat No. 1, 2, 3, 4, 5,
14 which is the back middle, with the interpreter seated next to
15 him. So it looks like the interpreter is actually sitting
16 almost directly behind Mr. Parry.

17 So sort of logistically, I think the interpreter is
18 about a foot and a half away from Mr. Parry's ear, so he
19 probably is very distracted. But what I think we do on that
20 issue logistically is during lunch try to come up with some
21 other way so that the interpreter is not sitting directly
22 behind other jurors. I don't know if maybe you move him to a
23 different part of the courtroom, or have him sit in the front
24 corner or something like that. But that's an issue that I
25 think can be solved by some sort of physical rearrangement.

1 But as to the first issue, I was a little bit
2 concerned about some of Mr. Aguilar's initial responses. But
3 then when I questioned him and when Mr. Feliciano questioned
4 him, yeah, he's nervous, he doesn't want to be here, it's a
5 difficult job. I mean, these things are all true. But he
6 indicated that he could focus on what's going on and believed
7 that he could be fair and impartial.

8 So I'm going to deny the motion to strike him for
9 cause. But let's explore what we can do about moving the
10 interpreter so the interpreter's not speaking directly into
11 Mr. Parry's ear.

12 MS. FLECK: But I mean, it was everybody. Every
13 single person was like shaking their head.

14 THE COURT: Right. But I'm just wondering, I don't
15 know if there's a way that maybe we sit him, I don't know,
16 maybe in the far corner or something like --

17 THE MARSHAL: I can call and see if we can get
18 another headset.

19 THE COURT: I'm sorry?

20 THE MARSHAL: I can call and see if we can get
21 another headset.

22 THE COURT: Yeah. Maybe another headset that
23 operates on a different frequency, something like that.

24 MS. FLECK: You might want to get two, because the
25 next person up is the other --

1 THE COURT: Oh. It's Ms. Martinez. Right. Well,
2 we'll explore that during lunch, if we can even do that, if we
3 can have three frequencies going in the courtroom or not. I
4 honestly don't know the answer to that. I --

5 THE CLERK: [Inaudible] issue to have them sit in
6 that front row [inaudible].

7 THE COURT: Yeah. That's the other thing is maybe we
8 just move them back to where they were, which is the front row
9 over there, and sort of with the understanding that he's
10 constructively in the box. I don't know --

11 MS. FELICIANO: [Inaudible] like a rolling chair over
12 there that we can at least put him in the corner. Maybe the
13 rolling chair with the interpreter on the side as a temporary
14 fix. The interpreter's out of the box, maybe able better to
15 whisper in his ear.

16 THE COURT: Right. I mean, I think there's some
17 solution we can explore. Maybe we'll just physically
18 re-arrange. But I can see the problem, like I said, is, you
19 know, literally the interpreter's about a foot and a half away
20 from Mr. Parry's ear, so I'm sure that he's having trouble --
21 I'm sure that he is highly distracted, but...

22 Well, we'll -- you know, maybe Randy will make some
23 phone calls and we'll see what we can come up with, whether
24 it's a headphone or just move him over to that corner,
25 whatever. But all right.

1 Was there anything else either side wanted to put on
2 the record?

3 MR. FELICIANO: No, Judge.

4 THE COURT: All right. Then let's reconvene at
5 about -- I told the jurors to come back at 25 after. Let's
6 make it about 20 after, and hopefully everybody is back here
7 more or less on time.

8 MS. FLECK: So in terms of timing, I told -- like I
9 said, I told our victim to come in at 1:00 today. I would
10 just send her home.

11 THE COURT: Okay.

12 MS. FLECK: What do we think about -- I don't want to
13 start her today and get like an hour in. So would you like me
14 to have --

15 THE COURT: How long do you think her testimony
16 will be?

17 MS. FLECK: Her direct will probably be an hour.

18 THE COURT: Well, let's see. The jury's going to
19 make it 1:25. We've got [inaudible].

20 MS. FLECK: What we could do is --

21 THE COURT: Are you guys going to need a break
22 between the time we impanel the jury and you do openings? Do
23 you have to set up the ELMO or set up anything like that?

24 MS. FLECK: Maybe just 10 minutes or something.

25 MR. FELICIANO: We have a long Information that we

1 need to read too. That's going to take probably half an hour.

2 THE COURT: Right.

3 MS. FLECK: That's the other thing, yeah.

4 THE COURT: Yeah. She does read fast. It may not
5 take half an hour. And when I do my pretrial instructions, it
6 only takes me about 10 or 15 minutes.

7 MS. FLECK: All right. Well, why don't we do this.
8 Why don't we -- why don't we try to figure out -- why don't we
9 try to call an officer first or something like that. Maybe we
10 can get the first responding officer on this afternoon.

11 THE COURT: It's up to you. I mean, it's at this
12 stage, we're coming at 1:25. I'm just -- let's say between my
13 pretrial instructions and the reading Information takes 30
14 minutes. Then you guys have openings. I don't know how long
15 those are going to be.

16 MS. FLECK: Yeah. I don't think we'll get to any
17 witnesses, to be honest.

18 THE COURT: Well, I mean, we could be -- we could be
19 starting openings around -- I mean, hypothetically around the
20 neighborhood of 3:00 o'clock. I don't know how long openings
21 are going to be. So we may be able to get one witness on, if
22 it's a quick witness. I don't know.

23 THE MARSHAL: Judge, Jeff said that he has another
24 channel. He'll make sure that that other headset is over here
25 [inaudible].

1 THE COURT: Can we get two other channels for the
2 other Tagalog person?

3 THE MARSHAL: He's checking.

4 THE COURT: Okay.

5 THE MARSHAL: I told him. He's checking to see if
6 they have three frequencies.

7 THE COURT: We may just -- the easiest thing is maybe
8 we just sit him back where they were, because that --
9 everybody seemed okay with that because they're on the other
10 side of the courtroom, and we'll just pretend that they're in
11 there and leave those two seats vacant. I mean, that may be
12 what we have to do.

13 (Court recessed at 12:31 p.m. until 1:24 p.m.)

14 THE COURT: On the record. State vs. Guillermo
15 Renteria-Novoa, C268285. Mr. Renteria-Novoa is present in
16 custody with the assistance of the Spanish interpreter.

17 For the record, Madam Interpreter, what is your name?

18 THE INTERPRETER: Maria Peralta de Gomez.

19 THE COURT: Thank you. And we also have two
20 interpreters also, one Tagalog and one Spanish to assist
21 jurors numbered 68 and 69. Again, for the record, can you
22 state your names.

23 THE INTERPRETER: Josephina Dooley, [inaudible]
24 interpreter.

25 THE INTERPRETER: Rico Rodriguez, [inaudible]

1 interpreter.

2 THE COURT: All right. Thank you for being here.

3 And also --

4 THE INTERPRETER: Mario Maldonado, Spanish
5 [inaudible].

6 THE COURT: I appreciate it. You know what. The
7 juror in Seat No. 5 needs an interpreter. During the lunch --
8 we originally had the interpreter sitting in the chair next to
9 him, but during the lunch Mr. Hanks from your office came up
10 and brought the headphones. What did he do with them?

11 THE INTERPRETER: It's here.

12 THE COURT: Yeah. Because apparently there was an
13 issue with the interpreter sitting in the box. The people
14 sitting right in front of her are -- they kind of hear the
15 talking and they can't hear anything. So are you going to sit
16 over there? Are you going to give that a shot?

17 THE INTERPRETER: [Inaudible.]

18 THE COURT: You know what. Can you sit a little
19 farther? Because actually that first row there is also
20 jurors. And maybe can you sit on this side of the room, would
21 that work? Okay. Thanks. Let's give that a shot and
22 hopefully that will work. But yeah, just put the headphones
23 on him when he gets here and we'll go from there.

24 All right. Are we ready to bring the jury in?
25 Anything that you guys want to put on the record?

1 MR. FELICIANO: No, Judge.

2 THE COURT: State?

3 MS. FLECK: Nothing from the State.

4 THE COURT: Let's bring them in, Randy.

5 (Prospective jurors enter at 1:37 p.m.)

6 THE MARSHAL: Mr. Aguilar, that's for you so you can
7 hear the Spanish interpreter, sir.

8 THE COURT: All right. Will counsel stipulate to the
9 presence of the prospective jury?

10 MS. FLECK: The State stipulates. Thank you.

11 MR. FELICIANO: Yes, Your Honor.

12 THE COURT: Before -- ladies and gentlemen, before we
13 broke for lunch, let me just take a second here, there was
14 some indication that the presence of the interpreter sitting
15 back there was a distraction to people here. So what we did
16 is during lunch we got a set of headphones for Mr. Aguilar.

17 I just wanted to make sure, Mr. Aguilar, can you hear
18 everything that's being said?

19 PROSPECTIVE JUROR NO. 068: [No audible response.]

20 THE COURT: Okay. If anything happens to the
21 headphones, would you raise your hands and let me know?

22 PROSPECTIVE JUROR NO. 068: [No audible response.]

23 THE COURT: All right. So that should hopefully
24 remove the distraction.

25 All right. Mr. Feliciano, you may continue.

1 MR. FELICIANO: Thank you, Judge.

2 Ms. Cory.

3 PROSPECTIVE JUROR NO. 058: Yes. Badge 058.

4 MR. FELICIANO: You had this issue with entrapment
5 with your husband, correct?

6 PROSPECTIVE JUROR NO. 058: Yes.

7 MR. FELICIANO: Police entrapment.

8 PROSPECTIVE JUROR NO. 058: I can't prove it, but...

9 MR. FELICIANO: Was the case investigated?

10 PROSPECTIVE JUROR NO. 058: Yes. Well, I'm not sure
11 what you mean by that.

12 MR. FELICIANO: Do you know what steps the police
13 took when they were -- when they had the case open, what they
14 did, if anything?

15 PROSPECTIVE JUROR NO. 058: Nothing. They just
16 arrested him and the next two guys that were in the same spot
17 as he was three minutes apart.

18 MR. FELICIANO: So you were unsatisfied with that,
19 with that process?

20 PROSPECTIVE JUROR NO. 058: Well, yes.

21 MR. FELICIANO: So I mean, is there anything you
22 think they should have done differently in that case?

23 PROSPECTIVE JUROR NO. 058: I don't know how that
24 works. I mean, there were three of them in a row every three
25 minutes apart, same location, and it was a sting is basically

1 what it was.

2 MR. FELICIANO: Okay. I have in my notes something
3 about lying to get attention. Does that ring a bell?

4 PROSPECTIVE JUROR NO. 058: Well, she asked me, I
5 think, about children.

6 MR. FELICIANO: Mm-hmm.

7 PROSPECTIVE JUROR NO. 058: And I guess, I think, how
8 would I know if they were telling the truth or would I
9 necessarily believe them. I think she was trying to compare
10 me raising my children.

11 MR. FELICIANO: So do you think that's something
12 that's possible?

13 PROSPECTIVE JUROR NO. 058: I presume it is, yes.

14 MR. FELICIANO: And is there anything else you think
15 we should know about you before we select our jury?

16 PROSPECTIVE JUROR NO. 058: I don't think so.

17 MR. FELICIANO: Thank you, ma'am.

18 PROSPECTIVE JUROR NO. 062: 062.

19 MR. FELICIANO: That's Ms. Stiperski?

20 PROSPECTIVE JUROR NO. 062: Yes.

21 MR. FELICIANO: Did I say that right?

22 PROSPECTIVE JUROR NO. 062: Yes.

23 MR. FELICIANO: And do you have any kids?

24 PROSPECTIVE JUROR NO. 062: Yes. I have two
25 daughters, one 10 years old and one 2 years old.

1 MR. FELICIANO: And you've heard the charges in this
2 case.

3 PROSPECTIVE JUROR NO. 062: Yes.

4 MR. FELICIANO: And having children, how does that
5 make you feel?

6 PROSPECTIVE JUROR NO. 062: Very uncomfortable.
7 Yeah. They're not nice charges. I have a 10 years old and
8 it's really hard for me to -- let's say before I joined what I
9 do right now, the circus, the Cirque du Soleil, I did the
10 bachelor in psychology back in Canada. And I was studying in
11 child, that's what I wanted to do. And for me it's really
12 hard to believe that 11 years old can actually lie about
13 something like this.

14 I have a 10 years old and she lies, don't get me
15 wrong. She lies. I think all the kids lie, yes. And but
16 they lie about little stuff like this. When it comes to abuse
17 that's sexual or physical or anything like this, for me it's
18 hard to believe that actually 11 years old could come up with
19 a story like this.

20 MR. FELICIANO: Okay. But do you think that it's a
21 possibility that that could happen?

22 PROSPECTIVE JUROR NO. 062: It is. Yeah. I think it
23 can always be a possibility if the kids -- I mean, you need to
24 look at the background of the kids, if -- what kind of
25 background, yeah, [unintelligible] lie. But the nature of

1 the -- yeah, for me it's just -- yeah, it's hard to believe
2 that the kids at 10 years old can lie about this.

3 MR. FELICIANO: So do you think if you were sitting
4 there and someone thought like you, you would be comfortable
5 with that, having them sitting in a jury?

6 PROSPECTIVE JUROR NO. 062: What do you mean?

7 MR. FELICIANO: Do you think with you sitting on the
8 jury that Mr. Renteria-Novoa can get a fair trial?

9 PROSPECTIVE JUROR NO. 062: I would -- I mean, I will
10 do my best to give him a fair trial and listen both side and
11 stuff. But I know how I feel and for me it's hard to believe
12 that an 11 years old can lie about this.

13 MR. FELICIANO: Now, if the State doesn't prove their
14 case, what would be your verdict, if they don't prove beyond a
15 reasonable doubt that Mr. Renteria did anything?

16 PROSPECTIVE JUROR NO. 062: By it's not guilty. If
17 they cannot prove it, of course it's not guilty.

18 MR. FELICIANO: Thank you, ma'am.

19 PROSPECTIVE JUROR NO. 062: You're welcome.

20 PROSPECTIVE JUROR NO. 022: 022. Your Honor. Your
21 Honor, at 1240 this morning my demographics changed. Do you
22 want me to update that?

23 THE COURT: What do you mean your demographics
24 changed?

25 PROSPECTIVE JUROR NO. 022: My step-son was arrested

1 this morning.

2 THE COURT: Oh. Here in Las Vegas, or somewhere
3 else?

4 PROSPECTIVE JUROR NO. 022: Well, I don't know where
5 he actually was arrested at. He was in possession of stolen
6 property. They came into my house this morning at 12:00 a.m.
7 to search his room.

8 THE COURT: Do you know what he was arrested for --

9 PROSPECTIVE JUROR NO. 022: Nope.

10 THE COURT: -- what he was going to be charged with
11 or anything?

12 PROSPECTIVE JUROR NO. 022: Nope. I know he's in, I
13 believe, Clark County Detention Center.

14 THE COURT: Do you know who came in? Was it Metro or
15 Henderson or --

16 PROSPECTIVE JUROR NO. 022: It was a combination of
17 both.

18 THE COURT: Did they also conduct a search of your
19 house?

20 PROSPECTIVE JUROR NO. 022: Just his room.

21 THE COURT: Just his room?

22 PROSPECTIVE JUROR NO. 022: Mm-hmm.

23 THE COURT: Did they take anything?

24 PROSPECTIVE JUROR NO. 022: Oh, yeah. They found a
25 lot of stolen property.

1 THE COURT: Oh, okay. All right. Well, is that
2 going to be an issue for you? I don't know if he's -- are you
3 involved in the case in any way? Does he have a court hearing
4 coming up --

5 PROSPECTIVE JUROR NO. 022: No. Nope.

6 THE COURT: -- that you need to attend, anything like
7 that?

8 PROSPECTIVE JUROR NO. 022: Nope, nope. He's on his
9 own. We told him if you get in trouble again, you're on your
10 own.

11 THE COURT: How does that -- does that change
12 anything about --

13 PROSPECTIVE JUROR NO. 022: The officers came to the
14 house. They were well mannered. I had no problems with
15 anything. They treated us with respect. I was allowed to use
16 the bathroom, get a soda, have a cigarette, not a problem.

17 THE COURT: Okay. So --

18 PROSPECTIVE JUROR NO. 022: They were well mannered.
19 They knocked -- they knocked kind of heavily, but I can
20 understand that. We live upstairs and we were dead asleep.

21 THE COURT: Okay. All right. So does that change
22 your willingness to serve as a juror in this case?

23 PROSPECTIVE JUROR NO. 022: No. No whatsoever.

24 THE COURT: Any effect on your ability to be fair and
25 impartial?

1 PROSPECTIVE JUROR NO. 022: Nope.

2 THE COURT: All right. I appreciate you letting us
3 know. That's exactly the kind of information --

4 PROSPECTIVE JUROR NO. 022: I just wanted to keep you
5 updated with everything.

6 THE COURT: I really appreciate that. Thanks very
7 much.

8 PROSPECTIVE JUROR NO. 022: You're welcome.

9 MR. FELICIANO: Is it Mr. Winnings [phonetic]?

10 PROSPECTIVE JUROR NO. 022: Winings.

11 MR. FELICIANO: Winings. Sorry. What do you think
12 if a defendant in a criminal trial doesn't testify? What does
13 that tell you?

14 PROSPECTIVE JUROR NO. 022: If he doesn't testify?

15 MR. FELICIANO: Yeah.

16 PROSPECTIVE JUROR NO. 022: Well, that's a hard
17 question. I've seen too many TV shows.

18 MR. FELICIANO: Okay. [Unintelligible] Law & Order?

19 PROSPECTIVE JUROR NO. 022: And, you know, I think
20 that's his right not to testify. But that doesn't make any
21 difference. The DA has to prove without a reasonable doubt
22 that this person is guilty.

23 MR. FELICIANO: So if Mr. Renteria didn't testify,
24 that wouldn't -- that would bear, have no --

25 PROSPECTIVE JUROR NO. 022: It would have nothing --

1 bear nothing on the case at all. It's what they prove.

2 MR. FELICIANO: Okay. Because I mean, as you
3 understand, they have the burden of proof.

4 PROSPECTIVE JUROR NO. 022: Right.

5 MR. FELICIANO: And we can just sit there and
6 actually not ask any questions and just sit there, and if they
7 don't prove their case it's still a verdict of not guilty.

8 PROSPECTIVE JUROR NO. 022: Without a reasonable
9 doubt.

10 MR. FELICIANO: Can you think of reasons why a person
11 wouldn't testify?

12 PROSPECTIVE JUROR NO. 022: Well, if a person --
13 well --

14 MR. FELICIANO: Do you think it'd be maybe nerve
15 racking to testify?

16 PROSPECTIVE JUROR NO. 022: Well, the thing that
17 crosses my mind right off the bat, if a person does not want
18 to testify, okay, he's either so nervous that he'll flub up
19 his story, and then they find a loophole and then they tear
20 apart his credibility. So it's better for him not to testify
21 so he doesn't ruin his credibility. But that doesn't -- not
22 going to make me change my decision on what the defense
23 attorney -- or the DA has to prove their case.

24 MR. FELICIANO: So --

25 PROSPECTIVE JUROR NO. 022: So basically whatever

1 evidence that we have presented before us is where we make our
2 decision. And if someone decides to hold that evidence away
3 from us, well, we can't make a basis on that.

4 MR. FELICIANO: Okay.

5 PROSPECTIVE JUROR NO. 022: Only what we see or hear.

6 MR. FELICIANO: Thank you, sir.

7 PROSPECTIVE JUROR NO. 021: Badge 021.

8 MR. FELICIANO: Mr. Thaler?

9 PROSPECTIVE JUROR NO. 021: That's me.

10 MR. FELICIANO: You're the aircraft controller?

11 PROSPECTIVE JUROR NO. 021: Air traffic controller.

12 MR. FELICIANO: Now, is there any reason you can
13 think of why people wouldn't testify at their trial?

14 PROSPECTIVE JUROR NO. 021: I can't give you an
15 answer to that right now. I listen to two sides of the story
16 and whatever comes up, that's how I'll make my decision.

17 MR. FELICIANO: So if Mr. Renteria-Novoa didn't
18 testify, would you hold that against him?

19 PROSPECTIVE JUROR NO. 021: No.

20 MR. FELICIANO: You could listen to everything else
21 and make your decision based on that?

22 PROSPECTIVE JUROR NO. 021: Yes.

23 MR. FELICIANO: Is there anything else that we've
24 missed that you think we should know before we select a jury?

25 PROSPECTIVE JUROR NO. 021: No.

1 MR. FELICIANO: Thank you, sir.

2 PROSPECTIVE JUROR NO. 020: 020.

3 MR. FELICIANO: Ms. Johnson?

4 PROSPECTIVE JUROR NO. 020: That's correct.

5 MR. FELICIANO: You taught -- so you were a teacher
6 for several years?

7 PROSPECTIVE JUROR NO. 020: Fourteen.

8 MR. FELICIANO: Fourteen years. And that was in San
9 Francisco, right?

10 PROSPECTIVE JUROR NO. 020: Yes.

11 MR. FELICIANO: Since you dealt with -- how old were
12 the children that you taught?

13 PROSPECTIVE JUROR NO. 020: Elementary.

14 MR. FELICIANO: Anything about that experience that
15 makes it difficult to serve on this jury?

16 PROSPECTIVE JUROR NO. 020: No.

17 MR. FELICIANO: The subject matter, is there anything
18 about the subject matter?

19 PROSPECTIVE JUROR NO. 020: No.

20 MR. FELICIANO: And you were on a civil --

21 PROSPECTIVE JUROR NO. 020: Federal.

22 MR. FELICIANO: -- a federal civil jury?

23 PROSPECTIVE JUROR NO. 020: Yes.

24 MR. FELICIANO: It was about -- okay. So and how
25 long ago was that?

1 PROSPECTIVE JUROR NO. 020: At least ten years, eight
2 to ten to -- it's been quite a while.

3 MR. FELICIANO: All right. And the same -- the same
4 thing, were the attorneys going back and forth objecting
5 during the trial?

6 PROSPECTIVE JUROR NO. 020: Yeah, it happens.

7 MR. FELICIANO: And would you hold that against us if
8 that's what we're doing during the trial?

9 PROSPECTIVE JUROR NO. 020: Oh, no. No, no. I watch
10 trials all the time, the sidebars, all of it. I mean, it's
11 just a part of the process.

12 MR. FELICIANO: Okay. So you understand that we're
13 doing our job and that's the way that trials go?

14 PROSPECTIVE JUROR NO. 020: Exactly.

15 MR. FELICIANO: Thank you.

16 PROSPECTIVE JUROR NO. 018: 018, Glenda Page.

17 MR. FELICIANO: Now, you have six grandkids?

18 PROSPECTIVE JUROR NO. 018: Mm-hmm.

19 MR. FELICIANO: What do these allegations -- how do
20 they make you feel considering you have so many grandkids?

21 PROSPECTIVE JUROR NO. 018: Well, the charges are
22 horrendous. But because I don't know the background here, I
23 have no evidence in place. I would have to hear the evidence
24 before I could make a judgment. I have five grand-boys and
25 one granddaughter, she's five, and I would like not to think

1 that she would have to go through something like that. But
2 that's neither here nor there as far as this case goes.

3 MR. FELICIANO: So you think you could listen to both
4 sides and give Mr. Renteria a fair trial?

5 PROSPECTIVE JUROR NO. 018: I think I could, yes.

6 MR. FELICIANO: Do you see your grandkids a lot?

7 PROSPECTIVE JUROR NO. 018: They all live real close,
8 yes.

9 MR. FELICIANO: Do you ever have to judge credibility
10 between one grandkid or another grandkid?

11 PROSPECTIVE JUROR NO. 018: Oh, yes.

12 MR. FELICIANO: And what are the type of things that
13 you look at when you're doing that?

14 PROSPECTIVE JUROR NO. 018: A lot of it is if they
15 need attention. I look to see if they need particular
16 attention from me. Maybe they're tattling because they need
17 my attention or -- I don't know. I just watch them. I pretty
18 much -- they're little. It's the two little ones. It's the
19 five and six-year-old that I see most often that go through
20 that, and I just have to watch them and see how they act and
21 what's gone on before.

22 MR. FELICIANO: So you have to look at all the
23 circumstances?

24 PROSPECTIVE JUROR NO. 018: I have to look at all the
25 circumstances. Sometimes I have to say, if it's something

1 minor, go work it out, you know. If it's something major,
2 then we have to look further.

3 MR. FELICIANO: And are there times when you can't
4 figure out what happened?

5 PROSPECTIVE JUROR NO. 018: Sure. Sure. Because
6 they continue to tell little fibs that convolute the
7 situation. So you just have to -- basically, like I said,
8 then they have to work that out. That's something they have
9 to work out with one another.

10 MR. FELICIANO: All right. Thank you, ma'am.

11 PROSPECTIVE JUROR NO. 018: Mm-hmm.

12 PROSPECTIVE JUROR NO. 028: 028.

13 MR. FELICIANO: Zero, two, eight. Mr. Carrera?

14 PROSPECTIVE JUROR NO. 028: Correct.

15 MR. FELICIANO: So what do you think of the
16 presumption of innocence?

17 PROSPECTIVE JUROR NO. 028: I think every man has the
18 right to a fair and equal trial. But I mean, if he's found
19 guilty if the evidence is there, if there's conclusive
20 evidence, then every act has a consequence. Right. And we
21 live by our choices, so.

22 MR. FELICIANO: So what if there isn't the -- what if
23 there isn't sufficient evidence for [inaudible]?

24 PROSPECTIVE JUROR NO. 028: Then he's found innocent.
25 My background, just to clarify, I come from Mexico, born and

1 raised. And if I may as a disclaimer, just to refute and
2 clarify any previous racist allegations, I have the utmost
3 respect for America and women in general.

4 MR. FELICIANO: Thank you.

5 PROSPECTIVE JUROR NO. 028: Setting that aside, my
6 country, it's -- our legal system, it's very contrasting.
7 You're presumed guilty until found innocent. So obviously our
8 laws out here are different and I -- as an American citizen, I
9 embrace it and I think it's what it is, so.

10 MR. FELICIANO: Okay. Now, you're going to hear --
11 well -- as far as the charges in this case, I mean, I guess we
12 all can agree they're emotional.

13 PROSPECTIVE JUROR NO. 028: Right.

14 MR. FELICIANO: How does that play into it as far as
15 the presumption of innocence?

16 PROSPECTIVE JUROR NO. 028: Can you elaborate? What
17 do you mean?

18 MR. FELICIANO: Well, do you think if someone's
19 charged with this type of crime as opposed to say, you know,
20 breaking into a car they're more likely to be --

21 PROSPECTIVE JUROR NO. 028: Right.

22 MR. FELICIANO: -- to be guilty as opposed to the guy
23 that broke into the car, or is it pretty much the same type of
24 deal?

25 PROSPECTIVE JUROR NO. 028: Well, again, it depends

1 on the facts and it depends on the person's character
2 obviously, yeah.

3 MR. FELICIANO: All right. Is there anything else
4 you think we should know?

5 PROSPECTIVE JUROR NO. 028: No. Not that I'm
6 aware of.

7 MR. FELICIANO: Okay. Thank you, sir.

8 PROSPECTIVE JUROR NO. 029: 029.

9 MR. FELICIANO: So you're marrying a police officer
10 in three weeks, right?

11 PROSPECTIVE JUROR NO. 029: Yes.

12 MR. FELICIANO: Congratulations.

13 PROSPECTIVE JUROR NO. 029: Thank you.

14 MR. FELICIANO: And does your fiance talk about his
15 work a lot?

16 PROSPECTIVE JUROR NO. 029: Sometimes.

17 MR. FELICIANO: And what unit does he work in?

18 PROSPECTIVE JUROR NO. 029: Convention Center Area
19 Command. It's the Strip area.

20 MR. FELICIANO: Any types -- do you know if he's
21 worked on any types of cases like involving the charges that
22 we're dealing with here today?

23 PROSPECTIVE JUROR NO. 029: Possibly. I don't know.
24 If he has, he -- I don't think I've heard them from him.

25 MR. FELICIANO: And you're also a teacher?

1 PROSPECTIVE JUROR NO. 029: Yes.

2 MR. FELICIANO: And you had to report a case of child
3 neglect?

4 PROSPECTIVE JUROR NO. 029: Correct.

5 MR. FELICIANO: When you reported that case of child
6 neglect, what made you report it? I mean, what did you see
7 that made you report the neglect of this child?

8 PROSPECTIVE JUROR NO. 029: Before -- the process at
9 our school is, before it usually leads to CPS, it's called
10 Title I services, which are sent out to the house. And
11 basically I had a student that had worn the same clothes for
12 four days in a row and, you know, her hygiene was very, very
13 poor, as well as her numerous brothers and sisters.

14 So I had had a Title I visit sent to the home to
15 check and make sure the students had proper food and clothing
16 and attire, so.

17 MR. FELICIANO: Do you know what came of that?

18 PROSPECTIVE JUROR NO. 029: You know what. The
19 parents moved out of our school -- my school zone, so it's
20 then taken to another school. It becomes, I hate to say it,
21 their issue. It's kind of out of my hands.

22 MR. FELICIANO: So you're a mandatory reporter,
23 right?

24 PROSPECTIVE JUROR NO. 029: Correct.

25 MR. FELICIANO: And that means that if you suspect

1 any type of abuse and neglect, you have -- legally you have to
2 report it?

3 PROSPECTIVE JUROR NO. 029: Absolutely.

4 MR. FELICIANO: And do you get in trouble if you
5 don't report it?

6 PROSPECTIVE JUROR NO. 029: I would assume so. If --
7 you know, if people found out that I was withholding any type
8 of reporting, probably. I guess so.

9 MR. FELICIANO: So you kind of always err on the side
10 of caution, I would imagine?

11 PROSPECTIVE JUROR NO. 029: Yeah. If you see
12 something that catches your eye, it's almost -- it's common
13 sense as a teacher to make sure you look out for the children.
14 So if you can tell there's an issue, you go to your
15 administration and file the necessary paperwork to be looked
16 up on.

17 MR. FELICIANO: And this stuff is taken very
18 seriously, I would imagine, at the school?

19 PROSPECTIVE JUROR NO. 029: Yeah. It's not an
20 uncommon thing, especially in a school district this large, to
21 have these issues.

22 MR. FELICIANO: Is there anything else you think we
23 should know?

24 PROSPECTIVE JUROR NO. 029: I don't think so.

25 MR. FELICIANO: Do you think you can give

1 Mr. Renteria a fair trial?

2 PROSPECTIVE JUROR NO. 029: Yes.

3 MR. FELICIANO: Thank you.

4 PROSPECTIVE JUROR NO. 030: 030, Jeff Meckley.

5 MR. FELICIANO: Okay. You have a son and a daughter?

6 PROSPECTIVE JUROR NO. 030: Yes.

7 MR. FELICIANO: And you've at some point when they
8 were younger had to deal with, I guess, fights between them?

9 PROSPECTIVE JUROR NO. 030: I was a single parent, so
10 I was the -- the negotiator, the referee, yes.

11 MR. FELICIANO: Did they ever lie to you?

12 PROSPECTIVE JUROR NO. 030: Sure.

13 MR. FELICIANO: And would you have to judge their
14 credibility?

15 PROSPECTIVE JUROR NO. 030: Yes.

16 MR. FELICIANO: And what types of things did you do
17 to do that?

18 PROSPECTIVE JUROR NO. 030: Put them both in the same
19 room and tell them not to come out until they resolved their
20 issue. And it's amazing how fast they resolved their issues,
21 so.

22 MR. FELICIANO: So it's very effective?

23 PROSPECTIVE JUROR NO. 030: Yeah. It works.

24 MR. FELICIANO: So you didn't have to get into who
25 was telling what story, what made sense, that kind of thing?

1 PROSPECTIVE JUROR NO. 030: Sometimes. Sometimes you
2 had to. And but I think by nature kids really don't want to
3 lie. I think they want to tell the truth. And we'd just sit
4 down and talk about it and bring the Lord into it, and usually
5 the truth comes out.

6 MR. FELICIANO: Do you think a child could ever lie
7 about allegations like the allegations you've heard in this
8 case?

9 PROSPECTIVE JUROR NO. 030: I think kids can lie
10 about anything.

11 MR. FELICIANO: All right. Thank you, sir.

12 PROSPECTIVE JUROR NO. 031: 031, Dell.

13 MR. FELICIANO: You said you had some problem
14 possibly being fair in this case?

15 PROSPECTIVE JUROR NO. 031: My only issue is I am
16 very -- I have very protective instinct for girls in general.

17 MR. FELICIANO: All right. Now, protective, but do
18 you think that would affect your ability to --

19 PROSPECTIVE JUROR NO. 031: Oh, I've definitely had
20 students who were female who lied. So I'm aware that just
21 because -- you know, just because I have that instinct doesn't
22 mean that somebody wouldn't take advantage of it or, you know,
23 or lie about what they -- what had happened.

24 MR. FELICIANO: So could you look at all the other
25 circumstances and come up with what you think is the truth?

1 PROSPECTIVE JUROR NO. 031: There are three sides to
2 every story; yours, mine and the truth, and I would try to
3 find that as best I could depending on how the story was told.

4 MR. FELICIANO: And you were a victim of a car
5 burglary.

6 PROSPECTIVE JUROR NO. 031: Yeah.

7 MR. FELICIANO: Was that investigated at all?

8 PROSPECTIVE JUROR NO. 031: No. I had a -- there
9 was -- I had a close friend whose, you know, whose car, whose
10 house I was watching, and I doubt they investigated it. It
11 wasn't a big deal.

12 MR. FELICIANO: Not much was taken or anything like
13 that?

14 PROSPECTIVE JUROR NO. 031: No. It was -- yeah, I
15 think they took some change or something like that. It wasn't
16 much.

17 MR. FELICIANO: And you've had to report what,
18 pinching of a student?

19 PROSPECTIVE JUROR NO. 031: I didn't report it, no.
20 It was just a teacher I knew at my school, and it's a pending
21 case. So --

22 MR. FELICIANO: By a parent?

23 PROSPECTIVE JUROR NO. 031: Yeah. A parent filed
24 against the teacher, yeah.

25 MR. FELICIANO: So if you as a mandatory reporter, if

1 that was something that you were involved in, you would have
2 to report it [inaudible]?

3 PROSPECTIVE JUROR NO. 031: Yeah. And it wasn't
4 even -- it was not even attached to school activities. It was
5 something outside of school activities, so I wasn't there at
6 all. I was just privy to the information, yeah. That's it.

7 MR. FELICIANO: Is there any reason, do you think,
8 that you can't give Mr. Renteria-Novoa a fair trial?

9 PROSPECTIVE JUROR NO. 031: No.

10 MR. FELICIANO: Thank you.

11 Is that 032?

12 PROSPECTIVE JUROR NO. 032: 0032.

13 MR. FELICIANO: Mr. Bean?

14 PROSPECTIVE JUROR NO. 032: That's right.

15 MR. FELICIANO: I know we talked about some things
16 that happened in your history that were difficult to talk
17 about yesterday.

18 PROSPECTIVE JUROR NO. 032: That's right. It's more
19 difficult because I've got to bring it up in front of a room
20 full of people I don't even know. It's not something I often
21 talk about at home or anywhere.

22 MR. FELICIANO: Understood. And we're sorry that we
23 have to get into that, but --

24 PROSPECTIVE JUROR NO. 032: I raised my hand and said
25 I'd tell the truth.

1 MR. FELICIANO: Okay. Thank you. That's all we're
2 asking. And I don't want to get into specifics, but that
3 experience seems like it was very traumatic for you, and still
4 to this day.

5 PROSPECTIVE JUROR NO. 032: Sure.

6 MR. FELICIANO: Is that something that you think will
7 affect your ability to be fair here?

8 PROSPECTIVE JUROR NO. 032: No. Listening to all
9 this and stuff, I realize that we need to listen to both sides
10 and find the truth.

11 MR. FELICIANO: So if you found that the State did
12 not prove their case beyond a reasonable doubt, how would
13 you -- how would you vote?

14 PROSPECTIVE JUROR NO. 032: Then you have to go with
15 the rule of the court system, not guilty.

16 MR. FELICIANO: All right. Thank you, sir.

17 PROSPECTIVE JUROR NO. 035: 035.

18 MR. FELICIANO: Ms. Moreno-Zepeda?

19 PROSPECTIVE JUROR NO. 035: Mm-hmm.

20 MR. FELICIANO: Now, you heard us talk about the
21 presumption of innocence and how everyone's presumed innocent.
22 How does that make you feel? What do you think about that
23 principle?

24 PROSPECTIVE JUROR NO. 035: I mean, it is our justice
25 system and that's how it's built, so that's what we have to

1 follow.

2 MR. FELICIANO: So as Mr. Renteria-Novoa sits there
3 right now, is he guilty or not guilty?

4 PROSPECTIVE JUROR NO. 035: Not guilty.

5 MR. FELICIANO: And why is that?

6 PROSPECTIVE JUROR NO. 035: Because he hasn't been
7 proven guilty yet.

8 MR. FELICIANO: So if the State, after they present
9 all their witnesses and you feel that they haven't proven
10 their case, what would be your vote for, guilt or not guilty?

11 PROSPECTIVE JUROR NO. 035: I guess not guilty. It's
12 just really hard to say because I haven't heard all the facts
13 yet.

14 MR. FELICIANO: And considering the nature of those
15 charges, does that factor into it in any way as far as your
16 ability to be fair?

17 PROSPECTIVE JUROR NO. 035: It is a very heinous
18 crime in my eyes. I don't see why anybody would lie about
19 something like that, especially if it happened so long ago,
20 for her to, you know, bring those feelings back and just talk
21 about that, it's just really hard to know that she's lying
22 about something like that. I just...

23 MR. FELICIANO: Okay. So do you think that some
24 child would never lie in that circumstance, or they could
25 possibly lie?

1 PROSPECTIVE JUROR NO. 035: I mean, there is that
2 possibility. But I believe she's 19 years old now, so for her
3 to just revisit that and bring that all to light and want to
4 go through all of this is just hard to, you know, really tell
5 that she's -- wouldn't lie about that.

6 MR. FELICIANO: Okay. All right. Thank you.

7 PROSPECTIVE JUROR NO. 037: 037.

8 MR. FELICIANO: You're currently a student?

9 PROSPECTIVE JUROR NO. 037: Yes.

10 MR. FELICIANO: Okay. And you don't deal with
11 children, or do you deal with children at all?

12 PROSPECTIVE JUROR NO. 037: No.

13 MR. FELICIANO: And we talked a little bit earlier
14 about police investigations, and if the government had a case
15 say where they didn't have fingerprints or something like
16 that, how would that make you feel?

17 PROSPECTIVE JUROR NO. 037: It happens.

18 MR. FELICIANO: What do you -- you mean [inaudible]?

19 PROSPECTIVE JUROR NO. 037: There are times when all
20 you have is the word of somebody, you don't have any DNA or
21 fingerprint evidence. It just sometimes happens.

22 MR. FELICIANO: It just happens they have what they
23 have to work with?

24 PROSPECTIVE JUROR NO. 037: You work with what you
25 have.

1 MR. FELICIANO: So if it comes down to the word of
2 two people, how do you judge their -- who's credible and who's
3 not credible?

4 PROSPECTIVE JUROR NO. 037: Body language, attitude,
5 things like that.

6 MR. FELICIANO: What about an inconsistent story, say
7 telling a story one day one way and then a different day a
8 different way, would that bear into your decision if they're
9 credible or not?

10 PROSPECTIVE JUROR NO. 037: If the story changes, it
11 probably wasn't true to begin with, because the truth doesn't
12 change.

13 MR. FELICIANO: Okay. So if you're telling the truth
14 it should be easy to remember, right?

15 PROSPECTIVE JUROR NO. 037: Yeah.

16 MR. FELICIANO: All right. And lies seem to be
17 harder to keep track of?

18 PROSPECTIVE JUROR NO. 037: Yeah. If you're going to
19 lie, keep your story straight, because sometimes it's
20 incredibly obvious when you're lying about it.

21 MR. FELICIANO: So like adding big details or
22 deleting big details to a version of events, that might be
23 something that you would look at and think somebody might be
24 lying?

25 PROSPECTIVE JUROR NO. 037: Yeah.

1 MR. FELICIANO: Okay. All right. Thank you.

2 PROSPECTIVE JUROR NO. 064: 064.

3 MR. FELICIANO: Okay. You said -- is it Ms. Temple?

4 PROSPECTIVE JUROR NO. 064: Yes.

5 MR. FELICIANO: You said your son was a victim of
6 attempt murder?

7 PROSPECTIVE JUROR NO. 064: Yes.

8 MR. FELICIANO: Did they catch the guys?

9 PROSPECTIVE JUROR NO. 064: [Inaudible.]

10 MR. FELICIANO: Were you satisfied with the way the
11 police handled it?

12 PROSPECTIVE JUROR NO. 064: Yes.

13 MR. FELICIANO: Did they have to do any type of
14 forensic work or anything like that?

15 PROSPECTIVE JUROR NO. 064: No.

16 MR. FELICIANO: Okay. They just pretty much knew who
17 it was and caught him?

18 PROSPECTIVE JUROR NO. 064: [Inaudible.]

19 MR. FELICIANO: Did they have to do, if you know, any
20 type of investigation?

21 PROSPECTIVE JUROR NO. 064: [Inaudible.] Not to my
22 knowledge, because it was so many witnesses that it was
23 [inaudible].

24 THE COURT: You need to repeat that.

25 PROSPECTIVE JUROR NO. 064: It was an altercation, a

1 fight, and during the altercation the offender pulled out a
2 gun and shot my son.

3 MR. FELICIANO: And you also have two granddaughters?

4 PROSPECTIVE JUROR NO. 064: One.

5 MR. FELICIANO: I'm sorry. One. And the nature of
6 these charges, how do they make you feel?

7 PROSPECTIVE JUROR NO. 064: Oh, these charges?

8 MR. FELICIANO: The charges that we're here for.

9 PROSPECTIVE JUROR NO. 064: I really kind of have
10 mixed feelings. Because I've been in the situation with both,
11 with a five-year-old that I feel that doesn't have a voice of
12 sexual abuse, and then a 16-year-old that does have a voice of
13 sexual abuse and lied about it.

14 So my feelings is, is on the scale either way.
15 Because the five-year-old was sexually abused by her mom's
16 boyfriend and she couldn't talk about it. The 16-year-old was
17 dating an older guy and he chose to cut it off once he learned
18 her age, her true age, and she lied about it. So it's really
19 basically on the scale.

20 MR. FELICIANO: So you can -- it looks like you've
21 seen both sides --

22 PROSPECTIVE JUROR NO. 064: Exactly.

23 MR. FELICIANO: -- both sides of it.

24 PROSPECTIVE JUROR NO. 064: Exactly.

25 MR. FELICIANO: So do you think that gives you a good

1 perspective into these types of cases that would be valuable?

2 PROSPECTIVE JUROR NO. 064: Everybody lies. But I
3 don't think that a five-year-old would lie about anything like
4 that.

5 MR. FELICIANO: But a 16-year-old maybe?

6 PROSPECTIVE JUROR NO. 064: Maybe, maybe not. It
7 depends on the situation.

8 MR. FELICIANO: How did you know she was lying?

9 PROSPECTIVE JUROR NO. 064: She was a close friend of
10 my son, and it was a very public case that was in the media
11 and he wasn't found guilty. He -- and it was just she lied.
12 To me basically, I feel like her parents prostituted her, so.

13 MR. FELICIANO: Okay. All right. Is there anything
14 else? I'm sorry.

15 PROSPECTIVE JUROR NO. 064: [Inaudible] he was a
16 person of stature.

17 MR. FELICIANO: Is there anything else you think we
18 should know about you before we pick our jury?

19 PROSPECTIVE JUROR NO. 064: No.

20 MR. FELICIANO: Okay. Thank you, ma'am.

21 PROSPECTIVE JUROR NO. 039: 039.

22 MR. FELICIANO: Mr. Gebrechristos?

23 PROSPECTIVE JUROR NO. 039: [Inaudible.]

24 MR. FELICIANO: And you don't have any children, or
25 you do?

1 PROSPECTIVE JUROR NO. 039: I don't.

2 MR. FELICIANO: You don't. Okay. Now, if a person
3 is a victim of a crime and it takes them a while to report it,
4 do you think that makes any difference as far as whether
5 they're telling the truth or not?

6 PROSPECTIVE JUROR NO. 039: I have to hear the
7 reasons as to why they didn't report it. There are a lot of
8 cases that are not reported.

9 MR. FELICIANO: Say well, like just say you, you're
10 walking in today and your wallet, somebody picks your pocket;
11 is that something that you would immediately report?

12 PROSPECTIVE JUROR NO. 039: [No audible response.]

13 MR. FELICIANO: Would you go to the police
14 immediately or would you wait a while?

15 PROSPECTIVE JUROR NO. 039: I will immediately
16 report it.

17 MR. FELICIANO: Okay. So if you waited a month it
18 would maybe be a little suspect that -- don't you think?

19 PROSPECTIVE JUROR NO. 039: In that particular case
20 it might be.

21 MR. FELICIANO: So it just depends, like you're
22 saying, on the nature of the offense and all the circumstances
23 surrounding it?

24 PROSPECTIVE JUROR NO. 039: Yes.

25 MR. FELICIANO: Okay. So there are good reasons why

1 a person might not say they were a victim of a crime for a
2 while? Like can you think of any?

3 PROSPECTIVE JUROR NO. 039: Explain that to me again.

4 MR. FELICIANO: Well, what are some reasons why
5 someone might not report a crime?

6 PROSPECTIVE JUROR NO. 039: Well, maybe this
7 particular case it might be that at the time she's young and
8 she didn't know the magnitude of the offense, or maybe some
9 other circumstance that she wouldn't be able to report it
10 right away.

11 MR. FELICIANO: Okay. Is there anything else you
12 think we should know about you?

13 PROSPECTIVE JUROR NO. 039: No.

14 MR. FELICIANO: Thank you.

15 PROSPECTIVE JUROR NO. 059: Badge No. 059.

16 MR. FELICIANO: Is that Ms. Crockett?

17 PROSPECTIVE JUROR NO. 059: Yes.

18 MR. FELICIANO: It looks like you've had some -- your
19 cousin was a victim?

20 PROSPECTIVE JUROR NO. 059: Yes.

21 MR. FELICIANO: And hearing these charges, how does
22 that make you feel?

23 PROSPECTIVE JUROR NO. 059: Because it involves a
24 child it makes it a little mixed feelings about it.

25 MR. FELICIANO: Is that something that you think

1 you'll be able to -- be able to handle?

2 PROSPECTIVE JUROR NO. 059: Yes. I would be able to,
3 long as I can hear both sides of the stories. And I heard
4 earlier you saying about if they don't testify that, you know,
5 I would have to definitely hear both sides of the story. I
6 know it's their job to make the case, but I would also have to
7 hear the person whose life is at stake. I would have to hear
8 what they have to say.

9 MR. FELICIANO: So if the person doesn't testify,
10 meaning here in this case that would be Mr. Renteria-Novoa, if
11 he doesn't testify, would you find him automatically guilty?

12 PROSPECTIVE JUROR NO. 059: I wouldn't find him
13 automatically guilty, but it would be hard because I would --
14 I definitely need to hear his side of the story also.

15 MR. FELICIANO: So just so we're sure, do you think
16 you can give him a fair trial even if we decide that he
17 doesn't testify?

18 PROSPECTIVE JUROR NO. 059: I definitely can try.

19 MR. FELICIANO: But it sounds like you're not sure
20 that you can be fair, is that --

21 PROSPECTIVE JUROR NO. 059: Well, I just go on a
22 person's characteristics, their eye contact, their demeanor.
23 That's how I -- I just not really judge a person, but that's
24 how you get a feel about someone. And if these kind of
25 charges were brought against me in general, I would want to

1 defend myself to, you know, so everybody can get the story.

2 MR. FELICIANO: All right. Thank you. Pass it back.

3 THE MARSHAL: Folks, please speak directly into the
4 microphone when it's passed to you. The court recorder needs
5 to be able to make sure she can get everything down. If you
6 don't speak directly into the microphone it [inaudible].

7 PROSPECTIVE JUROR NO. 042: 042.

8 MR. FELICIANO: Zero, four, two?

9 PROSPECTIVE JUROR NO. 042: Yes.

10 MR. FELICIANO: Is that Ms. Trotchie?

11 PROSPECTIVE JUROR NO. 042: Trotchie.

12 MR. FELICIANO: Trotchie. Sorry about that.

13 PROSPECTIVE JUROR NO. 042: That's okay.

14 MR. FELICIANO: Now, you worked with parole and
15 probation for a while?

16 PROSPECTIVE JUROR NO. 042: Yeah. I did an
17 internship for about a year and a half.

18 MR. FELICIANO: And you said that you were out and
19 you were going -- you worked on the sex offender unit?

20 PROSPECTIVE JUROR NO. 042: Yes.

21 MR. FELICIANO: Now, the people that you were
22 supervising, or the people that were part of that unit, those
23 are people that have already been convicted of crimes, right?

24 PROSPECTIVE JUROR NO. 042: Yes.

25 MR. FELICIANO: There were no people that were just

1 accused of crimes?

2 PROSPECTIVE JUROR NO. 042: No.

3 MR. FELICIANO: They were -- I guess they were people
4 that either had been to prison or people that were on
5 probation; is that the way it worked?

6 PROSPECTIVE JUROR NO. 042: Yes.

7 MR. FELICIANO: And you said that you saw a lot of
8 things there that would -- where it would be a problem for you
9 to be fair?

10 PROSPECTIVE JUROR NO. 042: Yes. Just like reading a
11 lot of the people's charts, I guess you can say, their file,
12 their profile.

13 MR. FELICIANO: Okay.

14 PROSPECTIVE JUROR NO. 042: Because I mean, it's all
15 there, like what they were charged with. It's pretty graphic
16 in detail.

17 MR. FELICIANO: Now, here, I mean, all we have is an
18 allegation.

19 PROSPECTIVE JUROR NO. 042: Yes.

20 MR. FELICIANO: We don't have a person that's been
21 convicted of any crime.

22 PROSPECTIVE JUROR NO. 042: Mm-hmm.

23 MR. FELICIANO: Can you separate that?

24 PROSPECTIVE JUROR NO. 042: I don't think I can look
25 past the fact that he's getting charged -- he's been charged

1 with 37, right, if I'm not wrong?

2 MR. FELICIANO: Yes.

3 PROSPECTIVE JUROR NO. 042: There's 37 allegations
4 against him, right?

5 MR. FELICIANO: Correct.

6 PROSPECTIVE JUROR NO. 042: I don't -- honestly, I
7 don't think I can look past that, because nobody's just going
8 to have 37 charges hanging over their head. Like I just don't
9 understand how somebody cannot be proved not guilty.
10 Thirty-seven charges is a lot of charges to carry over
11 somebody's head.

12 MR. FELICIANO: So as he sits here now, have you
13 determined whether -- have you made the determination that he
14 is guilty?

15 PROSPECTIVE JUROR NO. 042: I believe so.

16 MR. FELICIANO: I have a motion, Judge.

17 THE COURT: Well, Ms. Trotchie, explain to me why you
18 believe so. You've heard no evidence here, right?

19 PROSPECTIVE JUROR NO. 042: Yes.

20 THE COURT: Would you agree with that?

21 PROSPECTIVE JUROR NO. 042: Yes.

22 THE COURT: And all that you know is that he sits
23 here accused by the State of some crime.

24 PROSPECTIVE JUROR NO. 042: Correct.

25 THE COURT: So based on what do you believe that he's

1 guilty; just the fact that he's been accused?

2 PROSPECTIVE JUROR NO. 042: Just with the fact that
3 those 37 accusations that are going against him, I just don't
4 look at that as normal.

5 THE COURT: I'm not sure what you mean by normal.

6 PROSPECTIVE JUROR NO. 042: Like to have 37 charges
7 hanging over your head, how do you find somebody not guilty?
8 Those are a lot of charges. It's one thing if it was two or
9 three, then yeah, by all means I can do a fair trial.
10 But 37 --

11 THE COURT: And why does the number matter?

12 PROSPECTIVE JUROR NO. 042: Those are a lot of
13 charges.

14 THE COURT: I mean, hypothetically, you know, if the
15 allegation is false, why does it matter if the allegation is
16 made falsely once or a hundred times? Why does that matter?

17 Like if I say right now you -- you know, my car was
18 scratched in the parking lot at Target tonight, I think you
19 did it, and I repeat that statement a hundred times, does that
20 make it true?

21 PROSPECTIVE JUROR NO. 042: No.

22 THE COURT: Then why does the number of charges
23 matter to you?

24 PROSPECTIVE JUROR NO. 042: Because it's just a
25 serious charge. Like I just feel very uncomfortable. I mean,

1 I'm a mother of two young girls and I live next to a sex
2 offender, so it's just not making the situation any better.

3 THE COURT: Okay. Well, now I'm a little -- you're
4 talking about something completely different now. All right.
5 Let's go back to the original question, which was why does the
6 number of charges -- I know -- it sounds like there's a
7 different issue as to whether or not, you know, your living
8 near someone else who apparently is convicted of these crimes.

9 But the question is, I mean, why does it matter to
10 you? You said that if there were only two or three counts you
11 could be fair and impartial, if it's 37 you can't, and I'm
12 still wondering why that is.

13 PROSPECTIVE JUROR NO. 042: It's just very disturbing
14 to me. I just -- to have 37, like I mean, yeah, it's a
15 number, but obviously the accusations are very serious.

16 THE COURT: Well, I mean, granted the accusations are
17 very serious, but your job as a juror would be to determine
18 whether or not the accusations are true.

19 PROSPECTIVE JUROR NO. 042: True.

20 THE COURT: Do you understand that?

21 PROSPECTIVE JUROR NO. 042: Yes.

22 THE COURT: They could be true, they could be false.
23 Some could be true, some could be false, right?

24 PROSPECTIVE JUROR NO. 042: Yes.

25 THE COURT: So why, you know -- I guess the question

1 is do you think that you can make that distinction, or is just
2 the sheer number of charges going to interfere with your
3 ability to actually sift through the charges one by one and
4 determine whether or not they're actually true?

5 PROSPECTIVE JUROR NO. 042: As much as I would want
6 to say that I can possibly give a fair trial, I just don't
7 think I can, because I wouldn't be able to look past the
8 number.

9 THE COURT: All right. Let me ask it this way. What
10 would be the number of charges that would be acceptable to you
11 so that you could actually be a fair and impartial juror? You
12 said two or three is okay. Is it five, is it ten, is it 15?

13 PROSPECTIVE JUROR NO. 042: Just period, having those
14 numbers is a lot.

15 THE COURT: All right. Ms. Fleck, does the State
16 wish to traverse?

17 MS. FLECK: No, thank you, Your Honor.

18 THE COURT: Ms. Trotchie, let's do this. Go ahead
19 and have a seat in the back of the courtroom.

20 We're going to have to pull the next person, who is
21 Ms. Martinez; is that correct?

22 THE CLERK: Correct. Badge No. 069, Armida Martinez.

23 THE COURT: Do we have headphones for her?

24 THE CLERK: Yes. She already has them on.

25 THE COURT: Okay. Excellent. All right. Ms. -- all

1 right. Yeah, let's leave her there. Do you guys have an
2 objection if we leave her there so that she can be with the
3 interpreter?

4 MR. FELICIANO: No, Judge.

5 THE COURT: All right. Ms. Martinez, since this is
6 our first opportunity to speak with you, let me ask you a
7 couple of questions. Can you give us a brief biographical
8 sketch? What do you do for a living, are you married, if
9 you're married what does your husband do?

10 PROSPECTIVE JUROR NO. 069: I am divorced.

11 THE COURT: What do you do? Where do you work?

12 PROSPECTIVE JUROR NO. 069: I'm unemployed. I'm a
13 stay home person. I take care of my grandchildren.

14 THE COURT: How old are they?

15 PROSPECTIVE JUROR NO. 069: Nine and ten.

16 THE COURT: Are they boys or girls?

17 PROSPECTIVE JUROR NO. 069: Boys and girls. Boy and
18 girl.

19 THE COURT: All right. One boy, one girl. How
20 many -- those are your grandchildren. How many kids do you
21 have?

22 PROSPECTIVE JUROR NO. 069: Five.

23 THE COURT: Five kids. Boys or girls, and how old
24 are they?

25 PROSPECTIVE JUROR NO. 069: Four boys, one girl.

1 THE COURT: And how old are they?

2 PROSPECTIVE JUROR NO. 069: My youngest is 27, 30,
3 33, 34, 35.

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

5 PROSPECTIVE JUROR NO. 069: 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. 069: 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. 069: No.

14 THE COURT: Ms. Fleck, do you have any questions for
15 Ms. Martinez?

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

17 Good afternoon, Ms. Martinez. Today, now that you
18 have an interpreter, do you feel more comfortable
19 participating in this process?

20 PROSPECTIVE JUROR NO. 069: Yes.

21 MS. FLECK: Yes. Anything that was said yesterday or
22 today, any questions asked or any answers of other jurors that
23 made you think, you know, maybe this isn't the right jury for
24 me to sit on?

25 PROSPECTIVE JUROR NO. 069: No.

1 MS. FLECK: Having your mindset and your experiences
2 from both before you moved to the United States and now, do
3 you think you have the mindset to be fair to both the State
4 and the defense?

5 PROSPECTIVE JUROR NO. 069: Yes.

6 MS. FLECK: And promise that you'll follow the law
7 that the judge gives you, even if it's different from the law
8 that you grew up with?

9 PROSPECTIVE JUROR NO. 069: Yes.

10 MS. FLECK: If we prove our case beyond a reasonable
11 doubt, do you have any problem finding the defendant guilty?

12 PROSPECTIVE JUROR NO. 069: I don't know.

13 MS. FLECK: You don't know?

14 PROSPECTIVE JUROR NO. 069: No.

15 MS. FLECK: Okay. Just to clarify, because I don't
16 know if it's a -- I don't know if it's an interpretation
17 issue. But do you have any problems sitting in judgment,
18 deliberating, going through the process of ultimately coming
19 to a decision about the guilt of the defendant? Any problem
20 with that?

21 PROSPECTIVE JUROR NO. 069: No.

22 MS. FLECK: Okay. All right. Thank you.

23 Pass for cause.

24 THE COURT: All right. Mr. Feliciano.

25 MR. FELICIANO: Ma'am, what if the State does not

1 prove their case beyond a reasonable doubt, how would you --
2 how would you vote; guilty or not guilty?

3 PROSPECTIVE JUROR NO. 069: It's going to be very
4 hard, because if they cannot prove their case [inaudible].

5 MR. FELICIANO: I'm sorry?

6 PROSPECTIVE JUROR NO. 069: It's going to make a --
7 it's going to be difficult to make a decision, because if they
8 cannot decide their case, how can I do it?

9 MR. FELICIANO: Can you find Mr. Renteria-Novoa not
10 guilty if they don't prove their case?

11 PROSPECTIVE JUROR NO. 069: For me it's -- could you
12 repeat the question, please.

13 MR. FELICIANO: If the State presents all their
14 evidence and you're not convinced that they've proven their
15 case beyond a reasonable doubt, can you find him not guilty?

16 PROSPECTIVE JUROR NO. 069: Yes.

17 MR. FELICIANO: Now, it's -- you have several
18 children and several grandchildren. Do the nature of these
19 allegations, is it difficult for you to sit on a trial like
20 this knowing the nature of those allegations?

21 PROSPECTIVE JUROR NO. 069: No.

22 MR. FELICIANO: Thank you, ma'am.

23 MS. FLECK: Judge, can we approach?

24 THE COURT: Sure.

25 (Bench conference.)

1 MS. FLECK: Can you just flesh that out? Because I
2 don't know what that means, if the State can't decide their
3 case how am I supposed to be able to. What does that mean?

4 THE COURT: Yeah. I'm not sure she -- I can't tell
5 if she doesn't understand it with the translation [inaudible]
6 I'm not quite clear on.

7 MS. FLECK: Well, that's what I don't understand
8 either, so that's why. But does that mean that she can't sit
9 in judgment? Is that saying like if we don't know what
10 happened how is she supposed to decide?

11 THE COURT: Right. I'll ask her --

12 MS. FLECK: And then also with Crockett, the one
13 thing that I wanted cleared up with her is I don't know if she
14 was saying if the defendant doesn't testify then she can't
15 find him guilty, or if the defendant doesn't testify then she
16 will absolutely find him guilty. But I don't think that
17 that's clear. She's basically saying she has to hear from
18 him, and if she has to hear from him, then we have to get rid
19 of her.

20 THE COURT: I'm not sure she said that. I mean, I --
21 what she said kind of was not entirely clear because, you
22 know, [inaudible].

23 MS. FLECK: I agree, but that's why --

24 THE COURT: I don't think she said that she needed to
25 hear from him. I think she said that she really wanted to

1 hear from him and, you know, I don't remember the exact word
2 that she used. I mean, I'll ask if you want, but my
3 recollection is she said that it would be harder for her if
4 she didn't hear from him, but I don't think she said that she
5 couldn't make a decision if she didn't hear from him.

6 MS. FLECK: I thought she said she had to hear both
7 sides.

8 THE COURT: Okay.

9 MS. FLECK: And I don't know if she was saying I have
10 to hear both sides --

11 THE COURT: Do you remember?

12 MS. FLECK: -- and if I don't --

13 THE COURT: I don't remember exactly [inaudible].

14 MS. FELICIANO: I wrote everything down that she
15 said. I just don't have my notes [inaudible] that she would
16 like to hear before [inaudible].

17 THE COURT: Yeah. My impression was she said that it
18 was really, really helpful and she really need -- I don't know
19 if she used the word "had" or not. I honestly don't remember.

20 MS. FELICIANO: She was leaning toward finding him
21 guilty if he didn't testify. It wasn't [inaudible].

22 THE COURT: Yeah. That was my impression too.

23 MS. FLECK: And I'm not -- I couldn't tell which way
24 she was saying. I didn't know if she was saying if I don't
25 hear both sides of the story I can't make a decision as to his

1 guilt, or if she was saying if I don't hear from him I'll find
2 him guilty. Either way, if she has to hear from him she has,
3 you know -- I mean --

4 MS. FELICIANO: It was cleared up though,
5 extensively. I mean, it was cleared up.

6 THE COURT: Yeah. I thought it was --

7 MS. FLECK: Okay. Then let it go. That's fine.

8 THE COURT: Okay. But I can certainly ask her,
9 because I'm a little confused by her response. Because I
10 don't know if it's a translation error or what, but I'll ask
11 Ms. Martinez.

12 MR. FELICIANO: Do you want to do that now?

13 THE COURT: I'll just do it [inaudible].

14 (End bench conference.)

15 THE COURT: Ms. Martinez, let me just ask you a
16 couple questions to clarify, because I'm not sure I understood
17 what you were saying. And I know that since there's an
18 interpreter there, sometimes it's, you know, the words are
19 maybe used not as precisely as could be.

20 In this case the State has the burden of proving that
21 the defendant is guilty beyond a reasonable doubt. Okay.
22 That means if they don't prove to you that he actually
23 committed the crime that they accused him of committing, okay,
24 that means if, if they're unable to prove to you that he is
25 guilty, that means that your job is you have to find him not

1 guilty. Do you understand what I just said?

2 PROSPECTIVE JUROR NO. 069: Yes, Your Honor.

3 THE COURT: And you agree with what I just said?

4 PROSPECTIVE JUROR NO. 069: Yes.

5 THE COURT: And you could do that if you were asked
6 to serve as a juror in this case?

7 PROSPECTIVE JUROR NO. 069: Yes.

8 THE COURT: Okay. Thanks for the clarification. I
9 appreciate it.

10 Okay. Mr. Feliciano, you can resume.

11 PROSPECTIVE JUROR NO. 043: 043.

12 MR. FELICIANO: Zero, four, three. So you're a
13 Spanish instructor?

14 PROSPECTIVE JUROR NO. 043: Yes.

15 MR. FELICIANO: Do you deal with children at all?

16 PROSPECTIVE JUROR NO. 043: No.

17 MR. FELICIANO: Anything about the charges make it
18 difficult for you to be fair in this case?

19 PROSPECTIVE JUROR NO. 043: To be fair, no, of course
20 not.

21 MR. FELICIANO: So if the State cannot prove their
22 case beyond a reasonable doubt, do you have any issues
23 bringing back a not guilty verdict?

24 PROSPECTIVE JUROR NO. 043: No. I don't have any
25 problem.

1 MR. FELICIANO: All right. Thank you, ma'am.

2 PROSPECTIVE JUROR NO. 043: Can I just add one thing?

3 MR. FELICIANO: Sure.

4 PROSPECTIVE JUROR NO. 043: I'm pregnant and I'm
5 starting my eighth month. So I just wanted to clarify that,
6 because I don't think yesterday that was noticed. I just
7 wanted to add that.

8 MR. FELICIANO: Okay. Do you think you're going to
9 be okay for this week?

10 PROSPECTIVE JUROR NO. 043: I just need to go to the
11 restroom a lot obviously, and just stand up sometimes, because
12 I get tired of sitting and that sort of thing. And I do need
13 to drink a lot of water, so I cannot help going to the
14 restroom a lot. I would just ask that to be considered,
15 that's all.

16 THE COURT: Okay. Let me ask you to do this. If you
17 need to use the restroom or if you feel nauseous or if you
18 need any other -- just please raise your hand and wave the
19 marshal over. I'm happy to take a break and accommodate you.
20 Okay.

21 PROSPECTIVE JUROR NO. 043: Yes.

22 THE COURT: I know it's kind of an inconvenience.

23 PROSPECTIVE JUROR NO. 043: Okay.

24 THE COURT: All right. I appreciate it. Thank you.

25 PROSPECTIVE JUROR NO. 043: All right. No problem.

1 Thank you, sir.

2 PROSPECTIVE JUROR NO. 044: 044, Nicol.

3 MR. FELICIANO: Mr. Nicol, you were a victim of a
4 home invasion in California; is that --

5 PROSPECTIVE JUROR NO. 044: Correct.

6 MR. FELICIANO: And I have here a note that you were
7 not satisfied with the law enforcement, with what they did; is
8 that correct? Is my note correct?

9 PROSPECTIVE JUROR NO. 044: It's a long story but,
10 you know, just to shorten things up, it was a -- it was a gang
11 hit. Their hit man screwed up and went -- came to the wrong
12 house and got me. I was bound, gagged and shot. And the
13 police treated me as, you know, I was guilty. I had nothing
14 to do with it. Once they discovered that, they just kind of
15 let it go and there was not investigations after that. They
16 said, No, I never found the guy, sorry.

17 MR. FELICIANO: How did they treat you like you were
18 guilty?

19 PROSPECTIVE JUROR NO. 044: Well, you know, the way
20 of questioning and the way they, you know, went through the
21 house or apartment, you know, looking for evidence. You know,
22 there was nothing there and --

23 MR. FELICIANO: Did they do forensic work in your --
24 in your home?

25 PROSPECTIVE JUROR NO. 044: Yes.

1 MR. FELICIANO: Prints and all that kind of stuff?

2 PROSPECTIVE JUROR NO. 044: Yes.

3 MR. FELICIANO: And they still never found anybody?

4 PROSPECTIVE JUROR NO. 044: They said they didn't,
5 no.

6 MR. FELICIANO: All right. Anything about these
7 charges makes it difficult for you to sit on this jury?

8 PROSPECTIVE JUROR NO. 044: No.

9 MR. FELICIANO: Thank you, sir.

10 PROSPECTIVE JUROR NO. 055: 055, Nicole Quince.

11 MR. FELICIANO: Are you currently a student?

12 PROSPECTIVE JUROR NO. 055: Yes.

13 MR. FELICIANO: What are you studying?

14 PROSPECTIVE JUROR NO. 055: Math.

15 MR. FELICIANO: No children or anything like that?

16 PROSPECTIVE JUROR NO. 055: No children.

17 MR. FELICIANO: Okay. Do you deal with children at
18 all?

19 PROSPECTIVE JUROR NO. 055: No.

20 MR. FELICIANO: Any thoughts on if Mr. Renteria Novoa
21 doesn't testify? What do you think about that?

22 PROSPECTIVE JUROR NO. 055: It wouldn't sway me one
23 way or another. It's his right.

24 MR. FELICIANO: So do you know of reasons why someone
25 might not testify?

1 PROSPECTIVE JUROR NO. 055: Maybe they just feel that
2 they're a bad speaker and they could say something and
3 incriminate themselves. They may not trust the line of
4 questioning, thinking they can be easily tricked. There could
5 be different reasons.

6 MR. FELICIANO: Could be nervous too, is that --

7 PROSPECTIVE JUROR NO. 055: Yes.

8 MR. FELICIANO: Anything else you think we need to
9 know?

10 PROSPECTIVE JUROR NO. 055: It doesn't seem that this
11 trial will take very long, but I do start school again on
12 June 4th.

13 MR. FELICIANO: Oh, we'll be done.

14 PROSPECTIVE JUROR NO. 055: Right. I just hope so,
15 because this process [unintelligible] a little long, so I just
16 wanted you to make a note of it.

17 MR. FELICIANO: It speeds up right after.

18 PROSPECTIVE JUROR NO. 055: Okay. I hope so.

19 MR. FELICIANO: Thank you.

20 PROSPECTIVE JUROR NO. 046: 046.

21 MR. FELICIANO: Mr. Ferguson, you said that it would
22 be hard to be impartial in this case because you have two
23 girls.

24 PROSPECTIVE JUROR NO. 046: Yes. I have two girls,
25 and I'm also the youngest of four with three older sisters.

1 MR. FELICIANO: So as Mr. Renteria-Novoa sits here,
2 is that something that we should be concerned about, about if
3 you're on our jury?

4 PROSPECTIVE JUROR NO. 046: To me, yes, because I
5 grew up in a very protective family and [inaudible] --

6 THE COURT RECORDER: I can't hear him.

7 MR. FELICIANO: I'm sorry. She can't hear you.

8 PROSPECTIVE JUROR NO. 046: Oh. Yeah. I'm sorry.

9 MR. FELICIANO: Could you repeat your last answer.

10 PROSPECTIVE JUROR NO. 046: To me it would be
11 difficult, yes. It would be -- yes.

12 MR. FELICIANO: Difficult, but is it possible?

13 PROSPECTIVE JUROR NO. 046: For me to be fair --

14 MR. FELICIANO: Yes.

15 PROSPECTIVE JUROR NO. 046: -- in this case, I'd like
16 to do my civil duty obviously, but in this case I would say
17 no. I don't know if I could be fair, especially if he's not
18 going to testify and I can't watch his face and his eyes and
19 expressions. I'm not sure if I could be fair.

20 MR. FELICIANO: And I think you -- did you have an
21 issue with his language barriers, about --

22 PROSPECTIVE JUROR NO. 046: You know, it was that,
23 and it was a combination of the whole day leading into the
24 distraction from my left side of the interpretation going on
25 all day, and it was 4:00 o'clock in the afternoon and it was

1 very distracting and it was very irritating.

2 MR. FELICIANO: So what are you -- what I think we're
3 hearing is that although you'd like to be fair in this case,
4 you don't think you can due to the nature of the case and due
5 to the nature -- or due to your surrounding circumstances with
6 your family; is that fair?

7 PROSPECTIVE JUROR NO. 046: I'd say so.

8 MR. FELICIANO: Judge, I have a motion.

9 THE COURT: Ms. Fleck, do you have any questions for
10 Mr. Ferguson?

11 MS. FLECK: Yes. Thank you. Sorry.

12 Okay. Mr. Ferguson, we've been here for two full
13 days, so I know that you've heard what a lot of other people
14 have had to say. No question that this is a difficult case
15 and these are difficult charges. We can all agree on that.
16 Right. And you have sisters, mom, wife, whatever.

17 You don't think that you can separate and say, well,
18 you know, while once someone would be found guilty of these
19 charges, we can all agree that it's horrific, but that the
20 defendant as he sits now is innocent and they're simply
21 charges? You don't think you can separate the two?

22 PROSPECTIVE JUROR NO. 046: Well, although all the
23 questions yesterday were repetitive, I didn't get to finish
24 something that I would like to have said, was I was in a
25 serious relationship with a girl that she opened up when we

1 were in our relationship about something that happened to her
2 with her step-father and, you know, I don't think I can be
3 fair.

4 MS. FLECK: Okay. So seeing her the victim of
5 something of that and how it kind of manifested itself in the
6 future, that would stick with you?

7 PROSPECTIVE JUROR NO. 046: It still has, yeah.

8 MS. FLECK: All right. Thank you.

9 I have no objection to being excused for cause.

10 THE COURT: All right. Mr. Ferguson, thank you very
11 much for your honesty. I didn't know the information about
12 your girlfriend. Please report to the jury services room on
13 the third floor.

14 And we'll need the next person is --

15 THE CLERK: That's going to be Badge No. 071, Cindi
16 Rivera.

17 THE COURT: All right. Ms. Rivera, since this is the
18 first time we're talking with you, can you tell us what you do
19 for a living?

20 PROSPECTIVE JUROR NO. 071: I'm a vocational rehab
21 location counselor.

22 THE COURT: For what kind of organization, for the
23 State or for who?

24 PROSPECTIVE JUROR NO. 071: It's a private company.

25 THE COURT: Okay. Are you married?

1 PROSPECTIVE JUROR NO. 071: No.

2 THE COURT: Any kids?

3 PROSPECTIVE JUROR NO. 071: No.

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

5 PROSPECTIVE JUROR NO. 071: Thirteen years.

6 THE COURT: Ever served on a jury before?

7 PROSPECTIVE JUROR NO. 071: Yes.

8 THE COURT: Where and when?

9 PROSPECTIVE JUROR NO. 071: Here in Clark County. I

10 don't know, maybe six, seven years ago.

11 THE COURT: Six, seven years ago. Was it a civil or

12 criminal case?

13 PROSPECTIVE JUROR NO. 071: Criminal.

14 THE COURT: Was it in this building or the old

15 courthouse, or was it in -- it was for Clark County, so was it

16 here, was it in Henderson, was it North Las Vegas?

17 PROSPECTIVE JUROR NO. 071: I believe it was here.

18 THE COURT: Okay. Was it a case prosecuted by the

19 Clark County District Attorney?

20 PROSPECTIVE JUROR NO. 071: Yes.

21 THE COURT: Okay. Did the case reach a verdict?

22 PROSPECTIVE JUROR NO. 071: Yes.

23 THE COURT: And were you the foreperson?

24 PROSPECTIVE JUROR NO. 071: No.

25 THE COURT: Anything about that experience that would

1 cause you to hesitate about serving as a juror in another
2 criminal case?

3 PROSPECTIVE JUROR NO. 071: No.

4 THE COURT: Have you ever -- have you or anyone
5 closely associated with you ever been the victim of a crime,
6 whether sexual in nature or otherwise?

7 PROSPECTIVE JUROR NO. 071: Yes.

8 THE COURT: Who? Was that you or someone else?

9 PROSPECTIVE JUROR NO. 071: Me.

10 THE COURT: When?

11 PROSPECTIVE JUROR NO. 071: When I was younger. When
12 I was a kid.

13 THE COURT: How old were you approximately?

14 PROSPECTIVE JUROR NO. 071: Oh, eight.

15 THE COURT: Eight. Was the perpetrator someone
16 related to you or known to you, or a stranger?

17 PROSPECTIVE JUROR NO. 071: Yes. My mother's
18 husband.

19 THE COURT: Was there ever a court case? Were the
20 police called?

21 PROSPECTIVE JUROR NO. 071: No.

22 THE COURT: Can you tell us -- did you tell your mom?
23 Did you tell anybody?

24 PROSPECTIVE JUROR NO. 071: Many years later.

25 THE COURT: Many years later. Okay. Now, how -- in

1 view of that, how do you feel about serving as a juror in this
2 case knowing what the accusations are?

3 PROSPECTIVE JUROR NO. 071: It's uncomfortable. It's
4 brought about a lot of memories.

5 THE COURT: Okay. But is it so uncomfortable that
6 you couldn't be fair and impartial?

7 PROSPECTIVE JUROR NO. 071: No.

8 THE COURT: So you could, if asked to serve as a
9 juror in this case, follow the law and listen to the evidence
10 and make a decision based on what you find the evidence shows?

11 PROSPECTIVE JUROR NO. 071: Yes.

12 THE COURT: All right. Now, other than your mother's
13 husband, have you or anyone closely associated with you ever
14 been accused of a crime, whether or not there was a
15 conviction, whether sexual in nature or otherwise?

16 PROSPECTIVE JUROR NO. 071: No.

17 THE COURT: I appreciate it.

18 Ms. Fleck, do you have questions for Ms. Rivera?

19 MS. FLECK: I do not. Thank you, Your Honor. The
20 State will pass Ms. Rivera for cause.

21 THE COURT: All right. Mr. Feliciano.

22 MR. FELICIANO: Ms. Rivera, you said you have a
23 brother in customs in Long Beach?

24 PROSPECTIVE JUROR NO. 071: A brother-in-law, yes.

25 MR. FELICIANO: Brother-in-law. I'm sorry.

1 PROSPECTIVE JUROR NO. 071: And he was a border
2 patrol before then.

3 MR. FELICIANO: Okay. Did you talk to him about any
4 type of his work -- any of his work or anything like that?

5 PROSPECTIVE JUROR NO. 071: No. Very rarely.

6 MR. FELICIANO: And how would you feel if
7 Mr. Renteria-Novoa did not testify today, or in his trial?

8 PROSPECTIVE JUROR NO. 071: How would I feel about
9 him not testifying?

10 MR. FELICIANO: Yes. Would that make you vote for
11 guilt or --

12 PROSPECTIVE JUROR NO. 071: No.

13 MR. FELICIANO: So do you think you can give him a
14 fair trial considering, all things considered?

15 PROSPECTIVE JUROR NO. 071: Yes.

16 MR. FELICIANO: Thank you.

17 PROSPECTIVE JUROR NO. 071: You're welcome.

18 PROSPECTIVE JUROR NO. 048: 048, Garwood.

19 MR. FELICIANO: Mr. Garwood, you said?

20 PROSPECTIVE JUROR NO. 048: Yes.

21 MR. FELICIANO: You had -- unfortunately, you had a
22 sister that was a victim of a crime years ago?

23 PROSPECTIVE JUROR NO. 048: That's correct.

24 MR. FELICIANO: And that wasn't in this country,
25 right?

1 PROSPECTIVE JUROR NO. 048: No. It was in Colombia.

2 MR. FELICIANO: Okay. And you actually testified in
3 court?

4 PROSPECTIVE JUROR NO. 048: It was actually a hearing
5 approximately a week after the occurrence.

6 MR. FELICIANO: And anything about that experience
7 makes it difficult for you to be here today?

8 PROSPECTIVE JUROR NO. 048: A little bit. But I
9 think I can be fair.

10 MR. FELICIANO: Okay. And what are the issues when
11 you say a little bit?

12 PROSPECTIVE JUROR NO. 048: The gentleman in question
13 was found not guilty and was let go, and our testimony was
14 really just kind of thrown out, my testimony as well as my
15 sister's.

16 MR. FELICIANO: Okay. So we're here, totally
17 different, different case, of course. Do you think you can
18 look at this case with -- and separate those two and be fair?

19 PROSPECTIVE JUROR NO. 048: I believe I can, yes.

20 MR. FELICIANO: And were you on a criminal jury
21 before?

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

23 MR. FELICIANO: Is there anything about that
24 experience that makes it difficult for you to be here today?

25 PROSPECTIVE JUROR NO. 048: No.

1 MR. FELICIANO: All right. Thank you, sir.

2 PROSPECTIVE JUROR NO. 049: 049, Iverson.

3 MR. FELICIANO: And you are a teacher?

4 PROSPECTIVE JUROR NO. 049: Yes.

5 MR. FELICIANO: In junior high?

6 PROSPECTIVE JUROR NO. 049: Yes.

7 MR. FELICIANO: And you have an 11-year-old daughter?

8 PROSPECTIVE JUROR NO. 049: Yes.

9 MR. FELICIANO: Considering you have -- you deal with
10 children all the time and that you have a young daughter, what
11 do you think about the charges in this case?

12 PROSPECTIVE JUROR NO. 049: Obviously it's not easy.
13 I mean, I guess in my mind I've thought about it as the trial
14 kind of progresses and things are said. It would be very hard
15 for me to not kind of picture my daughter in that same
16 situation or --

17 You know, the majority of my students are Hispanic
18 and so, you know, you kind of just want to put a face to a
19 name or a face to a story, you know, like when you read a
20 book. And that kind of races through my mind like, oh, what
21 if this student of mine was in the position, those kind of
22 things.

23 MR. FELICIANO: Do you think --

24 PROSPECTIVE JUROR NO. 049: That's part of it that
25 would -- just the relate -- how you would relate it to

1 personal experiences.

2 MR. FELICIANO: Do you think you could be fair
3 though?

4 PROSPECTIVE JUROR NO. 049: I'm not sure. I mean,
5 obviously you're thinking of your daughter and, you know,
6 students that you adore and that, and obviously it kind of
7 gets you going a little bit and probably would bring out some
8 things. I mean, I understand it's our job to be fair and
9 things of that nature here, so I kind of got those two things
10 going on. I would try to be fair.

11 MR. FELICIANO: If you were sitting in that chair,
12 and someone with your mindset was sitting on your jury, would
13 you be scared?

14 PROSPECTIVE JUROR NO. 049: I don't know that I would
15 be the ideal juror for him. I don't know that I'd want to
16 trade places.

17 MR. FELICIANO: So you're not -- so you're not sure
18 if you can be fair. Are you going to try?

19 PROSPECTIVE JUROR NO. 049: I -- like I said,
20 obviously I think everyone's going to try. Like she said
21 earlier, you don't want just people to try. I mean, I would
22 do the best that I could. But I, you know, it's hard to
23 regulate emotions and feelings and things like that. Those
24 kind of take control sometimes.

25 MR. FELICIANO: What if the State doesn't prove their

1 case beyond a reasonable doubt?

2 PROSPECTIVE JUROR NO. 049: I believe we're
3 instructed at the very end if the law's not, you know, says
4 that if that's the case then we have to vote not guilty, and
5 we would do what the judge instructs.

6 MR. FELICIANO: And do you have any problem with
7 that?

8 PROSPECTIVE JUROR NO. 049: I -- that's our
9 instructions. That's what we have to follow.

10 MR. FELICIANO: Thank you, sir.

11 The Court's indulgence for a minute.

12 THE COURT: Sure.

13 (Pause in proceedings)

14 MR. FELICIANO: Pass the panel for cause.

15 THE COURT: Ladies and gentlemen, here's what we're
16 going to do. We've been going for about an hour and 20
17 minutes now. Let's take a 10-minute break so that you guys
18 can get some refreshments or go to the restroom or whatever
19 you need to do.

20 During this break, all the admonitions that I gave
21 you earlier apply, which are don't reach any conclusions about
22 this case. Don't talk to anyone about this case. Don't
23 investigate any facts relating to the case. Don't view any
24 media, press or Internet reports about this case. Don't talk
25 to anyone who may be involved in any way with this case.

1 Don't discuss the facts of this case with each other.

2 Remember to wear your badge at all times. And again,
3 there's no snack or soda machine on this floor, but there is
4 on one floor up, one floor down. Let's see you back here
5 about five minutes after 3:00 o'clock.

6 (Prospective jurors recessed at 2:51 p.m.)

7 THE COURT: Randy.

8 All right. We're outside the presence of the jurors.
9 Is there anything that either side wanted to put on the
10 record? Are we ready to do the perempts then? Do we have the
11 sheet ready? All right. Let's go off the record then for a
12 couple seconds. I'm just going to -- hang on.

13 Randy, go ahead and tell Ms. Trotchie, Badge No. 42,
14 that she's free to go, or tell her to go back to the third
15 floor. I had to put her in the back, but I'm just going to
16 let her go.

17 THE MARSHAL: Yeah, because she's got an attitude --

18 THE COURT: Well, I don't --

19 THE MARSHAL: -- when she was on her way out the
20 door, because she had to sit in the back.

21 THE COURT: Yeah. All right. Well, tell her she's
22 free to go. It's the other guy, Anderson I kind of want to
23 keep.

24 MS. FLECK: Is the other -- oh, Anderson you're going
25 to keep?

1 THE COURT: Well, just for a few more minutes, just
2 because I think he's just copying what that other woman said
3 to get off the jury.

4 Tell Number 42 she's free to go. Send her down to
5 the third floor, all right?

6 THE MARSHAL: Yes, sir.

7 THE CLERK: Are you going to do this off the record?

8 THE COURT: Yeah. Unless they want it to be on the
9 record.

10 (Court recessed at 2:53 p.m. until 3:06 p.m.)

11 (Outside the presence of the prospective jurors.)

12 THE COURT: Where are we right now?

13 MS. FLECK: We're still going back and forth on our
14 peremptories.

15 THE COURT: I know, but how far have you gotten?

16 MS. FLECK: We're on Defense 6.

17 THE COURT: All right.

18 (Pause in proceedings)

19 THE COURT: How much longer are you guys going to be?

20 MR. FELICIANO: We're almost done. We'll be done --
21 just one more.

22 THE COURT: The jurors have been out 20, almost 25
23 minutes.

24 MS. FLECK: Well, the first witness I will need. The
25 victim we don't need anybody.

1 (Pause in proceedings)

2 MR. FELICIANO: We're all done.

3 MS. FLECK: Was it Schmidt or [inaudible].

4 (Pause in proceeding.)

5 THE COURT: All right. Are we ready to -- let's go
6 on the record, Sara.

7 THE COURT RECORDER: We are.

8 THE COURT: All right. Back on the record. State
9 vs. Guillermo Renteria-Novoa. We are outside the presence of
10 the jury.

11 The attorneys have just finished their peremptory
12 challenges, and it looks like the State is challenging Juror
13 No. 068, 022, 058, 030, 037, 064, 043, 044, and 055. And the
14 defense is challenging Jurors No. 053, 013, 027, 029, 031,
15 032, 059, 071, and 049, leaving us with 14 remaining jurors.

16 And it looks like Juror No. 13 will be Juror No. 042.
17 Sara -- wait. This is not -- wait, wait. Forty-two is
18 kicked. Forty-two shouldn't be on this list. Forty-two is
19 kicked for cause.

20 MS. FLECK: Which one was 42?

21 UNKNOWN SPEAKER: That was my error then. I
22 apologize. I did not replace her apparently.

23 THE COURT: She was replaced by Juror No. 71.

24 UNKNOWN SPEAKER: No. She was replaced with
25 Juror 69, Armida Martinez.

1 THE COURT: Right.

2 (Inaudible discussion.)

3 UNKNOWN SPEAKER: My error. I apologize, Judge.

4 Well, they don't have her marked at all anyways. They don't
5 have anything next to her name.

6 THE COURT: Well, I mean, the problem is if we put
7 Martinez in there, maybe someone would have challenged her.

8 UNKNOWN SPEAKER: True.

9 THE COURT: All right. Well, there was an error in
10 the list. The list contained the name of Juror No. 042,
11 Ms. Trotchie, however she was excused for cause. The name
12 that should have been in there is Armida Martinez, Juror No.
13 069. What I don't know is if that changes anything for either
14 party, either side wanted to or would have --

15 MS. FLECK: 069, we -- is she the Filipino?

16 THE COURT: Yeah.

17 MS. FLECK: We kicked her. Let me -- here. She
18 would have been -- sorry.

19 THE COURT: Oh, because yours [unintelligible]. Hang
20 on here.

21 MS. FLECK: Yeah. I did 26.

22 THE COURT: Yeah, except that you didn't. There's
23 nine other -- one, two, three, four --

24 (Inaudible discussion.)

25 MS. FLECK: She was our sixth.

1 THE COURT: Let me see that.

2 MS. FLECK: I did her -- it was in the wrong line.

3 Ms. Martinez is -- I did it by the seating chart
4 unfortunately.

5 THE COURT: So wait. Did you not intend to kick
6 Karen Valerio then?

7 MS. FLECK: No. I kicked here. See, look.
8 Ms. Valerio I have and Ms. Martinez, no.

9 UNKNOWN SPEAKER: Martinez was in Seat 26.

10 THE COURT: Right.

11 MS. FLECK: Right. And that's what I have on my
12 seating chart, but I guess I missed the wrong line.

13 MR. FELICIANO: Can I come up?

14 THE COURT: Yeah. I'm going to need everybody to
15 come up here for a second. All right. This is what happened.
16 In this spot here we had the wrong name. Instead of
17 Ms. Martinez it was Ms. Trotchie, who was the P and P intern
18 that we excused for cause.

19 MR. FELICIANO: Okay.

20 THE COURT: So it should have been Martinez. And
21 what Ms. Fleck is saying is on her seating chart her Challenge
22 No. 6, Ms. Valerio actually should have been Martinez, and she
23 would have left Valerio there. The question is: Does that
24 change anything for you guys?

25 (Defense attorneys confer.)

1 MR. FELICIANO: Yeah. If she was there we would
2 have -- that would have been one we would have.

3 MS. FLECK: If who was there?

4 MR. FELICIANO: Well --

5 MS. FLECK: If I hadn't kicked Ms. Valerio you would
6 have?

7 MR. FELICIANO: Yes.

8 THE COURT: All right. I mean, there's a couple ways
9 we can do this. We can start all over, or since Ms. Valerio
10 was the State's presumably sixth challenge, we can cross out
11 everybody sixth, seventh, eighth and ninth and start from
12 there. Do you want to do that?

13 MS. FLECK: That's fine.

14 MR. FELICIANO: Yeah.

15 THE COURT: All right. So cross out everybody sixth,
16 seventh, eighth and ninth.

17 UNKNOWN SPEAKER: [Inaudible.]

18 MS. FLECK: No. It's actually mine, because I
19 missed -- put it on the wrong line.

20 THE COURT: All right. I've just crudely Xed them
21 off, but let's start with -- so let's see. So we're on
22 Challenge No. 6 for -- who started this, you guys or you guys?

23 MR. FELICIANO: They started.

24 THE COURT: Okay. So your Challenge No. 6.

25 (Inaudible discussion.)

1 MS. FLECK: All right. We're ready.

2 MR. FELICIANO: All done.

3 MS. FLECK: Thank you. Sorry about that.

4 THE COURT: All right. So let me start again. Are
5 we on the record, Sara?

6 THE COURT RECORDER: Yes.

7 THE COURT: So the State has challenged jurors
8 numbered 68, 22, 58, 30, 37, 64, 69, 44, and 55, while the
9 defense has challenged jurors numbered 53, 13, 27, 29, 32, 59,
10 43, 71, and 49, which leaves us with 14. And it looks like
11 Jurors No. 13 would be Mr. Gebrechristos, Juror No. 39, so he
12 would be our first alternate. Our second alternate would be
13 Juror No. 14, who is Badge No. 48, Garry Garwood.

14 Does that match with what everybody else has? So the
15 panel now consists of Badge Numbers 001, 002, 005, 016, 017,
16 018, 020, 021, 062, 028, 031, 035, 039, and 048, with 039 and
17 048 being two alternates. Does that match with what everybody
18 else has?

19 MS. FELICIANO: It matches what the defense has.

20 THE COURT: All right. Let's talk about scheduling
21 very quickly, because it's now 3:35. We're going to need --
22 it's going to probably take us ten minutes to call everybody
23 in here and then announce the ones who are leaving, and then
24 swear the jury in. So we're probably looking at a quarter to
25 4:00.

1 How long were you guys planning on -- and then we
2 have to -- I have pretrial instructions, which usually take
3 about 10 minutes for me to read. We have 37 counts in the
4 Information, so that will take probably 10, maybe 15 minutes
5 for the clerk to read, which takes us close to 4:00. What do
6 you guys want to do about openings? Do you want to just wait
7 until tomorrow morning at that stage, or what?

8 MS. FLECK: If we do it --

9 THE COURT: Because if we don't really start until
10 close to 4:00, and I don't know how long you guys were
11 planning your openings to be, but that's --

12 MS. FLECK: We can just do it first thing if we
13 instruct and do everything tonight, that's great. But Judge,
14 first, I don't mean to be a pain in the -- a pain in the you
15 know what, but I think I've -- can we just go through who --
16 because I have that the jury should end at Mr. Gebrechristos,
17 and then we have our alternates.

18 MS. FELICIANO: Can we do by badge number and not
19 names? Sorry. Because I have their numbers.

20 MS. FLECK: Well, okay. So --

21 MS. FELICIANO: The jury should end with number what?

22 THE COURT: This is the jury that I have. Okay.
23 Badge Numbers 001, 002, 005, 016, 017, 018, 020, 021, 062,
24 028, 031, 035, and then the two alternates being 039 and 048.

25 MS. FELICIANO: And that's what the defense has as

1 well.

2 MS. FLECK: Thirty-one, no. They got rid of 31.

3 MS. FELICIANO: No. When we -- when we did our new
4 after six through nine --

5 MS. FLECK: Oh, okay. Sorry. You kept him.

6 THE COURT: Right. There's no challenge here on the
7 sheet that I have.

8 MS. FLECK: Got it. Okay. Then no problem. I
9 just --

10 THE COURT: Are we all on the same page now?

11 MS. FLECK: Yes, we are on the same page. I
12 apologize.

13 THE COURT: All right. So in terms of scheduling
14 then, it sounds like we're not going to get close to starting
15 openings until close to 4:00. Do you guys want to -- so
16 [unintelligible] we just start tomorrow at 10:00 o'clock then?

17 MS. FELICIANO: Fine with us.

18 THE COURT: So here's the question. Do we even want
19 to read them the Information today, or read them all tomorrow?

20 MS. FLECK: I think we should do it today. I really
21 think that that would save so much --

22 THE COURT: It doesn't matter to me either way. I'm
23 just -- I don't know if you guys wanted to do it all together
24 as a block, if it makes it easier for you to make your
25 openings or not. I don't care either way. Whatever you guys

1 want.

2 MS. FLECK: I mean, the Information is so it's like
3 it's all the same thing and it's just a -- it's not like they
4 need to remember by -- for opening what was said in the
5 Information. It's basically like unfortunately we can't just,
6 you know, put it into the record otherwise.

7 THE COURT: Do you guys -- on behalf of the
8 defendant, do you guys have an opinion either way?

9 MR. FELICIANO: No preference.

10 THE COURT: Well, then we'll read it today and -- I
11 just wasn't sure if you guys, you know, in your openings were
12 going to say like, oh, the judge just read you count whatever,
13 you know, that kind of thing, and then you have the day break.
14 If you don't mind, then we'll just read this today and we'll
15 do the openings tomorrow then. All right.

16 MS. FLECK: Then we can really just start --

17 THE COURT: Yeah. Just start, do openings and then
18 roll into the witnesses. Oh, you have one. Okay. And then
19 tomorrow night's the night that you can't stay late, but
20 Thursday night we can, right?

21 MS. FELICIANO: Right.

22 MR. FELICIANO: Yes.

23 THE COURT: All right. And I'm trying to -- all
24 right. So let's do that then. And then let's bring them
25 back in, Randy, and we'll let everybody but 14 of them go and

1 we'll get started.

2 MR. FELICIANO: Before we do that, can -- we just
3 have some Batson issues we want to address.

4 UNKNOWN SPEAKER: Will you stop him, please.

5 THE COURT: Hang on.

6 MS. FELICIANO: Are we on the record?

7 THE COURT: Yeah, we're on the record.

8 All right. Hang on a second. Apparently there was
9 something else they want to put on the record.

10 All right. What's going on?

11 MR. FELICIANO: Judge, it looks like Badge No. 68
12 appears to be Latino, Badge No. 69 is Filipino, Badge 55 is
13 Latino, and Badge 64 is black.

14 THE COURT: Wait. Read them again. Sixty-eight.

15 MR. FELICIANO: 68, 69, 55 and 64.

16 MS. FLECK: Sixty-eight is --

17 THE COURT: 55 and 64. Okay. Sixty-four --

18 MS. FLECK: Sixty-nine was the Filipino lady with the
19 interpreter.

20 THE COURT: Right. All right. So what did you want
21 to do?

22 MR. FELICIANO: Judge, we just want to make our
23 record that based on the excusal of these four witnesses, this
24 does appear to be a pattern of racial bias in this case, and
25 we would ask for race neutral reasons as to why these

1 prospective jurors were dismissed.

2 THE COURT: All right. Ms. Fleck, your response, or
3 Mr. Graham, whoever wants to respond.

4 MS. FLECK: Just hold on one second, please.

5 Okay. Well, I will start with the fact that we had a
6 obviously diverse panel. I think with even just in the box
7 from the beginning we had five African-American -- once we
8 settled it we had five African-Americans, a number of
9 Hispanics, a number of Asians, and I think even in the
10 minority white. So both sides really had no option but to
11 kick people of -- that were minority.

12 In terms of Number 68, I made numerous challenges for
13 cause on Number 68, being Mr. Elias Aguilar. He is the person
14 who even with the use of the interpreter who we brought in
15 yesterday for his assistance and then had him today, he was
16 not able to answer any questions in an appropriate way. He
17 was non-responsive.

18 I don't think he was trying to be, but I really don't
19 think that he understood or could grasp what was going on. He
20 was confused. He was nervous. He was uncomfortable, which he
21 said many times. He appeared confused and he appeared
22 uncomfortable. So, you know, I tried to get him kicked as
23 many times as I could for cause and I didn't feel comfortable
24 with his uncomfortableness.

25 Next we have 69. She is Filipino. Again, her answer

1 to the -- she said at one point in time, If the State can't
2 decide their case, how can I. You went on to ask her, well,
3 you know it's the State's burden, yes, and could you find him
4 not guilty, yes.

5 But her body language to me and when she said that,
6 if the State can't decide their case how can I, it told me
7 that she was not comfortable with the process and that she was
8 uncomfortable with the idea of having to determine guilt on a
9 person. And I don't know if it was the language barrier or if
10 that's how she felt, but I need a juror who is able to
11 deliberate and is able to weigh the evidence and is able to
12 then go make a determination.

13 So that's why we got rid of Ms. Martinez, who is --
14 while she has a Hispanic last name, considering we had to get
15 an interpreter for her in her native language, we all know
16 she's from the Philippines.

17 Number 55, Quince, I'm not sure what indicator there
18 is that Ms. Quince was a minority.

19 THE COURT: Yeah. I don't actually show her to be a
20 minority. What group do you think she's part of?

21 MR. FELICIANO: Judge, we perceived her to be a
22 Latina female, but we could be incorrect. But that's what it
23 appeared to us.

24 MS. FLECK: I mean, just because she has dark hair
25 didn't mean that she's Latina.

1 MR. FELICIANO: I didn't say that.

2 MS. FLECK: Well, no, I know, but I'm just saying how
3 she appeared, there's nothing about her that appears -- her
4 name doesn't appear to be of, you know, Hispanic descent. She
5 herself, I thought she spoke with more of almost a Southern
6 accent than any other kind of accent.

7 THE COURT: Right. And there was some indication
8 when I questioned her that she had spent some time in
9 Virginia, which may explain the Southern accent.

10 MS. FLECK: Right. I --

11 THE COURT: I'm not -- I mean, honestly, I'm not sure
12 that she is a minority. I was -- you know, as is my usual
13 practice, in anticipation of any motions, I actually circle
14 the people who -- in the pool who appear to me to be
15 minorities, and I didn't have her circled.

16 As I sit here right now, I can't tell you I honestly
17 remember what her face looks like, but I didn't have her
18 circled. But anyway, go ahead. I'm interrupting.

19 MS. FLECK: Well, and to be honest, the only reason
20 that we kicked her is because she was further back in the line
21 and wasn't going to be on the jury either way. Like we
22 wouldn't have gotten her on even as an alternate. So by the
23 time we got to her, it's not like I had a real issue with her.
24 It was just we had already pretty much gotten our jury and so
25 she fell off of the panel.

1 And then finally, with Ms. Temple, again, Ms. Temple
2 was more of a strategic decision based upon who was already on
3 the panel. Additionally, the things that made me concerned
4 about her was that when you first asked if she knew anyone who
5 had been sexually abused, if she had any experience with that,
6 she said no. And then I didn't get an opportunity to flesh
7 any of that out with her.

8 Then when Mr. Feliciano got up and talked with her,
9 then all of the sudden she had numerous experiences with
10 sexual assault victims in her past, and some of them, you
11 know, with the five-year-old and then with the 16-year-old who
12 was lying. I -- having not had an opportunity to ask her,
13 since she wasn't forthright the first time around, I didn't
14 feel comfortable having her on my jury because I don't
15 understand why she didn't tell the first time.

16 Maybe she didn't understand it. But either way, I
17 didn't get a chance to feel her out on that very important
18 issue. So that was why we chose Ms. Temple as one of our
19 peremptories.

20 THE COURT: All right. Mr. Feliciano, your response
21 to that.

22 MR. FELICIANO: Judge, I would ask to Ms.--
23 Number 68 --

24 THE COURT: Hang on. Sixty-eight is who?
25 Sixty-eight is, okay, Mr. Aguilar. Right. Okay.

1 MR. FELICIANO: What we have here is a pretextual
2 argument. I don't think there's anybody in the box that isn't
3 probably nervous and uncomfortable. Based on that, that is
4 not sufficient for a race neutral reason to kick him. He was
5 using an interpreter and he was able to clarify that he would
6 follow the instructions and that he did understand.

7 As to 69, the same issue, another pretextual reason,
8 the basis simply because she was using the interpreter. She
9 did say that she could understand after we fleshed it out a
10 little bit, that she could be fair, she could find for each --
11 she could find the defendant guilty and she could find him not
12 guilty.

13 As to 55, I don't think there was any argument on 55.

14 THE COURT: Well, that's the one that we're not even
15 sure is an actual minority.

16 MR. FELICIANO: Just because she's further back in
17 the line, that doesn't mean that it doesn't apply. The entire
18 panel has the same protection. So just because she was back
19 there and she wouldn't have -- wasn't going to make it on the
20 jury by Mrs. Fleck's estimation, that's not a sufficient
21 reason to kick her for -- as a perempt.

22 MS. FLECK: Judge, if whenever -- if I could just say
23 one more thing.

24 THE COURT: All right. Let's go one at a time.
25 Mr. Feliciano.

1 MR. FELICIANO: And as to 64, strategically again,
2 this is a pretextual reason strategically. There were other
3 people that had the same type of issues as far as abuse and
4 they were not removed from the panel. This is --

5 Oh, and there were other people that after initially
6 they didn't disclose any type of abuse or any type of issues,
7 but later, after we took the panel over, we did have several
8 people that did come forth with other issues. So again,
9 that's pretextual.

10 THE COURT: All right. Ms. Fleck, you wanted to
11 respond.

12 MS. FLECK: Yes. Thank you. Actually, in terms --
13 I'll start with Ms. Temple. Actually that's not true.
14 Ms. Temple didn't disclose and then we got rid of her.
15 Mr. Winings, same thing. He didn't disclose about his -- when
16 you first asked if he knew anyone that had been arrested, and
17 then he came back and said, Oh, my gosh, I forgot that my son
18 spent 11 years in prison, we got rid of him.

19 He was our very first one because I'm sorry, you
20 don't forget something like that. Just like in my opinion
21 Ms. Temple doesn't forget that she has two experiences that
22 she was then able to go into detail about regarding sexual
23 abuse. So we did kick Mr. Winings because of the exact same
24 reason.

25 So just then to go through, the defense has kicked,

1 as I see, three Hispanics -- two Hispanics and a black.

2 THE COURT: Hang on. Here are the numbers that I
3 had. In the original group, not including Ms. Quince, who as
4 I indicated I did not have circled, there were 13 minorities.
5 Mr. Richard, Badge No. 2, is an African-American. Mr.
6 Cordero, Badge No. 16, is from Guam, so he's of Asian descent.
7 Ms. Johnson, Badge No. 20, was African-American.

8 Mr. Carrera, Badge No. 28, was -- indicated he was
9 born and raised in Mexico. Ms. Moreno-Zepeda, Badge No. 35,
10 appeared to be Hispanic. Mr. Gebrechristos, Number 39,
11 indicated he was from Eritrea. Ms. Valerio, Badge No. 43, I
12 forgot what country she said she was from, but she's a Spanish
13 instructor at UNLV.

14 MS. FLECK: But I believe the defense kicked her.

15 THE COURT: Right. Now I'm just going through the
16 numbers of people in the box.

17 MS. FLECK: Okay. Sorry. Sorry.

18 THE COURT: Mr. Correa, Badge No. 53, was Hispanic.
19 Ms. Crockett, Badge No. 59, was African-American. Ms. Temple,
20 Badge No. 64, was African-American. Mr. Aguilar, Badge No.
21 68, was Spanish, a Spanish-speaker with the assistance of the
22 interpreter. Ms. Martinez, Badge No. 69, was from the
23 Philippines and she had the assistance of a Tagalog
24 interpreter. And Badge No. 71, Ms. Rivera, was Hispanic.

25 If you add Ms. Quince, who the defense apparently

1 believes is Hispanic, even though I didn't have her circled,
2 that would make 14 of the people in the box members of an
3 ethnic minority group. Mathematically, with the number of
4 people in the box and the number of challenges, if everybody
5 exercised their perempts, somebody has to kick a minority.
6 That's just the way it works in America.

7 I also note it appears that the defense has
8 challenged or excused Number 53, Mr. Correa, Number 59,
9 Ms. Crockett, Number 43, Ms. Valerio, and Number 71,
10 Ms. Rivera, all of whom are members of ethnic minority groups.
11 The defense is asserting that the State has also excused a
12 number of minorities, specifically Badge No. 68, Badge No. 64,
13 Badge No. 69, and I believe that's it, correct.

14 What's interesting is of the 13, 14 if you include
15 Ms. Quince, members of the original panel who were in the box,
16 both parties ended up kicking seven of them between the two --
17 between the defense -- hang on. One --

18 MS. FLECK: Seven between -- they kicked four and we
19 kicked three.

20 THE COURT: Right. Exactly. So between the two,
21 seven of the members of the various ethnic minority groups
22 were excused between the two parties, with the State excusing
23 four and the defense excusing three. And again, I'm still not
24 sure. I wish I could see Ms. Quince right now. I didn't have
25 her circled. I'm not entirely sure she is a member of a

1 minority group. But in any event --

2 All right. The issue is this. The State has
3 raised -- I mean, the defense has raised a Batson challenge,
4 so the issue is whether or not the State is showing a pattern
5 of excusing jurors of particular minority groups in violation
6 of the defendant's constitutional rights. You know what.
7 Just so the record is complete, let's -- let me also add that
8 it looks like the --

9 If we leave the panel the way it is, the minority --
10 the jurors who would remain in the final group of 14 who are
11 members of a minority group are Mr. Richard, Badge No. 2, who
12 appears to be African-American, Mr. Cordero, Badge No. 16, who
13 is from Guam, Ms. Johnson, Badge No. 20, who is
14 African-American, Mr. Carrera, Badge No. 28, who indicated he
15 grew up -- he was born and raised in Mexico, Ms.
16 Moreno-Zepeda, Badge No. 35, who is of Latina origin, and Mr.
17 Gebrechristos, who is from Eritrea, who would be our first
18 alternate.

19 Those are the minority jurors who would remain in the
20 final group of 14 if the jury panel stays the way it is.
21 Which gives us one, two, three, four, five of the final 14; is
22 that correct? One, two, three, four, six. Six of the final
23 14, as things stand, would be members of various ethnic
24 minority groups.

25 All right. So the issue is whether or not the State,

1 through their challenges, has shown a pattern of
2 discrimination. I'll start with Mr. Aguilar. I will note
3 that Mr. Aguilar, as everybody knows by now, was here with the
4 assistance of the Spanish interpreter and the State did make
5 numerous challenges for cause.

6 Mr. Aguilar did give some answers which were a little
7 concerning for me. He indicated that he would be so
8 nervous -- the answer that concerned me the most frankly, was
9 that he doesn't remember anything. And so whether or not he
10 has a bias, whether or not he can be fair and impartial, if
11 the juror can't remember anything, especially in a case where
12 there are 37 counts, that was a little bit of a concern to me.

13 And based on that, I'll say for the record, it was a
14 little bit of a close call whether I would even have excused
15 him for cause. I ended up not doing so because he indicated
16 that perhaps with the assistance of a notepad and pen he --
17 that he would be able to pay attention to everything.

18 But again, my own personal concern was in a case
19 with 37 counts, a guy with a memory problem is -- there's a
20 question about whether or not he actually can do the job even
21 if he says he can. And so on that one I find that the State's
22 reason is not pretextual because, as I indicated, I was
23 actually somewhat concerned about Mr. Aguilar.

24 And my concern, not that it needs to be said, but so
25 the record is complete, obviously it has nothing to do with

1 his race or his national origin. It was, you know -- and so I
2 find that the State's position as to Mr. Aguilar is not
3 pretextual and their reason for excusing him was race neutral.

4 Ms. Martinez -- I'm sorry, Ms. Fleck. I forgot what
5 your reason for her was.

6 MS. FLECK: Was she the --

7 THE COURT: She's the --

8 MS. FLECK: -- Filipino?

9 THE COURT: -- Tagalog interpreter person.

10 MS. FLECK: Well, her answer was -- or one of her
11 answers was if the State can't -- look at exactly what she
12 said. What was her number again, Your Honor?

13 THE COURT: Sixty-nine.

14 MS. FLECK: If the State can't decide their case, how
15 can I. And --

16 THE COURT: Right. I do remember her saying that.

17 MS. FLECK: And in fact, I asked that we flesh it
18 out, and then your questions were: Do you realize it's the
19 State's burden, yes; do you -- could you find the defendant
20 not guilty if they don't reach their burden, yes. But to me,
21 her body language in that answer, I got the sense that she
22 felt like this was too much of a responsibility and if we
23 don't have --

24 I don't know how it works in her country. Maybe she
25 thinks that if there's enough evidence you don't go to a

1 trial. I don't know. But that answer, to me, if the State
2 can't -- if the State basically doesn't know, how is she
3 supposed to know, told me that she's either confused by the
4 system, confused by the way the entire criminal justice system
5 works, what her duty would be, and then if she would feel
6 comfortable deliberating, and then if she will be a person who
7 would ultimately hang the jury.

8 THE COURT: Right. And I -- for the record, I didn't
9 say this at the time. But I was a little bit concerned by
10 that as well, because her answer -- and again, I will grant
11 that who knows if there's an interpretation problem.

12 MS. FLECK: Right.

13 THE COURT: It always happens when you interpret
14 twice. We're interpreting what I say and she interprets back,
15 so. And unfortunately, we'll never know. But in any event, I
16 was a little bit concerned because her statement, which I did
17 attempt to clear up myself, before I cleared it up she had
18 said if the State doesn't know how am I supposed to know,
19 which sort of suggests the State is supposed to make the
20 decision for her.

21 I'm not sure if that's what she meant. I'm not sure
22 if that was an interpretation question. I did notice that.
23 And that's one of the reasons why after our conversation at
24 the bench I decided to clear it up, because it sort of
25 suggests that she -- my concern when someone says that is they

1 think that they're just going to go along with what the State
2 says because it's the State's decision in some way.

3 Again, I don't know if that's a cultural thing. I
4 don't know if that's how things work in the Philippines. But
5 when someone says, well, if the State doesn't know how am I
6 supposed to know, that's -- regardless of her race, it's kind
7 of a dangerous statement for me because it sort of suggests,
8 well, if the State says it's true, then it must be true.

9 But anyway, I just note that for the record as one of
10 my concerns with Ms. Martinez. So I can understand why she
11 was challenged, because -- because that answer caused me some
12 concern. So I find that the State's reasons for excusing
13 Ms. Martinez are race neutral.

14 Who else? I'm sorry. There's too many numbers
15 floating around here.

16 MS. FELICIANO: Fifty-five.

17 MR. FELICIANO: Fifty-five.

18 THE COURT: Oh. Fifty-five is Ms. Quince. I'm not
19 even sure -- I mean, I can't say she's not, but I didn't have
20 her circled. I'm not even sure she is a minority.

21 MS. FELICIANO: For the record then, the only thing
22 that we'd ask is that if you're going to say that you're not
23 sure that she is a minority, because for the record, the
24 prospective panel is not here in the room right now. They are
25 out in the hallway. We have to ask that either, you know,

1 she's brought in and we have some sort of a hearing on it.

2 But we have to have that clarified in the record. We
3 can't just say with them sitting out in the hallway that
4 everybody's not sure, for us, to cover us on the record.

5 MS. FLECK: Okay. But here's the thing. How on
6 earth am I supposed to know that? I mean, no one can tell,
7 not by her name or by the way she looks.

8 THE COURT: Right. I mean, I guess that's your
9 point, Ms. Fleck, is that if we have to have a hearing to
10 determine whether she is a minority, that means that Ms. Fleck
11 knew that she's a minority, I guess, is her response.

12 MS. FELICIANO: And what we're saying is that our
13 recollection from viewing her is that she was. She appeared
14 to us to be a minority. That's why we had that down as a
15 Batson challenge. That's what the issue is. We're just
16 saying that it appeared to us that she was a minority. So
17 it's not that that --

18 THE COURT: Well, I mean, here's my legal question.
19 I mean, if Ms. Fleck is saying on the record as an officer of
20 the court that at the time she made the challenge she didn't
21 know that she was a minority, I mean, doesn't that play some
22 part in whether her reason for kicking Ms. Quince is race
23 neutral or not?

24 I mean, unless you're saying that Ms. Fleck is either
25 blind or lying to the Court. I mean, that must play some role

1 in the analysis, right or wrong?

2 MS. FELICIANO: She submitted her reasons for
3 striking her. We said that they were merely pretextual and we
4 made the record. If the Court wants to find that her
5 representation now as an officer of the court is a race
6 neutral reason, then that's the Court's decision. We made our
7 record.

8 MS. FLECK: Well, actually, they have to -- I mean,
9 under Batson the defense has the burden first to show that, to
10 make a prima facie showing that it's even a, you know --

11 THE COURT: I guess, here's my question. All right.
12 As we all sit here right now, I honestly don't know if she's a
13 member of a minority group or not. But to the extent that
14 Ms. Fleck is saying that she also does not even know if she's
15 a member of a minority group, then obviously any reason she
16 gives for excusing Ms. Quince is going to be race neutral if
17 she's not even aware of what her race is, is what I'm saying.

18 Is that -- is that -- so I guess independently of
19 whether or not she is actually, you know, a member of a
20 minority group, if Ms. Fleck is honestly saying for the record
21 she didn't know, I mean, isn't that a factor to take into
22 consideration whether or not her reasons are race neutral, is
23 what I'm asking. Do you agree or disagree with my analysis?

24 And what I'm -- I guess where I'm going with this is
25 do we, you know, unless you're saying that there's a question

1 about Ms. Fleck's judgment or honesty, you know, we can bring
2 her in here and ask if she is a member of a minority group.
3 But to the extent that Ms. Fleck didn't know that, does it
4 matter whether she is or is not, is my question.

5 I mean, do you have a response to that? I'm just,
6 you know, throwing that out there as a thought and as I
7 analyze it in my head.

8 MR. FELICIANO: Well, I mean, I don't know if
9 everything we go by is by Ms. Fleck's perception. I guess
10 that's why we have the purpose of having them come in and ask
11 them, because we -- Ms. Fleck isn't the one that makes every
12 single decision. So she could be -- and she could be
13 incorrect in her assessment of this particular person. I
14 guess that's maybe why they have people come in and ask them.

15 THE COURT: All right. Randy, let's bring Juror
16 No. 55, Ms. Quince, in for a second. All right.

17 (Prospective Juror No. 55 enters the courtroom.)

18 THE COURT: Hi, Ms. Quince. Can you step forward so
19 you're kind of near a microphone, and the microphones are on
20 the table here. All right. First of all, I don't want you to
21 be embarrassed. We're not singling you out for anything. You
22 didn't do anything wrong. We just had a couple of follow-up
23 questions.

24 Mr. Feliciano and Ms. Fleck, do you guys want to ask
25 her some questions? Let's start with -- I don't care who goes

1 first, or if you guys even have any questions or what.

2 MR. FELICIANO: It's not our burden at this point,
3 Judge. We made the challenge.

4 MS. FLECK: It is actually. It's their burden to
5 prove that. They have to make a prima facie showing of racial
6 discrimination.

7 THE COURT: Right. You have to make a prima facie
8 showing at least that -- so I mean, if you're just not going
9 to ask anything, I'm going to excuse her.

10 MR. FELICIANO: The Court's indulgence.

11 (Pause in proceedings)

12 MR. FELICIANO: Sorry, ma'am. I just have a couple
13 questions for you.

14 PROSPECTIVE JUROR NO. 055: Oh, okay.

15 MR. FELICIANO: Can I ask you what ethnicity you are?

16 THE COURT: Can you hear her, Sara? I just want to
17 make sure.

18 PROSPECTIVE JUROR NO. 055: White.

19 MR. FELICIANO: You're white?

20 PROSPECTIVE JUROR NO. 055: Yes. My parents are
21 European descent, so father's side is Italian.
22 [Unintelligible] why I'm dark.

23 MR. FELICIANO: Okay. Thank you.

24 THE COURT: Ms. Fleck, any questions?

25 MS. FLECK: Nothing, thank you.

1 THE COURT: All right. I appreciate it, Ms. Quince.
2 Please don't be embarrassed. We're just trying to, you know,
3 kind of work through some stuff and people had some questions.
4 All right. I appreciate it.

5 PROSPECTIVE JUROR NO. 055: Also, my last name is
6 spelled wrong. I don't know if you guys wanted to correct
7 that.

8 THE COURT: How is it spelled?

9 PROSPECTIVE JUROR NO. 055: It's not a C. It's a T.

10 THE COURT: It's Q-u-i-n-t-e?

11 PROSPECTIVE JUROR NO. 055: Mm-hmm.

12 THE COURT: Oh, Quint [phonetic]. Is it Quint or
13 Quintey [phonetic]?

14 PROSPECTIVE JUROR NO. 055: Quintey.

15 THE COURT: All right. We've been saying it wrong
16 the whole time. I apologize.

17 PROSPECTIVE JUROR NO. 055: No, it's fine. It's
18 spelled wrong.

19 THE COURT: Okay. Please join your fellow jurors in
20 the hallway, and I apologize. Don't read -- don't discuss
21 what we discussed in here or don't -- they're going to be
22 curious why you came in here. Please don't discuss it until
23 after the case is over and you've been excused. All right.
24 Thank you very much.

25 (Prospective Juror No. 55 exits the courtroom.)

1 THE COURT: All right. Ms. Quinte is now outside of
2 the courtroom, so we're outside the presence of the jury.

3 Well, it appears, based on Ms. Quinte's response,
4 that she's not actually a member of any minority group, and so
5 the Batson challenge, I find that the defense hasn't even made
6 a prima facie showing that there is a Batson challenge to be
7 made here.

8 All right. Who's the next one? The numbers are --

9 MS. FELICIANO: Sixty-four.

10 THE COURT: Sixty-four is Ms. Temple. All right.
11 Ms. Fleck, remind me again, what was your reason for striking
12 Ms. Temple?

13 MS. FLECK: Well, I mean, to be honest, it's a little
14 bit what you said, that we get down to the point where the
15 majority of the people that I have to choose from are of some
16 sort of ethnic minority. With Ms. Temple, the thing that I
17 didn't like is that when I -- when you asked if she knew
18 anyone who was a victim of sexual abuse and if she had any
19 experience with that, she said no.

20 Then I got up and I did my voir dire, and it did not
21 come up because she did not disclose that. Then, when the
22 defense is talking to her, she all the sudden has a lot of
23 experience with victims of sexual abuse, both a five-year-old
24 and a 16-year-old who went on to lie about it. I was not able
25 to flesh out the circumstances surrounding the 16-year-old who

1 lied and what her opinion on that was and, you know, which
2 side of the fence she laid on that -- on that issue.

3 So I didn't have an opportunity to even speak to her
4 about the crux of our case, because she wasn't forthcoming
5 about it initially.

6 THE COURT: You know what. One other way to look at
7 the numbers, I just -- just so the record is complete, the
8 State made nine peremptory challenges. Of the nine challenges
9 they made, it looks like three were to members of ethnic
10 minorities and six were to Caucasian jurors, for want of a
11 better way to describe it.

12 It looks like the State challenged -- the minorities
13 that the State challenged were Mr. Aguilar, Number 68,
14 Ms. Temple, Number 64, and Ms. Martinez, Number 69.

15 MS. FLECK: And I would note that out of the three
16 that we excused, only one is of the same ethnic background as
17 the defendant, where the defense actually kicked, I believe,
18 three that are of the same ethnic background as their own
19 client.

20 THE COURT: Then Ms. Temple, looks like, was the
21 State's eighth peremptory challenge, with the ninth being
22 Ms. Quinte.

23 All right. Mr. Feliciano, remind me again of your
24 response, why you think that the reason for challenging
25 Ms. Temple was pretextual. And I apologize for making you

1 guys repeat it. There's just, you know, between working
2 through all the numbers and everything it's hard to keep
3 track.

4 MR. FELICIANO: Judge, first of all, the State didn't
5 voir dire her on that issue. They didn't bring it up. And
6 throughout this whole jury selection process we've had people
7 that have changed. They've heard the general voir dire from
8 Your Honor, and after speaking to us have disclosed further,
9 further things that have happened. It's not uncommon.

10 It's been happening since we started that people have
11 added new -- new things in voir dire. Based on that --

12 THE COURT: Well, let me ask you this along those
13 lines. One of the ways to look at whether or not the State's
14 reason is pretextual is, is there another juror who is white
15 or Caucasian who gave the same response that the State left on
16 the panel? Can you point to one?

17 Because if they kicked everybody who said that,
18 whether they're white or not, that sort of undercuts the
19 argument that their argument is pretextual.

20 MR. FELICIANO: Judge, I can't do that without
21 looking at a transcript of the voir dire.

22 THE COURT: Well, I mean, that would -- I mean,
23 there's --

24 MR. FELICIANO: And my notes are limited, so.

25 THE COURT: Right. I mean, that's kind of my

1 handicap too as I sit here and listen to your arguments. I
2 understand the argument you're making, which other jurors said
3 the same thing. But the question is, were they kicked?

4 And I just honestly at this stage, I remember hearing
5 other jurors give some responses, but if the State kicked all
6 of them, then that hurts your argument. But as I sit here
7 right now, I just -- I can't remember. And if you can, you
8 know, and you're saying you can't remember and I don't --

9 MS. FLECK: Is it what she said or what she didn't
10 say? It's what she didn't say.

11 THE COURT: Well, what she didn't say and then
12 subsequently filled in apparently is the way I'm
13 characterizing your response. I think other jurors did the
14 same thing, but if the State kicked them all, then that, you
15 know, suggests that the response is not pretextual. But
16 unfortunately, unless you have the information, we're kind of
17 lacking information.

18 MS. FLECK: I did kick Mr. Winings, because
19 Mr. Winings said that he didn't have anyone in the criminal
20 justice system and/or he didn't know anyone or was close to
21 anyone that was accused. And then all of the sudden his
22 illegitimate son was a sexual -- sex offender.

23 THE COURT: Who spent 11 years in prison.

24 MS. FLECK: No. Then his other son spent 11 years in
25 prison for like armed robbery, but he forgot. So I kicked him

1 and he was our first kick.

2 THE COURT: All right. Well, I mean, given that --
3 unless you have something to add, Mr. Feliciano. At least the
4 State has given a reason which they've also applied to a white
5 juror.

6 And so since they have taken a criteria, even if the
7 criteria may not be something that you agree with, if they
8 apply the same criteria to other jurors who are the different
9 racial groups, which in this case it at least appears that
10 they have with respect to Mr. Winings, Juror No. 22, then
11 based on that I find that the State's reason is race neutral
12 and not pretextual.

13 Does that cover everybody or not?

14 MS. FLECK: That's it.

15 MR. FELICIANO: Yep, that's it.

16 THE COURT: Thanks. All right. Well, you know what.
17 Let me keep this. Let's bring them all in then and we'll
18 send, you know, I guess we'll try to do the pretrial
19 instructions and read them the Information and just send them
20 home then. All right.

21 (Prospective jurors enter at 4:09 p.m.)

22 THE COURT: All right. Will counsel stipulate to the
23 presence of the panel?

24 MS. FLECK: The State does, Your Honor.

25 MR. FELICIANO: Yes, Your Honor.

1 THE COURT: All right. Ladies and gentlemen,
2 obviously that was considerably longer than a 10-minute break.
3 I apologize for that. On the good side, we have used that
4 time to figure out who is and who is not going to be on this
5 jury. Most of you are actually free to leave right now. Let
6 me read some badge numbers.

7 The following jurors are free to go. Please report
8 to the third floor jury services room, turn in your badges,
9 and they'll give you check-out instructions. Jurors with
10 Badge Numbers 053, Mr. Correa, you're free to go; Badge No.
11 068, Mr. Aguilar; Badge No. 013, Ms. Barrow; Badge No. 022,
12 Mr. Winings or Winnings; Badge No. 058, Ms. Cary, is it Cary
13 or Cory?

14 PROSPECTIVE JUROR NO. 058: Cory.

15 THE COURT: Cory. I'm sorry. Ms. Cory; Badge
16 No. 027, Mr. Parry; Badge No. 029, Ms. McClure; Badge No. 030,
17 Mr. Meckley; Badge No. 032, Mr. Bean; Badge No. 037,
18 Ms. Leavitt; Badge No. 064, Ms. Temple; Badge No. 059,
19 Ms. Crockett; Badge No. 069, Ms. Martinez; Badge No. 043,
20 Ms. Valerio; Badge No. 044, Mr. Nicol; Badge No. 055,
21 Ms. Quinte; Badge No. 071, Ms. Rivera; Badge No. 049,
22 Mr. Iverson.

23 And then let's move some of the people up and then
24 I'll give some more names. I just want to get the -- kind of
25 sort out the crowd a little bit.

1 THE COURT: All right. Yeah, everyone else who was
2 seated behind that, the rail, is also free to go whether I
3 called your badge number or not.

4 (Prospective jurors excused at 4:14 p.m.)

5 THE COURT: All right. Let me just make sure that we
6 have the right jurors still here. So we should have, starting
7 from the upper left-hand corner, Mr. Brahmer, Badge No. 1;
8 Mr. Richard, Badge No. 2; Mr. Schmidt, Badge No. 5;
9 Mr. Cordero, Badge No. 16; Mr. Helbert, Badge No. 17; Ms.
10 Page, Badge No. 18; Ms. Johnson, Badge No. 20, correct.

11 And in the front here is: Mr. Thaler, Badge No. 21;
12 Ms. Stiperski, Badge No. 62; Mr. Carrera, Badge No. 28;
13 Mr. Dell, Badge No. 31; Ms. Moreno-Zepeda, Badge No. 35;
14 Mr. Gebrechristos, Badge No. 39; and Mr. Garwood, Badge No.
15 48, correct.

16 All right. Ladies and gentlemen, you are now the
17 jury in this case. The clerk will now swear the members of
18 the prospective panel in.

19 (Jury seated and sworn at 4:15 p.m.)

20 THE COURT: Let's wait for a minute. Randy's going
21 to hand you some blue badges which will identify yourself as
22 actual jurors in the case, and notepads as well.

23 THE MARSHAL: The white badges you can get rid of at
24 this time. Go ahead and make sure you're wearing the blue
25 badges at all time in the building.

1 THE COURT: All right. Ladies and gentlemen, again,
2 thank you for your service. You are now going to be the jury
3 in this case. Let me just tell you what the schedule is going
4 to be. We will probably quit before 5:00 o'clock. We are
5 going to -- I'm going to read you some pretrial instructions.
6 The clerk will read the Information, which is the charging
7 document in this case. We will then adjourn for the day.

8 We'll start again at 10:00 o'clock tomorrow morning
9 and go as far as we can toward 5:00 o'clock, and we'll resume
10 again on Thursday. I'll have to tell you what the exact
11 time is. It kind of depends on how far we get on Thursday.
12 But as I indicated, the parties are very confident that we
13 should have this case done no later than Friday, and hopefully
14 before Friday, but obviously it depends on how things go.

15 Ladies and gentlemen, now that you are jurors in this
16 case, you are admonished that no juror may declare to a fellow
17 juror any fact relating to this case of his or her own
18 knowledge. If any juror discovers during the trial or after
19 you have retired to deliberate that you or any other juror has
20 personal knowledge of any fact or controversy in this case,
21 you shall disclose that situation to me in the absence of the
22 other jurors.

23 What that means is if you learn during the course of
24 the trial that you are acquainted with the facts of this case
25 or the witnesses that testify in this case, and you have not

1 previously told us of that relationship, you must declare that
2 fact to me. The way that you communicate with me is through
3 our marshal, Randy.

4 What you do is you take the notepads that you've been
5 given, write a note, put your juror number on it. Not the
6 badge number that we've been referring to you throughout, but
7 the new number that is on the blue badge that you have. Give
8 that note to him. He'll give that note to me and we'll figure
9 out what to do from there.

10 As I mentioned before, during the course of the
11 trial, the attorneys for both sides, court personnel other
12 than the marshal, myself, and anyone associated with this case
13 are not permitted to talk to you. By law, if we see you in
14 Vons tonight for example, or on the street, we have to walk
15 away, not even say hi or not say how things are going. We are
16 not permitted to speak with you in any way.

17 If during this trial anyone that you believe to be
18 associated with this case, whether a witness or a party or
19 someone who works for one of the attorneys in this case, does
20 attempt to speak with you, please notify Randy at your
21 earliest possible opportunity, and we will address that.

22 You are also admonished that you are not to visit the
23 scene of any of the acts or occurrences mentioned during this
24 trial unless specifically directed to do so by the Court. The
25 reason we give you this instruction is not because we don't

1 want you to know what happened, but because this is Las Vegas.
2 There's constant construction.

3 It's entirely possible that since the charged
4 incidents in this case occurred things may be different. The
5 street may have been different. A hundred houses may have
6 been constructed in the neighborhood.

7 And so if you tried to visit the crime scene or any
8 other scenes mentioned in this case by yourself, you may come
9 away thoroughly confused or misled as to what actually
10 happened, especially in a case like this where a considerable
11 amount of time has passed since the allegations occurred.

12 This is a criminal case commenced by the State of
13 Nevada. Sometimes I may refer to it as the State vs.
14 Guillermo Renteria-Novoa. This case is based upon an
15 Information which, as I mentioned earlier, is a charging
16 document. The Information in this case is actually titled The
17 Second Amended Information. You don't have to know why it's
18 called that. Just know that that is the document that I'm
19 referring to whenever I mention that name.

20 The clerk will now read that Information, second
21 amended Information to you and state the plea of the
22 defendant.

23 (Information read - not transcribed.)

24 THE COURT: All right. Ladies and gentlemen, I know
25 that the clerk just read you a very extensive list of charges.

1 At the end of this case you will be given a packet of papers
2 which will contain the instructions on the law, and everything
3 that was just read to you will be in those papers, so that you
4 can read them at your own leisure when the case is over.

5 This case is based upon the second amended
6 Information which has just been read to you by the clerk. You
7 should distinctly understand that the Information is simply a
8 charge and it is not in any sense evidence of the allegations
9 that it contains.

10 The defendant has pled not guilty to the charges.
11 The State therefore has the burden of proving each of the
12 essential elements of the Information beyond a reasonable
13 doubt. The purpose of this trial is to determine whether the
14 State will meet that burden.

15 It is your primary responsibility as jurors to find
16 and determine the facts. Under our system of criminal
17 procedure, you are the sole judge of the facts. You are to
18 determine the facts from the testimony you hear and the other
19 evidence, including exhibits introduced in court. It is up to
20 you to determine the inferences which you feel may be properly
21 drawn from the evidence.

22 The parties may sometimes present objections to some
23 of the testimony or other evidence. At times I may sustain
24 those objections or direct that you disregard certain
25 testimony or exhibits. You must not consider any evidence to

1 which an objection has been sustained or which I have
2 instructed you to disregard.

3 It is the duty of a lawyer to object to evidence
4 which he believes may not properly be offered, and you should
5 not be prejudiced in any way against the lawyer who makes
6 objections on behalf of the party which he represents.

7 Let me just take a quick break. I know I'm kind of a
8 fast reader. If I'm going too fast or if you need anything
9 repeated or don't understand it, please raise your hand and
10 let me know. All right.

11 I may also find it necessary to admonish the lawyers,
12 and if I do so, you should not show prejudice towards the
13 lawyer or his client because I found it necessary to admonish
14 him.

15 Throughout the trial, if you cannot hear a question
16 asked by the attorney or the answer given by any witness,
17 please raise your hand as an indication. If I don't see your
18 hand up, please say, excuse me, I didn't hear that, and we
19 will ask that the question be repeated or the answer be
20 repeated.

21 If you wish, you may take notes that help you
22 remember what any witness has said. If you do take notes,
23 please keep those notes to yourself until you and your fellow
24 jurors go to the jury room to decide the case.

25 Do not let note-taking distract you so that while

1 you're writing down the answer to one question, three or four
2 more questions are asked and answered and go right past you
3 and you have no recollection of those answers. You should
4 rely upon your own memory of what was said and not be overly
5 influenced by notes of other jurors when you go back to
6 deliberate.

7 This case will proceed in the following order. First
8 the State will make an opening statement outlining its case.
9 The opening statement is a road map. The opening statement is
10 not itself evidence. Rather the State will be telling you
11 what they expect the evidence will be. It is up to you to
12 decide what the evidence actually demonstrates after you have
13 heard the testimony and seen the evidence.

14 After the State opens, the defendant has a right to
15 make an opening statement if he or she wishes to do so.
16 Neither party is required to make an opening statement. After
17 the opening statements, the State will first introduce
18 evidence. At the conclusion of the State's evidence the
19 defendant has the right to introduce evidence. However,
20 please remember the defendant is not obligated to present any
21 evidence or to prove his innocence.

22 The law never imposes upon the defendant in a
23 criminal case the burden of calling any witnesses or
24 introducing any evidence. The defendant and his attorneys can
25 sit through the entire trial and do nothing, not ask a single

1 question, not call a single witness, do nothing at all,
2 because the defendant has no burden of proof in a criminal
3 trial.

4 The State has to prove two things to you. First the
5 State has to prove to you beyond a reasonable doubt that a
6 crime occurred, and secondly the State has to prove to you
7 also beyond a reasonable doubt that the defendant is the
8 person who did it. At the close of the defendant's case, if
9 any, the State may introduce rebuttal evidence.

10 At the conclusion of all the evidence I will instruct
11 you on the law. You must not be concerned with the wisdom of
12 any rule of law stated in the instructions that I give to you
13 regardless of any opinion you may have as to what the law
14 ought to be. It would be a violation of your oath to base a
15 verdict upon any other view of the law than that given to you
16 by the Court.

17 As I mentioned before, I don't write the law. The
18 law is written by the legislature and the governor, and it is
19 interpreted by the Nevada Supreme Court. I simply read the
20 law as it is written by these other entities.

21 After the instructions on the law are read to you,
22 each party has the opportunity to argue orally in support of
23 his or her case. This is called closing argument or
24 summation. What is said in closing is not evidence. The
25 arguments are designed to summarize and interpret the evidence

1 for you and show you how the evidence and the law relate one
2 to another.

3 Since the State has the burden of proving the
4 defendant guilty beyond a reasonable doubt, the State has the
5 right to both open and close the arguments, which means at the
6 end of the trial the State gets to argue to you twice and the
7 defense gets to argue to you once.

8 After the attorneys have presented their argument,
9 you will retire to select a foreperson, to deliberate and
10 arrive at your verdict. Faithful performance by you of your
11 duties is vital to the administration of justice. It is your
12 duty to determine the facts and determine them from the
13 evidence and the reasonable inferences arising from the
14 evidence, and in so doing you must not indulge in guesswork or
15 speculation.

16 The evidence which you are to consider consists of
17 the testimony of the witnesses and the exhibits admitted in
18 evidence. You must not consider anything which you may have
19 seen or heard when the court is not in session, even if what
20 you see or hear is said or done by one of the parties or by
21 one of the witnesses.

22 While you're in the courthouse, please always wear
23 the badge the marshal just gave to you, which identifies
24 yourself as a juror.

25 In every case there are two types of evidence; direct

1 evidence and circumstantial evidence. Direct evidence is
2 testimony by a witness about what that person saw or heard or
3 did. Circumstantial evidence is testimony or exhibits which
4 are proof of a particular fact from which, if that fact is
5 proven, you can infer the existence of a second fact.

6 A simple example of this is as follows. If a witness
7 comes in here and says on May 4, 2012, I was standing outside
8 my house and saw it rain, that is direct evidence that it
9 actually rained on that particular day.

10 If the witness comes in and says, well, on May 11th,
11 I didn't see it rain, but when I went to bed the streets were
12 dry and when I woke up the next morning the streets were
13 soaking wet and every house in the neighborhood was soaking
14 wet, that is circumstantial evidence that it may have rained
15 last night.

16 The witness did not actually see it rain, but he has
17 testified to certain facts from which you can infer another
18 fact, which is that it may have rained the night before.

19 You may consider both direct and circumstantial
20 evidence in deciding this case. The law permits you to give
21 equal weight to both types of evidence, but it is up to you to
22 decide how much weight to give to any particular piece of
23 evidence.

24 You are not to concern yourself in any way with the
25 sentence which the defendant might receive if you should find

1 him guilty. Your function is solely to decide whether the
2 State has proven to you beyond a reasonable doubt that the
3 defendant is guilty of the crime charged. If and only if you
4 find him guilty, then it becomes the duty of the Court at a
5 later date to pronounce sentence.

6 You must not be influenced in any degree by any
7 personal feeling of sympathy for or prejudice against any
8 party to the case, for each party is entitled to the same fair
9 and impartial consideration. No statement, ruling, remark or
10 facial expression which I may make during the course of the
11 trial is intended to indicate my opinion as to what the facts
12 are.

13 I am not the judge of the facts in this case. You
14 are the ones to determine the facts. In this determination,
15 you alone must decide upon the believability of the evidence
16 and its weight and its value.

17 In considering the weight and value of the testimony
18 of any evidence, you may take into consideration the
19 appearance, attitude and behavior of the witness, the interest
20 of the witness in the outcome of the case, the relationship of
21 the witness to any party to the case, the inclination of the
22 witness to speak truthfully or not, the probability or
23 improbability of the witness's statements, and all other facts
24 and circumstances in evidence. Thus you may give the
25 testimony of any witness just such weight and value as you

1 believe the witness is entitled to receive.

2 During the trial I may take notes of what the
3 witnesses are saying. Do not make any inference from this
4 action on my part. Do not take notes about something simply
5 because I am. During the trial I'm required to be prepared
6 for legal arguments made by the attorneys in the trial which
7 may not have anything to do with the truth or untruth of
8 anything a particular witness has said, therefore what I will
9 be listening for and taking notes on may be something
10 completely different than what you are to listen for or what
11 you may consider to be important.

12 Until this case is submitted to you, do not talk to
13 each other about it or about anyone who has anything to do
14 with it until the end of the case, when you go to the jury
15 room to decide your verdict. Do not talk with anyone else
16 about this case or about anyone who has anything to do with
17 the case until the trial is ended and you have been discharged
18 as jurors.

19 Anyone else includes members of your family and your
20 friends and your co-workers. Those of you who are employed
21 need to call your boss and tell him or her that you have been
22 chosen as a juror in a criminal case, and the judge has told
23 you that this trial is going to last until Friday, hopefully
24 earlier, depending how things go.

25 You may also tell them that if the trial is over

1 earlier than that, you will be back to work sooner. However,
2 that is all you can tell them until you have been discharged
3 by the Court.

4 Do not let anyone talk to you about the case or about
5 anyone who has anything to do with the case. As I mentioned,
6 if someone should try to talk to you about this case while
7 you're serving as a juror, please report that to me
8 immediately through our marshal. Do not read any news stories
9 or articles, or listen to any radio or television reports
10 about this case or about anyone who has anything to do with
11 it.

12 Do not do any research or make any investigation
13 about the case on your own. Do not make up your mind about
14 what the verdict should be until after you've gone to the jury
15 room to decide the case and you and your fellow jurors have
16 discussed the evidence. It's important throughout the trial
17 to keep an open mind.

18 At the end of the trial you'll have to make your
19 decision based upon what you recall of the evidence. You will
20 not have a written transcript to consult. Even though we do
21 have the court recorder who records everything that is said in
22 this courtroom, what is said is not typed up into a readable
23 format. And it is sometimes difficult and time consuming for
24 the recorder to play back lengthy portions of testimony.
25 Therefore I would urge you to pay close attention to the

1 testimony as it is given.

2 After the attorneys have completed their questioning
3 of any witness, if there's a factual question you would like
4 answered which wasn't asked, or if you need clarification of
5 any answer given by the witness, you may submit a question to
6 the marshal in writing before the witness is excused from the
7 courtroom.

8 The marshal will give me your question, and I will
9 discuss the question with the attorneys and determine whether
10 or not your question is proper, or if another witness later in
11 the trial may be covering the exact same issue that you have
12 asked. Since the law requires that any testimony asked of any
13 witness comply with the rules of evidence, it's possible that
14 I will deem your question inappropriate and might not ask it.

15 You are not to draw any inferences or conclusions one
16 way or the other if a question that you want asked is
17 submitted to me and yet it is not asked of the witness. If
18 the question is asked and answered, you are not to place undue
19 weight on the response given to your question.

20 There are certain questions which you might want to
21 know the answers to, but which are never proper or allowed in
22 any trial. These questions involve, for example, the criminal
23 history, if any, of an accused, or questions which ask a
24 witness to relate some fact which they only know because
25 someone told it to them.

1 You may have heard by watching TV shows of the term
2 "hearsay." The definition of hearsay is something that a
3 witness knows only because they heard it from what some other
4 witness said. That's sort of an imprecise definition.
5 There's a legal definition which we don't need to get into.

6 But if the question that you want asked of any
7 witness is something along those lines, please refrain from
8 submitting them, because the Court will be required to sustain
9 any objection of the attorneys to any questions like that.

10 This concludes the Court's pretrial instructions. It
11 is now about 10 minutes to 5:00, so what we will do is we will
12 adjourn for the day. We will reconvene at 10:00 o'clock
13 tomorrow morning, and at 10:00 o'clock, or as soon as all of
14 the jurors have gathered, we will begin the opening statements
15 in this case.

16 During this break, ladies and gentlemen -- and you're
17 going to hear me say this literally at every break. You'll
18 probably start to memorize it by the time I say it a few more
19 times. You are admonished that until you begin deliberations
20 you are still under oath and not have been discharged. Do not
21 reach any conclusions about this case as you have not heard
22 the evidence.

23 Do not talk to anyone about this case. Do not
24 investigate any facts of this case. Do not view any media,
25 press or Internet reports about this case. Do not talk to

1 anyone who may be involved in any way with this case. Do not
2 discuss the facts of this case with each other.

3 Remember to wear your badge at all times around the
4 courthouse. Please leave your notebooks on your chairs, and
5 we'll see you tomorrow morning at 10:00 o'clock. Thank you.

6 (Jurors recessed at 4:49 p.m.)

7 THE COURT: All right. We're now outside the
8 presence of the jury. Is there anything that either side
9 wanted to put on the record?

10 MS. FLECK: Nothing from the State.

11 MR. FELICIANO: No, Judge.

12 THE COURT: All right. See you guys tomorrow at
13 10:00 o'clock.

14 MS. FLECK: Thank you.

15 MR. FELICIANO: Do you want us here at 10:00?

16 THE COURT: Yeah. If you can. I should be here
17 before 10:00. I basically have one motion on tomorrow
18 morning. It shouldn't take very long.

19 (The Court and clerk confer.)

20 THE COURT: All right. Let's see you guys at 10:00
21 o'clock, and we -- there's a small possibility that
22 Department 4 might need to use this courtroom in the morning.
23 We might have to jump over to Bixler's courtroom, but let me
24 figure it out first thing in the morning. All right.

25 (Court recessed for the evening at 4:51 p.m.)

CERTIFICATION

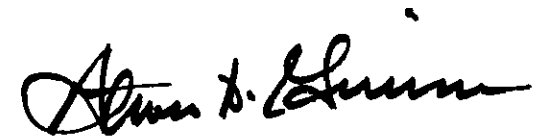
I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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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 3

WEDNESDAY, MAY 23, 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
Yul Haasman
Manuel Cavillo

RECORDED BY SARA RICHARDSON, COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

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1 **LAS VEGAS, NEVADA, WEDNESDAY, MAY 23, 2012, 10:19 A.M.**

2 * * * * *

3 (Outside the presence of the jury.)

4 THE COURT: All right. Ready to go on the record?
5 State -- are we ready, Sara?

6 THE COURT RECORDER: Yes, we are.

7 THE COURT: State versus Guillermo Renteria-Novoa.
8 Case No. C268285. Can everybody state their appearances for
9 the record?

10 MS. FLECK: Michelle Fleck for the State.

11 MR. GRAHAM: Nick Graham for the State.

12 MR. FELICIANO: Mike Feliciano for Mr.
13 Renteria-Novoa.

14 MS. FELICIANO: Amy Feliciano for Renteria-Novoa.

15 THE COURT: All right. Mr. Renteria-Novoa is present
16 with the assistance of a Spanish interpreter whose name is for
17 the record, ma'am?

18 THE INTERPRETER: Maria Peralta de Gomez.

19 THE COURT: All right. Thank you. Are we ready to
20 bring the members of the jury in?

21 MR. FELICIANO: Yes, Your Honor.

22 THE COURT: All right, Randy. Let's bring them in.
23 For the record, does either party invoke the
24 exclusionary rule, and are there any potential witnesses in
25 the courtroom? I know we have some spectators. I just want

1 to make sure we don't have any witnesses in here.

2 MR. FELICIANO: We would invoke the exclusionary
3 rule.

4 THE COURT: All right. Do we have any --

5 MS. FLECK: There aren't any witnesses.

6 THE COURT: Okay. Thanks. Just so the record's
7 clear.

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

9 (Jury reconvened at 10:20 a.m.)

10 THE MARSHAL: Thank you. Please be seated.

11 THE COURT: All right. Do counsel stipulate to the
12 presence of the jury?

13 MS. FLECK: State stipulates, Your Honor.

14 MR. FELICIANO: Yes, Your Honor.

15 THE COURT: All right. Ladies and gentlemen, good
16 morning. Welcome back. We are ready to begin.

17 Does the State wish to make an opening statement?

18 MS. FLECK: I do. Thank you.

19 THE COURT: You may proceed.

20 STATE'S OPENING STATEMENT

21 MS. FLECK: The facts of this case, ladies and
22 gentlemen, are these. In 2002, Rosa Rodriguez-Ruiz moved from
23 Mexico to the United States. Her husband of 16 years had left
24 her and her two daughters and she wanted to come to Las Vegas
25 to be closer to her sister Janet and Janet's family. She

1 moved in 2002 with her 16-year-old daughter Perla and her
2 9-year-old daughter Roxana.

3 In 2003, Rosa, Perla and Roxana moved into the
4 Livertino Apartments. And while they were at those
5 apartments, Rosa got acquainted with the defendant Guillermo
6 Renteria-Novoa. Rosa and Guillermo started a friendship. She
7 introduced the defendant to her girls. He became a part of
8 their life, and eventually, Rosa and the defendant started
9 dating.

10 In 2003, actually, the defendant is still living at
11 Livertino Apartments and Rosa and Perla and the girls move
12 into the University Park Apartments. They first moved into a
13 two-bedroom apartment, and it was Rosa, the girls, and by that
14 point, her brother Manuel had moved to town with his teenage
15 son, Yahir. During that time, the defendant would come and
16 visit, they were still dating, and he started to take a more
17 active role in the girls' life, especially young Roxana, who
18 had recently lost her father back in Mexico.

19 During the time that they were at the University Park
20 Apartments, when Roxana was just 11 years old, the defendant
21 walked in one evening on Roxana and her teenage cousin Yahir.
22 He will later go on to say that he saw them under a blanket,
23 that it looked as though they were kissing, that they were
24 kind of making out, and he thought that there was something
25 sexual going on between them.

1 In 2009, the defendant goes on to tell Detective
2 Jaeger that during this time, he thought of Roxana as a
3 daughter, that he thought they had a father/daughter
4 relationship. But when he finds Roxana under a blanket with
5 her teenage cousin Yahir, he doesn't do what a father would
6 do. He doesn't go to Rosa and say, hey, we've got a serious
7 problem here. I found Roxana with Yahir. Doesn't go to Uncle
8 Manuel and say, we need to talk to Yahir. We need to figure
9 out what exactly he's doing with this young girl. Doesn't
10 talk to Yahir, talk to him about the consequences of what he's
11 doing and why he's doing it, and he doesn't talk to Roxana
12 about the consequences of what she's doing and what kind of a
13 situation she's in. What he does is he keeps a secret, and as
14 Roxana will later learn, that secret comes at a cost. It
15 would cost her her dignity, it would cost her her pride, it
16 would cost her her self-esteem, and ultimately, it will cost
17 her her youth.

18 The family soon moves into the University Park
19 Apartments, and that's in 2005, and by the time they move into
20 the University Park Apartments, three-bedroom now, the
21 defendant moves with them. So it's Roxana [sic], the two
22 girls, and the defendant. And while they're at that second
23 apartment, the defendant starts threatening Roxana. He starts
24 telling her, I'm going to tell your mom that I found you with
25 Yahir. He tells her, I'm going to tell your family, a large

1 extended family that's now living in Las Vegas, that you're
2 having sex with your cousin. And he tells her repeatedly, I'm
3 going to ruin your life unless, of course, you start allowing
4 me to do the things that I want to do, which includes touching
5 you, whenever I want, wherever I want, and however I want.

6 So at just 12 years old, Roxana Perez is more or less
7 forced into a sexual relationship with the defendant. He
8 continuously threatens her, holding this over her head, and at
9 just 12 years old, she in some way thinks that any punishment
10 that she's going to get from her mom and any shame she's going
11 to feel from her family is worse than what the defendant
12 inflicts upon her.

13 Back at University Park Apartments, the sexual abuse
14 begins. Roxana will tell you that the first time that this
15 happened she came home from school and no one else was in the
16 house. That her mom would be working and it would just be her
17 and the defendant, and that these threats would start, and
18 ultimately, he brought her into his bedroom and that the first
19 time he abused her he started touching her breasts, he started
20 touching her vagina, he put his fingers inside her vagina. He
21 would then lay her down on her back, put his tongue in her
22 vagina and perform cunnilingus on her. And then at the end of
23 all of that, he would flip her over, put her on her hands and
24 knees, he would put his mouth on her anus, and ultimately, put
25 his tongue -- penetrate her anus with his tongue.

1 You will learn from Roxana that this was the first
2 time and certainly not the last and that it was, in fact, the
3 beginning of a prolonged and systematic series of abuse that
4 lasted from 2005 until 2009. She'll tell you that while she
5 was at the three-bedroom University Park Apartments, the
6 defendant on at least a weekly basis would do the exact act
7 that I just talked about. That at some point they progressed
8 a bit, where not only would he put his fingers inside her
9 vagina, but he would also put his fingers inside her anus.
10 The actual sex acts were always the same and they always ended
11 with her on her hands and knees and the defendant's tongue
12 inside her anus.

13 By 2006, the family moves to Andover Place. Now,
14 Rosa and the defendant had had a falling out by this point in
15 time. Rosa will tell you that the defendant became really
16 jealous, increasingly jealous of past relationships that she
17 had had even back in Mexico, so he didn't actually move to
18 Andover with the girls; however, he would still come over all
19 the time. And while they were at the Andover Place, he would
20 continue the same kind of sexual abuse that he started at
21 University Park. That he would come over and Rox -- or Rosa
22 wouldn't be home, and he would then threaten her and take
23 advantage of her in the exact same way that we just -- that I
24 just described.

25 Eventually, at Andover Place, Perla moves out. By

1 that point in time, the defendant has worked his way back into
2 Rosa's life and he moves in. At just 13 years old now, she is
3 subjected to all of the same kind of abuse, after school,
4 having to come home to the defendant threatening her and
5 forcing her to perform these sexual acts with him. While the
6 defendant -- or I'm sorry. While the family is still living
7 at Andover Place, Roxana has her 14th birthday, and that's on
8 August 30th of 2007. The family is still living there and the
9 abuse continues at that home even after her 14th birthday.

10 In 2007, after she has turned 14, the family moves to
11 Tamarus Park Apartments. Now she's 14 years old and she's
12 moved into this apartment with just her mom because Perla has
13 moved out and the defendant isn't around. And she'll tell you
14 that this was a time in her life where she didn't really see
15 the defendant as much. He didn't have as much access to her.
16 Because of her mom's working schedule, it was more difficult
17 for him to get her alone. So the abuse stopped while she was
18 at Tamarus.

19 And on August 30th of 2008, she celebrates something
20 that's really important in a young Hispanic girl's life, and
21 that's her 15th birthday, or her Quinceanera. She'll tell you
22 that that celebration is basically a time where a girl is
23 coming out as a woman. Ironically, she had already become a
24 woman thanks to the defendant. But it was a nice celebration
25 for her because for the first time in years she wasn't being

1 sexually abused by the defendant.

2 In later part of 2008, Rosa and Roxana move to
3 another apartment, Southern Cove, and here the defendant
4 starts up again. He starts calling her more often and now he
5 starts texting her. Before, he wasn't sending her any text
6 messages. He was just threatening her either the phone -- by
7 the phone by calling her or when he would see her. But now,
8 he starts text messaging her saying the same types of things
9 that he had been saying since as far back as 2005, if you
10 don't see me, I'm going to tell your family what you did. If
11 you don't see me or call me back, I'm going to ruin your life.

12 At this point in time, he starts showing up at her
13 school. She'll tell you that she would come out from her
14 school and low and behold the defendant would be standing
15 there waiting for her. She'll tell you that she would get off
16 of the bus and there would be the defendant waiting for her,
17 asking if she was ready to go, following her to her house.
18 That she would come home and the defendant would be waiting
19 there for her. That she would not return his calls, she would
20 not return his text messages, and still incessantly he
21 continued to harass her and threaten her.

22 Roxana will tell you about a time in November of
23 2008, when her cousin Yahir had a celebration at his house for
24 his daughter. Through the years, Yahir had gone on to get
25 married and he had a daughter. He had a birthday party at his

1 home for his daughter's first birthday, and Roxana will tell
2 you that she was sitting next to her mom and she was doing her
3 best to ignore the defendant as she would through the years.
4 Having to keep this secret from everyone in her family, she
5 would strategically move herself around family functions to
6 try to stay away from him.

7 She'll tell you that at that party the defendant came
8 and grabbed her shirt and pulled her to him and said if you
9 don't stop ignoring me, I'm going to tell your entire family
10 about what happened with you and your cousin. This was at her
11 cousin's home with his wife present, with his young child
12 there, her mother and all of her extended family.

13 So at 15 years old at the Southern Cove Apartments,
14 the abuse starts again, and she'll describe to you the same
15 thing that she will describe happened all the way back in
16 2005. That the defendant would touch her vagina, put his
17 fingers inside of her, put his fingers in her anus, perform
18 cunnilingus on her, and low and behold at the end of that,
19 always flip her over on her knees and for up to 15 to 20
20 minutes, lick her anus, and ultimately, put his tongue inside
21 of her.

22 By August of 2009, Rosa and Roxana move from the
23 Southern Cove Apartments to Riverbend. Throughout all of this
24 time, the defendant and Rosa are broken up, however, he's
25 continuously coming around. Of course, Rosa at the time

1 thought that it was to see her. Of course, Rosa thought this
2 guy is just obsessed with me, he can't get over me, he won't
3 leave us alone. Now, of course, they know it was to see
4 Roxana. By the time Rosa and her daughter moved to Riverbend,
5 Roxana is now 16 years old; and she has her 16th birthday
6 right when they move to Riverbend and the abuse continues and
7 the threats continue.

8 Roxana will tell you that in November of 2009, the
9 defendant touched her and abused her for the very last time,
10 and that she specifically remembers that day. And that that
11 day she came home from school and she found the defendant
12 waiting for her in the parking lot and he was in his car.
13 She'll tell you that he followed her around the parking lot,
14 he followed her inside the house, and he repeatedly said, are
15 you ready? Of course, she said no, but ultimately, after the
16 same threats that she had been hearing for years, after the
17 same manipulation that she had been hearing for years, she
18 complied and did the same sexual acts that she had been since
19 2005.

20 Something changes in November of 2009, and that is
21 that on the 29th of November, the defendant makes a phone call
22 to cousin Maritza. Many members of this family worked
23 together at a Subway in town, and Maritza worked with Roxana.
24 And she'll tell you that on the 29th of November, the
25 defendant called her and he said -- at 6:25 p.m., he called

1 Maritza and he said, tell Roxana to call me. If she doesn't
2 call me, I'm going to ruin her life. If she doesn't call me,
3 I'm going to tell the family things that she's done. And
4 Maritza had no clue what he was talking about. She said,
5 well, what are you -- is this a threat? Why are you
6 threatening her? Maritza, of course, then went to Roxana,
7 confronted her and asked her what's going on.

8 At this point in time, Roxana had not told a single
9 solitary soul about what she had been suffering through all of
10 these years. So she has the conversation with Maritza, only
11 tells her she's being harassed. Yes, he's harassing me, he's
12 bothering me, but doesn't tell her the full story of what's
13 happened. She says -- starts to tell little by little the
14 more people that she talks to and the more comfortable she
15 gets within herself that this has happened to her.

16 Maritza goes to her mom Janet, Aunt Janet, who is
17 Rosa's sister. And you'll learn that Janet's kind of the
18 pillar of strength in the family. That she is the person that
19 when people are down and they need advice, that's who they go
20 to. So Maritza talks to Aunt Janet and Janet ultimately
21 confronts Roxana. Roxana breaks down and says, yes, he's been
22 harassing me, yes, he's been threatening me, and he's been
23 touching me, but doesn't even tell Janet at that point in time
24 everything that's been happening to her.

25 On December 18th of 2009, Janet's daughter Jeimi, her

1 cousin, Cousin Jeimi calls 9-1-1, and through that call, the
2 authorities, obviously, become involved. A member of the Las
3 Vegas Metropolitan Police Department, Officer Gibson, is the
4 first to respond, and he takes initial statements from Roxana
5 and other members of the family, and again, just gets a brief
6 rundown of what's been happening. He then forwards those
7 initial reports to Sexual Assault Detective Ryan Jaeger, and
8 Ryan Jaeger then starts a sexual assault investigation.

9 And on January 9th of 2010, he goes to Del Sol High
10 School to talk with Roxana. He didn't tell her he was coming.
11 She didn't know, so she got pulled out of class and had an
12 initial interview with Detective Jaeger. She told him, also
13 briefly, what had happened. That she had been threatened
14 through the years, that the defendant had been touching her,
15 but again, doesn't tell everything that had happened to her
16 because she hadn't talked about this yet really with anyone.

17 At the end of his interview with Roxana, he starts to
18 look through Roxana's phone, and within Roxana's phone,
19 there's a number of text messages. Of course, only the text
20 messages that her cell phone would have saved up until that
21 point, but even then they're voluminous. A certain text
22 message where the defendant says, "Roski, answer the phone.
23 I'm not going to leave you alone until we talk. Ok? Call
24 me." He sent another text message that says, "This is the
25 message they receive if you don't answer the phone now." The

1 following text -- or I'm sorry, the previous text, "Marlene, I
2 found Roxana and Yahir touching their things naked several
3 times." You'll learn that Marlene is Yahir's mother. The
4 same exact threats through text messages that he first started
5 giving her back in 2005. "Answer the phone or I'll tell your
6 friends and family how I found you and Yahir several times."

7 A picture of panties. Of course, the detective asked
8 her whose these were and these were her underwear. She'll
9 tell you about a time that the defendant came to her house and
10 made her come outside and gave her her panties. She said,
11 well, what are these? Well, I took these from your room,
12 another way of intimidating her and threatening her, asking at
13 the bottom, well, whose are these?

14 The defendant -- or the detective also had an
15 opportunity to look through the call log of the defendant's
16 phone and see numerous calls placed from the defendant's
17 telephone to Roxana. Of course, he later went and pulled the
18 cell phone records for the months of just November and
19 December, and while he found dozens from -- placed from the
20 defendant to Roxana's cell phone or her home phone, there were
21 but two in all that time placed from Roxana to the defendant.

22 Detective Jaeger on March 6th of 2010, had an
23 opportunity to have a voluntary statement with -- get a
24 voluntary statement from the defendant, and after he was
25 Mirandized, the detective learned a number of things from him.

1 The defendant told him that he thinks that what he did was a
2 mistake. He admits that Yahir found her and him, being the
3 cousin, with just -- just covered with a blanket. He said he
4 didn't know what was happening behind this blanket, but that
5 she started doing things with him after he caught her with her
6 cousin Yahir.

7 At one point, the detective asked, well, and did you
8 tell -- did you tell her mom about that? And he says, no, I
9 kept -- I kept that secret for protection -- protection and I
10 don't want to because I still love her like a daughter. I
11 would like so many things for her. He admitted through that
12 statement that he kissed her breast. Of course, when the
13 detective first asked him, have you ever done anything, the
14 answer was no, never. But then, of course, yes, I kissed her
15 breast, but only once.

16 Did you ever masturbate in front of her? No, never.
17 Through the course of the interview, okay, yes, but only once.
18 Did you ever see her naked? Well, she would show me herself
19 naked, but of course, I didn't touch her. Did you ever touch
20 her? Well, yes, only once, and of course, with clothes on.
21 So the defendant through this interview admits that he had a
22 relationship with Roxana and what basically that was based
23 upon.

24 So ladies and gentlemen, after the close of evidence
25 in this case, once you hear from our witnesses and you see the

1 evidence that Mr. Graham and I on behalf of the State of
2 Nevada will present to you, we're confident that you will find
3 the defendant guilty of all charges, and that is numerous
4 counts of sexual assault of a minor under the age of 14, and
5 numerous counts of lewdness with a child under the age of 14.
6 Those were all occurring before her 14th birthday, which was
7 August 30th of 2007.

8 Additionally, we'll ask you to find him guilty of all
9 of the counts of sexual assault with a minor under the age of
10 16 for the numerous sexual acts performed upon her against her
11 will between August 30th of 2007, and August 29th of 2009.
12 And finally, for the sexual abuse that Roxana suffered at the
13 hands of the defendant after her 16th birthday, we'll ask that
14 you find him guilty of sexual assault; additionally, numerous
15 counts of open and gross lewdness. Thank you.

16 THE COURT: Does the defense wish to make an opening
17 statement?

18 MS. FELICIANO: Yes, Your Honor.

19 THE COURT: You may proceed.

20 MS. FELICIANO: Thank you.

21 DEFENDANT'S OPENING STATEMENT

22 MS. FELICIANO: Better him than me. That's what this
23 case is about. Better Guillermo get in trouble than Roxana.
24 Guillermo is not guilty of these charges. Guillermo and
25 Roxana had a consensual relationship, but Roxana was burdened

1 by secrets. Her secret relationship with her cousin Yahir and
2 her secret relationship with her mom's ex-boyfriend Guillermo,
3 and either one of those mean trouble for Roxana if her mom
4 finds out. And she's about to find out because Guillermo is
5 telling Roxana I'm going to tell your mom. So Roxana beats
6 him to the punch and she accuses Guillermo of sexual abusing
7 her to get herself out of trouble.

8 Now, Guillermo and Roxana's mom Rosa were boyfriend
9 and girlfriend. They started dating, as you heard, in
10 mid-2003, and eventually Guillermo moved in with Rosa and her
11 daughters Roxana and Perla. And they dated for a few years
12 and then they broke up and he moved out, but Guillermo would
13 still see Rosa and he was having a relationship with Roxana.

14 But at some point around November 2009, Roxana stops
15 talking to Guillermo and he gets upset and he calls her and he
16 texts her and he says call me. And then he calls her family,
17 Maritza, and he says make her call me. And he's upset, and so
18 finally, he says, if you don't call me, I'm going to ruin your
19 life by telling about your sexual relationship with Yahir.

20 Now, why is it a big deal about Yahir? Well, first,
21 Roxana knows that they're family and it's wrong. Second, she
22 doesn't want her mom to find out about Yahir. She's very
23 worried about her mom finding out about Yahir. And third,
24 Yahir is married. At this time, he is 21 or 22 years old,
25 married with a child, and Roxana does not want his wife to

1 find out; but now she knows that everybody is going to find
2 out about her relationship with Yahir and about her
3 relationship with her mom's ex-boyfriend Guillermo.

4 So Roxana tells her mom about Yahir and then she
5 tells her about Guillermo, but she puts the blame on Guillermo
6 and says, he's been sexually abusing me, so she doesn't get in
7 trouble. And she says this has been going on for five years,
8 all the time for five years, but she never said anything to
9 anyone before then. And the reason she says is because she
10 was worried about her mom finding out about Yahir, but now,
11 she has Guillermo to blame and so she's not scared about her
12 mom finding out about Yahir.

13 And you're going to hear from Roxana's cousin
14 Maritza. Maritza is going to tell you Guillermo called her
15 and said have Roxana call me. The man who supposedly had been
16 sexually abusing Roxana openly called her cousin and said tell
17 her to call me. Maritza never told Roxana's mom, hey,
18 Guillermo's, you know, saying that Roxana has to call him.
19 Guillermo's threatening to ruin her life. Maritza is going to
20 tell you that she never suspected that Guillermo was sexually
21 abusing Roxana and that Roxana never told her that Guillermo
22 was sexually abusing her and that Maritza thought it was odd
23 that Roxana would hang out with Guillermo if he was sexually
24 abusing her.

25 The most important thing that you're going to hear

1 are Roxana's inconsistent stories because every time she tells
2 her story it changes. Roxana's told a lot of stories even
3 before the police were called. She initially tells her cousin
4 Guillermo's bothering her. Not sexually abusing her, just
5 bothering her. And then her cousin told Roxana's aunt and
6 Roxana's aunt starts to question her, and that's when Roxana
7 says everything comes out.

8 Now, Roxana first tells her Aunt Janet, the abuse
9 started when I was 13 and I'm sure it was 13. But instead of
10 calling the police, Janet took Roxana to a psychologist, and
11 Roxana told the psychologist that Guillermo had been
12 threatening her since she was 13 but that the abuse began the
13 year before when she would have been 15. And she said that
14 Guillermo only touched her vagina on three occasions. And
15 then after the counselor, the family calls the police.

16 Now, when the police are called, Roxana first writes
17 a statement for them. This is in December 2009. She first
18 tells the police Guillermo is threatening to ruin my life by
19 telling about my cousin Yahir and that he was threatening me
20 that I had to answer the phone. If I didn't answer the phone,
21 he was going to tell. And she tells the police then, well,
22 now the abuse started in 2004 when I was 10 or 11 years old
23 and I'm sure it was 2004, and that the abuse started with
24 Guillermo touching her private parts, putting his hand inside
25 of her.

1 And she talks about the last time, she says that
2 Guillermo came to her house and he knocked on her door. She
3 let him in, even though he had been abusing her for years, she
4 let him in, and then he walked down the hall behind her, he
5 pulled down her shorts and put his finger in her vagina, and
6 that he said he wanted her to touch his penis but she wouldn't
7 do that. And then she tells the police, I just want him to
8 stop bothering me. Not that she wants him to stop sexually
9 abusing her, just stop bothering me, and that was it.

10 Then in January of 2010, Detective Jaeger interviews
11 Roxana. Now, she's got a different story. Now, Guillermo has
12 been touching her breasts inside and outside of her clothing.
13 He pulls her bra down, he reaches under it. And the only time
14 he put his fingers in her vagina was the last time that he
15 came to the house, and nothing else happened with him. And
16 she reported this to the police because Guillermo had been
17 bothering her. He was calling her after school. And
18 Detective Jaeger says to Roxana, is there anything else that
19 you don't want to talk about or that you're embarrassed to
20 talk about? Tell me anything else. And she says no. He just
21 touched me and harassed me.

22 And remember her cousin Yahir. Now, Roxana tells the
23 police that no, they didn't have a sexual relationship. They
24 just kissed a little bit while they were playing PlayStation.
25 They didn't touch each other, they didn't see each other

1 naked, and that's because she tells Detective Jaeger that her
2 cousin Yahir, he's mad at her for what she initially told the
3 police about him and her. And she also says now that -- you
4 know, remember before she said Guillermo was threatening to
5 ruin her life if she didn't answer the phone, but now she says
6 Guillermo threatened her to get her to perform these sex acts
7 with him. But at the same time, Roxana tells her Aunt Janet,
8 nothing happened with Yahir. Guillermo just saw me sitting on
9 Yahir's legs and he assumed something was going on, but I
10 didn't do anything with him.

11 And then this case comes to court and Roxana has to
12 testify at a preliminary hearing in front of a judge where she
13 promises to tell the truth, and her story now is that this
14 started when she was 11 or 12 years old. Now, Guillermo would
15 touch her in his bedroom. Now, he would make her get on her
16 knees and would lick her vagina and her anus and touch her
17 breasts.

18 Now, his hand would touch her vagina. His hands
19 would go inside and outside of her vagina and move around. He
20 would put fingers in her anus, two fingers, and he'd move them
21 around, and now, he put his tongue inside of her anus. And
22 now, she's seen his penis, and now, he's grabbed her hand and
23 made her touch his penis. And now, he's put a condom on and
24 asked her to perform fellatio, and now, this happened all the
25 time, more times than she could remember. And each time it

1 happened the same way. He would lick her vagina and her anus,
2 he would put his fingers in both. It would last for 20
3 minutes.

4 And now, she tells -- she says that she didn't talk
5 to her mom after this happened before calling the police. She
6 didn't talk to her mom until weeks after they called the
7 police. And now, for the first time, she admits that
8 Guillermo used to buy her things, a backpack, clothing, shoes.
9 She says because she needed these things. Who knows what
10 she'll say today?

11 Now, what about what Guillermo has to say because he
12 talked to the police too? Detective Jaeger went to
13 Guillermo's house, not to arrest him but to talk to him.
14 Guillermo wasn't home. A woman answered the door. Detective
15 Jaeger left his card and said, please have Guillermo call me.
16 You know what, he did. A few hours later Guillermo called
17 Detective Jaeger. Detective Jaeger says Roxana is making
18 accusations against you. Come and give your side of the
19 story. And Guillermo agreed and said of course, and they made
20 an appointment for a few weeks later. Guillermo went to the
21 police station, he was read his rights and told him you have
22 the right to remain silent, anything you say can be used
23 against you. He says he understands his rights and he still
24 wants to talk.

25 He talked to the police willingly and voluntarily.

1 He wants to give his side of the story and he wants to tell
2 the truth. And he tells Jaeger, yes, I had a relationship
3 with Roxana. She began to change when she got into high
4 school, when she was 14 or 15 years old. She started to make
5 deals with him. She would show him her body if he would buy
6 her things like a backpack or an iPod or shoes. And he admits
7 to looking at and touching her breasts and that he put his
8 mouth on her breasts, that he masturbated in front of her and
9 that she showed him her naked vagina. But he denies that he
10 ever put his fingers in her vagina or that he put his mouth on
11 her vagina or his tongue in her anus or that she ever touched
12 his penis.

13 And he says to Detective Jaeger, I caught her with
14 her cousin Yahir. I saw Yahir with no pants on. Roxana was
15 in front of him and it appeared that she was performing
16 fellatio on him. And he says, I kept that secret for her from
17 her mom because she didn't want her mom to find out, and he
18 says that after that, things with Roxana changed. This is
19 when she was in high school, 14, 15, 16 years old, he says.
20 And then he is open and he tells Detective Jaeger, yes, I
21 threatened Roxana by saying, I'm going to tell your family
22 about Yahir, but not so that she'd perform sexual favors. He
23 says to get her to answer the phone, just like what Roxana
24 initially told the police.

25 And Guillermo tells Detective Jaeger, follow up with

1 Yahir, ask him about what happened, but most importantly,
2 Guillermo tells Detective Jaeger, I will tell you this in
3 front of Roxana. Whatever you want because this is the truth.
4 And also importantly, at that time Guillermo knew about the
5 allegations, he wasn't arrested immediately, but he didn't
6 flee. He didn't leave the city, he didn't leave the state, he
7 didn't leave this country.

8 Now, you're also going to hear about the police
9 investigation or the lack thereof. We have Roxana's
10 inconsistent stories and Guillermo asking the police to follow
11 up on information, but the police don't do that. Now,
12 remember, Guillermo said, I'll tell you this in front of
13 Roxana, and he told Jaeger, whatever you want me to do. And
14 Guillermo told Jaeger things that he hadn't heard from Roxana
15 and he told Jaeger follow up with Yahir, but Jaeger doesn't.
16 He doesn't talk to Roxana again after talking to Guillermo.
17 He doesn't question Roxana about what Guillermo said happened
18 and he doesn't talk with Yahir. He doesn't question Yahir
19 about what Guillermo said happened with Roxana and Yahir or
20 question Yahir about the differences between the two stories.

21 And Jaeger also knows that Roxana has given
22 inconsistent versions of her story but he doesn't confront her
23 with this and he doesn't question her family members about
24 this. He knows she said, this abuse started when I was 10 or
25 11, and he also knows she said, it started when she was 13.

1 He knows that there were other people living in the house when
2 the abuse supposedly occurred and he doesn't talk to them. He
3 doesn't try to verify any of the information that Guillermo
4 told him or Roxana's inconsistent statements.

5 There's a medical examination that people have when
6 they are -- when they allege that they're victims of sexual
7 abuse. Jaeger doesn't have Roxana have this medical
8 examination. They don't try and collect any DNA evidence from
9 Roxana's house, clothing. They don't test for semen or blood
10 or saliva or even fingerprints, nothing from Roxana's home.

11 Roxana also tells Detective Jaeger that Guillermo
12 harassed her at her work and Detective Jaeger doesn't go to
13 her work to talk to her coworkers about what they may have
14 witnessed. And he doesn't get her phone records for the past
15 few years to see who has been calling whom. So now, with
16 nothing other than Roxana's inconsistent statements, and
17 remember, her story changes every time she tells it, Guillermo
18 sits before you on trial accused of sexually abusing Roxana,
19 but he's not guilty. He openly admitted to having a
20 relationship with Roxana, a consensual relationship, but
21 Roxana's secrets were too much for her to handle, her secret
22 relationship with Yahir and her mom's ex-boyfriend Guillermo,
23 so Roxana accused Guillermo to get out of trouble because it's
24 better him than me.

25 THE COURT: State, are you ready to call your first

1 witness?

2 MS. FLECK: Yes, Your Honor. Thank you. State calls
3 Roxana Perez.

4 THE COURT: Do you need the ELMO or can we move it?

5 MS. FLECK: Yes, please.

6 ROXANA PEREZ, STATE'S WITNESS, SWORN

7 THE CLERK: I need you to speak up, please.

8 THE WITNESS: Yes.

9 THE CLERK: Thank you. Please be seated. Please
10 state your full name, spelling your first and last name for
11 the record.

12 THE WITNESS: Roxana Perez, R-O-X-A-N-A, P-E-R-E-Z.

13 THE COURT: Ms. Fleck, you may --

14 MS. FLECK: May I proceed?

15 THE COURT: -- proceed. You may.

16 MS. FLECK: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MS. FLECK:

19 Q Good morning, Roxana.

20 A Good morning.

21 Q Roxana, how old are you?

22 A I'm 18.

23 Q And what's your date of birth?

24 A August 30th, '93.

25 Q Were you born here in the United States?

1 A No.

2 Q You can put your purse down. No? Where were
3 you born?

4 A In Mexico.

5 Q And when did you move from Mexico to the United
6 States?

7 A In 2002.

8 Q Okay. So I just want to remind you that
9 everything is being recorded. You're so soft-spoken so just
10 remember to talk into the microphone, okay, and try to speak
11 up. All right?

12 A Okay.

13 Q You moved here in 2002?

14 A Yeah.

15 Q And who did you move from Mexico to Las Vegas
16 with?

17 A I moved with an -- with my Aunt Janet.

18 Q Okay. You moved here to be with your Aunt
19 Janet?

20 A Well, I moved with my mom and my sister.

21 Q All right.

22 A We all came and...

23 Q What's your mom's name?

24 A Rosa.

25 Q And what's your sister's name?

1 A Perla.

2 Q How old was your sister when you moved to Las
3 Vegas?

4 A 16.

5 Q And how old were you?

6 A Eight.

7 Q Okay. How about your dad, did he move here with
8 you?

9 A No.

10 Q What happened in 2002ish that your dad didn't
11 move with you?

12 A Well, he left with some other --

13 Q Okay. And that was back in Mexico?

14 A Yeah.

15 Q So who from your family, then, lived in Las
16 Vegas when you moved?

17 A My Aunt Janet and her family.

18 Q And is that your mom's sister?

19 A Yeah.

20 Q When you first moved to Las Vegas with your mom
21 and your sister, where did you move? Where did you live?

22 A We first move in with my Aunt Janet and then we
23 moved out in some condominiums with my sister and my mom.

24 Q Okay. Sorry, sweetie. And I know I'm going to
25 have to remind you, but you got to speak up just a little bit,

1 okay?

2 All right. So once you moved out with Janet -- from
3 Janet, where did you move to?

4 A To some apartments called Libertwo [sic].

5 Q And do you remember what year that was?

6 A 2003.

7 Q While you were at the Livertivo Apartments, did
8 your mom meet someone that she later went on to date?

9 A Yes.

10 Q And who was that?

11 A His name is Guillermo.

12 Q Do you see Guillermo in the courtroom today?

13 A Yes.

14 Q Can you please point to him and describe
15 something he's wearing?

16 A Over there (indicating), and he's wearing orange
17 or pink.

18 MS. FLECK: Okay. Let the record reflect
19 identification of the defendant.

20 THE COURT: The record will so reflect.

21 BY MS. FLECK:

22 Q How was it that you first met the defendant?

23 A In the apartments, Libertwo.

24 Q Okay. Through your mom?

25 A Yeah.

1 Q And when you were first introduced to him, was
2 it as your mom's friend or boyfriend or something else?

3 A A friend.

4 Q Did you then become close with him?

5 A Yes.

6 Q Okay. And how about your sister?

7 A Yes.

8 Q At some point, did your mom and the defendant
9 start dating?

10 A Yes.

11 Q Was that when you were still at the Livertivo or
12 had you already moved?

13 A Well, we moved to other apartments and they were
14 together.

15 Q All right. So by the time, then, you move to
16 the second apartment you lived in, they were already dating?

17 A Yes.

18 Q Do you remember when you moved from Livertivo to
19 the new apartment?

20 A We moved in 2004.

21 Q Okay. Do you remember what time of year?

22 A April.

23 Q When you moved -- well, where was the apartment?
24 What was it called?

25 A It was University Apartments.

1 Q When you moved to the University Apartments, who
2 all moved with you?

3 A My sister, my mom, it was me, him, and my cousin
4 -- one of my cousins and -- and my uncle.

5 Q All right. So you say "him." Is that the
6 defendant?

7 A Yes.

8 Q Now, did he actually move into that apartment
9 with you into the two -- into the first University Park
10 Apartment, or was he just visiting?

11 A He moved in.

12 Q Okay. At some point he moved in. So you said
13 that it was your sister Perla, your mom, then your uncle.
14 Which uncle is that?

15 A Manuel.

16 Q Manuel?

17 A Uh-huh.

18 Q And your cousin, who is that?

19 A Yahir.

20 Q How old was Yahir, roughly, when you were all
21 living together at University Park?

22 A Like around 18.

23 Q Okay. When you moved to that apartment, were
24 you going to school here in --

25 A Yes.

1 Q -- the Las Vegas, yet? Yes?

2 A Uh-huh.

3 Q And what school were you going to?

4 A I was going to Paradise. It was elementary
5 school.

6 Q And that was the fifth grade?

7 A Yes.

8 Q Then did you go on to sixth grade?

9 A Yes, I went to Orr.

10 Q Okay.

11 A Orr Middle School.

12 Q How many bedrooms were at the first University
13 Park apartment?

14 A Two bedrooms.

15 Q And what was the sleeping arrangement at that
16 apartment?

17 A In the room -- one room it was my mom, my sister
18 and me. And then we had my -- my uncle and my cousin that --
19 like they were sleeping in the living room.

20 Q And then when the defendant was there, where
21 would he stay?

22 A In one of the rooms.

23 Q Okay. So would he sleep kind of wherever he
24 ended up when he did stay there?

25 A Yes.

1 Q While you were at that apartment, did you
2 develop somewhat of a relationship with your cousin Yahir?

3 A Yes.

4 Q And what was -- what was that relationship all
5 about?

6 A It was just kissing and being together.

7 Q Okay. Before you moved into that apartment, had
8 you ever met that cousin?

9 A Yeah. Well, I -- when I was little, he was
10 living in Mexico.

11 Q Okay. And then about how old were you when he
12 moved from Mexico?

13 A Like 12.

14 Q So had you -- he was about 12 or you were about
15 12?

16 A No, I was about 12.

17 Q All right. And then he moved before you did?

18 A He moved after.

19 Q He move -- oh, I'm sorry. He stayed in Mexico
20 when you moved?

21 A Yes.

22 Q All right. So you say kissing and -- I mean,
23 did you have somewhat of -- not boyfriend/girlfriend, but did
24 you have --

25 A Yeah.

1 Q Sorry. Just let me -- let me ask the question
2 first. Just did you have an intimate relationship?

3 A Yes.

4 Q Did you ever have sex with him?

5 A No.

6 Q All right. But you were kissing?

7 A Yes.

8 Q Would you say -- can we say making out?

9 A Yeah.

10 Q All right. Did anyone know about that
11 relationship between you and your cousin at that time?

12 A No.

13 Q At some point, did you learn that the defendant
14 found out about that?

15 A Yes.

16 Q And how did that happen?

17 A He walked in the room when I was with my cousin.

18 Q And tell us what you were doing with your cousin
19 or, you know, what the scene looked like when the defendant
20 would have walked in.

21 A Well, we were -- we were laying down and we were
22 together.

23 Q Okay. Laying down on the floor, on a bed?

24 A On the carpet.

25 Q And were you covered or uncovered?

1 A I was covered.

2 Q With what?

3 A A blanket.

4 Q What were the two of you doing?

5 A We were together, cuddling.

6 Q Okay. Did you ever talk to the defendant, like
7 that day, about what he had seen?

8 A No.

9 Q When did he first tell you that he had seen you
10 with Yahir?

11 A When we moved to the three-bedroom.

12 Q Did he ever say anything at that two-bedroom
13 about seeing you with Yahir?

14 A At the two-bedroom?

15 Q Yes.

16 A Well, he told me when we were -- when we moved
17 to the three-bedroom.

18 Q Okay. So then, ultimately, you moved to the
19 three-bedroom, and when is that?

20 A In 2005, around.

21 Q Is that the same apartment complex that you had
22 just been living in?

23 A Yes.

24 Q Who moves into the three-bedroom with you?

25 A My sister, my mom, the defendant, and me, and

1 then my -- my cousin and my -- my uncle, and then later on, my
2 aunt came to live there.

3 Q Is that Manuel's wife?

4 A Yes.

5 Q So did they just briefly come to the
6 three-bedroom and then they moved with Manuel's wife?

7 A Yeah. Then she moved -- she moved in -- she
8 came to this country and then she moved in with us.

9 Q Okay. Once Yahir moved out, did you see him
10 again except for maybe family functions?

11 A Yes. Just like when -- I didn't see him often
12 like --

13 Q So you would see him for family functions, but
14 otherwise, wouldn't see him?

15 A Yes.

16 Q Okay. Then you said that once you got to the
17 three-bedroom, that the defendant let you know that he had
18 seen you with your cousin. Tell us how that happened.

19 A Yeah, he told me that he seen me with my cousin
20 together.

21 Q Okay. Did he tell you anything else about
22 seeing you?

23 A Anything else?

24 Q Well, what else did he tell you about having
25 seen you with Yahir?

1 A Well, that he was going to tell my mom. He was
2 going to tell my family.

3 Q And how old were you at this time?

4 A 13.

5 Q Okay. And when you had first moved in, you were
6 -- in 2005, then you were 12, so you would have been from 12
7 to 13 at that time?

8 A Yes.

9 Q How did you feel when he told you that he was
10 going to basically tell the rest of your family about your
11 relationship?

12 A I was scared.

13 Q What were you scared about?

14 A That he was going to go tell my mom.

15 Q And what scared you about having your mom know
16 that?

17 A She was going to be mad at me.

18 Q Okay. Did he ever say that he was going to tell
19 anyone besides your mom?

20 A My family.

21 Q And how did that make you feel?

22 A I was scared that he was going to tell my
23 family.

24 Q Sorry. Again, sweetie, just -- I know it's
25 hard, but just try to speak up, okay? Because we want to make

1 sure everybody hears everything you say, okay?

2 You were scared, then, that he would tell other
3 people in your family. Besides being scared, what was it that
4 -- what was it that you were feeling about people in your
5 family knowing what you had done with Yahir?

6 A How do I -- how do I feel or --

7 Q How did that make you feel to think that people
8 would know?

9 A Embarrassed.

10 Q Okay. So once he told you that he knew, tell us
11 kind of what starts to happen with the defendant.

12 A Well, he started to, you know, touch -- touch my
13 parts.

14 Q Okay. Obviously, you know now, as a grown
15 woman, you know that there's places on your body other people
16 aren't supposed to touch unless you say it's okay, right?

17 A Yes.

18 Q At that point in time, you were 12 to 13 years
19 old. At that time, you knew there are places on your body
20 other people aren't supposed to touch?

21 A At that time?

22 Q At that time you knew that?

23 A Uh-huh.

24 Q Okay. So are those the places, then, that he
25 started to touch?

1 A Yes.

2 Q Tell us the first time that you remember
3 something happening with the defendant?

4 A In his room.

5 Q And what time of day was this?

6 A Like in the afternoon.

7 Q Would it be after school, on the weekends --

8 A Yeah --

9 Q -- or something else?

10 A -- after school.

11 Q When you got home from school normally, was
12 anyone else home?

13 A Well, my mom, she -- she was always working, so
14 sometimes I was by myself. And my aunt, she would be in the
15 house, but sometimes she would be in the room.

16 Q Okay. So the first time that you remember, you
17 say it was after school, and you went into the defendant's
18 room. Now, we're still at the three-bedroom, so is that a
19 bedroom he shared with someone?

20 A Yeah, with my mom.

21 Q And how would it -- what would happen that would
22 cause you to go into the room?

23 A Well, he would threaten me to tell my family.

24 Q And the first time that something happened, is
25 that what he did?

1 A Yeah.

2 Q So once you went into his room, tell us what
3 happened.

4 A Well, he would tell me to put my shorts down, my
5 clothes down.

6 Q Okay. And the first time that's how it happened
7 also?

8 A Yes.

9 Q Was -- were you on the floor, on the bed, or
10 something else?

11 A There was like blankets on the floor.

12 Q Like a makeshift bed kind of?

13 A Yes.

14 Q And did he put you down on that or did he make
15 you go down onto those blankets or were you standing up?

16 A He made -- made me go down.

17 Q Okay. And what did he do?

18 A He would touch me with his hands.

19 Q With his hands? That first time that this
20 happened, what part of your body -- what part of his body
21 touched what part of your body?

22 A His hands and his mouth.

23 Q Okay. Where did his body touch -- or I'm sorry.
24 Where did his hands touch?

25 A On my boobs.