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Respondent.

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Docket 84724 Document 2023-04819

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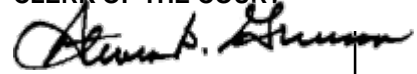
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DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-18-335315-1
)	
Plaintiff,)	DEPT NO. XXIV
vs.)	
)	
MARIO BLADIMIR TREJO,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE ERIKA BALLOU, DISTRICT COURT JUDGE

WEDNESDAY, APRIL 20, 2022

**RECORDER'S TRANSCRIPT OF PROCEEDING:
JURY TRIAL - DAY 3**

APPEARANCES:

FOR THE STATE:	HILARY L. HEAP, ESQ. MICHAEL J. SCHWARTZER, ESQ. Chief Deputy District Attorneys
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FOR THE DEFENDANT:	MARIO BLADIMIR TREJO, Pro Se
--------------------	---------------------------------

ALEXANDER C. HENRY, ESQ.
Standby Counsel

ALSO PRESENT:

Marie Bacquerie
Spanish Interpreter

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, WEDNESDAY, APRIL 20, 2022

2 (Case called at 11:11 a.m.)

3 (Outside the presence of the prospective jurors.)

4 THE MARSHAL: All right. Your Honor, we have your
5 jury pool.

6 (In the presence of the prospective jurors.)

7 THE COURT: Great. Thank you.

8 Will the parties stipulate to the presence of the
9 potential jurors?

10 MR. TREJO: Stipulated.

11 MR. SCHWARTZER: The State does, Your Honor.

12 THE COURT: Thank you.

13 Everybody can have a seat.

14 So, hi, everybody. This is the date and time set
15 for the trial in Case Number C-18-335315-1, State of Nevada
16 versus Mario Trejo. The record will reflect the presence of
17 Mr. Trejo and his standby counsel, the Deputy District
18 Attorneys, and all of the officers of the Court. And the
19 parties have already stipulated.

20 And so, ladies and gentlemen, you are in Department
21 24 of the Eighth Judicial District Court. My name is Erika
22 Ballou. I'm the presiding Judge in this Department.

23 You've been called today to serve as potential
24 jurors on this trial. This trial is going to be a long one
25 for a criminal. The parties anticipate three weeks. We've

1 already been in for three days, so that's a little less for
2 you all. Our cases generally start Monday through Wednesday
3 about 10:30 or 11:00. Tuesday and Thursday, we will start
4 around 9:00 o'clock unless something happens.

5 And then we don't go any later than 5:00 o'clock,
6 like right at 5:00. On Thursdays we will be getting out a
7 little bit earlier because of childcare issues of one of the
8 parties.

9 And ultimately, there are going to be 16 people who
10 are seated. You're already the second set of people we've --
11 or the third set now, of people we've brought in. We told the
12 other people to wait a little bit longer so that I can have
13 this discussion with you and they didn't have to listen to all
14 of this again. We're -- we try and be mindful of people's
15 time.

16 So ultimately, there are going to be 16 people
17 seated in the jury panel. There will be 12 regular jurors who
18 get to deliberate and 4 alternates.

19 We place a lot of faith in our citizens to act as
20 jurors in the United States of America and hope that they all
21 are able to reach fair and objective decisions. Part of what
22 you're doing here today is being a good citizen, just like,
23 you know, obeying laws, voting, paying taxes. This is all
24 part of being a citizen here. And we appreciate the fact that
25 you responded to the jury summons and showed up.

1 It's important what you're doing here. It's import
2 to the State of Nevada. It's important to Mr. Trejo. It's
3 important for the entire, you know, faith in the justice
4 system to have people, everyday citizens, come in and do this
5 job, this really important job of determining whether or not
6 the State has proved that Mr. Trejo is guilty beyond a
7 reasonable doubt.

8 I know a lot of you are sitting here thinking, I'm
9 going to answer these questions in ways that will get me off.
10 It's not convenient for anybody.

11 However, the first thing you need to think about is
12 if, you know, you were a party in a lawsuit or if you were
13 accused of a crime, what kind of people would you want to have
14 on a jury. Would you want someone who thinks like you or do
15 you want people who are all -- you know, all for one side or
16 the other.

17 And second, even if you get out of this jury, I know
18 it's long for a criminal jury, you're not just going to get to
19 go home and go on with your life. You might be put on a civil
20 trial which, I was a criminal defense attorney for a long time
21 before I became a Judge.

22 Being a Judge is all I've been doing with civil.
23 And it's so boring. You don't even understand how boring it
24 is to have to listen to people fight over money. So -- and
25 also those cases can last -- I know, it feels like forever,

1 but some of them do last like months.

2 So I do want to take an opportunity to introduce you
3 to everybody who's here. You've already met the Marshal, who
4 is Bill. Bill is here to maintain order and security in the
5 court. He's also my representative to the jury. Anything you
6 have questions about or anything like that, you need to ask
7 Bill, because you can't talk to any of the parties.

8 Keep in mind that Bill can't talk to you about the
9 case, or answer questions about the case. Also, he doesn't
10 have the power to excuse you from the jury.

11 If there is a reason you can't serve, you need to
12 have that reason stated in court and the parties and I will
13 all discuss it. And it all needs to be on the record. So
14 Bill can't excuse you.

15 To my far, you know, left kind of, is Susie --
16 because Bill's to the far right -- Susie Schofield. She is
17 the court recorder. She takes down everything that happens.
18 She records everything that happens in court so that there is
19 an accurate legal record of what happens during this trial.

20 To my immediate left is Ro'Shell Hurtado. She's the
21 Court Clerk. She swears in witnesses, marks exhibits, keeps
22 track of the evidence and prepares Minutes of the Proceedings
23 so that there is a court record.

24 In the back behind us, you may from time to time see
25 my Executive Assistant, Chapri. She will take charge of the

1 alternate jurors. She also comes in sometimes, hands me
2 notes.

3 Same with my Law Clerk. Her name is JerMara. And
4 I've also got a -- an extern this semester. He name is Azra.
5 So they may be sitting in during the trial sometimes. And
6 they all make everything run behind the scenes.

7 And the State's now going to introduce themselves to
8 you, read a list of witnesses, and give you a synopsis of the
9 case. Please pay attention to the list of witnesses. We are
10 going to later at some point ask if you know any of those
11 people. So we do need to make sure you're paying attention.

12 So, Mr. Schwartzer or Ms. Heap?

13 MS. HEAP: Thank you, Your Honor.

14 Good morning. Thank you for being here today. My
15 name is Hilary Heap. This is Michael Schwartzer. We are both
16 Chief Deputy District Attorneys. We are assigned to prosecute
17 this case.

18 The events giving rise to this case occurred on
19 August 3rd -- I'm sorry, August 4th of 2018, and September 4th
20 of 2018. Okay. Both of the events occurred at 1150 South
21 Rainbow Boulevard at the SuperPawn. It's located near
22 Charleston and Rainbow, or Oakey and Rainbow, if you know the
23 area, by Bonanza High School.

24 It's alleged on August 4th, that the defendant, with
25 an unknown person, attempted to rob the SuperPawn that day.

1 He was in possession of a firearm as well. A month later he
2 actually robbed the SuperPawn. It's alleged that he actually
3 robbed the SuperPawn. He was alone at that time. He had
4 multiple firearms.

5 The SuperPawn obviously had workers in it,
6 customers, as well. He took one of the workers hostage,
7 walked out of the building and was ultimately shot by police
8 officers that day.

9 I'm going to read a long list of names here, so just
10 bear with me. Sometimes my pronunciation's a little bad too.
11 So we'll start here. Listen carefully. You may not hear from
12 all of these people, but there is a possibility. So if you
13 recognize any name, try to keep that in mind, and we will
14 discuss it with the Judge in a few minutes, okay?

15 So we have Trevor Alsup. He is a FIT Detective with
16 LVMPD. That's the Force Investigation Team. Giovanni
17 Andino. He was a worker at the SuperPawn. Jeddah Balgame.
18 She is a -- an employee at the Clark County District
19 Attorney's Office.

20 Zachary Baughman. He is with the Air Unit of the
21 Las Vegas Metropolitan Police Department. So, the
22 helicopters. Claire Browning. She is a crime scene analyst
23 with the Las Vegas Metropolitan Police Department.

24 Thomas Carrigy. He is a patrol officer with LVMPD.
25 Jeff Clark. He is a robbery detective with LVMPD. Mark

1 Colon. He is also a FIT Detective with the LVMPD. Brian
2 Farrington is a patrol officer with LVMPD. Maria Fulwiler.
3 She is now a detective, but at the time she was a patrol
4 officer with LVMPD.

5 Keenan Graham, is another patrol officer with LVMPD.
6 Tim Hiner. He is the regional investigator and custodian of
7 records for the SuperPawn, specifically, the location at 1150
8 South Rainbow Boulevard.

9 We have Melani Howard. She was an employee of that
10 SuperPawn. Jennifer Incerra, was an employee of the
11 SuperPawn. Ivan Jaquez. He was an employee at the SuperPawn.
12 Jason Leavitt. He was a FIT Detective with LVMPD. Dwayne
13 Melvin. He was a customer of that SuperPawn.

14 Scott Mendoza, he's a detective with LVMPD. Matthew
15 Mongeau was a -- or is a friend of the defendant who loaned
16 him the -- his car that day. Natacha Montoban was a customer
17 at the SuperPawn. Tabatha Paine is a crime scene analyst with
18 LVMPD. Joseph Patton. He is a currently a sergeant. He was
19 with the FIT team as well.

20 Blake Penny, he's a detective with the FIT team of
21 LVMPD. Marco Rafalovich. He is a investigator at the
22 District Attorney's Office. Jonathan Sandoval was a employee
23 that day at the SuperPawn. Julilana Saldana was also another
24 employee at the SuperPawn. Adriane Serrano-Bojorquez,
25 manager at the SuperPawn.

1 Jeff Smith is a CSA with LVMPD. Giselle Tapay,
2 another CSA or crime scene analyst with LVMPD. Leah Groveman
3 is a DNA analyst with LVMPD. Barry Jones is a digital
4 investigator with LVMPD, so he handles phones and records.
5 And Christine Whittle, she is a DNA analyst with LVMPD, as
6 well.

7 I know that was a long list. Thank you for bearing
8 with me.

9 THE COURT: Thank you.

10 And so, ladies and gentlemen of the potential jury,
11 it is a constitutional right for a defendant in a criminal
12 case to represent themselves, or to have an attorney appointed
13 if they cannot afford one, or to hire an attorney, obviously.
14 Mr. Trejo has decided he wanted to represent himself, and so
15 he is going to be representing himself.

16 He is also disabled. And so we have someone here.
17 He writes things down and speaks -- and the interpreter will
18 read them. And he also has a standby counsel who is appointed
19 to help him during the trial.

20 So, Mr. Trejo, can you please give a list of your
21 witnesses and a short introduction?

22 MR. TREJO: (Through interpreter) Ladies and
23 gentlemen, thank you for being here and giving your time to
24 this civic duty. My name is Mario Bladimir Trejo. I am a
25 defendant representing himself.

1 In this trial, my only witnesses will be Allison
2 McNickle (phonetic) and Officer Octavio Verduzco (phonetic).

3 I look forward to speaking with you all and
4 hopefully having you on this jury. Thank you for your
5 patience and undivided attention.

6 THE COURT: Thank you, Mr. Trejo.

7 Madam Clerk, will you please call the roll of the
8 panel of prospective jurors? When your name is called, please
9 answer present or here.

10 I'm also going to let you know, and I'm going to
11 have to keep reminding people, because this isn't the way that
12 we talk. The recorder is taking everything down, so please
13 don't say uh-huh or huh-uh, because that doesn't convey what
14 you need for it to convey.

15 We'll have to probably stop you and say, is that a
16 yes, so just remember we are taking everything down. Thank
17 you.

18 (CLERK CALLS ROLL OF PROSPECTIVE JURORS.)

19 THE COURT: Thank you. Is there anyone who's
20 present whose name was not called?

21 There being no answers.

22 So we're about to begin the selection process, the
23 jury selection process. This is the part of the case where
24 the parties and their lawyers have the opportunity to get to
25 know a little bit about you in order to help them come to

1 their own conclusions about your ability to be fair and
2 impartial in this case so that they can decide who they think
3 should stay on as jurors.

4 This process is done under oath, so will you all
5 please stand and raise your right hand so the Clerk can swear
6 you?

7 (PROSPECTIVE JURY PANEL SWORN.)

8 THE COURT: Thank you. You can have a seat.

9 Thank you. So the process is going to go like this.
10 I'm going to ask some general questions. These questions are
11 going to be directed to everybody.

12 And so then once we get you merged in with the other
13 group, we're going to continue with what was called voir dire.
14 If anybody is sitting in the box, then we'll be asking
15 questions to people who are sitting. And so that's what I
16 call the box, is over there, the jury box, in front of it.

17 And then there are people who are also going to be
18 qualified who are going to be sitting on that side of the
19 room. And those people are going to be asked more specific
20 questions by me and by the parties.

21 And so all of the questions that you're going to be
22 asked during this whole selection process are not intended to
23 pry or to embarrass anybody or anything like that. Bu it's
24 important that everybody knows enough about you to make the
25 decision of whether or not you can be fair in this particular

1 case. There are no right or wrong answers. We just want you
2 to give complete answers and honest answers.

3 So you all just took that oath to answer all
4 questions truthfully and you have to do that. Remaining
5 silent when you have information that you should disclose is
6 also a violation of that oath. And if a juror violates its
7 oath, it isn't just going to result in possibly having to
8 retry the case, but it could also result in penalties to the
9 juror personally.

10 I just want to let you know there was a woman who
11 was a potential juror who came in the morning on Monday and
12 didn't come back after lunch. I had to issue an order to show
13 cause. She could end up having to pay fines for doing that.
14 I never want to order to have to pay people -- order people to
15 have to pay money or, you know, get them in trouble in any
16 way, but I have to, because we do need people.

17 This case is going to take awhile, and so there are
18 people who have a lot of, you know, issues, and they can't do
19 that. And so we need to make sure we have the -- enough
20 people so that both the State and Mr. Trejo get a fair trial.
21 So again, it's very important that you be as honest as you --
22 and complete as you possibly can on your answers.

23 If you don't understand a question, please ask for
24 an explanation. Don't just guess as to what it means.

25 Also, at some point during the jury selection

1 process, the attorneys are going to have -- or sorry, the
2 parties, because Mr. Trejo is representing himself, the
3 parties are going to have the right to ask that a particular
4 person not serve as a juror. That's called a challenge.

5 There are two types of challenges. The first type
6 is a challenge for cause. And a for cause challenge is a
7 request to excuse a juror because that juror might have a
8 difficult time being fair and impartial in this particular
9 case.

10 The second type of challenge is called a peremptory
11 challenge. A peremptory challenge is a kind of a challenge
12 where the juror can be excused from jury duty without counsel
13 having to give any sort of a reason for the excusal.

14 In this case each side has ten peremptory challenge
15 because we are seating so many jurors. So please don't be
16 offended if you're excused by any of the challenge procedures.
17 They are simply a part of the process designed to assist the
18 parties in their -- and get a fair and impartial jury.

19 Once all the challenges are exercised we're going to
20 have, like I said, 16 qualified jurors. Four of the 16 are
21 going to be alternates, and the 12 remaining are going to
22 deliberate in the case.

23 I'm now going to ask some questions, so if you have
24 an answer to this, please raise your hand and we'll get you a
25 microphone. One of the things I need you to do is give your

1 name and badge number before you answer any of the questions.
2 So as soon as you get handed the mic, please get your name and
3 the badge number. Have your badge number out so that you can
4 just get it really quickly.

5 So the first question I need to ask, is there anyone
6 who has a disability or a medical issue that might impact
7 their ability to serve on a jury in this case? And this is
8 just medical or a disability.

9 There being no -- there -- yes, a hand?

10 Okay. So there's a hand on this one. So Bill, if
11 you can get the mic to that person.

12 THE MARSHAL: Well, she said she --

13 PROSPECTIVE JUROR NO. 0544: I can't hear.

14 THE MARSHAL: -- couldn't hear, Judge.

15 THE COURT: Okay. Does she need the headphones?

16 THE MARSHAL: I can provide those.

17 THE COURT: Is it working? Can you hear?

18 Can you hear now?

19 Okay. Great. What -- what -- ma'am can you hand
20 her the microphone?

21 Bill, can you hand her the microphone?

22 Ma'am, what's your name and your badge number?

23 PROSPECTIVE JUROR NO. 0544: 04 -- or 0544, Theresa
24 Gillogly.

25 THE COURT: Ms. Gillogly, have you been able to hear

1 everything else I've said, and just not the question, or did
2 you not hear anything?

3 PROSPECTIVE JUROR NO. 0544: I heard some of it.

4 THE COURT: Okay. I'm not going to go through
5 everything again.

6 PROSPECTIVE JUROR NO. 0544: I understand, ma'am.

7 THE COURT: So is there anyone who has a disability
8 or a medical issue that might impact their ability to serve as
9 a juror on this case?

10 And Ms. Gillogly has her hand up.

11 So, Ms. Gillogly, again, if you can just state your
12 name and your badge number.

13 PROSPECTIVE JUROR NO. 0544: 0544, Theresa Gillogly.

14 THE COURT: Okay. So --

15 PROSPECTIVE JUROR NO. 0544: My disability is severe
16 PTSD.

17 THE COURT: And how would that affect your ability
18 to sit as a juror?

19 PROSPECTIVE JUROR NO. 0544: Ma'am, it's in high --
20 it's high right now. And most of it is because my youngest
21 son was killed in September when he was hit by a car.

22 THE COURT: Can the parties approach?

23 (Bench conference)

24 THE COURT: She appears to be shaking and crying
25 right now as we speak. I'm going to excuse her right now

1 unless anybody objects.

2 MS. HEAP: No objection.

3 MR. TREJO: Of course.

4 THE COURT: Okay. And for the record, Mr. Trejo
5 said "of course".

6 (End of bench conference)

7 THE COURT: Ms. Gillogly, we're going to go ahead
8 and excuse you from jury duty right now. Thank you very much
9 for your time. I am so sorry for your loss.

10 PROSPECTIVE JUROR NO. 0544: Thank you for your
11 time.

12 THE COURT: So is there anyone else who has a
13 disability or medical issue that might impact their ability to
14 serve as a juror in this case?

15 There being no additional hands.

16 Is there anyone here who's been convicted of a
17 felony?

18 There being no hands on this one, as well.

19 Like I said, we anticipate this case is going to
20 last three weeks. It's already been going on for a couple
21 days. So still most of the rest of the next three weeks.

22 I recognize that serving as -- on a jury is almost
23 always a personal or financial hardship. So for that reason,
24 it's generally not considered an excuse to -- from serving as
25 a juror. But is there anyone who has unique -- a unique

1 inconvenience or a hardship that would impact your ability to
2 serve on this particular jury at this particular time?

3 So there's several hands. So let's start in the
4 front row. And it looks like the entire front row.

5 Ma'am, state your name and your badge number.

6 PROSPECTIVE JUROR NO. 0437: My name is Tonia
7 Ibister. And my badge number is -- do I do the whole thing?

8 THE COURT: I'm sorry?

9 PROSPECTIVE JUROR NO. 0437: 10 -- 10533 --

10 THE COURT: Thank you.

11 PROSPECTIVE JUROR NO. 0437: -- was it -- okay.

12 THE COURT: So what's your --

13 PROSPECTIVE JUROR NO. 0437: I mean, I have a
14 daughter who is autistic. So it's kind of hard to have child
15 care for her after school.

16 THE COURT: Do you work?

17 PROSPECTIVE JUROR NO. 0437: No.

18 THE COURT: And is your main job being her -- her
19 care provider?

20 PROSPECTIVE JUROR NO. 0437: Yes. I'm her care
21 provider.

22 THE COURT: Thank you, Ms. Ibister.

23 Who was next?

24 MS. HEAP: Your Honor, I just want to correct the
25 record. Her badge number we have down is 14-0437.

1 THE COURT: And that is what I have as well.

2 PROSPECTIVE JUROR NO. 0437: Sorry, guys.

3 THE COURT: Okay.

4 Say your name and badge number.

5 PROSPECTIVE JUROR NO. 0430: Jose Espinoza.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0430: 14-0430.

8 I'm currently working out of the state. I just came
9 in for the last week for Easter, and this, and my daughter's
10 birthday. And I have a ticket already going out Monday at
11 6:00. So --

12 THE COURT: Where are you currently working? What
13 state?

14 PROSPECTIVE JUROR NO. 0430: Tennessee.

15 THE COURT: Thank you.

16 Who was next?

17 PROSPECTIVE JUROR NO. 0423: My name is Marites
18 Knoerzer, Badge Number 14-0423.

19 I don't know if it's because I'm -- I'm foreigner.
20 So I have -- it's hard for me to understand everything. I
21 have to process it in my mind before I can --

22 THE COURT: Okay. That's actually going to be a
23 question a little bit later. So is there anyone else who has
24 a particular inconvenience or hardship?

25 So can you pass the mic down?

1 PROSPECTIVE JUROR NO. 0408: May I say something?
2 It's Kim Hunter, Badge 0408.

3 My only issue is I'm supposed to be leaving tomorrow
4 night on a red eye to go to a charity event in North Carolina
5 for my husband's college and I will be back Monday night. So
6 after Monday, I could do it, be here. But I'm supposed to be
7 gone like Friday and Monday.

8 THE COURT: Thank you.

9 Can you pass it to -- on?

10 PROSPECTIVE JUROR NO. 0389: 14-0389, Tashinia Batt.
11 I only have childcare for Tuesday, Wednesday and Thursday
12 every week.

13 THE COURT: How old are your kids?

14 PROSPECTIVE JUROR NO. 0389: She's two years old
15 next week.

16 THE COURT: Thank you.

17 Can you pass it to whoever was next?

18 PROSPECTIVE JUROR NO. 0449: Badge Number 14-0449,
19 Richard Gautier.

20 I'm not sure if this is the appropriate time, Your
21 Honor, but I have a funeral to attend tomorrow and a
22 conference out of town this weekend. Other than that, no
23 other hardships.

24 THE COURT: When is the funeral tomorrow?

25 PROSPECTIVE JUROR NO. 0449: 1:20 p.m. in Boulder

1 City at the Veterans Cemetery.

2 THE COURT: And the weekend you said?

3 PROSPECTIVE JUROR NO. 0449: Yes.

4 THE COURT: That's the --

5 PROSPECTIVE JUROR NO. 0449: Friday, Saturday and
6 Sunday in Ontario, California. But I'll be back Sunday
7 evening.

8 THE COURT: But you're gone Friday?

9 PROSPECTIVE JUROR NO. 0449: Yes.

10 THE COURT: Okay. Thank you.

11 Who was next?

12 PROSPECTIVE JUROR NO. 0531: My badge number is 14-
13 0531. And my name is Martha Alvarez.

14 And my issue is not as big and not understand very
15 well English.

16 THE COURT: Okay. Again, that's going to be a
17 question a little bit later.

18 So is there anybody else who has a particular
19 hardship or inconvenience that could not --

20 PROSPECTIVE JUROR NO. 0481: My name is Layla
21 Catabay. My Badge Number is 14-0481.

22 So I'm -- I'm the head of the household. So three
23 weeks is a little bit longer for me.

24 THE COURT: Where do you work?

25 PROSPECTIVE JUROR NO. 0481: I work in St. Rose

1 Hospital. I'm a first responder. So basically, I -- like I
2 said earlier, I have a COVID patient yesterday for two days.
3 So, I mean, my husband only work for Door Dash, so I basically
4 support the whole family.

5 THE COURT: Does your job pay for -- because most
6 large employers pay.

7 PROSPECTIVE JUROR NO. 0481: I know they do. But I
8 don't know if they do for the eight hour or how long that's
9 here. I don't know how much they do.

10 THE COURT: Again, that -- that's generally -- they
11 generally pay you your salary.

12 PROSPECTIVE JUROR NO. 0481: Okay.

13 THE COURT: So it is -- and you said you're St.
14 Rose Hospital?

15 PROSPECTIVE JUROR NO. 0481: Yes.

16 THE COURT: And what department?

17 PROSPECTIVE JUROR NO. 0481: Med Surg
18 (indiscernible). So I basically, if you guys have any problem
19 in being exposed -- I'm always exposed. And I don't know
20 when, because they always pop up.

21 THE COURT: No, but what -- what is the name of the
22 department so that we can --

23 PROSPECTIVE JUROR NO. 0481: It's Med Surg. Medical
24 Surgical Unit.

25 THE COURT: We will try and find out if your job

1 pays. But I can't -- I can't tell you for sure.

2 PROSPECTIVE JUROR NO. 0481: Okay.

3 THE COURT: But most large employers do pay --

4 PROSPECTIVE JUROR NO. 0481: Okay.

5 THE COURT: -- for jury duty. Because it's a civic
6 duty.

7 Anybody else?

8 PROSPECTIVE JUROR NO. 0517: Badge Number 14-0517.

9 My name is Diego Arias. I have a funeral on Friday in
10 Whittier, California.

11 And then I will also be traveling from May 1st to
12 May 8th to California.

13 THE COURT: Okay.

14 And was that it for everybody and their hardship?

15 Thank you.

16 Now, the next question that a couple of people have
17 tried to answer already, is there anyone who doesn't speak
18 English fluently?

19 Okay. So if you can get the microphone to the first
20 -- in the front row. In the front row. Let's start in the
21 front row. Front row. Front row.

22 PROSPECTIVE JUROR NO. 0423: My name is Marites
23 Knoerzer, Badge Number 14-0423. Like I say, since I'm
24 foreigner, I have -- I have to --

25 THE COURT: What's --

1 PROSPECTIVE JUROR NO. 0423: -- process --

2 THE COURT: What's your primary language?

3 PROSPECTIVE JUROR NO. 0423: Tagalog. I have to
4 process everything and then I would -- it's not that quick.

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

7 PROSPECTIVE JUROR NO. 0423: 15 years.

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

9 PROSPECTIVE JUROR NO. 0423: Sales.

10 THE COURT: How much of your job entails you
11 speaking English?

12 PROSPECTIVE JUROR NO. 0423: Since I have more
13 Filipinos. And then in my house we don't speak English too.

14 THE COURT: How much of what has happened in court
15 today have you understood?

16 PROSPECTIVE JUROR NO. 0423: I have to really kind
17 of listen to you. And then like translate it in my mind what
18 you're saying.

19 THE COURT: But what percentage have you been able
20 to understand?

21 PROSPECTIVE JUROR NO. 0423: Probably 70 percent.

22 THE COURT: Thank you.

23 And then there was someone who was behind you.

24 PROSPECTIVE JUROR NO. 0391: Badge Number 14-0391,
25 Santos Ramirez.

1 THE COURT: Mr. Ramirez, what's your primary
2 language?

3 PROSPECTIVE JUROR NO. 0391: Spanish.

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

6 PROSPECTIVE JUROR NO. 0391: I've been living for
7 about 40 years.

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

9 PROSPECTIVE JUROR NO. 0391: Actually, I'm living in
10 Mexico right now. So I'm kind of living in Mexico for a half
11 a year, and a half over here in United States.

12 THE COURT: Well, what do you do for a living? What
13 is your job?

14 PROSPECTIVE JUROR NO. 0391: I don't have a job
15 right now.

16 THE COURT: What did you do for a living?

17 PROSPECTIVE JUROR NO. 0391: I did truck driver,
18 truck driver. Yes.

19 THE COURT: How much of -- when you were working,
20 how much of that entailed speaking English?

21 PROSPECTIVE JUROR NO. 0391: Basically, I say about
22 50 percent of my time when I was driving.

23 THE COURT: And how much of what's happened in court
24 today have you understood?

25 PROSPECTIVE JUROR NO. 0391: I've been understanding

1 like 75 percent or 80.

2 THE COURT: Thank you.

3 And then there was another woman in the -- further
4 back.

5 PROSPECTIVE JUROR NO. 0531: My Badge Number is 14-
6 0531, and my name is Martha Alvarez.

7 THE COURT: What's your primary language?

8 PROSPECTIVE JUROR NO. 0531: Spanish.

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

11 PROSPECTIVE JUROR NO. 0531: 19 years. Almost 20.

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

13 PROSPECTIVE JUROR NO. 0531: Pardon me?

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

15 PROSPECTIVE JUROR NO. 0531: I'm working casino
16 porter in Bellagio.

17 THE COURT: And how much of your work entails you
18 speaking English, or understanding English?

19 PROSPECTIVE JUROR NO. 0531: 70 percent. 65, 70
20 percent.

21 THE COURT: And how much of what has happened in
22 court today have you been able to understand?

23 PROSPECTIVE JUROR NO. 0531: 60, 65 percent.

24 THE COURT: Thank you.

25 Is that it for the people who doesn't speak English

1 fluently, or were there anymore?

2 Okay. There being no additional hands.

3 Are any of you acquainted with me or any of the
4 court staff?

5 Do any of you know each other?

6 There being no hands to either of the last two
7 questions.

8 Are either of you acquainted with Mr. Trejo, or his
9 standby counsel, or the interpreter?

10 There being no answer to that.

11 Are any of you acquainted with Mr. Schwartz or Ms.
12 Heap from the Deputy -- from District Attorney's Office?

13 There being no hands on that one.

14 Are any of you acquainted with Steve Wolfson or any
15 other person in the District Attorney's Office?

16 There being no hands to that.

17 Are any of you acquainted with any of the witnesses
18 whose names were read by the State or by the Defense?

19 There being no hands on that.

20 Does anybody know anything about this case other
21 than what's been stated in the court today?

22 There being no hands to that.

23 Does anyone have any philosophical, religious or
24 other belief that would prevent you from serving as a fair and
25 impartial juror?

1 There being no answers to that.

2 So under our system of criminal justice certain
3 principles apply in every criminal trial. They are, number
4 one, that the charging document filed in this case is merely
5 an accusation and is not any evidence of guilt.

6 Number two is that the defendant is presumed
7 innocent. And number three is that the State must prove that
8 the defendant is guilty beyond a reasonable doubt.

9 Does anyone not understand or not believe these
10 concepts?

11 There being no answers to that.

12 Is there anyone who would have trouble following the
13 instructions on the law I give you regardless of whether you
14 think the law is good or bad?

15 There being no answers to that one.

16 And so, I actually have a meeting at 12:00 o'clock
17 so I am probably just going to go ahead, unless you all go
18 right now, so that I can confer with the other attorneys and
19 make it to my meeting.

20 During the recess, you are admonished not to talk or
21 converse among yourselves or with anyone else on any subject
22 connected to this trial, or read, watch, or listen to any
23 report of, or commentary on the trial, of any person connected
24 with this trial, by any medium of information, including
25 without limitation, newspapers, television, the Internet or

1 radio, or form or express any opinion on any subject connected
2 with the trial until the case is finally submitted to you.

3 You guys will need to come back at 1:15. Thank you.

4 (Prospective jurors recessed at 11:51 a.m.)

5 (Outside the presence of the prospective jury)

6 THE COURT: Okay. So let's talk about these people.

7 Pretty much everybody had an excuse on this one.

8 I'm sorry. We're outside the presence. I forgot to say that
9 for the record.

10 So Mr. Schwartz, where do you want to start?

11 MR. SCHWARTZER: Let's go down the list.

12 Badge Number 14-0389, doesn't have childcare on
13 Monday and Friday. Obviously, that doesn't work for our
14 schedule. I would ask to kick her.

15 THE COURT: Mr. Trejo?

16 MR. TREJO: I concur.

17 THE COURT: Okay. Yeah. She's got a two-year-old.
18 That's why I asked the age. So she will be excused.

19 MR. SCHWARTZER: Badge Number 14-391. I guess we
20 can lump that in with Badge Number 14-423. And 14-531, I feel
21 like we've done this one, again, it's multiple times during
22 this trial -- this jury selection.

23 All three have stated that they can't understand
24 everything that's been --

25 THE COURT: And just -- and just for the record, can

1 you please give me the names? I'm trying to --

2 MR. SCHWARTZER: Sure.

3 THE COURT: -- get the badge numbers.

4 MR. SCHWARTZER: 14-391 would be Santos Ramirez.

5 THE COURT: Okay.

6 MR. SCHWARTZER: 14-423, would be Marites Knoerzer,
7 K-n-o-e-r-z-e-r.

8 And Badge Number 531, is Martha Alvarez.

9 THE COURT: Okay. Thank you.

10 MR. SCHWARTZER: All three have stated that they
11 didn't understand everything that was going on in this
12 courtroom. I didn't catch what Alvarez said regarding a
13 percentage, but at least with Mr. Ramirez it was 75 to 80
14 percent.

15 THE COURT: Alvarez said 60 to 65 percent.

16 MR. SCHWARTZER: Oh, so she was even less.

17 And then Ms. Knoerzer said 70 percent.

18 So if you're not understanding -- if you're all --
19 if they're understanding less than 80 percent of what's being
20 said in the courtroom, that's obviously no good for anybody,
21 so I'd ask to excuse those three.

22 THE COURT: Mr. Trejo?

23 MR. TREJO: I think Ramirez, 0391, and Martha
24 Alvarez, weren't too bad in their English. I do agree with
25 Ms. Marites --

1 THE COURT: I -- her name was, yeah, Marites --

2 MR. TREJO: -- Marites --

3 THE COURT: -- Knoerzer, I think is how she
4 pronounced it.

5 MR. TREJO: Yes.

6 THE COURT: Okay. So we will for sure kick out
7 Marites Knoerzer.

8 And then Mr. -- Mr. Trejo, I'm sorry, but they did
9 give a really low percentage on Santos Ramirez. He said 75 to
10 80 percent of what's happening. He also didn't -- he drove
11 trucks so he didn't have to use English a lot in his job.

12 And Ms. Alvarez said only 60 to 65 percent is what
13 she understood.

14 So I am also, over defendant's noted objection, I am
15 going to excuse both of those as well.

16 MR. SCHWARTZER: Okay. And the next one I have is
17 Badge Number 14-408, Ms. Hunter, who has preplanned out of
18 state travel across the country. I would ask to excuse her
19 based on that.

20 THE COURT: Mr. Trejo?

21 MR. TREJO: I concur.

22 THE COURT: We will excuse Hunter.

23 MR. SCHWARTZER: Same reason for Badge Number 14-
24 430, Mr. Espinoza, who has a plane ticket for Tennessee on
25 Monday.

1 MR. TREJO: I was going to suggest the same.

2 THE COURT: Okay. Mr. Espinoza will be kicked.

3 We are going to get like maybe three people out of
4 this panel.

5 MR. SCHWARTZER: Yeah. I agree.

6 Badge Number 437, Ms. Ibister, I am very sympathetic
7 to a -- someone dealing with an autistic child and the trouble
8 it is to get childcare there. I would kick her just because
9 of that. I'm -- again, I don't -- I don't think she -- I
10 mean, there's no like real for cause reason. But that's a
11 major issue.

12 THE COURT: That's not a for cause reason. That's a
13 -- she's a --

14 MR. SCHWARTZER: Hardship.

15 THE COURT: -- hardship.

16 MR. SCHWARTZER: Yeah.

17 THE COURT: Yeah.

18 MR. SCHWARTZER: So I would excuse her based on
19 that, just with the knowledge of how hard that is. So I would
20 move for that.

21 THE COURT: Mr. Trejo?

22 MR. TREJO: I agree with that.

23 THE COURT: Okay. So we will kick out Ibister.

24 MR. SCHWARTZER: And then 14-449, Mr. Gautier, has
25 out of state travel for Friday, I believe, and a funeral.

1 THE COURT: The funeral is tomorrow. The out of
2 state travel is Friday.

3 MR. SCHWARTZER: So it has to -- obviously, that
4 doesn't -- either doesn't work for our schedule, so I'd ask to
5 kick him.

6 MR. TREJO: I agree.

7 THE COURT: Yep. Okay.

8 MR. SCHWARTZER: The next one I have on my list is
9 14-517, Mr. Arias. He also has out of state travel, as well
10 he -- does he have a funeral too? And he has a funeral as
11 well. So I would ask to kick him.

12 THE COURT: Yeah. He's got a funeral on Friday in
13 California and then he's also going to be out of town May 1st
14 through May 8th, which clearly doesn't work with our schedule.

15 Mr. Trejo is nodding in agreement.

16 Do you want to say anything?

17 MR. TREJO: I agree.

18 THE COURT: Okay.

19 MR. SCHWARTZER: That's -- that's my list, Your
20 Honor.

21 THE COURT: Mr. Trejo, anything?

22 MR. TREJO: That pretty much covers it.

23 THE COURT: Yeah. Okay.

24 So I need to get out of here for this 12:00 o'clock
25 meeting. When we get back we will kick all those people and

1 then we'll have to deal with the one, two, three, four, five
2 remaining out of the 15.

3 THE MARSHAL: Did you want to say something?

4 THE COURT: Mr. Trejo, did you have anything you
5 needed to say?

6 No? Okay. Thank you. Yes. Okay.

7 (Court recessed at 11:58 a.m., until 1:05 p.m.)

8 (Outside the presence of the prospective jury).

9 THE COURT: Okay. We are back on the record on
10 State of Nevada versus Mario Trejo, Case Number C-18-335315-1.
11 We have two, three -- oh, and these are very nice handwriting
12 -- writing.

13 Okay. So Badge Number 12-0962, so that would have
14 been from the first day. Morgan Arias. He has an ID Number
15 and a Badge Number, "I am requesting excusal for extreme
16 financial hardship and impacting many students' grades by
17 missing work. I am a tutor and will not be compensated for
18 missed work days. I cannot be a juror on this trial without
19 possibly going into severe debt or becoming homeless. I have
20 bills to pay and do not have people to rely on financially.
21 In addition, I tutor at a low income high school where
22 students struggle as it is. Me missing work will greatly
23 impact eight classes of students at Desert Pines High School.
24 Their finals, as well as mine, are coming up. I need to be
25 there for them, and myself, financially. Thank you. Morgan

1 Arias."

2 I don't even remember where this person is.

3 MS. HEAP: He's in seat 35.

4 THE COURT: Okay. And this is a Court Exhibit.

5 Okay. So he has got financial -- I mean, I don't
6 understand why people aren't telling us this in the beginning,
7 but whatever.

8 Then we've got Joseph Munninger, Badge Number 1066.
9 He is in Seat 4. His note says, "Your Honor, I talked to my
10 employer about the trial being about three weeks and they
11 wanted to know if I could be excused because I am the only one
12 who can do my station which I dip motors in resin. The only
13 other person who could do it is gone for medical issues and it
14 takes at least a month to train another person to do it."

15 I'm going to say no to that one just off the bat.
16 Dipping motors. I -- that's not -- I mean, he didn't say
17 financial or anything like that. He just said his job doesn't
18 want him to be here.

19 So does anybody have an issue with me denying Joseph
20 Munninger's?

21 MR. SCHWARTZER: No, Your Honor.

22 THE COURT: And Mr. Trejo doesn't have an
23 interpreter yet, but he wasn't shaking his head no. So Alex
24 -- sorry, Mr. Henry, can you just act as his interpreter for
25 now?

1 MR. HENRY: No issue.

2 THE COURT: Okay. Thank you.

3 THE CLERK: All right. So Arias, we --

4 THE COURT: Arias, we're going to talk about.

5 THE CLERK: Okay.

6 THE COURT: But Munninger, I'm just denying off the
7 bat.

8 Fabio Kahara, Badge Number 12-0846, is in Seat 20.
9 And his note says, "Hi, Your Honor. I am a single parent and
10 the only income for my family. I really don't have anybody to
11 pick them up at school every day. My ex-wife live in a
12 different state, make even harder for me. I own a trucking
13 business. My driver depends on me to get loads so other
14 families depend on my performance to earn money. Thanks.
15 Fabio Kohara."

16 We'll talk about that one at the end. That's a
17 Court's Exhibit.

18 Then the three -- or the two -- I'm sorry, I'm just
19 trying to get steps for the hour. Especially, I ate a whole
20 huge piece of cheesecake or cake.

21 Oh, this one's all typed.

22 Angela Ahmad, Badge Number 12-0794. She is --

23 THE CLERK: She's 12.

24 THE COURT: Where?

25 THE CLERK: 12.

1 THE COURT: Okay. She is in Seat 12.

2 "I am requesting an excusal from jury duty because
3 of my pregnancy."

4 Did she tell us she was pregnant? No.

5 MR. SCHWARTZER: She did not.

6 THE COURT: No. "Because of my pregnancy. I would
7 love to be a part of this process but at this time I am
8 starting to find it hard on myself. I am dealing with morning
9 sickness. The very first day I felt well, so I did not think
10 much of it. But yesterday I had to vomit during my lunch and
11 it really upset me for the rest of the day. At my job, I have
12 the ability to run to the restroom to vomit but here I was --
13 it was a battle to hold it in.

14 "The sitting down on the chair all day is starting
15 to hurt my lower back and I get really sleeping" -- I'm sure
16 she meant sleepy. "I am also worried about the timeline
17 affecting my doctor appointments as well. I have my next
18 appointment with my OB/GYN next Friday, April 29th, at 9:45
19 a.m.

20 "And I am stressing not knowing the timeline with
21 this case, how to reschedule it. I don't know my options if I
22 can either be moved to another case or postpone for next year.
23 It is just the length of this case that worries me on how it
24 will affect me with stress, body aches, dealing with morning
25 sickness and doctor appointments."

1 We can talk to her separately. I'm making that a
2 court exhibit.

3 And then the final one is also typed up.

4 This one doesn't have his Badge Number, but it is
5 Lance Banks. "Re jury service concerns, to Honorable Erika D.
6 Ballou. Dear Judge Ballou, I am writing this correspondence
7 to express my concerns with serving as a juror in the instant
8 matter.

9 "As my background as an attorney has become more
10 widespread, I am regularly being asked questions by my fellow
11 potential jurors. While the questions are benign at this
12 point, my fear is that Mr. Trejo's constitutional rights to a
13 trial by a jury of his peers will degrade into a trial by a
14 jury of his peer.

15 "I fear that my background and education will result
16 in the other jurors following my thoughts or opinions during
17 deliberation rather than taking the time or effort to properly
18 formulate their own. I truly abhor the possibility that my
19 perceived knowledge would unnaturally upset the balance of the
20 collective decision-making process.

21 "Additionally, on a personal note, I have been at my
22 current employment for only three months and being away from
23 my work for three more -- three or more weeks puts me in an
24 extreme hardship as I am still relatively new. I will perform
25 my duties to the best of my ability should it be determined

1 that it is still appropriate for me to serve as a juror.
2 However, I must satisfy the dictates of my conscience by
3 informing the Court of my concerns with my prospective
4 service. Yours truly, Lance D. Banks."

5 I'm going to not do anything about that one because
6 he's just saying basically that he thinks that people are
7 going to rely on him, and that could be the case anytime
8 there's an attorney on the --

9 MR. SCHWARTZER: I agree. I agree with your
10 thoughts there, Your Honor. I guess, my worry -- and maybe I
11 just misheard what was being said.

12 I guess my worry is that are people already asking
13 him? Because that's a violation of their admonishment.

14 THE COURT: So we can bring him in for sure and ask
15 him what has been asked. But yeah, no, you didn't mishear
16 that.

17 MR. SCHWARTZER: Okay.

18 THE COURT: So we'll bring in Ms. Ahmad and ask her
19 about her -- her pregnancy. We'll bring in mr. Kahara and Mr.
20 Arias about their work and the financial hardship. And we'll
21 bring in Mr. Banks and ask him about the other -- the other
22 jurors asking him.

23 So before we bring in the others, let's bring in one
24 at a time, if you can bring in the four that I have -- five, I
25 don't know, however -- one --

1 THE MARSHAL: And they're so scattered on this list,
2 Judge, I don't know who's who. Let me get the names one more
3 time so I have them.

4 THE COURT: Let's start with Lance Banks, because I
5 want to know who's asking him what. So Lance Banks --

6 THE MARSHAL: You know what, I can get -- we'll just
7 get the letters. I'll get them from the letters.

8 THE COURT: Okay.

9 THE MARSHAL: I don't want to burden the --
10 (Prospective Juror No. 0773 is present)

11 THE COURT: Mr. Banks, can you please -- oh, wait.
12 We don't have the microphone.

13 THE MARSHAL: I got ya.

14 THE COURT: Can we get -- thank you.

15 So we received your letter and there were some
16 concerns raised. So have the other jurors been asking you
17 questions about the case?

18 PROSPECTIVE JUROR NO. 0773: Not about the case.
19 Just like procedural things, like why is this taking so long,
20 you know, is this normal, that kind of stuff. So no, nothing
21 -- nothing specific about the case. Just, you know,
22 generally, generalities.

23 THE COURT: Oh, okay. And is -- has there been
24 anything that raised concerns to you about the case itself?
25 Nobody's asked you anything?

1 PROSPECTIVE JUROR NO. 0773: No.

2 THE COURT: Okay. Mr. Schwartz, do you want to
3 follow up on that?

4 MR. SCHWARTZER: Based on those answers, I don't
5 have any follow-up.

6 THE COURT: Mr. Trejo, based on those answers, do
7 you have any follow-up?

8 MR. TREJO: I have no follow-up.

9 THE COURT: Okay. Thank you.

10 Thank you, Mr. Banks.

11 PROSPECTIVE JUROR NO. 0773: No problem. Thank you.

12 THE COURT: Just leave that there. We'll -- the
13 next person we bring in will need it too.

14 PROSPECTIVE JUROR NO. 0773: Thank you, Your Honor.

15 THE COURT: Thank you.

16 (Prospective Juror No. 0773 is not present.)

17 THE MARSHAL: All right. Judge, who would you like
18 next?

19 COURT: It doesn't -- any of the -- any of the mix.

20 THE MARSHAL: Any? Angela Ahmad?

21 THE COURT: Sure.

22 (Prospective Juror No. 0794 is present)

23 THE COURT: Ms. Ahmad, can you please just state
24 your name and badge number?

25 PROSPECTIVE JUROR NO. 0794: Angela Ahmad, Badge

1 794.

2 THE COURT: Okay. Thank you for your note.

3 We were not aware that you're pregnant. How far
4 along are you?

5 PROSPECTIVE JUROR NO. 0794: It should be nine weeks
6 tomorrow.

7 THE COURT: Okay. And so you said -- (to the clerk)
8 wait, can I see the notes?

9 And you you said that -- so the thing about your
10 lower back, we can always just take breaks and you don't have
11 to sit the whole time. You can actually even just stand up
12 like in -- in court.

13 But your doctor's appointment is on Friday, the 29th
14 at 9:45. When would you be able to -- to reschedule it until?

15 PROSPECTIVE JUROR NO. 0794: Well, that's where I
16 was -- I wasn't sure what the timeline is. Like are we doing
17 three weeks starting now?

18 THE COURT: It was three weeks starting Monday.

19 PROSPECTIVE JUROR NO. 0794: Oh, starting Monday?

20 THE COURT: Yeah.

21 PROSPECTIVE JUROR NO. 0794: Because it's --

22 THE COURT: But I'm not 100 percent sure because we
23 have so many people who are not able to serve for that long.
24 But we're going through lots and lots of panels.

25 So if you had to reschedule -- and I'm sorry, and

1 also if you are feeling sick, please just let us know and
2 we'll take a break for you. But would you be able to -- I
3 mean, how -- like I don't -- I've never had a child and so --
4 and everybody else in here -- there's a lot of men so --

5 PROSPECTIVE JUROR NO. 0794: This is my first.

6 THE COURT: -- okay. Oh, okay.

7 So I don't know -- like is that a particular timing
8 that you need to have the -- the --

9 PROSPECTIVE JUROR NO. 0794: She sees me every four
10 weeks right now in the beginning --

11 THE COURT: Um-hum.

12 PROSPECTIVE JUROR NO. 0794: -- so this is my second
13 appointment.

14 THE COURT: Okay. And if it's at 9:45, if we
15 started late, how late on Friday would you be able to --

16 PROSPECTIVE JUROR NO. 0794: I don't think they take
17 long. Like if we came in at this time, I think that would
18 probably be fine.

19 THE COURT: So if we come in on Friday at 1:15?

20 PROSPECTIVE JUROR NO. 0794: Yeah.

21 THE COURT: We would be able to do it?

22 Okay. And is that your only concern?

23 PROSPECTIVE JUROR NO. 0794: Yeah. Just that I have
24 nausea.

25 THE COURT: Okay. And the nausea, like I said, if

1 you -- if -- if we're like where we're not talking to
2 everybody and you just need us to take a break, or if we have
3 a witness on the stand, you -- if you're on the jury, raise
4 your hand and I will remember that we need a break.

5 PROSPECTIVE JUROR NO. 0794: Okay.

6 THE COURT: I have to go to the bathroom all the
7 time. So we're probably going to need a break anyway.

8 PROSPECTIVE JUROR NO. 0794: Okay.

9 THE COURT: Okay. So yeah, if we start late on
10 Friday, then we can accomplish that one.

11 PROSPECTIVE JUROR NO. 0794: Okay.

12 THE COURT: Thank you.

13 PROSPECTIVE JUROR NO. 0794: Thank you.

14 THE COURT: You can just sit in the chair.

15 PROSPECTIVE JUROR NO. 0794: Oh.

16 THE COURT: The next person's going to come.

17 PROSPECTIVE JUROR NO. 0794: Thank you.

18 THE COURT: Thank you.

19 (Prospective Juror No. 0794 is not present)

20 THE COURT: If you can get Morgan Arias.

21 (Prospective Juror No. 0962 is present)

22 THE COURT: Mr. Arias, can you please just state your
23 name and your badge number?

24 PROSPECTIVE JUROR NO. 0962: Morgan Arias, 0962.

25 THE COURT: Thank you.

1 So we got your letter and you were asking about a
2 hardship for -- for finances. And so you -- one of your --
3 I'm sorry, so your job is a tutor, or?

4 PROSPECTIVE JUROR NO. 0962: Yeah. I'm a tutor.

5 THE COURT: And how -- how -- like I don't -- so
6 just explain to me a little bit more about what you do so that
7 you --

8 PROSPECTIVE JUROR NO. 0962: So I'm an in-classroom
9 tutor. UNLV GEAR UP provides tutors to the classes at Desert
10 Pines. So I sit in with the class. I like listen to the
11 lecture and then I go around and help all the students, like
12 after the teacher finishes and I'm just there helping all the
13 students.

14 THE COURT: Okay. And you said that's UNLV GEAR UP?

15 PROSPECTIVE JUROR NO. 0962: Yeah. So it's a
16 program for college readiness.

17 THE COURT: Um-hum.

18 PROSPECTIVE JUROR NO. 0962: And they help certain
19 high schools. And Desert Pines is a low income high school.

20 THE COURT: Um-hum.

21 PROSPECTIVE JUROR NO. 0962: So that's why I'm
22 placed there.

23 THE COURT: Okay. And so you're a UNLV student?

24 PROSPECTIVE JUROR NO. 0962: I'm a student at CNS.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 0962: Yeah.

2 THE COURT: And so you're -- you live alone? I
3 mean, I'm just trying to figure out --

4 PROSPECTIVE JUROR NO. 0962: Yeah. Yeah. I do live
5 alone.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0962: And that's my only job
8 right now.

9 THE COURT: Okay. And so -- and do they pay while
10 you're on jury duty?

11 PROSPECTIVE JUROR NO. 0962: No.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 0962: Yeah.

14 THE COURT: Any questions for Mr. Arias?

15 MR. SCHWARTZER: Just I guess, Mr. Arias, if -- from
16 based on your letter you're saying if you don't work for the
17 next three weeks you wouldn't be able to pay your bills?

18 PROSPECTIVE JUROR NO. 0962: Yes.

19 MR. SCHWARTZER: And you --

20 PROSPECTIVE JUROR NO. 0962: Correct.

21 MR. SCHWARTZER: And you wouldn't be able -- so
22 there's a chance you'd be evicted?

23 PROSPECTIVE JUROR NO. 0962: Yes.

24 MR. SCHWARTZER: Okay.

25 I have nothing further, Your Honor.

1 THE COURT: Mr. Trejo?

2 MR. TREJO: I have no comment.

3 THE COURT: Okay. Thank you.

4 Thank you, Mr. Arias. If you could just leave the
5 microphone right there.

6 (Prospective Juror No. 0962 is not present)

7 And we will call in Fabio Kohara.

8 (Prospective Juror No. 0846 is present)

9 THE MARSHAL: All right, sir, right here.

10 THE COURT: Thank you, Mr. Kohara.

11 Can you please just state your name and your badge
12 number?

13 PROSPECTIVE JUROR NO. 0846: Fabio Kohara, 0846.

14 THE COURT: Okay. Thank you.

15 Mr. Kohara, we got your note. So you said you're a
16 single parent and the only income. How old are your kids?

17 PROSPECTIVE JUROR NO. 0846: 12 and 8.

18 THE COURT: Okay. And you said that their mother
19 lives in a different state?

20 PROSPECTIVE JUROR NO. 0846: Yes.

21 THE COURT: What state?

22 PROSPECTIVE JUROR NO. 0846: Florida.

23 THE COURT: And you own a trucking business. Is
24 there anyone who would be able to anything with your business
25 while you're out?

1 PROSPECTIVE JUROR NO. 0846: No. I'm the only one
2 who does the dispatching for my driver.

3 THE COURT: Okay. And then what time do you take
4 your kids to and from school?

5 PROSPECTIVE JUROR NO. 0846: I -- I drop them off
6 around 7:30 and then pick them up around 3:30.

7 THE COURT: Okay.

8 Questions for Mr. Kohara?

9 MR. SCHWARTZER: Sure, Your Honor.

10 Mr. Kohara, I apologize for not talking about this
11 yesterday with you. So the last three days obviously we've
12 gone out past 3:30. Who -- who's been picking up your kids?

13 PROSPECTIVE JUROR NO. 0846: I asked my friends.

14 MR. SCHWARTZER: Okay. So you don't have any family
15 here, you're just asking --

16 PROSPECTIVE JUROR NO. 0846: I -- I do have, but
17 they work.

18 MR. SCHWARTZER: Okay. So if this went on for three
19 weeks you would have to ask a different friend every time or
20 would you have to ask -- is it one friend?

21 PROSPECTIVE JUROR NO. 0846: No. It's different
22 people.

23 MR. SCHWARTZER: Okay.

24 PROSPECTIVE JUROR NO. 0846: Like sometimes my
25 brother, sometime my friends.

1 MR. SCHWARTZER: So you'd be scrambling every day?

2 PROSPECTIVE JUROR NO. 0846: Yes.

3 MR. SCHWARTZER: Okay. On top of that, do you get
4 paid if you're not working?

5 PROSPECTIVE JUROR NO. 0846: Yes. I don't get
6 paid.

7 MR. SCHWARTZER: Okay. And would that put you --
8 would that affect your ability to pay your bills?

9 PROSPECTIVE JUROR NO. 0846: Oh, yeah. Of course.

10 MR. SCHWARTZER: Okay.

11 PROSPECTIVE JUROR NO. 0846: Like I've been -- I
12 have work supposed to be done this week. I've been pushing
13 every day because we never know when going to end. Like I
14 have to get this -- because I have cabinets to go for one of
15 my account in the city and they've been waiting the past two
16 days.

17 MR. SCHWARTZER: Okay. So this could also affect
18 business relationships?

19 PROSPECTIVE JUROR NO. 0846: Yes. For sure.

20 MR. SCHWARTZER: Okay.

21 That's all I have, Your Honor. Thank you.

22 THE COURT: Thank you.

23 MR. SCHWARTZER: Thank you, sir.

24 THE COURT: Mr. Trejo?

25 MR. TREJO: I have no comment.

1 THE COURT: Okay. Thank you.

2 If you can just hand the mic to -- to Bill and we
3 will talk about all this and then we'll bring the jury in.
4 Thank you.

5 PROSPECTIVE JUROR NO. 0846: Thank you, Your Honor.
6 (Prospective Juror No. 0846 is not present)

7 THE COURT: So we did not bring in Mr. Munninger,
8 who just -- I don't even remember what his letter said.

9 MR. SCHWARTZER: It was the dipping engines.

10 THE COURT: Oh, yeah. That his employer just wanted
11 him to come back.

12 We -- there's -- there were -- oh, we did bring in
13 Mr. Banks. I don't think there's any issues related to Mr.
14 Banks. They are not asking him any questions that are
15 inappropriate at this time. So I don't see a cause challenge
16 for Mr. Banks.

17 But does anybody have any issues with Mr. Banks at
18 this time based on what his note said?

19 MR. SCHWARTZER: Not for the State, Your Honor.

20 MR. TREJO: No. No issues.

21 THE COURT: Okay. Angela Ahmad, I think we can just
22 work around her schedule. On Friday, we'd be able to just
23 start later in the day. It's at 9:45. If we started maybe
24 even at noon instead of at -- at 9:00 on Friday which -- and I
25 mean and that's only one day that we'd have to do this.

1 So I think we can work around that. Any issues from
2 the State?

3 MR. SCHWARTZER: No, Your Honor.

4 THE COURT: Mr. Trejo?

5 MR. TREJO: Nothing from the defense.

6 THE COURT: Okay.

7 As to Mr. Arias, he would be an extreme financial
8 difficulties and would not be able to pay his bills. In
9 addition, he is helping low income students get ready for
10 college which I think is a worthy -- a worthy, you know,
11 outlook. But the biggest issue to me is his financial
12 difficulty and I think that that would be a problem for him.

13 And even if, you know, we kept him, he wouldn't be
14 paying attention to this. He would be paying attention to, oh
15 my God, what should I be doing to pay my bills. So I would be
16 inclined to release Mr. Arias.

17 MR. SCHWARTZER: We have the same thoughts, Your
18 Honor.

19 THE COURT: Mr. Trejo?

20 MR. TREJO: I would move to excuse Mr. Morgan
21 Arias. This case will cause him financial turmoil.

22 THE COURT: Yes. So he is on the -- he is on the
23 kick out list.

24 And then Fabio Kohara, I didn't follow up with him
25 too much. When he said how young his children were, I assumed

1 that, you know, it would be a difficulty for him to -- to have
2 someone pick up his kids. So then when Mr. Schwartzer asked
3 further questions about who's picking them up and what the
4 financial cost is, that made my mind even more made up that I
5 think that Mr. Kohara should be released because both of the
6 difficulty of his childcare and the difficulty with his
7 financial hardship. So I'd be inclined to release Mr. Kohara.

8 Mr. Schwartzer or Ms. Heap?

9 MR. SCHWARTZER: Same thoughts, Your Honor.

10 THE COURT: Mr. Trejo?

11 MR. TREJO: Mr. Kohara is self-employed. This duty
12 would affect his business. I move to excuse him.

13 THE COURT: Okay.

14 So here is what we've got. We've got one, two,
15 three, four, five, six, seven, eight, nine people from the 15
16 that we're going to be releasing. That would be Tashinia
17 Batt, Marites Knoerzer, Santos Ramirez, Martha Alvarez,
18 Kimberly Hunter. Jose Espinoza. Tonia Ibister. Richard
19 Gautier. Diego Arias. And then two from the panel that had
20 been existing, that would be Morgan Arias and Fabio Kohara.

21 Does everybody have the same list of people we are
22 going to be releasing?

23 MR. TREJO: Yes, Your Honor.

24 MS. HEAP: You mean 1027, right?

25 MR. SCHWARTZER: Which one?

1 MS. HEAP: Your Honor, from the third juror panel,
2 did you have 9 or 10?

3 THE COURT: One, two, three, four --

4 THE MARSHAL: One plus nine.

5 THE COURT: -- five, six, seven, eight, nine. I
6 have nine.

7 THE MARSHAL: One, plus nine. Remember, the first
8 one, we already let go.

9 MS. HEAP: Right. And then still nine more, right?

10 THE COURT: Yes.

11 MS. HEAP: Okay. I just missed someone, I guess.

12 THE MARSHAL: Yes.

13 THE COURT: Oh, yeah. I released her before we left
14 because -- so I didn't even have her still on my --

15 MS. HEAP: Oh, no, no. I just -- I only heard you
16 read eight numbers -- or eight names. I'm sorry.

17 THE COURT: Oh, Tashinia Batt. Marites Knoerzer.
18 Santos Ramirez. Martha Alvarez. Kimberly Hunter. Jose
19 Espinoza. Tonia Ibister. Richard Gautier. And Diego Arias.

20 MS. HEAP: I heard it that time.

21 THE COURT: Okay.

22 MS. HEAP: Yes.

23 THE COURT: Okay. So let me find the first list so
24 that I can get rid of Arias --

25 THE MARSHAL: So when the dust settles, I believe,

1 Judge, you'll have 7 extra over our 36.

2 THE COURT: Okay. Fabio Kohara, what page is he on.
3 And Morgan Arias.

4 THE CLERK: How many did you say, Bill?

5 THE MARSHAL: Seven.

6 THE CLERK: Okay. Yeah.

7 THE COURT: Kohara is on page one.

8 THE CLERK: In Seat 20 --

9 THE COURT: Hold on for just a second. I'm still
10 trying to find Morgan Arias. I don't know where he is. There
11 he is. Okay. Page two.

12 THE CLERK: Page two, halfway down?

13 THE COURT: Yeah. Yeah.

14 So, sorry.

15 THE CLERK: Ready?

16 THE COURT: Yes.

17 THE CLERK: Okay. In Seat 20, will be Anthony Tam-
18 Sing, Badge 1033. And then --

19 THE COURT: From what day? I'm so --

20 THE CLERK: Two.

21 THE COURT: I'm -- why can I not find these people?
22 Where is this? Okay. Anthony Tam-Sing.

23 THE CLERK: Yeah. That would be from day two.

24 THE COURT: What happened to April Recking?

25 THE CLERK: She's the one in 35.

1 THE COURT: Oh, okay.

2 MR. SCHWARTZER: It's like a word search puzzle at
3 this point.

4 THE CLERK: And then in 35 will be April Reckling,
5 1028.

6 THE COURT: Okay.

7 So just to try and keep this a little bit less
8 confusing, I'm just going to -- if we can bring in the 11
9 people that we're going to excuse right now. Do you have all
10 the names, Bill?

11 THE MARSHAL: Yes.

12 THE COURT: I mean, it really is like a word puzzle.

13 So Seat 1, I've still got Athena Chapela. 2, is
14 Corey Cunningham. Isabella Will. Joseph Munninger. Ariel
15 Lealao. Tanner Dickens. Lance Banks. Kyle Shenett.

16 Wait. I'm -- I'm -- this is all very confusing.
17 Never mind.

18 THE MARSHAL: Okay.

19 THE CLERK: Give me one second, though. I'll give
20 you this.

21 THE MARSHAL: Oh, I'm good. I'm good.

22 THE CLERK: Huh? Have you got it all?

23 THE MARSHAL: I've got it.

24 THE CLERK: Okay.

25 THE MARSHAL: Where would you like them when I bring

1 them in?

2 THE COURT: Just anywhere. We're just going to
3 excuse them, so.

4 THE MARSHAL: Okay.

5 THE CLERK: 20 is Anthony Tam-Sing, and 35 is April
6 Reckling.

7 (Pause in the proceedings.)

8 (All prospective jurors are present.)

9 THE MARSHAL: If you can just try to gather right
10 here. And you don't even have to sit down. Just come on in.
11 You're fine just standing right there.

12 THE COURT: Okay.

13 THE MARSHAL: So if you wanted to -- did you want to
14 maybe read --

15 THE COURT: Yeah.

16 THE MARSHAL: -- the names to verify?

17 THE COURT: I am absolutely reading the names,
18 because I don't know who all these people are because
19 somebody's standing in the doorway who I don't think was one
20 of the ones.

21 THE COURT: Tashinia Batt?

22 PROSPECTIVE JUROR NO. 0389: Present.

23 THE COURT: Okay. Marites Knoerzer?

24 PROSPECTIVE JUROR NO. 0423: Present.

25 THE COURT: Santos Ramirez.

1 PROSPECTIVE JUROR NO. 0391: Present.
2 THE COURT: Martha Alvarez.
3 PROSPECTIVE JUROR NO. 0591: Present.
4 THE COURT: Kimberly Hunter.
5 PROSPECTIVE JUROR NO. 0408: Present.
6 THE COURT: Jose Espinoza.
7 PROSPECTIVE JUROR NO. 0430: Here.
8 THE COURT: Tonia Ibister.
9 PROSPECTIVE JUROR NO. 0437: Ibister.
10 THE COURT: Ibister.
11 Richard Gautier.
12 PROSPECTIVE JUROR NO. 0449: Present.
13 THE COURT: Diego Arias.
14 PROSPECTIVE JUROR NO. 0517: Present.
15 THE COURT: Morgan Arias.
16 PROSPECTIVE JUROR NO. 0962: Present.
17 THE COURT: And Fabio Kohara.
18 PROSPECTIVE JUROR NO. 0846: Present.
19 THE COURT: And is there anybody whose name I didn't
20 read?
21 Okay. So all of you, we are going to thank you all
22 and excuse you all from this jury. Thank you so much.
23 UNIDENTIFIED PROSPECTIVE JURORS: Thank you.
24 THE COURT: So before we get started, I just want to
25 make sure that I've got everybody in the right order.

1 So Ro, would you just read the names and seat
2 numbers where they're supposed to be?

3 THE CLERK: 1, is Athena Chapela. 2, Corey
4 Pennington. 3, Isabella Will. 4, Joseph Munninger. 5, is
5 Ariel Lealao. 6, Tanner Dickens. 7, Lance Banks. 8, Kyle
6 Shenett. 9, Jennifer Vaca. 10, Evelyn Izaguirre. 11, Marina
7 Valerio. 12, Angela Ahmad. 13, Manolo Siazon. 14, Billy
8 Kelley. 15, Michael Ricci -- Ricci. 16, Sophia Miller. 17,
9 Donavan Alva. 18, Michael Duszak. 19, Dean Silvett. 20,
10 Anthony Tam-Sing. 21, Shadam Broderick. 22 --

11 THE COURT: Anela Medeiros-Smith.

12 THE CLERK: -- Anela -- yeah. Smith.

13 23, Jenny Gong. 24, Siclaly Federico. 25, Carolina
14 Calumpit. 26, Shane Haycock. 27, Alexander Burdick. 28,
15 Juan Garcia. 29, Adriel Keith Go. 30, Jeffrey Guinn. 31,
16 Matthew Ang. 32, Juan Loera. 33, Christina Carrasco. 34,
17 Dina Cochran. 35, April Reckling. 36, William Tillery.

18 THE COURT: Okay. So I have the same. And I guess
19 they were kind of spread out on my paper.

20 Okay. And so, now, does everybody have every -- all
21 of these people in the same places?

22 MR. SCHWARTZER: The State does.

23 THE COURT: Okay. Mr. Trejo?

24 MR. TREJO: Defense does.

25 THE COURT: Okay.

1 Now, we are -- I asked them all the general
2 questions. We're -- did we need to bring in -- no, we didn't
3 need to bring in those people for -- they're still out in the
4 gallery so we don't need them in for the individual where --
5 have you -- so we can bring in everybody, I think.

6 MR. SCHWARTZER: We can. And there's -- there's two
7 people that you're going to have to ask the --

8 THE CLERK: Yes.

9 MR. SCHWARTZER: -- individual questions.

10 THE CLERK: 35 and 20.

11 MR. SCHWARTZER: Yeah.

12 THE CLERK: So April Reckling and Anthony Tam-Sing.
13 We will need to.

14 THE COURT: Right. But I'm -- but I was just making
15 sure we can ask -- we can bring everybody in.

16 MR. SCHWARTZER: Yes.

17 THE CLERK: Yep.

18 THE COURT: Okay. I'm going to take a real quick
19 restroom break.

20 (Pause in the proceedings.)

21 (Outside the presence of the prospective jury)

22 THE COURT: And before we bring them all in, does
23 anybody have anything outside the presence?

24 MR. SCHWARTZER: Not by the State, Your Honor.

25 MR. TREJO: Not by the defense.

1 THE COURT: Okay. Thank you. So we'll get them all
2 in now.

3 (In the presence of the prospective jury)

4 THE MARSHAL: We have the jurors, Your Honor.

5 THE COURT: And will the parties stipulate to the
6 presence of the potential jurors?

7 MR. SCHWARTZER: Yes, Your Honor.

8 MR. TREJO: Yes, Your Honor.

9 THE COURT: Okay. Thank you.
10 Everybody please be seated.

11 And we need to move a couple people, Bill.

12 THE CLERK: Can I have Badge 13-1028, April Recking?
13 You're going to move to Seat 35, which is going to be in that
14 back row, and next to William Tillery.

15 THE MARSHAL: Yeah. It will be right in the middle.

16 THE CLERK: Okay. Thank you.

17 And Badge 13-1033, Anthony Tam-Sing. You're going
18 to go right up here in the front to Seat 20.

19 THE MARSHAL: Right up here, sir. Just around that
20 corner there. Right in there.

21 THE COURT: Just -- can we have the parties
22 approach?

23 (Bench conference)

24 MS. HEAP: I understood that we should have seven
25 after we have the -- is that not right?

1 THE COURT: Six. Wait. So are we missing somebody?

2 MR. HENRY: We removed 7 into --

3 MR. SCHWARTZER: Yes.

4 MS. HEAP: We removed --

5 MR. SCHWARTZER: So we should have Troy Rivas,

6 Orozco --

7 MS. HEAP: Troy Rivas, Orozco --

8 THE COURT: Okay. I'll just --

9 MR. SCHWARTZER: Erik Orozco.

10 MS. HEAP: And then all these people, right?

11 THE COURT: I have that we should still have Troy
12 Rivas, Erik Orozco, Garrett Prentice, Yolanda Mattison, Layla
13 Catabay, Mariya Veleva, and Barbara Lundberg.

14 Were those the seven that you're --

15 MS. HEAP: Well, after --

16 MR. SCHWARTZER: But I only see one of the two
17 there.

18 THE COURT: Right. That's what I'm saying. So I'm
19 just going to do a roll call of those seven.

20 MS. HEAP: Okay.

21 THE COURT: Okay.

22 MR. SCHWARTZER: Thank you, Your Honor.

23 (End of bench conference)

24 THE COURT: So it appears we may be missing
25 somebody. So I'm just going to check.

1 Do we have Troy Rivas? Can you say present when --
2 PROSPECTIVE JUROR NO. 1034: Present.
3 THE COURT: Erik Orozco?
4 PROSPECTIVE JUROR NO. 1039: Here.
5 THE COURT: Garrett Prentice?
6 PROSPECTIVE JUROR NO. 0440: Present.
7 THE COURT: Yolanda Mattison.
8 Okay.
9 THE MARSHAL: I'll check the hall, Judge.
10 THE COURT: Okay.
11 And Layla Catabay?
12 PROSPECTIVE JUROR NO. 0481: Here.
13 THE COURT: Mariya Veleva.
14 PROSPECTIVE JUROR NO. 0487: Veleva.
15 THE COURT: And Barbara Lundberg.
16 PROSPECTIVE JUROR NO. 0543: Present.
17 THE COURT: Okay. So we're possibly missing Yolanda
18 Mattison. Not possibly. We are missing Yolanda Mattison.
19 Sorry. We were just counting. There's still a lot
20 of you guys. Sorry about that.
21 Thank you for bringing that to my attention.
22 THE MARSHAL: Lots of jurors in the hallway, Judge.
23 THE COURT: Okay.
24 THE MARSHAL: We found her.
25 THE COURT: Thank you. Thank you, Ms. Mattison.

1 So now will the parties stipulate to the presence of
2 the potential jurors?

3 MR. SCHWARTZER: Yes, Your Honor.

4 THE COURT: Thank you.

5 And, I apologize --

6 MR. TREJO: Yes, Your Honor.

7 THE COURT: -- there's a lot of you, and we can't
8 keep track of all of you without missing people.

9 So the two people who we just seated, who we just
10 moved in the seats. So I need to move to the part where I'm
11 asking the people we are in the potential jury, individual
12 questions, and so we will go to that.

13 So if we can get Mr. Tam-Sing the microphone.

14 Thank you.

15 Mr. Tam-Sing, can you please state your name and
16 your Badge Number?

17 PROSPECTIVE JUROR NO. 1033: Anthony Tam-Sing, Badge
18 13-1033.

19 THE COURT: Thank you. And how long have you lived
20 in Clark County?

21 PROSPECTIVE JUROR NO. 1033: Nine years.

22 THE COURT: Where'd you come from before that?

23 PROSPECTIVE JUROR NO. 1033: Honolulu Hawaii.

24 THE COURT: Why would you leave? Oh my God. Oh,
25 just the weather alone here. Okay.

1 How far did you go in school?

2 PROSPECTIVE JUROR NO. 1033: Some college. High
3 school graduate and some college.

4 THE COURT: Did you earn any sort of a degree or
5 certificate?

6 PROSPECTIVE JUROR NO. 1033: No.

7 THE COURT: Are you employed?

8 PROSPECTIVE JUROR NO. 1033: Yes.

9 THE COURT: What do you do?

10 PROSPECTIVE JUROR NO. 1033: Utility house person.

11 THE COURT: And are you married or have a
12 significant other?

13 PROSPECTIVE JUROR NO. 1033: Married.

14 THE COURT: Do you -- what does your significant
15 other do for a living? I'm sorry, your spouse?

16 PROSPECTIVE JUROR NO. 1033: Housekeeping, maid.

17 THE COURT: Do you have any kids?

18 PROSPECTIVE JUROR NO. 1033: A 19-year-old stepson.

19 THE COURT: And does he work?

20 PROSPECTIVE JUROR NO. 1033: Yes.

21 THE COURT: What does he do?

22 PROSPECTIVE JUROR NO. 1033: He works at Smith's.

23 THE COURT: Have you ever been the victim of a
24 serious crime?

25 PROSPECTIVE JUROR NO. 1033: No.

1 THE COURT: Have you ever been accused of a serious
2 crime?

3 PROSPECTIVE JUROR NO. 1033: No.

4 THE COURT: Have any of your family members or
5 anyone closely associated with you ever been the victim of a
6 serious crime?

7 PROSPECTIVE JUROR NO. 1033: No.

8 THE COURT: Have any of your family members or
9 anyone closely associated with you ever been accused of a
10 serious crime?

11 PROSPECTIVE JUROR NO. 1033: No.

12 THE COURT: Have you or anyone close to you ever
13 worked in law enforcement?

14 PROSPECTIVE JUROR NO. 1033: Yes.

15 THE COURT: And who is that?

16 PROSPECTIVE JUROR NO. 1033: Myself.

17 THE COURT: What did you do?

18 PROSPECTIVE JUROR NO. 1033: Went to police recruit
19 school for eight months back in Hawaii.

20 THE COURT: And how long ago was that?

21 PROSPECTIVE JUROR NO. 1033: 1994.

22 THE COURT: And obviously, you said you went to
23 recruit school and you didn't finish; is that correct?

24 PROSPECTIVE JUROR NO. 1033: Yeah, I -- I left for
25 personal reasons.

1 THE COURT: Okay. Are you still close with any of
2 the members of the law enforcement community you met with --
3 through that?

4 PROSPECTIVE JUROR NO. 1033: Yes.

5 THE COURT: Is there anything about those
6 relationships that would cause you any issues, like if you
7 came back with a not guilty verdict, would you have a problem
8 telling them?

9 PROSPECTIVE JUROR NO. 1033: No.

10 THE COURT: Okay. And have you ever served as a
11 juror?

12 PROSPECTIVE JUROR NO. 1033: Yes.

13 THE COURT: How many times?

14 PROSPECTIVE JUROR NO. 1033: Once.

15 THE COURT: How long ago?

16 PROSPECTIVE JUROR NO. 1033: Well, over ten years
17 ago.

18 THE COURT: Was it here? No, you said you've been
19 here for nine years. So it was in Hawaii?

20 PROSPECTIVE JUROR NO. 1033: Yes.

21 THE COURT: Was it civil or criminal?

22 PROSPECTIVE JUROR NO. 1033: Criminal.

23 THE COURT: Without telling us what the verdict was,
24 was the -- were the parties able to reach a verdict --

25 PROSPECTIVE JUROR NO. 1033: Yes.

1 THE COURT: -- or I'm sorry, was the jury able to
2 reach a verdict?

3 PROSPECTIVE JUROR NO. 1033: Yes.

4 THE COURT: And were you the foreperson?

5 PROSPECTIVE JUROR NO. 1033: No.

6 THE COURT: Is there anything about the nature of
7 this case -- did I read what the charges are to the new
8 people? I don't think I did. It wasn't in my book. I don't
9 remember. I skipped it.

10 So, the charges in this case are burglary while in
11 possession of a firearm, robbery with use of a deadly weapon,
12 first degree kidnapping with use of a deadly weapon, assault
13 on a protected person with use of a deadly weapon, conspiracy
14 to commit robbery, and attempt robbery with use of a deadly
15 weapon.

16 Mr. Schwartzer also gave you a little bit of an
17 overview of the case. So is there anything about the nature
18 of this case or anything that you've heard here today that
19 would make it difficult for you to sit as a juror in this
20 case?

21 PROSPECTIVE JUROR NO. 1033: Well, saying that, you
22 know, yesterday we heard that he was shot when Metro arrived
23 and they shot the defendant, already that tells me in my mind
24 that he's the guilty party. You know, they're not going to
25 shoot the -- an innocent person.

1 THE COURT: And --

2 PROSPECTIVE JUROR NO. 1033: Unless mistaken
3 identity.

4 THE COURT: I mean, they're -- there are lots of
5 reasons that people get shot and it's not always because
6 they're guilty. But so you're saying that you already think
7 of Mr. Trejo as guilty because he got shot?

8 PROSPECTIVE JUROR NO. 1033: I mean, the -- the
9 information I heard is, to me it's like open and shut case.

10 THE COURT: Right. But you haven't heard anything.
11 All you've heard are the allegations.

12 PROSPECTIVE JUROR NO. 1033: From -- from
13 information yesterday, from --

14 THE COURT: I'm sorry?

15 PROSPECTIVE JUROR NO. 1033: -- the information
16 yesterday that was presented that, you know --

17 THE COURT: Right. You heard --

18 PROSPECTIVE JUROR NO. 1033: -- right.

19 THE COURT: -- the allegations that the State made,
20 not -- you haven't heard any evidence.

21 PROSPECTIVE JUROR NO. 1033: Well, yeah.

22 THE COURT: And so but you're saying that without
23 any evidence you think that Mr. Trejo is guilty?

24 PROSPECTIVE JUROR NO. 1033: That's in the back of
25 my mind. That's what I'm thinking.

1 THE COURT: And would you be able to base your
2 verdict solely on the evidence presented at the trial and wait
3 to form an opinion until you've heard all of the evidence?

4 PROSPECTIVE JUROR NO. 1033: Yes.

5 THE COURT: And can you be fair to both sides?

6 PROSPECTIVE JUROR NO. 1033: Yes.

7 THE COURT: Thank you.

8 Can -- Bill, can you get the microphone to Ms. --

9 PROSPECTIVE JUROR NO. 1033: Can I also just state
10 another thing?

11 THE COURT: Sure.

12 PROSPECTIVE JUROR NO. 1033: That, you know, you --
13 you were stating that this case will take three weeks --

14 THE COURT: Um-hum.

15 PROSPECTIVE JUROR NO. 1033: -- approximately.
16 Well, I have travel plans that goes into the three weeks.

17 THE COURT: When do you start your travel plans?

18 PROSPECTIVE JUROR NO. 1033: Out of state, May 10.

19 THE COURT: Thank you.

20 So, thanks for letting us know. We will take that
21 into account.

22 Ms. Reckling, can you please state your name and
23 your badge number?

24 PROSPECTIVE JUROR NO. 1028: Badge Number 13-1028,
25 April Reckling.

1 THE COURT: Thank you.

2 And Ms. Reckling, how long have you lived in Clark
3 County?

4 PROSPECTIVE JUROR NO. 1028: 37 years.

5 THE COURT: And how far did you go in school?

6 PROSPECTIVE JUROR NO. 1028: Some college.

7 THE COURT: Did you earn any sort of a degree or
8 certificate?

9 PROSPECTIVE JUROR NO. 1028: Multiple certificates.

10 THE COURT: In what area?

11 PROSPECTIVE JUROR NO. 1028: Mostly in marketing and
12 crisis management.

13 THE COURT: And are you currently employed?

14 PROSPECTIVE JUROR NO. 1028: Yes.

15 THE COURT: What do you do?

16 PROSPECTIVE JUROR NO. 1028: I'm an administrative
17 assistant, UNLV.

18 THE COURT: And are you married or have a
19 significant other?

20 PROSPECTIVE JUROR NO. 1028: Married.

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

22 PROSPECTIVE JUROR NO. 1028: He's a massage
23 therapist.

24 THE COURT: Do you have any kids?

25 PROSPECTIVE JUROR NO. 1028: No.

1 THE COURT: Have you ever been the victim of a
2 serious crime?

3 PROSPECTIVE JUROR NO. 1028: No.

4 THE COURT: Have you ever been accused of a serious
5 crime?

6 PROSPECTIVE JUROR NO. 1028: No.

7 THE COURT: Have any of your family members or
8 anyone close to you ever been the victim of a serious crime?

9 PROSPECTIVE JUROR NO. 1028: My brother has been
10 assaulted with -- in -- in his job.

11 THE COURT: And was that crime reported?

12 PROSPECTIVE JUROR NO. 1028: Yes.

13 THE COURT: Did the police respond?

14 PROSPECTIVE JUROR NO. 1028: Yes.

15 THE COURT: Was that person caught?

16 PROSPECTIVE JUROR NO. 1028: Yes.

17 THE COURT: Did you ever go to court with your
18 brother?

19 PROSPECTIVE JUROR NO. 1028: No.

20 THE COURT: Did this DA's office handle it or was it
21 somewhere else?

22 PROSPECTIVE JUROR NO. 1028: Yeah, it was here.

23 THE COURT: Were you satisfied with how that case
24 was handled?

25 PROSPECTIVE JUROR NO. 1028: Yes.

1 THE COURT: And is there anything about that
2 experience that would cause you to not be fair and impartial
3 in this case?

4 PROSPECTIVE JUROR NO. 1028: No.

5 THE COURT: Have any of your family members or
6 anyone close to you ever been accused of a serious crime?

7 PROSPECTIVE JUROR NO. 1028: No.

8 THE COURT: Have you or anyone close to you ever
9 worked in law enforcement?

10 PROSPECTIVE JUROR NO. 1028: My brother is a vice
11 president of security at Resorts World. So he deals with
12 police all the time. And we live in the same household.

13 THE COURT: Is there anything about that
14 relationship that would make it hard for you to explain
15 yourself if you came back with a not guilty verdict, for
16 example?

17 PROSPECTIVE JUROR NO. 1028: No.

18 THE COURT: And have you ever served as a juror?

19 PROSPECTIVE JUROR NO. 1028: Yes.

20 THE COURT: How many times?

21 PROSPECTIVE JUROR NO. 1028: One.

22 THE COURT: And when was that?

23 PROSPECTIVE JUROR NO. 1028: About ten years ago.

24 THE COURT: Was that here or someplace else?

25 PROSPECTIVE JUROR NO. 1028: Here.

1 THE COURT: Was it criminal or civil?

2 PROSPECTIVE JUROR NO. 1028: Criminal.

3 THE COURT: Without telling us what the verdict was,
4 was the jury able to reach a verdict?

5 PROSPECTIVE JUROR NO. 1028: Yes.

6 THE COURT: And were you the foreperson?

7 PROSPECTIVE JUROR NO. 1028: No.

8 THE COURT: Is there anything about the nature of
9 this case or anything that you've heard here today that would
10 make it difficult for you to sit as a juror in this case?

11 PROSPECTIVE JUROR NO. 1028: No.

12 THE COURT: Can you base your verdict solely on the
13 evidence presented at the trial and wait to form an opinion
14 until you've heard all of the evidence?

15 PROSPECTIVE JUROR NO. 1028: Yes.

16 THE COURT: Can you be fair to both sides in this
17 case?

18 PROSPECTIVE JUROR NO. 1028: Yes.

19 THE COURT: Thank you.

20 And so now Mr. Schwartzer?

21 MR. SCHWARTZER: Thank you, Your Honor.

22 All right. So, I'm going to just kind of begin
23 where I ended off yesterday, and that's specifically where the
24 two new individuals here. You've heard all the questions I've
25 asked, I know these five people haven't, well, the five new

1 people. These two in the back have.

2 But You two actually heard all the questions I asked
3 yesterday, right? Do you remember those questions?

4 If you don't raise -- if you -- raise your hand if
5 you don't remember the questions.

6 Okay, seeing no hands.

7 So you believe in -- you believe in the presumption
8 of innocence? If you --

9 PROSPECTIVE JUROR NO. 1028: Yes.

10 MR. SCHWARTZER: -- don't raise your hand?

11 Okay. Do you believe at this point, as Mr. Trejo
12 sits here right now, he's innocent, right?

13 PROSPECTIVE JUROR NO. 1028: Correct.

14 MR. SCHWARTZER: Raise your hand if you don't
15 believe that.

16 I can take that microphone from you so you don't
17 have to hold it the whole time.

18 And since the State hasn't submitted any evidence
19 yet, since we haven't gotten to that stage yet, if we asked
20 you to come back and go to a verdict right now, you would have
21 to find him innocent.

22 Raise your hand if you have an issue with that.

23 All right. Seeing no hands for the record on all
24 those questions.

25 Additionally, for the two people, and everyone else

1 went back and thought about it overnight, there's no issue
2 regarding following the jury instructions as the Judge reads
3 them at the end. Is that fair?

4 Does anyone have any issues following jury
5 instructions as instructed by the Judge? Raise your hand if
6 you have an issue.

7 Seeing no hands.

8 Okay. Ladies and gentlemen, I'm going to go into
9 now kind of some single -- talk to single jurors about some
10 things that you might have said in your questionnaire, or you
11 might have said while you were being examined by the Judge.

12 I am going to try to keep this to less than an hour.
13 I know it's been a long three days for some of the people
14 here. Not so much for some of the people over here. But I'm
15 going to try to keep this to under an hour.

16 So just bear with me, answer to your best of your
17 ability and hopefully I'll be done with my portion pretty
18 soon, okay?

19 So I know there's a lot of people that didn't do a
20 questionnaire, but there are -- we do have a decent amount.
21 So I'm just going to go in order right here.

22 Going to my cute list over here.

23 Ms. Chapela?

24 PROSPECTIVE JUROR NO. 1016: Chapela.

25 MR. SCHWARTZER: Chapela. You did not do a

1 questionnaire; is that correct?

2 PROSPECTIVE JUROR NO. 1016: I did it online.

3 MR. SCHWARTZER: Oh, you did?

4 PROSPECTIVE JUROR NO. 1016: If you're asking me.

5 MR. SCHWARTZER: Could we have you just read your

6 Badge Number, too?

7 PROSPECTIVE JUROR NO. 1016: Oh, yeah. It's 1016.

8 MR. SCHWARTZER: Okay. So you did fill out a
9 questionnaire but we -- apparently, neither of the parties
10 received it.

11 PROSPECTIVE JUROR NO. 1016: Okay.

12 MR. SCHWARTZER: Okay. So specifically, I'm not
13 going to go through the whole questionnaire --

14 PROSPECTIVE JUROR NO. 1016: Um-hum.

15 MR. SCHWARTZER: -- because we don't need to do
16 that. But Question Number 7 was, in general, do you feel the
17 criminal justice system is effective. What was your answer to
18 that?

19 PROSPECTIVE JUROR NO. 1016: Yes.

20 MR. SCHWARTZER: Question Number 8, in general, do
21 you feel the criminal justice system is fair? What would be
22 your answer to that?

23 PROSPECTIVE JUROR NO. 1016: No.

24 MR. SCHWARTZER: And that's based on some of the
25 stuff we talked about yesterday?

1 PROSPECTIVE JUROR NO. 1016: Yes.

2 MR. SCHWARTZER: Okay.

3 Question Number 9 is, in general -- I think I know
4 your answer to this -- but in general, would you say you have
5 positive thoughts about law enforcement?

6 Yes, no, or neutral.

7 PROSPECTIVE JUROR NO. 1016: No.

8 MR. SCHWARTZER: No? And that's again, based on the
9 questions we talked about yesterday?

10 PROSPECTIVE JUROR NO. 1016: Um-hum.

11 MR. SCHWARTZER: Okay.

12 That's all the questions I have for you.

13 Could you pass it to Mr. Cunningham?

14 Mr. Cunningham, what's your Badge Number?

15 PROSPECTIVE JUROR NO. 1020: 1020.

16 MR. SCHWARTZER: Okay. Do you remember filling out
17 a questionnaire?

18 PROSPECTIVE JUROR NO. 1020: I remember filling it
19 out, but I don't remember the questions.

20 MR. SCHWARTZER: Okay. We actually have your
21 questionnaire.

22 PROSPECTIVE JUROR NO. 1020: Okay.

23 MR. SCHWARTZER: Were you as honest as you could be
24 on this questionnaire?

25 PROSPECTIVE JUROR NO. 1020: As much as I recall.

1 Like I said, I don't remember -- I couldn't tell you what a
2 single one of the questions were.

3 MR. SCHWARTZER: Okay. But when you were filling it
4 -- how long ago did you fill it out for me?

5 PROSPECTIVE JUROR NO. 1020: I want to say it was
6 the day I got the letter, so it's been quite awhile.

7 MR. SCHWARTZER: But I guess I have no idea how that
8 works. When was the letter sent out?

9 PROSPECTIVE JUROR NO. 1020: It's been at least a
10 couple weeks.

11 MR. SCHWARTZER: Okay. But at the time, you filled
12 it out to the best of your ability?

13 PROSPECTIVE JUROR NO. 1020: Correct.

14 MR. SCHWARTZER: Okay. So the answers you would
15 have here, you believe are truthful?

16 PROSPECTIVE JUROR NO. 1020: Yes.

17 MR. SCHWARTZER: Okay. So specifically, there's a
18 couple answers. I think you can imagine some of them we need
19 to talk about.

20 Specifically, there was questions regarding have you
21 ever had prejudice thoughts about another person based on
22 their racial background, that made you feel uncomfortable, and
23 then a follow-up question, do you believe that you have ever
24 been a victim of racial prejudice as well. And then both
25 questions -- both answers you say, yes, right?

1 PROSPECTIVE JUROR NO. 1020: Yes.

2 MR. SCHWARTZER: Okay. And then you say that based
3 on that, you cannot be a fair and impartial juror, is that
4 correct?

5 PROSPECTIVE JUROR NO. 1020: Yes.

6 MR. SCHWARTZER: Okay. So you believe based on
7 either your own prejudice or the prejudice of other people
8 upon you, you don't believe you can be fair and impartial?

9 PROSPECTIVE JUROR NO. 1020: Correct.

10 MR. SCHWARTZER: Okay. And, in fact, they say that
11 you cannot -- is there a reason why you can't serve as a
12 juror, and you specifically say you're -- you're racist?

13 PROSPECTIVE JUROR NO. 1020: Yes.

14 MR. SCHWARTZER: Okay. Specifically, for what
15 group?

16 PROSPECTIVE JUROR NO. 1020: All depending on
17 scenario.

18 MR. SCHWARTZER: Okay. So if I had somewhat of a --
19 of a different racial background here, someone who's African-
20 American, someone who's Hispanic, in which most of our
21 witnesses are, you would hold a prejudice against them?

22 PROSPECTIVE JUROR NO. 1020: Yes. Depending on the
23 scenario they may be speaking about.

24 MR. SCHWARTZER: Okay. And Mr. Trejo, I don't know
25 Mr. Trejo's nationality. But Mr. Trejo -- would you hold that

1 basis against him because he's a different nationality?

2 PROSPECTIVE JUROR NO. 1020: Yes. If I knew he was
3 a different nationality.

4 MR. SCHWARTZER: Okay.

5 Can you pass it to Ms. Isabella? Or Ms. Will? For
6 some reason we have you as Will Isabella. I don't know why.

7 PROSPECTIVE JUROR NO. 0754: My last name's -- yeah,
8 I don't know why. Isabella Will, 12-0754

9 MR. SCHWARTZER: Okay. So, Ms. Will, I just have --
10 you answered a question specifically about DNA. I know you
11 have a background in biology; is that correct?

12 PROSPECTIVE JUROR NO. 0754: Yes.

13 MR. SCHWARTZER: Okay. And you say DNA is a pretty
14 strong evidence; correct?

15 PROSPECTIVE JUROR NO. 0754: It's unquestionable.

16 MR. SCHWARTZER: Okay. DNA itself can be
17 unquestionable; correct?

18 PROSPECTIVE JUROR NO. 0754: Yes.

19 MR. SCHWARTZER: Okay. But there's still people
20 that interpret it, the numbers; right?

21 PROSPECTIVE JUROR NO. 0754: Yes.

22 MR. SCHWARTZER: Right? You have forensic
23 scientists, they're -- they -- you know, in order to get --
24 you know the process of like obtaining DNA from an individual?

25 PROSPECTIVE JUROR NO. 0754: Yeah. A cheek swab.

1 MR. SCHWARTZER: Cheek buccal swab, yeah. Exactly.
2 You could probably teach me all about it.

3 But, you know, that could be messed up by human
4 error, right?

5 PROSPECTIVE JUROR NO. 0754: I mean, unless if
6 they're going around swabbing someone else's cheek, I don't
7 see how it could.

8 MR. SCHWARTZER: Sure. But that could happen;
9 right?

10 PROSPECTIVE JUROR NO. 0754: I mean, I guess.

11 MR. SCHWARTZER: Right. So you would want to hear
12 how the buccal swab occurred; right?

13 PROSPECTIVE JUROR NO. 0754: Yeah.

14 MR. SCHWARTZER: Okay. Additionally, you would want
15 to hear about the process from the forensic scientists about
16 how they processed that swab?

17 PROSPECTIVE JUROR NO. 0754: Yeah. I guess there's
18 many ways to sequence a genome.

19 MR. SCHWARTZER: Okay. And you would want to hear
20 about the process about that comparison as well?

21 PROSPECTIVE JUROR NO. 0754: Yeah.

22 MR. SCHWARTZER: Okay. Because there is a chance
23 that there was a human error being made there; right?

24 PROSPECTIVE JUROR NO. 0754: Unlikely.

25 MR. SCHWARTZER: Sure.

1 PROSPECTIVE JUROR NO. 0754: Very unlikely.

2 MR. SCHWARTZER: We would -- we would hope not,
3 right? But at the same time, you would want to hear all the
4 steps were done properly in order to strongly consider that
5 DNA evidence; right?

6 PROSPECTIVE JUROR NO. 0754: Yeah.

7 MR. SCHWARTZER: Okay. So if I just came up here,
8 and some officer who had no experience was like, oh, there's
9 DNA, you wouldn't necessarily take that at face value; right?

10 PROSPECTIVE JUROR NO. 0754: No.

11 MR. SCHWARTZER: You would actually want to hear
12 from someone who does DNA and can explain it, and has a
13 background similar to your background?

14 PROSPECTIVE JUROR NO. 0754: Yeah.

15 MR. SCHWARTZER: Okay. So are you okay carefully
16 considering the evidence you would hear from a forensic
17 scientist about how that process was done?

18 PROSPECTIVE JUROR NO. 0754: Yes.

19 MR. SCHWARTZER: Okay. Thank you.
20 Mr. Munninger?

21 PROSPECTIVE JUROR NO. 1066: Yeah.

22 MR. SCHWARTZER: Thank you, ma'am.
23 What's your Badge Number?

24 PROSPECTIVE JUROR NO. 1066: 1066.

25 MR. SCHWARTZER: Did you fill out a questionnaire

1 that we didn't receive either?

2 PROSPECTIVE JUROR NO. 1066: I don't think I did.

3 MR. SCHWARTZER: Okay. Going to the same three
4 questions that I asked Juror Number 1 here.

5 In general, do you feel the criminal justice system
6 is effective?

7 PROSPECTIVE JUROR NO. 1066: Yes.

8 MR. SCHWARTZER: And in general, do you feel the
9 criminal justice system is fair?

10 PROSPECTIVE JUROR NO. 1066: Yes.

11 MR. SCHWARTZER: And in general, would you say you
12 have positive thoughts about law enforcement?

13 PROSPECTIVE JUROR NO. 1066: Mostly negative.

14 MR. SCHWARTZER: Mostly negative? Okay.

15 And why is that?

16 PROSPECTIVE JUROR NO. 1066: Just -- I just believe
17 there's a lot of officers that aren't good.

18 MR. SCHWARTZER: Okay.

19 PROSPECTIVE JUROR NO. 1066: That's all.

20 MR. SCHWARTZER: You -- I mean, you were here
21 yesterday so you heard the whole thing I did beforehand;
22 right?

23 PROSPECTIVE JUROR NO. 1066: Yeah.

24 MR. SCHWARTZER: That there is people that are good
25 at their job and there are people that are bad at their job;

1 right?

2 PROSPECTIVE JUROR NO. 1066: Right. That's it.

3 Yeah.

4 MR. SCHWARTZER: Okay. And what -- what do you do
5 for a living?

6 PROSPECTIVE JUROR NO. 1066: I work in a shop to --
7 for remanufacturing motors.

8 MR. SCHWARTZER: Okay. I imagine you feel there's
9 people that are good at their job and people that are bad at
10 their job?

11 PROSPECTIVE JUROR NO. 1066: Right.

12 MR. SCHWARTZER: And everywhere in between?

13 PROSPECTIVE JUROR NO. 1066: Yes.

14 MR. SCHWARTZER: Okay. And you're not able to
15 really tell one way or another if you don't know that person;
16 right?

17 PROSPECTIVE JUROR NO. 1066: Yes.

18 MR. SCHWARTZER: You would have to watch their work
19 or listen to them in order to tell; right?

20 PROSPECTIVE JUROR NO. 1066: Yes.

21 MR. SCHWARTZER: So does that -- would that -- would
22 you apply that same thing to officers?

23 PROSPECTIVE JUROR NO. 1066: Yes.

24 MR. SCHWARTZER: Okay. So you didn't know any of
25 those names I said on that witness list; right?

1 PROSPECTIVE JUROR NO. 1066: Correct.

2 MR. SCHWARTZER: You don't know if they're good --
3 good officers, bad officers, or in between?

4 PROSPECTIVE JUROR NO. 1066: Correct.

5 MR. SCHWARTZER: You don't know if someone's sitting
6 by a phone, you know, eating candy the whole time, or if
7 someone's actually out there busting their but to get, you
8 know, evidence and all that?

9 PROSPECTIVE JUROR NO. 1066: Correct.

10 MR. SCHWARTZER: Okay. So would you be able to
11 judge an officer the same way you would judge someone else
12 from any other occupation?

13 PROSPECTIVE JUROR NO. 1066: Yes.

14 MR. SCHWARTZER: Okay. So you wouldn't hold it
15 against them because you have a general negative feel for law
16 enforcement?

17 PROSPECTIVE JUROR NO. 1066: Correct.

18 MR. SCHWARTZER: You would still consider it -- them
19 the same way you would any other ones?

20 PROSPECTIVE JUROR NO. 1066: Yes.

21 MR. SCHWARTZER: Okay. That's all we can ask for.
22 Thank you, sir.

23 Can you pass it to Ms. Lealao? Did I say that
24 right?

25 PROSPECTIVE JUROR NO. 0978: Lealao. You don't need

1 to say it right. That's okay. Ariel Lealao, Badge Number 13-
2 0978.

3 MR. SCHWARTZER: Okay. And you don't --

4 Do we have one for her? Is that right?

5 MS. HEAP: I don't think so.

6 MR. SCHWARTZER: So we don't have one for you
7 either. Did you fill out one?

8 PROSPECTIVE JUROR NO. 0978: I did it last week
9 during spring break.

10 MR. SCHWARTZER: Okay. And of course it doesn't
11 reach us. So I'm sorry, but here's -- here's the -- the
12 questions.

13 In general, do you feel the criminal justice system
14 is effective?

15 PROSPECTIVE JUROR NO. 0978: Yes.

16 MR. SCHWARTZER: In general, do you think the
17 criminal justice system is fair? I just lost my voice there.
18 That's not good.

19 PROSPECTIVE JUROR NO. 0978: Yes.

20 MR. SCHWARTZER: I speak for a living.

21 In general, would you say you have positive thoughts
22 about law enforcement?

23 PROSPECTIVE JUROR NO. 0978: Generally, yes.

24 MR. SCHWARTZER: Generally. Okay.

25 And you heard all the things I just talked about,

1 all --

2 PROSPECTIVE JUROR NO. 0978: Yes.

3 MR. SCHWARTZER: -- I mean, I don't have to keep
4 going over it. But you agree with the sentiment I'm trying to
5 get across, that you don't know whether they're good or bad at
6 their job?

7 PROSPECTIVE JUROR NO. 0978: Yes.

8 MR. SCHWARTZER: Okay. Congratulations on the
9 newborn.

10 PROSPECTIVE JUROR NO. 0978: Thank you.

11 MR. SCHWARTZER: It sounds like you have your hands
12 full.

13 Is that going to be -- is that going to distract you
14 from being able to listen to all of the testimony during this
15 fairly lengthy trial?

16 PROSPECTIVE JUROR NO. 0978: I'm trying not to let
17 it. Along with being a full-time mom, I'm also a full-time
18 student. So with the three weeks, it kind of cuts into my
19 last four weeks of school.

20 MR. SCHWARTZER: I don't know how you do it. I
21 don't remember the first three months of -- of either of my
22 kids. And I'm a -- you know, I wasn't doing the heavy
23 lifting.

24 What are you in school for?

25 PROSPECTIVE JUROR NO. 0978: Aviation technology.

1 MR. SCHWARTZER: Okay. Do you -- if during these
2 three weeks that you're here, are -- is your grades going to
3 suffer because you're here, versus if you were at school and
4 doing your normal routine?

5 PROSPECTIVE JUROR NO. 0978: I'm doing my best.
6 I've reached out to most of my professors about this
7 situation. It's really day-by-day right now with if I'm on
8 this jury or not.

9 MR. SCHWARTZER: Okay. Would you -- do you have
10 finals coming up or anything like that?

11 PROSPECTIVE JUROR NO. 0978: Yeah. In four weeks.

12 MR. SCHWARTZER: You have finals in four weeks?

13 PROSPECTIVE JUROR NO. 0978: Yeah.

14 MR. SCHWARTZER: Okay. So you're the one that has
15 to tell us, because, you know, as I talked about yesterday,
16 we're not mind readers.

17 Are you going to be able to do, you know, all --
18 you're juggling a lot of -- a lot of things right now.

19 PROSPECTIVE JUROR NO. 0978: Yeah.

20 MR. SCHWARTZER: Are you going to be able to do that
21 and pay the proper amount of attention to what's going on in
22 this trial?

23 PROSPECTIVE JUROR NO. 0978: I don't believe I can,
24 because we don't have babysitters for our kids. And my
25 husband works from home. I can't have him at home with a

1 crying baby while he's trying to make phone calls for his
2 business and our livelihood.

3 MR. SCHWARTZER: Okay. I appreciate your honesty.

4 You guys have a lot on your plate.

5 Could you pass it to Mr. Dickens?

6 We actually got one for you, so I don't have to go
7 through those questions for you.

8 PROSPECTIVE JUROR NO. 0768: Tanner Dickens, 768,
9 badge number.

10 MR. SCHWARTZER: The only thing I had noted in your
11 questionnaire is on Question 11 -- and I know the Judge asked
12 this a different way. But it says, have you, or has anyone
13 close to you ever been charged with, arrested, or convicted of
14 any criminal offense.

15 You responded -- I know the Judge said serious crime
16 -- you responded, yes, in the questionnaire. But my -- my
17 notes are you responded no when the Judge asked you the
18 question.

19 Is that based on the -- the fact that the Judge
20 added the serious crime part of it?

21 PROSPECTIVE JUROR NO. 0768: That is correct.

22 MR. SCHWARTZER: Okay. So are we talking about like
23 traffic or misdemeanors or something like that?

24 PROSPECTIVE JUROR NO. 0768: DWI.

25 MR. SCHWARTZER: I'm sorry?

1 PROSPECTIVE JUROR NO. 0768: DWI.

2 MR. SCHWARTZER: Okay. And who -- is it someone
3 close to you or yourself that had the DWI?

4 PROSPECTIVE JUROR NO. 0768: Self.

5 MR. SCHWARTZER: Okay. And how long ago was that?

6 PROSPECTIVE JUROR NO. 0768: 2002.

7 MR. SCHWARTZER: Okay. So a long time ago.

8 PROSPECTIVE JUROR NO. 0768: Yeah.

9 MR. SCHWARTZER: Okay. Was that here in Clark
10 County?

11 PROSPECTIVE JUROR NO. 0768: No.

12 MR. SCHWARTZER: Okay. That --

13 PROSPECTIVE JUROR NO. 0768: In Minnesota.

14 MR. SCHWARTZER: That's where you're from, hence the
15 Prince conversation.

16 Anything about the way that was handled by law
17 enforcement affects you to this day?

18 PROSPECTIVE JUROR NO. 0768: No.

19 MR. SCHWARTZER: Anything by the way the City
20 Attorney or whoever handled it affects you this -- affects you
21 to this day?

22 PROSPECTIVE JUROR NO. 0768: No.

23 MR. SCHWARTZER: Anything that your attorney might
24 have done that affects the way you think about the defense in
25 any way?

1 PROSPECTIVE JUROR NO. 0768: No.

2 MR. SCHWARTZER: Okay. Thank you, sir. That's all
3 the questions I have.

4 Mr. Banks, we've already went through kind of the
5 questions that I was going to ask you, so we'll just pass that
6 to -- I can't read my -- I have you as Kyle. So what's your
7 last name?

8 PROSPECTIVE JUROR NO. 0775: Kyle Shenett, 775.

9 MR. SCHWARTZER: Okay. Did you fill out a
10 questionnaire?

11 PROSPECTIVE JUROR NO. 0775: No. I did not.

12 MR. SCHWARTZER: Okay. So that one -- there's a
13 reason why we don't have it.

14 So did you hear those three questions that I've
15 asked everyone else?

16 PROSPECTIVE JUROR NO. 0775: Yes.

17 MR. SCHWARTZER: Okay. So I'm just going to go over
18 them real quick.

19 In general, do you feel the criminal justice system
20 is effective?

21 PROSPECTIVE JUROR NO. 0775: Yes.

22 MR. SCHWARTZER: In general, do you feel the
23 criminal justice system is fair?

24 PROSPECTIVE JUROR NO. 0775: Yes.

25 MR. SCHWARTZER: In general, would you say you have

1 positive thoughts about law enforcement?

2 PROSPECTIVE JUROR NO. 0775: Indifferent.

3 MR. SCHWARTZER: Indifferent? Okay. You don't
4 really have an opinion one way or the other?

5 PROSPECTIVE JUROR NO. 0775: Yeah.

6 MR. SCHWARTZER: Okay.

7 Court's indulgence.

8 That's all the questions I have for you, sir.

9 Could you just pass it down to Ms. Miller?

10 PROSPECTIVE JUROR NO. 0816: Yes. Sophia Miller,
11 0816.

12 MR. SCHWARTZER: No. Because I have the
13 questionnaires in a -- in a certain order, I'm going to
14 actually bring it to --

15 PROSPECTIVE JUROR NO. 0816: Oh.

16 PROSPECTIVE JUROR NO. 0788: Jennifer Vaca, 0788.

17 MR. SCHWARTZER: Okay. It looks like you don't like
18 to be in the spotlight, huh?

19 PROSPECTIVE JUROR NO. 0788: No.

20 MR. SCHWARTZER: That's fair.

21 Okay. So you filled out a questionnaire that we
22 have. So --

23 PROSPECTIVE JUROR NO. 0788: Yes.

24 MR. SCHWARTZER: -- lucky for you, I don't have that
25 many questions.

1 So the only -- the only thing that I noted in the
2 questionnaire is on Question 10, you -- the question was, have
3 your or has anyone close to you ever been the victim of a
4 crime. You respond, no, but then you responded yes here in
5 court.

6 Is there a reason why?

7 PROSPECTIVE JUROR NO. 0788: I just filled out the
8 questionnaire without thinking.

9 MR. SCHWARTZER: Okay.

10 PROSPECTIVE JUROR NO. 0788: Just to do it right
11 away.

12 MR. SCHWARTZER: There was like no reason to like
13 hide it or anything like that?

14 PROSPECTIVE JUROR NO. 0788: No.

15 MR. SCHWARTZER: Okay. It was just like an
16 oversight?

17 PROSPECTIVE JUROR NO. 0788: Yes.

18 MR. SCHWARTZER: Okay. That's fair.

19 All right. If you can just pass it right next to
20 you.

21 Ms. Izaguirre?

22 PROSPECTIVE JUROR NO. 0995: Um-hum. Evelyn --
23 Evelyn Izaguirre, 0995.

24 MR. SCHWARTZER: You know what? I have no questions
25 for you.

1 PROSPECTIVE JUROR NO. 0995: Okay.

2 MR. SCHWARTZER: All right.

3 Ms. Valerio?

4 PROSPECTIVE JUROR NO. 1089: Yeah. Marina Valerio,
5 1089.

6 MR. SCHWARTZER: I've got no questions for you
7 either. I hope you -- again, don't be offended if you don't
8 get questions.

9 Ms. Ahmad?

10 PROSPECTIVE JUROR NO. 0794: Yes.

11 MR. SCHWARTZER: Okay.

12 PROSPECTIVE JUROR NO. 0794: Angela Ahmad, 794.

13 MR. SCHWARTZER: Okay. So, I do have a -- you -- we
14 have a questionnaire for you as well. The questionnaires
15 obviously help. That's why I don't have to ask these
16 questions to everyone.

17 But there is a specific answer you gave on the
18 questionnaire I just want to ask you about. Question 10, have
19 you or has anyone close to you ever been a victim of a crime.

20 I understand, again, the Judge said serious crime,
21 so there's a difference in the way it's asked. But you wrote,
22 yes, in your questionnaire. You said, no here in court.

23 So, I mean, what's -- what's the answer?

24 PROSPECTIVE JUROR NO. 0794: I mean, nothing
25 serious. But like traffic tickets.

1 MR. SCHWARTZER: Like -- like what, was it someone
2 like yourself that was a victim of crime or someone you're
3 close to?

4 PROSPECTIVE JUROR NO. 0794: No. Not myself. Like
5 just traffic tickets.

6 MR. SCHWARTZER: Okay. It's not accused, it's been
7 a victim of a crime.

8 PROSPECTIVE JUROR NO. 0794: Oh, victim? I mean, a
9 house broken in. But I don't really -- I was little then. I
10 don't really feel serious.

11 MR. SCHWARTZER: Okay. How old were you like, you
12 were living with your parents type little?

13 PROSPECTIVE JUROR NO. 0794: Yeah.

14 MR. SCHWARTZER: Okay.

15 PROSPECTIVE JUROR NO. 0794: So little things like
16 that.

17 MR. SCHWARTZER: Because, I mean, some people would
18 feel a break-in is -- is serious, I mean, and --

19 PROSPECTIVE JUROR NO. 0794: Yeah. But I was little
20 so it's like --

21 MR. SCHWARTZER: Okay.

22 PROSPECTIVE JUROR NO. 0794: Or like you have a car
23 crash or something.

24 MR. SCHWARTZER: Okay.

25 PROSPECTIVE JUROR NO. 0794: So, I don't --

1 MR. SCHWARTZER: Nothing that would affect your
2 judgment here?

3 PROSPECTIVE JUROR NO. 0794: No.

4 MR. SCHWARTZER: Okay. Thank you.

5 Can you just pass it to Mr. Siazon?

6 PROSPECTIVE JUROR NO. 0798: Siazon. 798.

7 MR. SCHWARTZER: Okay. You also -- so you filled
8 out a questionnaire as well. You specifically said that you
9 don't have positive thoughts about law enforcement. Is there
10 a specific incident or interaction you had that causes you to
11 have that thought?

12 PROSPECTIVE JUROR NO. 0798: No, it was a long time
13 ago.

14 MR. SCHWARTZER: Okay.

15 PROSPECTIVE JUROR NO. 0798: It was like stop over
16 by a policeman for no reason at all.

17 MR. SCHWARTZER: And where was that?

18 PROSPECTIVE JUROR NO. 0798: It was in New York.

19 MR. SCHWARTZER: Okay. And you said a long -- like
20 what's long ago?

21 PROSPECTIVE JUROR NO. 0798: Maybe about --

22 MR. SCHWARTZER: I'm sorry. I couldn't hear you.

23 PROSPECTIVE JUROR NO. 0798: I think just like 1989
24 or 1990.

25 MR. SCHWARTZER: Okay. So that's -- man, that's 32

1 years ago, so.

2 PROSPECTIVE JUROR NO. 0798: Yeah.

3 MR. SCHWARTZER: Okay. Nothing about being stopped
4 by an officer in New York is going to --

5 PROSPECTIVE JUROR NO. 0798: I think I was just
6 singled out because of my race.

7 MR. SCHWARTZER: Okay.

8 PROSPECTIVE JUROR NO. 0798: That's what I believe.

9 MR. SCHWARTZER: But that didn't happen here.

10 PROSPECTIVE JUROR NO. 0798: No.

11 MR. SCHWARTZER: It happened 30 years ago.

12 PROSPECTIVE JUROR NO. 0798: Yes.

13 MR. SCHWARTZER: So obviously, you wouldn't hold
14 that against any officer that testifies?

15 PROSPECTIVE JUROR NO. 0798: No. I don't think so.

16 MR. SCHWARTZER: Okay.

17 PROSPECTIVE JUROR NO. 0798: You also said that you
18 didn't believe the justice -- criminal justice system -- oh,
19 you did say that. Never mind.

20 All right. Sir, I have no further questions for
21 you. Thank you.

22 Mr. Kelley?

23 PROSPECTIVE JUROR NO. 0811: Billy Kelley, 811.

24 MR. SCHWARTZER: Selling any cars outside or --

25 PROSPECTIVE JUROR NO. 0811: Try to every day. But,

1 no. Would you like to buy one?

2 MR. SCHWARTZER: I don't have a questionnaire from
3 you -- from you. Did you fill one out?

4 PROSPECTIVE JUROR NO. 0811: No, I did not.

5 MR. SCHWARTZER: Okay. So I'm going to just ask you
6 those same three questions.

7 In general, do you feel the criminal justice system
8 is effective?

9 PROSPECTIVE JUROR NO. 0811: Yes.

10 MR. SCHWARTZER: In general, do you feel the
11 criminal justice system is fair?

12 PROSPECTIVE JUROR NO. 0811: Yes.

13 MR. SCHWARTZER: In general, would you say you have
14 positive thoughts about law enforcement?

15 PROSPECTIVE JUROR NO. 0811: Yes.

16 MR. SCHWARTZER: Okay.

17 All right. So that's all the questions I have for
18 you. Thank you.

19 Mr. Ricci?

20 PROSPECTIVE JUROR NO. 0815: 0815.

21 MR. SCHWARTZER: Okay. We do have a questionnaire
22 from you.

23 In general, you said you didn't have positive
24 thoughts about law enforcement. Did that have to do with the
25 stolen truck that you talked about on -- on Monday? And the

1 way --

2 PROSPECTIVE JUROR NO. 0815: Correct.

3 MR. SCHWARTZER: -- and the way it was handled? And
4 the way it was handled by law enforcement you didn't -- you
5 didn't feel like they did their job?

6 PROSPECTIVE JUROR NO. 0815: Correct.

7 MR. SCHWARTZER: Okay. Nothing -- and the Judge
8 already asked you this question, but that's obviously not
9 going to affect how you view the testimony here on the stand?

10 PROSPECTIVE JUROR NO. 0815: No. It has no bearing
11 on the officers that will appear here.

12 MR. SCHWARTZER: Okay. All right.

13 So you also said you don't believe you can be a fair
14 and impartial juror on Question Number 16?

15 PROSPECTIVE JUROR NO. 0815: Okay.

16 MR. SCHWARTZER: Do you -- now, that you've gone
17 through this process, heard kind of the facts and all that, do
18 you believe you can be a fair and impartial juror or has your
19 mind changed since then? Or do you -- because you've answered
20 to the Judge that you can be fair and impartial, but on the
21 questionnaire you said you couldn't be.

22 PROSPECTIVE JUROR NO. 0815: I'm not sure what
23 you're asking.

24 MR. SCHWARTZER: I'm wondering if -- if --

25 PROSPECTIVE JUROR NO. 0815: You're asking me if I

1 can be a fair and impartial juror here today in this case?

2 MR. SCHWARTZER: Yes.

3 PROSPECTIVE JUROR NO. 0815: But not in general for
4 all cases?

5 MR. SCHWARTZER: Well, I only care about this case
6 right now.

7 PROSPECTIVE JUROR NO. 0815: Okay.

8 MR. SCHWARTZER: I mean, look, there's -- and the
9 reason why I ask it that way is because there's -- but there's
10 some court cases that involve a crime that you -- that if you
11 were a victim of or someone that you were close to was a
12 victim of you cannot be fair and impartial.

13 PROSPECTIVE JUROR NO. 0815: Right.

14 MR. SCHWARTZER: Or there's some people who don't
15 believe that people should be in prison for drugs; right?

16 PROSPECTIVE JUROR NO. 0815: Right.

17 MR. SCHWARTZER: And they can't be fair and
18 impartial if we were doing like a -- a cocaine sale here
19 because they don't --

20 PROSPECTIVE JUROR NO. 0815: Right.

21 MR. SCHWARTZER: -- believe cocaine should be legal.

22 So that's why I'm talking about this specific case,
23 with these specific charges. Do you believe you can be fair
24 and impartial with these specific parties?

25 PROSPECTIVE JUROR NO. 0815: This is difficult for

1 me because I was involved in a shooting. I was a witness to a
2 shooting when I was senior in high school.

3 MR. SCHWARTZER: Okay. Was someone arrested for
4 that?

5 PROSPECTIVE JUROR NO. 0815: My cousin was shot in
6 the head by an off-duty police officer. But he wasn't killed.
7 But he was handicapped afterwards.

8 MR. SCHWARTZER: And this was when you were in high
9 school?

10 PROSPECTIVE JUROR NO. 0815: Yeah. Senior in high
11 school.

12 MR. SCHWARTZER: Where -- where was this?

13 PROSPECTIVE JUROR NO. 0815: Philadelphia.

14 MR. SCHWARTZER: Okay. Do you believe the
15 investigation into that officer-involved shooting was done
16 properly?

17 PROSPECTIVE JUROR NO. 0815: In that case in
18 Philadelphia?

19 MR. SCHWARTZER: Yes.

20 PROSPECTIVE JUROR NO. 0815: No. He -- he was found
21 innocent.

22 MR. SCHWARTZER: Okay. Do you believe -- because
23 this -- obviously, this -- we're not hiding the fact that
24 there's -- there was force used by officers in this case. Do
25 you believe that might make you biased against the officers

1 involved in this case?

2 PROSPECTIVE JUROR NO. 0815: Possibly, yes.

3 MR. SCHWARTZER: Even though what happened in
4 Philadelphia was -- how long ago was it?

5 PROSPECTIVE JUROR NO. 0815: I was 17 years old.

6 MR. SCHWARTZER: Okay. How old -- I mean, I don't
7 want to ask your age now --

8 PROSPECTIVE JUROR NO. 0815: 64 now.

9 MR. SCHWARTZER: -- okay. So we're talking, you
10 know, a significant -- we're talking about decades and decades
11 ago.

12 PROSPECTIVE JUROR NO. 0815: Yeah. Yeah.

13 MR. SCHWARTZER: So obviously, procedures have
14 changed; correct?

15 PROSPECTIVE JUROR NO. 0815: Correct.

16 MR. SCHWARTZER: Officers can -- are definitely not
17 the same officers; right? Correct?

18 I need a verbal answer.

19 PROSPECTIVE JUROR NO. 0815: Come on. I mean, if
20 you have watched the media you see still a lot of people are
21 executed by police officers in their cars; right? Extra-
22 judicially.

23 MR. SCHWARTZER: Okay. That's your -- that's your
24 belief?

25 PROSPECTIVE JUROR NO. 0815: It's never happened to

1 me, no.

2 MR. SCHWARTZER: No. That's your belief though?

3 PROSPECTIVE JUROR NO. 0815: Sorry?

4 MR. SCHWARTZER: That's your belief, that the -- the
5 way -- the statement you just made?

6 PROSPECTIVE JUROR NO. 0815: Yes.

7 MR. SCHWARTZER: Okay. Do you believe there's a
8 time an officer-involved shooting can be justified?

9 PROSPECTIVE JUROR NO. 0815: Yes.

10 MR. SCHWARTZER: Okay. You wouldn't know unless you
11 heard the facts of that case; right?

12 PROSPECTIVE JUROR NO. 0815: Yes.

13 MR. SCHWARTZER: Okay. So you don't know if the
14 officers involved in this case were justified or not without
15 knowing the facts?

16 PROSPECTIVE JUROR NO. 0815: No. I don't know the
17 facts.

18 MR. SCHWARTZER: Okay. And they're obviously not
19 the ones on trial now?

20 PROSPECTIVE JUROR NO. 0815: Correct.

21 MR. SCHWARTZER: Okay. So with all that said, you
22 still believe you would be biased against the officers that
23 were involved in this case? Even though you don't know any of
24 the facts except for -- actually you don't know any evidence
25 right now?

1 PROSPECTIVE JUROR NO. 0815: Correct.

2 MR. SCHWARTZER: Okay.

3 PROSPECTIVE JUROR NO. 0815: I'm not saying I would
4 be biased against the officer. It would be difficult for me.

5 MR. SCHWARTZER: Okay. I appreciate it.

6 PROSPECTIVE JUROR NO. 0815: It stirs up a lot of
7 bad memories.

8 MR. SCHWARTZER: I can appreciate that.

9 All right. Thank you, sir.

10 Ms. Miller?

11 PROSPECTIVE JUROR NO. 0816: Sophia Miller, 0816.

12 MR. SCHWARTZER: We do have a questionnaire for you
13 as well. You generally don't have -- the question was you
14 don't have, in general, positive thoughts about law
15 enforcement.

16 Would that affect the way you view officers as -- as
17 a witness?

18 PROSPECTIVE JUROR NO. 0816: No.

19 MR. SCHWARTZER: Okay. Obviously, good and bad
20 officers out there.

21 PROSPECTIVE JUROR NO. 0816: Yeah.

22 MR. SCHWARTZER: You don't know without telling --
23 without -- without them being on the stand?

24 PROSPECTIVE JUROR NO. 0816: Correct.

25 MR. SCHWARTZER: Okay. You also write in your

1 questionnaire that you believe you have been a victim of
2 racial prejudice before.

3 PROSPECTIVE JUROR NO. 0816: Yes. But not by
4 police.

5 MR. SCHWARTZER: Okay. And the only reason why I'm
6 bringing that up is because the very next question is, do you
7 believe it affects your ability to be a fair and impartial
8 juror?

9 PROSPECTIVE JUROR NO. 0816: Um-hum.

10 MR. SCHWARTZER: So now that you have a general idea
11 of the charges and all that, do you believe it would --

12 PROSPECTIVE JUROR NO. 0816: No.

13 MR. SCHWARTZER: -- do you --

14 PROSPECTIVE JUROR NO. 0816: After going through the
15 process, I don't think it will affect my decision.

16 MR. SCHWARTZER: Okay. You don't -- you don't
17 think?

18 PROSPECTIVE JUROR NO. 0816: No.

19 MR. SCHWARTZER: Okay. That's the best we can ask.

20 All right. Thank you, ma'am.

21 All right.

22 PROSPECTIVE JUROR NO. 0831: Donavan Alva, Badge
23 Number 0831.

24 MR. SCHWARTZER: Again, we don't have a
25 questionnaire. Did you fill out a questionnaire?

1 PROSPECTIVE JUROR NO. 0831: No.

2 MR. SCHWARTZER: Okay. Just real quick, those three
3 questions that I've heard -- you've probably heard me say --

4 PROSPECTIVE JUROR NO. 0831: Yeah.

5 MR. SCHWARTZER: -- it five times now.

6 In general, do you feel the criminal justice system
7 is effective?

8 PROSPECTIVE JUROR NO. 0831: Yeah.

9 MR. SCHWARTZER: In general, do you feel the
10 criminal justice system is fair?

11 PROSPECTIVE JUROR NO. 0831: Not always.

12 MR. SCHWARTZER: And in general, would you say you
13 have positive thoughts about law enforcement?

14 PROSPECTIVE JUROR NO. 0831: No.

15 MR. SCHWARTZER: Okay. So those thoughts you have
16 about law enforcement, are they so great that you would hold
17 officers in a different light on the stand than you would
18 other witnesses?

19 PROSPECTIVE JUROR NO. 0831: No.

20 MR. SCHWARTZER: Okay. You would still treat them
21 like any other witness on the stand?

22 PROSPECTIVE JUROR NO. 0831: Yeah.

23 MR. SCHWARTZER: All right. So I don't have to
24 worry about you discounting everything an officer says simply
25 just because he happens to have a badge?

1 PROSPECTIVE JUROR NO. 0831: Yeah.

2 MR. SCHWARTZER: All right. Yeah, I do have to
3 worry about that? Or --

4 PROSPECTIVE JUROR NO. 0831: No.

5 MR. SCHWARTZER: Okay.

6 Okay. Thank you, sir.

7 Actually, going back to you real fast, and I know
8 you're not working right now. What was your field?

9 PROSPECTIVE JUROR NO. 0831: Construction.

10 MR. SCHWARTZER: Okay.

11 PROSPECTIVE JUROR NO. 0831: I was a laborer for
12 Mueller Construction (phonetic).

13 MR. SCHWARTZER: Okay. Are you -- what are you
14 doing now when you're not working?

15 PROSPECTIVE JUROR NO. 0831: This.

16 MR. SCHWARTZER: This. Okay. Aren't we all.

17 I mean, is your plan to just be -- go back in that
18 same field or are you looking to get into a different field?

19 PROSPECTIVE JUROR NO. 0831: Whatever I can get
20 right now honestly.

21 MR. SCHWARTZER: Okay.

22 PROSPECTIVE JUROR NO. 0831: I'm just trying to keep
23 gas in the car, you know?

24 MR. SCHWARTZER: Hard to do right now.

25 All right. Can you pass it over?

1 Sir, we don't have one -- oh, I'm sorry, we need
2 your name and badge number.

3 PROSPECTIVE JUROR NO. 0836: Michael Duszak, 836.

4 MR. SCHWARTZER: Same. I don't have a questionnaire
5 from you. Did you fill one out?

6 PROSPECTIVE JUROR NO. 0836: I did not.

7 MR. SCHWARTZER: Okay. In general, do you feel the
8 criminal justice system is effective?

9 PROSPECTIVE JUROR NO. 0836: Yes.

10 MR. SCHWARTZER: In general, do you feel the
11 criminal justice system is fair?

12 PROSPECTIVE JUROR NO. 0836: Yes.

13 MR. SCHWARTZER: In general, do you have positive
14 thoughts about law enforcement?

15 PROSPECTIVE JUROR NO. 0836: Yes.

16 MR. SCHWARTZER: Okay. And I don't know why I'm
17 looking at this questionnaire like it's yours.

18 Okay. And we've talked about the issues yesterday
19 about your -- your childcare. Do you think that will distract
20 you, where you wouldn't be attention, so much that you
21 wouldn't be paying attention, or could you pay attention to
22 the trial if you happen to be selected of one of the 16
23 people?

24 PROSPECTIVE JUROR NO. 0836: It's distracting. Just
25 worrying, you know, make -- not knowing whether I have

1 something set up and, you know, as far as transportation, so.

2 MR. SCHWARTZER: I'm sure. Yeah, I'm sure.

3 PROSPECTIVE JUROR NO. 0836: Yeah.

4 MR. SCHWARTZER: Absolutely.

5 PROSPECTIVE JUROR NO. 0836: Yes.

6 MR. SCHWARTZER: But I guess the question really is,
7 will it be so distracting that you wouldn't pay attention to
8 what's going on in the courtroom?

9 PROSPECTIVE JUROR NO. 0836: No.

10 MR. SCHWARTZER: Okay. Well, you'd -- you'd still
11 abide by the oath and all that?

12 PROSPECTIVE JUROR NO. 0836: Yes.

13 MR. SCHWARTZER: Okay. Thank you, sir.

14 PROSPECTIVE JUROR NO. 0836: Thank you.

15 MR. SCHWARTZER: Mr. Silvett?

16 PROSPECTIVE JUROR NO. 0954: Dean Silvett, Badge
17 Number 13-0954.

18 MR. SCHWARTZER: Did you fill out a questionnaire?

19 PROSPECTIVE JUROR NO. 0954: Yes.

20 MR. SCHWARTZER: Which we did not receive.

21 Okay. I'm just going to ask you those same three
22 questions.

23 In general, do you feel the criminal justice system
24 is effective?

25 PROSPECTIVE JUROR NO. 0954: Yes.

1 MR. SCHWARTZER: In general, do you feel the
2 criminal justice system is fair?

3 PROSPECTIVE JUROR NO. 0954: Yes.

4 MR. SCHWARTZER: In general, would you say you have
5 positive thoughts about law enforcement?

6 PROSPECTIVE JUROR NO. 0954: Yes.

7 MR. SCHWARTZER: Okay. Is there any questions that
8 I asked that you -- since I don't have a questionnaire, that
9 you think you would have answered?

10 PROSPECTIVE JUROR NO. 0954: No.

11 MR. SCHWARTZER: Okay.

12 Could we pass it to Mr. Tam-Sing?

13 PROSPECTIVE JUROR NO. 1033: Anthony Tam-Sing, 13-
14 1033.

15 MR. SCHWARTZER: Okay. So there's -- there's two
16 areas that I want to go over with you, sir.

17 Number one is, you were a recruit -- you went
18 through eight months of recruit school?

19 PROSPECTIVE JUROR NO. 1033: Yes.

20 MR. SCHWARTZER: Okay. You said you dropped out for
21 personal reasons?

22 PROSPECTIVE JUROR NO. 1033: Yes.

23 MR. SCHWARTZER: And I don't need to get into those
24 personal reasons. But are those reasons something that would
25 affect the way you view law enforcement in general?

1 PROSPECTIVE JUROR NO. 1033: No.

2 MR. SCHWARTZER: Okay. So you don't -- you wouldn't
3 hold -- you wouldn't -- you don't see law enforcement in a
4 negative light based on your interactions in a recruit -- as
5 being a recruit?

6 PROSPECTIVE JUROR NO. 1033: No.

7 MR. SCHWARTZER: Okay. You still would treat
8 officers the same way you would treat any other witnesses?

9 PROSPECTIVE JUROR NO. 1033: Yes.

10 MR. SCHWARTZER: Okay. Now, you said you could be
11 fair and impartial, but you also said that you have some
12 initial beliefs; right?

13 PROSPECTIVE JUROR NO. 1033: Yes.

14 MR. SCHWARTZER: Okay. You probably heard me talk
15 about this yesterday. I know it was super late. But whatever
16 I say, question-wise, or argument-wise, is not fact; right?
17 It's not evidence that comes from the witness stand; correct?

18 PROSPECTIVE JUROR NO. 1033: Yes.

19 MR. SCHWARTZER: I still have to prove this case
20 beyond a reasonable doubt, myself and Ms. Heap?

21 PROSPECTIVE JUROR NO. 1033: Yes.

22 MR. SCHWARTZER: Okay. And right now, there's been
23 no evidence shown at all, so right now Mr. Trejo is innocent?

24 PROSPECTIVE JUROR NO. 1033: Yes.

25 MR. SCHWARTZER: Okay. Do you believe that?

1 PROSPECTIVE JUROR NO. 1033: To an extent.

2 MR. SCHWARTZER: Okay. Well, you either believe it
3 or you don't. It's a -- it's a basic principle of obviously
4 the criminal justice system that as Mr. Trejo sits right there
5 he is innocent until, unless I prove him guilty?

6 PROSPECTIVE JUROR NO. 1033: Yes.

7 MR. SCHWARTZER: Okay. You -- do you believe in
8 that concept?

9 PROSPECTIVE JUROR NO. 1033: To a point.

10 MR. SCHWARTZER: You keep hedging. So you either
11 believe it or not. I have to -- I mean, it's a yes or no. I
12 have to ask you in a yes or no way.

13 PROSPECTIVE JUROR NO. 1033: Yes.

14 MR. SCHWARTZER: Okay. And do you -- can you give
15 Mr. Trejo -- and answer truthfully -- do you believe you can
16 give Mr. Trejo that presumption of innocence?

17 PROSPECTIVE JUROR NO. 1033: I have to, I guess.

18 MR. SCHWARTZER: You don't have -- it's whatever
19 your thoughts are. Like, I don't -- like I want to make it
20 very clear to everyone here. I don't want people sitting here
21 right now saying, I'm going to go back in there and vote
22 guilty no matter what. We want people that will hold us to
23 our burden.

24 Will you hold the State to its burden of beyond a
25 reasonable doubt?

1 PROSPECTIVE JUROR NO. 1033: Yes.

2 MR. SCHWARTZER: Okay. And if we don't prove this
3 case beyond a reasonable doubt, will you be okay coming back
4 and saying, you know what, Mr. Schwartzer, you know what Ms.
5 Heap, you didn't do it. I mean, you didn't do your job. He's
6 not -- not guilty.

7 PROSPECTIVE JUROR NO. 1033: Yes.

8 MR. SCHWARTZER: Okay. Thank you, sir.

9 I'll take that mic.

10 Mr. Broderick?

11 PROSPECTIVE JUROR NO. 1055: Shadam Broderick, Badge
12 1055.

13 MR. SCHWARTZER: Okay. We do have a questionnaire
14 for you. So that will move it up a little bit.

15 I do want to ask you specifically about you were --
16 you -- there's a lot of accused and victims of crime. But
17 specifically, you were accused of a crime that you said
18 happened between Mesquite and Vegas?

19 PROSPECTIVE JUROR NO. 1055: Yes.

20 MR. SCHWARTZER: Are you comfortable share the --
21 like the general nature of the crime?

22 PROSPECTIVE JUROR NO. 1055: No problem at all.

23 MR. SCHWARTZER: Okay. What was it?

24 PROSPECTIVE JUROR NO. 1055: Armed robbery.

25 MR. SCHWARTZER: Okay.

1 PROSPECTIVE JUROR NO. 1055: Kidnapping with a
2 deadly weapon. Basically, everything that the defendant has
3 been accused --

4 MR. SCHWARTZER: Accused of?

5 PROSPECTIVE JUROR NO. 1055: -- of, I have as well.

6 MR. SCHWARTZER: Okay. And you were arrested?

7 PROSPECTIVE JUROR NO. 1055: Yes, I was.

8 MR. SCHWARTZER: Were you charged by the District
9 Attorney's Office?

10 PROSPECTIVE JUROR NO. 1055: Yes.

11 MR. SCHWARTZER: Okay. And the District Attorney's
12 Office, between Vegas and Mesquite, would the Clark County
13 District Attorney's Office.

14 PROSPECTIVE JUROR NO. 1055: Yes.

15 MR. SCHWARTZER: So what year was that?

16 PROSPECTIVE JUROR NO. 1055: 2009.

17 MR. SCHWARTZER: Okay. And you don't -- so I assume
18 I'm not the person that was prosecuting that case.

19 PROSPECTIVE JUROR NO. 1055: Correct. You were not.

20 MR. SCHWARTZER: Okay. Obviously, I could not have
21 been actually.

22 Now, you said at some point the case was dropped.

23 PROSPECTIVE JUROR NO. 1055: Yes.

24 MR. SCHWARTZER: Okay. Was that -- so was that a
25 decision made by the prosecution or did the Court dismiss it?

1 PROSPECTIVE JUROR NO. 1055: Prosecution.

2 MR. SCHWARTZER: Okay. And how far in the process
3 did you get to? Did you get to a Preliminary Hearing? Did
4 you get to -- up here into District Court?

5 PROSPECTIVE JUROR NO. 1055: I believe just the
6 preliminary, like it was -- it was my first court appearance.

7 MR. SCHWARTZER: Oh, that quick. So initial
8 arraignment, Justice Court.

9 PROSPECTIVE JUROR NO. 1055: Um-hum. Maybe not the
10 initial arraignment because I'm not super familiar with all
11 the terminology.

12 MR. SCHWARTZER: Okay.

13 PROSPECTIVE JUROR NO. 1055: But I had gone to jail.

14 MR. SCHWARTZER: Um-hum.

15 PROSPECTIVE JUROR NO. 1055: I'd been released from
16 jail and it was my first court appearance after.

17 MR. SCHWARTZER: And did the State agree not to
18 proceed in charges?

19 PROSPECTIVE JUROR NO. 1055: Correct.

20 MR. SCHWARTZER: Okay. So you were initially
21 charged, you were held, but then when you in, the initial
22 arraignment, there was not formal Complaint filed against you.
23 Does that sound accurate?

24 If it doesn't --

25 PROSPECTIVE JUROR NO. 1055: I -- yeah, I'm going to

1 say no, it doesn't sound familiar like --

2 MR. SCHWARTZER: Okay.

3 PROSPECTIVE JUROR NO. 1055: -- the DA took one look
4 at me and said, seriously? There's no way it was this guy.

5 MR. SCHWARTZER: Okay.

6 PROSPECTIVE JUROR NO. 1055: And she was the one who
7 talked to the Judge and said we want to drop all charges.

8 MR. SCHWARTZER: Okay. Is that based on like
9 photographic evidence or video evidence or something like
10 that?

11 PROSPECTIVE JUROR NO. 1055: Yes.

12 MR. SCHWARTZER: Okay. Okay. So based on from your
13 understanding of what happened, based on the review of
14 evidence by the District Attorney's Office, they dropped the
15 charges against you?

16 PROSPECTIVE JUROR NO. 1055: Yes.

17 MR. SCHWARTZER: Okay. So you're obviously --
18 police officers arrested you. Mesquite has their own police
19 force. Did Mesquite arrest you or did Las -- LVMPD arrest
20 you?

21 PROSPECTIVE JUROR NO. 1055: Mesquite.

22 MR. SCHWARTZER: Okay. So, obviously, no Mesquite
23 officers are testifying in this case -- or testifying in this
24 case, but LVMPD officers are. Would you hold what the
25 Mesquite officers did against LVMPD officers?

1 PROSPECTIVE JUROR NO. 1055: No. Not at all.

2 MR. SCHWARTZER: Okay. You would judge them the
3 same way you would judge any other witness?

4 PROSPECTIVE JUROR NO. 1055: Yes.

5 MR. SCHWARTZER: Okay. And would you hold it
6 against the District Attorney's Office for, I guess, maybe the
7 initial hold, but that's more of a law enforcement thing?

8 PROSPECTIVE JUROR NO. 1055: No. I wouldn't hold
9 anything against them.

10 MR. SCHWARTZER: So does Ms. Heap and I have to
11 worry about you secretly hide -- you know, being like, oh --

12 PROSPECTIVE JUROR NO. 1055: I don't have anything
13 out for you --

14 MR. SCHWARTZER: Okay.

15 PROSPECTIVE JUROR NO. 1055: No. Not at all.

16 MR. SCHWARTZER: Now, at the same time, would you
17 hold it against Mr. Trejo, any experience you had with the
18 criminal justice system?

19 PROSPECTIVE JUROR NO. 1055: No.

20 MR. SCHWARTZER: Okay. So you could treat both
21 parties fair and impartial?

22 PROSPECTIVE JUROR NO. 1055: Completely.

23 MR. SCHWARTZER: Okay. That's all I've got sir.
24 Thank you.

25 Okay. Your name and badge number?

1 PROSPECTIVE JUROR NO. 0852: Anela Medeiros-Smith,
2 Badge Number 852.

3 MR. SCHWARTZER: And I guess, Ms. Mederios, you
4 don't want to be in the hot seat? Okay.

5 You do have a questionnaire, so I'm not going to ask
6 you all the questions again. But you do say you generally
7 don't have positive thoughts about law enforcement, which is
8 fine.

9 But I want to make sure that those thoughts won't
10 interfere with how you treat them as witnesses.

11 PROSPECTIVE JUROR NO. 0852: I don't think it will.
12 I think I'll be pretty impartial and fair.

13 MR. SCHWARTZER: Okay. You've now had a night to
14 think about it, your initial thoughts regarding, you know, not
15 wanting to like judge people and stuff like that.

16 If you are selected to be a member of this jury, are
17 you going to be able to make those judgment calls?

18 PROSPECTIVE JUROR NO. 0852: Yes.

19 MR. SCHWARTZER: Okay. And again, understanding
20 that you're the trier of fact, You're just determining --
21 you're not determining legal issues, you're determining
22 factual issues.

23 PROSPECTIVE JUROR NO. 0852: Yes.

24 MR. SCHWARTZER: Do you understand that?

25 PROSPECTIVE JUROR NO. 0852: Yes. I understand.

1 MR. SCHWARTZER: Okay. So no one's going to ask you
2 like on the law should this be granted or not. It's whether
3 these facts occurred or not. Does that make it feel easier?

4 PROSPECTIVE JUROR NO. 0852: Yes.

5 MR. SCHWARTZER: Okay. All right.

6 Pass it to Ms. Gong.

7 Ms. Gong, we talked to you quite a bit.

8 Yeah. I need your badge number. Thank you.

9 PROSPECTIVE JUROR NO. 0854: Jenny Gong, 0854.

10 MR. SCHWARTZER: Okay. You -- you have not filled
11 out a form? Or did you fill out a form?

12 PROSPECTIVE JUROR NO. 0854: I haven't.

13 MR. SCHWARTZER: Okay. I'm going to just ask those
14 three questions again.

15 PROSPECTIVE JUROR NO. 0854: Yeah.

16 MR. SCHWARTZER: In general, do you feel the
17 criminal justice system is effective?

18 PROSPECTIVE JUROR NO. 0854: Yes.

19 MR. SCHWARTZER: In general, do you feel the
20 criminal justice system is fair?

21 PROSPECTIVE JUROR NO. 0854: In general, yes.

22 MR. SCHWARTZER: In general, would you say you have
23 positive thoughts about law enforcement?

24 PROSPECTIVE JUROR NO. 0854: It really depends.

25 MR. SCHWARTZER: That's a fair answer.

1 Okay. And obviously, a lot of our conversation has
2 been about -- and I appreciate you raising your hand when you
3 don't understand things -- is how much you're -- you
4 understand about this process.

5 Now, that you've had some time to reflect, do you
6 believe you're understanding the majority of what's occurring?

7 PROSPECTIVE JUROR NO. 0854: I think so. Just the
8 particular, you know, questions with the words. So it's --
9 sometimes I didn't understand, so.

10 MR. SCHWARTZER: Okay.

11 PROSPECTIVE JUROR NO. 0854: Yeah.

12 MR. SCHWARTZER: It's like the legal terminology
13 like --

14 PROSPECTIVE JUROR NO. 0854: Yes.

15 MR. SCHWARTZER: -- burden?

16 PROSPECTIVE JUROR NO. 0854: Yes. And like I said,
17 you know, my vocabulary is limited. Sometimes even though
18 it's not like law terms and so I probably wouldn't understand,
19 you know, everything.

20 MR. SCHWARTZER: Okay.

21 PROSPECTIVE JUROR NO. 0854: Yeah.

22 MR. SCHWARTZER: How much do you -- how --
23 percentage-wise, if you were going on like between zero and a
24 hundred percent, how much do you believe you've understood
25 during these last three days?

1 PROSPECTIVE JUROR NO. 0854: I would say 70 to 80
2 percent.

3 MR. SCHWARTZER: 70 to 80 percent?

4 PROSPECTIVE JUROR NO. 0854: Yeah.

5 MR. SCHWARTZER: Okay. And you mentioned you had a
6 family member that did go to trial for --

7 PROSPECTIVE JUROR NO. 0854: Not family member.

8 MR. SCHWARTZER: Oh. A close friend.

9 PROSPECTIVE JUROR NO. 0854: A significant other.

10 MR. SCHWARTZER: Okay. And that -- but that wasn't
11 here in Las Vegas?

12 PROSPECTIVE JUROR NO. 0854: No. It was in the
13 other state. But that was 25 -- 25 years ago.

14 MR. SCHWARTZER: Okay.

15 PROSPECTIVE JUROR NO. 0854: Yeah.

16 MR. SCHWARTZER: Nothing about that will affect how
17 you view things here today?

18 PROSPECTIVE JUROR NO. 0854: I don't think so.

19 MR. SCHWARTZER: Okay. You wouldn't hold it against
20 the State, Ms. Heap and myself, for bringing this case and
21 bringing these charges?

22 PROSPECTIVE JUROR NO. 0854: No. I don't think so.

23 MR. SCHWARTZER: Okay. And you wouldn't hold it
24 against Mr. Trejo for exercising his constitutional right for
25 a trial?

1 PROSPECTIVE JUROR NO. 0854: Well, I think I would
2 believe the evidence will, presented during the trial so, you
3 know, not to just person subjective opinion.

4 MR. SCHWARTZER: That's fantastic. That's all we --
5 that's exactly what we want from the jury is just consider the
6 evidence.

7 PROSPECTIVE JUROR NO. 0854: Okay.

8 MR. SCHWARTZER: Thank you.

9 PROSPECTIVE JUROR NO. 0854: No problem.

10 MR. SCHWARTZER: Ms. Federico?

11 PROSPECTIVE JUROR NO. 1008: Yes.

12 MR. SCHWARTZER: Okay. You filled out a form?

13 PROSPECTIVE JUROR NO. 1008: Um-hum.

14 MR. SCHWARTZER: Which makes this much easier.

15 THE CLERK: I'm sorry. Ms. Federico --

16 PROSPECTIVE JUROR NO. 1008: I'm sorry.

17 THE COURT: Thank you.

18 PROSPECTIVE JUROR NO. 1008: Siclaly Federico, Badge
19 Number 1008.

20 THE COURT: And also, I was going to tell you, uh-
21 huh and huh-uh, they are not --

22 PROSPECTIVE JUROR NO. 1008: Oh, sorry.

23 THE COURT: -- no, no problem. It's just -- I just
24 need to remind people every once in a while.

25 PROSPECTIVE JUROR NO. 1008: Okay.

1 MR. SCHWARTZER: It's my fault.

2 PROSPECTIVE JUROR NO. 1008: You're good.

3 MR. SCHWARTZER: So you filled out a form. You
4 answered no regarding whether you believe the criminal justice
5 system is effective. Does that have to do with your past
6 incident?

7 PROSPECTIVE JUROR NO. 1008: Yes.

8 MR. SCHWARTZER: Okay. And I want to talk about
9 that past incident a little bit. How long ago was it?

10 PROSPECTIVE JUROR NO. 1008: The most recent one was
11 in November of last year.

12 MR. SCHWARTZER: Okay. And so specifically about
13 the -- the robbery that you were talking about? Didn't you
14 say there was something --

15 PROSPECTIVE JUROR NO. 1008: No. Not a robbery.
16 Just got threatened basically.

17 MR. SCHWARTZER: Okay. Threatened, in what manner?

18 PROSPECTIVE JUROR NO. 1008: My life.

19 MR. SCHWARTZER: Okay. With -- with a weapon,
20 without a weapon?

21 PROSPECTIVE JUROR NO. 1008: No. Just verbally, I
22 guess.

23 MR. SCHWARTZER: Okay.

24 PROSPECTIVE JUROR NO. 1008: By an employee.

25 MR. SCHWARTZER: By an employee?

1 PROSPECTIVE JUROR NO. 1008: Um-hum.

2 MR. SCHWARTZER: Okay. And so --

3 THE COURT: I'm -- I'm sorry. You said uh-huh
4 again.

5 PROSPECTIVE JUROR NO. 1008: Oh, sorry. Yes.

6 MR. SCHWARTZER: (Indiscernible). I'm not, so.

7 So you were -- it's a -- it's an employee, someone
8 you worked with?

9 PROSPECTIVE JUROR NO. 1008: Yes.

10 MR. SCHWARTZER: Okay. And this person verbally
11 threatened you?

12 PROSPECTIVE JUROR NO. 1008: Yes.

13 MR. SCHWARTZER: Okay. Obviously, that's not, you
14 know, the same as someone coming into your employment. I'm
15 not saying it's not scary. But it's not the same as, you
16 know, someone coming into your place of employment and -- and
17 threatening you -- threatening violence against you; right?

18 PROSPECTIVE JUROR NO. 1008: Correct.

19 MR. SCHWARTZER: Okay. So is there anything about
20 that incident that would affect whether you could be fair and
21 impartial today?

22 PROSPECTIVE JUROR NO. 1008: No. I don't think so.

23 MR. SCHWARTZER: Okay. And then you said there was
24 an incident before that?

25 PROSPECTIVE JUROR NO. 1008: Yes.

1 MR. SCHWARTZER: Okay. Tell me about that. Remind
2 me about that again.

3 PROSPECTIVE JUROR NO. 1008: I didn't really speak
4 about it.

5 MR. SCHWARTZER: Okay. Is it something that you're
6 comfortable talking about?

7 PROSPECTIVE JUROR NO. 1008: No.

8 MR. SCHWARTZER: Okay. Is it something that we
9 should probably talk to you outside the presence of other
10 jurors?

11 PROSPECTIVE JUROR NO. 1008: I don't think it would
12 affect anything.

13 MR. SCHWARTZER: Okay. Okay. Is it anything in a
14 fact pattern similar to what you heard in the introduction?

15 PROSPECTIVE JUROR NO. 1008: No.

16 MR. SCHWARTZER: Okay. So nothing from that prior
17 incident would affect you being fair and impartial with this
18 type of crime?

19 PROSPECTIVE JUROR NO. 1008: Correct.

20 MR. SCHWARTZER: Okay. Thank you.

21 PROSPECTIVE JUROR NO. 0993: Carolina Calumpit,
22 Badge 13-0993.

23 MR. SCHWARTZER: Okay. Ma'am, we don't have a
24 questionnaire for you. Did you fill one out?

25 PROSPECTIVE JUROR NO. 0993: Yeah, I did.

1 MR. SCHWARTZER: You did?

2 PROSPECTIVE JUROR NO. 0993: Yeah.

3 MR. SCHWARTZER: Okay. Was it -- I'm hearing it was
4 online?

5 PROSPECTIVE JUROR NO. 0993: Yep.

6 MR. SCHWARTZER: Okay. For some reason we didn't --
7 we didn't receive it. So I'm just going to read you those
8 three questions that everyone's probably sick of right now.

9 PROSPECTIVE JUROR NO. 0993: Okay.

10 MR. SCHWARTZER: In general, do you feel the
11 criminal justice system is effective?

12 PROSPECTIVE JUROR NO. 0993: Yes.

13 MR. SCHWARTZER: In general, do you feel the
14 criminal justice system is fair?

15 PROSPECTIVE JUROR NO. 0993: Yes.

16 MR. SCHWARTZER: In general, would you say you have
17 positive thoughts about law enforcement?

18 PROSPECTIVE JUROR NO. 0993: Yes.

19 MR. SCHWARTZER: Okay. That's all I got.

20 PROSPECTIVE JUROR NO. 1002: Shane Haycock, Badge
21 1002.

22 MR. SCHWARTZER: Sir, we had the same issue with
23 you. Did you fill out a form?

24 PROSPECTIVE JUROR NO. 1002: I did. Online.

25 MR. SCHWARTZER: Okay. Which unfortunately we

1 didn't -- and that happens -- as you can see, it happens a
2 lot. I'm going to read you those same three questions.

3 PROSPECTIVE JUROR NO. 1002: Yes, yes, yes.

4 MR. SCHWARTZER: Okay. For the record, it's -- for
5 the record, it's in general, do you have -- the criminal
6 justice system is effective, in general, do you feel the
7 criminal justice system is fair, in general, would you say you
8 have positive thoughts about law enforcement, and all three,
9 you said yes.

10 All right. Sir, you want to pass to Mr. Burdick?

11 Am I saying your name correct?

12 PROSPECTIVE JUROR NO. NO. 1041: Yep. Alexander
13 Burdick, 1041.

14 MR. SCHWARTZER: All right. Now, sir, you -- we do
15 have a questionnaire for you. You -- there's a couple things
16 -- and you've kind of brought it up, too, during your -- you
17 know, when the Judge was talking to you as well, that I want
18 to kind of discuss regarding both people being accused of a
19 crime and being victim of a crime.

20 So specifically, in your questionnaire on Question
21 10, you wrote that -- so -- whether you or someone close to
22 you has ever been a victim of crime. You said, yes. What you
23 told us as well.

24 It -- was it properly handled by law enforcement,
25 you said, no, which you've told us as well. And then here's

1 the -- where I want to really get into it. Can you still be
2 a fair and impartial juror based on that experience and you
3 said you could not be. Do you remember that answer?

4 PROSPECTIVE JUROR NO. 1041: Yes.

5 MR. SCHWARTZER: Okay. So that negative interaction
6 you had with law enforcement based on a -- I believe it was a
7 friend, right, correct?

8 PROSPECTIVE JUROR NO. 1041: Father.

9 MR. SCHWARTZER: It was what?

10 PROSPECTIVE JUROR NO. 1041: Dad.

11 MR. SCHWARTZER: Your father. Was a victim of
12 crime? Okay. So based on the way law enforcement handled
13 your father's being a victim, you don't believe you can be
14 fair and impartial?

15 PROSPECTIVE JUROR NO. 1041: No.

16 MR. SCHWARTZER: Okay. And I don't -- and it looks
17 like -- I don't mean to pry too much. So I'll just move on to
18 the next thing where it says, has anyone been charged, or
19 arrested, or convicted of a criminal offense, and you --
20 that's close to you, and you said yes, which you told us.

21 And again, you told us that you believe you could
22 not be fair and impartial based on that experience.

23 PROSPECTIVE JUROR NO. 1041: Yes.

24 MR. SCHWARTZER: Does that stand correct as well?

25 PROSPECTIVE JUROR NO. 1041: Yes.

1 MR. SCHWARTZER: Okay. And then specifically you
2 said to us, when the Judge was asking you questions, if you
3 found out Mr. Trejo had kids, you don't believe that you could
4 be fair and impartial for the State; is that correct?

5 PROSPECTIVE JUROR NO. 1041: Yes.

6 MR. SCHWARTZER: Okay. Do you still stand by all of
7 that?

8 PROSPECTIVE JUROR NO. 1041: Of course.

9 MR. SCHWARTZER: Okay. So maybe this isn't the
10 right type of trial for you?

11 PROSPECTIVE JUROR NO. 1041: Probably not.

12 MR. SCHWARTZER: Because you believe -- on three
13 different occasions you said you don't believe you can be fair
14 and impartial?

15 PROSPECTIVE JUROR NO. 1041: Yes.

16 MR. SCHWARTZER: Okay. Thank you, sir.

17 Mr. Garcia, we don't have a questionnaire for you.

18 PROSPECTIVE JUROR NO. 0984: Juan Garcia, 13-0984.

19 MR. SCHWARTZER: In general, do you feel the
20 criminal justice system is effective?

21 PROSPECTIVE JUROR NO. 0984: Yes.

22 MR. SCHWARTZER: In general, do you feel the
23 criminal justice system is fair?

24 PROSPECTIVE JUROR NO. 0984: It can be.

25 MR. SCHWARTZER: In general, would you say you have

1 positive thoughts about law enforcement?

2 PROSPECTIVE JUROR NO. 0984: Yeah.

3 MR. SCHWARTZER: Okay.

4 PROSPECTIVE JUROR NO. 0984: For the most part,
5 yeah.

6 MR. SCHWARTZER: And I -- we --

7 PROSPECTIVE JUROR NO. 0984: Yes. Sorry.

8 MR. SCHWARTZER: Did he say yeah?

9 THE COURT: Yes. He said yes. I think you saw him
10 looking up so.

11 PROSPECTIVE JUROR NO. 0984: Is that it for me?

12 MR. SCHWARTZER: That is it, sir.

13 PROSPECTIVE JUROR NO. 0984: All right.

14 MR. SCHWARTZER: I think we asked all the questions
15 yesterday with you.

16 PROSPECTIVE JUROR NO. 0984: Perfect.

17 PROSPECTIVE JUROR NO. 0966: Adriel Keith Go, Badge
18 Number 966.

19 MR. SCHWARTZER: All right, sir, I don't -- again,
20 we don't have a questionnaire for you, so --

21 PROSPECTIVE JUROR NO. 0966: Uh-huh.

22 MR. SCHWARTZER: -- 7, 8 and 9 is, in general, do
23 you feel the criminal justice system is effective?

24 PROSPECTIVE JUROR NO. 0966: Yes.

25 MR. SCHWARTZER: In general, do you feel the

1 criminal justice system is fair?

2 PROSPECTIVE JUROR NO. 0966: Yes.

3 MR. SCHWARTZER: In general, would you say you have
4 positive thoughts about law enforcement?

5 PROSPECTIVE JUROR NO. 0966: Yes.

6 MR. SCHWARTZER: Did you fill out a questionnaire?

7 PROSPECTIVE JUROR NO. 0966: Yeah.

8 MR. SCHWARTZER: Okay. We just didn't --

9 PROSPECTIVE JUROR NO. 0966: The night before.

10 MR. SCHWARTZER: I'm sorry?

11 PROSPECTIVE JUROR NO. 0966: The night before I had
12 to report.

13 MR. SCHWARTZER: Okay. And sir, I'm not trying to
14 embarrass you in any way.

15 PROSPECTIVE JUROR NO. 0966: Um-hum.

16 MR. SCHWARTZER: I can tell there's a couple times
17 you seemed to be nodding off a little bit.

18 PROSPECTIVE JUROR NO. 0966: No.

19 MR. SCHWARTZER: No?

20 PROSPECTIVE JUROR NO. 0966: I'm just closing my --
21 I'm just closing my eyes.

22 MR. SCHWARTZER: Okay. I mean, I know this is not
23 the most exciting -- this isn't Law and Order. It's not the
24 most exciting thing.

25 PROSPECTIVE JUROR NO. 0966: I want to fast-forward

1 this part.

2 MR. SCHWARTZER: I wish I could do the same thing.

3 But the reason why I'm asking that question is,
4 because a lot of times -- you're in the food industry, right?

5 PROSPECTIVE JUROR NO. 0966: Yeah.

6 MR. SCHWARTZER: Do you work like late nights or
7 anything like that?

8 PROSPECTIVE JUROR NO. 0966: No. I work in the
9 morning.

10 MR. SCHWARTZER: Okay. Do you go to work before you
11 come here or anything like that?

12 PROSPECTIVE JUROR NO. 0966: No. This -- I only
13 work on the weekends.

14 MR. SCHWARTZER: Okay. Okay. So again, I haven't
15 seen you asleep or anything like that --

16 PROSPECTIVE JUROR NO. 0966: No.

17 MR. SCHWARTZER: -- I've just noticed your eyes have
18 been closed once or twice when I've looked back. You've been
19 paying attention to everything that's being said?

20 PROSPECTIVE JUROR NO. 0966: Yes.

21 MR. SCHWARTZER: Okay. Thank you, sir.

22 Mr. Guinn?

23 PROSPECTIVE JUROR NO. 0928: Jeffrey Guinn, Badge
24 928.

25 MR. SCHWARTZER: Sir, we do have a questionnaire for

1 you, so I do not have to ask you any of those questions.

2 And we already talked about obviously your
3 experience in civil lawsuits and dealing with the criminal
4 justice system.

5 After some reflection over the last three days do
6 you believe you could still be fair and impartial?

7 PROSPECTIVE JUROR NO. 0928: Yes.

8 MR. SCHWARTZER: Okay. Despite the fact that your
9 -- your son's working for Mr. Wolfson's reelection campaign,
10 can you still be -- you can be fair and impartial in this
11 case?

12 PROSPECTIVE JUROR NO. 0928: Yes.

13 MR. SCHWARTZER: Okay. Now, he's on the reelection
14 part, he's not working actually in the District Attorney's
15 Office's office?

16 PROSPECTIVE JUROR NO. 0928: I'm not sure.

17 MR. SCHWARTZER: Okay. What's his name?

18 PROSPECTIVE JUROR NO. 0928: Colton (phonetic).

19 MR. SCHWARTZER: And he has the same last name?

20 PROSPECTIVE JUROR NO. 0928: Yes.

21 MR. SCHWARTZER: Okay. Has he ever talked to you
22 about anything at work regarding the criminal justice system?

23 PROSPECTIVE JUROR NO. 0928: Just in the past you
24 mean?

25 MR. SCHWARTZER: Yeah, in the -- during the last

1 couple months, during the (indiscernible)?

2 PROSPECTIVE JUROR NO. 0928: Yeah. He tries to.

3 MR. SCHWARTZER: Okay. By try to --

4 PROSPECTIVE JUROR NO. 0928: He's got a lot of
5 difficulties in his life.

6 MR. SCHWARTZER: Okay. None of that would, you
7 know, affect -- none of this would affect your relationship
8 with him?

9 PROSPECTIVE JUROR NO. 0928: No, it couldn't get any
10 worse.

11 MR. SCHWARTZER: Okay. So obviously, if -- you
12 know, if Ms. Heap and myself were not able to -- to prove
13 beyond a reasonable doubt to yourself that Mr. Trejo committed
14 these crimes, you would have no issue finding him not guilty?

15 PROSPECTIVE JUROR NO. 0928: No issues.

16 MR. SCHWARTZER: If we did appease our burden, you
17 would have no issues convicting?

18 PROSPECTIVE JUROR NO. 0928: No.

19 MR. SCHWARTZER: Okay. Thank you, sir.

20 Mr. Ang?

21 PROSPECTIVE JUROR NO. 0950: Mr. Ang, 950.

22 MR. SCHWARTZER: All right. Sir, you did fill out a
23 questionnaire as well. I just have some -- some follow-up on
24 some of these questions, some of these answers.

25 Okay. Specifically, on number 9, you said you don't

1 have positive thoughts about law enforcement. Is that because
2 of a specific interaction?

3 PROSPECTIVE JUROR NO. 0950: Nothing specific to me,
4 no.

5 MR. SCHWARTZER: Okay. Now, your thoughts in
6 general with law enforcement, that wouldn't affect how you
7 would view them on the officers on the stand, would it?

8 PROSPECTIVE JUROR NO. 0950: No.

9 MR. SCHWARTZER: Okay. You could still treat them
10 like any other witness?

11 PROSPECTIVE JUROR NO. 0950: Yes.

12 MR. SCHWARTZER: Okay. Okay.

13 THE COURT: Mr. Schwartzer, Mr. Trejo, can the
14 parties just approach?

15 MR. SCHWARTZER: Sure.

16 THE COURT: Thank you.

17 (Bench conference)

18 THE COURT: This is just a timing question. What
19 time did we bring them in? Because I want to try and make
20 sure they get enough breaks, and I also need to pee.

21 MR. SCHWARTZER: If we -- I mean, we can break.
22 It's -- I've got like ten minutes left, but I'm fine taking a
23 break and reviewing my notes before --

24 THE COURT: Okay. So we're just going to take like
25 a ten minute break and we'll be back. Okay.

1 MR. SCHWARTZER: Okay.

2 THE COURT: Thank you.

3 And you were okay with that, Mr. Trejo?

4 MR. TREJO: Yes.

5 THE COURT: Okay. Thank you.

6 (End of bench conference)

7 THE COURT: Ladies and gentlemen of the jury, we are
8 just going to take a short recess, because as I told you, I
9 need to go to the bathroom all the time -- at all times.

10 And so during the recess, you are admonished not to
11 talk or converse among yourselves or with anyone else on any
12 subject connected with this trial, or read, watch or listen to
13 any report of or commentary on the trial, or any person
14 connected with this trial, by any medium of information,
15 including, without limitation, newspapers, television, the
16 Internet and radio, or form or express any opinions on any
17 subject connected with this trial until the case is finally
18 submitted to you.

19 It is 2:50. We will come back at 3:00 o'clock.

20 (Outside the presence of the prospective jury)

21 THE COURT: Outside the presence of the jury now.

22 I need to take a bathroom break, but if we can come
23 back in five minutes so that we can discuss some of the people
24 who we can maybe let go as soon as we get back, but I
25 literally cannot hold it any -- for one second longer, so.

1 We will be right back.

2 MR. SCHWARTZER: Thank you, Your Honor.

3 (Court recessed at 2:51 p.m., until 2:59 p.m.)

4 (Outside the presence of the prospective jury)

5 THE COURT: So I wanted to talk about people who we
6 may want to kick now before we bring them back in.

7 So, Mr. Schwartzer, do you want to start?

8 MR. SCHWARTZER: Sure, Your Honor.

9 Yeah. Sorry. I'm just getting my list real fast.

10 THE COURT: Sure.

11 So my first one would be Mr. Cunningham, Badge
12 Number 12-1020.

13 THE COURT: Okay.

14 MR. SCHWARTZER: Who said that he is racist against,
15 I guess, all people, and that he would treat witnesses of a
16 different ethnic background in a different manner than he
17 would people not of a different ethnic background.

18 And he also said that if he believed Mr. Trejo was
19 not the same racial background as his, he would treat Mr.
20 Trejo differently, as well.

21 Based on that, and based on the fact he actually
22 outright said that in his questionnaire that he's a racist, I
23 think he should be excused.

24 THE COURT: And just for the record, when you asked
25 him if he was a racist, I felt him kind of looking at me

1 weirdly. So -- oh yeah, no --

2 MR. SCHWARTZER: Oh.

3 THE COURT: -- he was -- he was giving me dirty --
4 he was giving me dirty stink eye when you asked -- you asked
5 him if he was a racist and I just looked up. And he was --
6 like he straight up gave me dirty stink eye.

7 So, Mr. Trejo, any objection?

8 MR. TREJO: I agree.

9 THE COURT: Okay. So we are going to get rid of --
10 he was in the first group.

11 MS. HEAP: Second.

12 THE CLERK: Second page at the bottom.

13 THE COURT: Second page at the bottom.

14 MR. SCHWARTZER: Um --

15 THE COURT: Yeah, I honestly couldn't believe
16 somebody had written that on their thing. So when you said
17 that, I looked up, like sort of in surprise and he was
18 straight up giving me dirty stink eye, okay?

19 MR. SCHWARTZER: The next one I have is -- I don't
20 have his Badge Number in front of me, but it's Mr. Broderick.

21 MS. HEAP: Burdick.

22 MR. SCHWARTZER: Burdick.

23 THE COURT: Burdick.

24 MS. HEAP: Burdick.

25 MR. SCHWARTZER: He was in Seat -- that was 20 --

1 MS. HEAP: 27.

2 THE COURT: 27.

3 MR. SCHWARTZER: Yeah. 12-1041. Obviously, I asked
4 for him to be excused beforehand. I did some more follow-up
5 on -- and I understand Your Honor was leaning to excusing him
6 but wanted some further questioning.

7 I did the further questioning. He said that he
8 could not -- going on his questionnaire he said he couldn't be
9 fair and impartial. He said in court, at least three times
10 now, that he couldn't be fair or impartial.

11 So I think he's one for cause, based on everything
12 he said.

13 THE COURT: Mr. Trejo?

14 MR. TREJO: No argument.

15 THE COURT: Okay. We will excuse Mr. Burdick who
16 was on page 3 of the first page. Okay.

17 MR. SCHWARTZER: And the last one I have is 12-815,
18 Mr. Ricci. He's given a lot of weird answers. But he's --
19 where is he? What seat is he?

20 MS. HEAP: 15.

21 THE CLERK: 15.

22 MR. SCHWARTZER: But he -- maybe I missed it when
23 you asked him questions, but I don't remember him saying that
24 his cousin was involved in an officer-involved shooting when
25 you were asking questions. Obviously --

1 THE COURT: He did not.

2 MR. SCHWARTZER: -- that's -- I figured that would
3 be a note I would write to myself. The fact that he didn't
4 say that when you -- when you asked questions regarding if
5 someone's ever been a victim or accused of a crime. And that
6 wasn't brought up in some way or form.

7 And then the fact that he said that he couldn't be
8 fair and impartial to the State. Considering the nature of
9 this case, I think this is not the best case for him and he
10 should be excused.

11 I would also note in his questionnaire he said that
12 he -- would -- could not be fair and impartial as well.

13 THE COURT: Mr. Trejo?

14 MR. TREJO: No argument.

15 THE COURT: Okay. We will excuse Mr. Ricci. I'm
16 looking for -- I know he was on the first --

17 THE CLERK: Page 1, a little more than halfway down.

18 THE COURT: Okay. I found him. Thank you.

19 And that was it for you? Because there were some
20 others that I thought --

21 MR. SCHWARTZER: I guess Ms. Gong. She's -- I mean,
22 I kind of have the same -- what's her badge number, I'm sorry,
23 before I get to --

24 MS. HEAP: She is --

25 THE CLERK: 854.

1 MR. SCHWARTZER: Thank you.

2 I actually kind of agree with Mr. Trejo, that every
3 -- she seems to be very responsive to every answer -- when I
4 asked her questions. When you asked her questions, when I
5 asked her questions, she seems to respond in a proper manner.

6 Obviously, we excuse people for saying that they
7 only understood 70 to 80 percent. So, you know, I try to be
8 consistent when I'm asking for excuse for cause. And so I
9 think I have to ask for her to be -- based on her answer that
10 she's only understanding between 70 and 80 percent of what's
11 going on, I think I have to ask for her to be removed based on
12 the fact that I've asked for everyone else to be removed for
13 the same reason.

14 But I would note that she does seem to be responsive
15 to my questions.

16 THE COURT: Mr. Trejo?

17 MR. TREJO: I disagree. As a person whose English
18 is not their first language, I noticed she is actually
19 understanding very well. I feel she might just want to skip
20 jury duty if possible.

21 THE COURT: So that's basically what he was saying
22 is that he thinks that she's responsive, but in order to be
23 consistent, he's asking for her to be excused.

24 However, I also agree, she's been super, super
25 responsive to all of the answers -- all the questions that

1 both parties have asked and I don't think -- I know that she
2 said that she's only understood 70 to 80 percent of what's
3 been going on, but she's been way more responsive than the
4 other people who've said that they understood 70 to 80
5 percent.

6 So you said that was your last one, Mr. --

7 MR. SCHWARTZER: Ms. Heap brought up another one
8 which I agree we should talk about.

9 I'm sorry, I don't -- because we have three
10 different lists --

11 MS. HEAP: Here.

12 MR. SCHWARTZER: -- I have them all over --

13 THE COURT: I know.

14 MR. SCHWARTZER: 13-978, Ms. Lealao.

15 THE COURT: Yeah. That's who I was waiting for
16 somebody to bring up.

17 MR. SCHWARTZER: Yeah. I mean, she has a lot on her
18 plate. And she said she probably can't fully focus on this
19 trial and I don't blame her with finals in four weeks and a
20 newborn baby. So I would ask to excuse her for cause -- or
21 not for cause, for hardship.

22 THE COURT: For hardship?

23 Mr. Trejo?

24 MR. TREJO: I was going to bring up her up too.

25 THE COURT: So you're -- you're okay with us

1 excusing Ms. Lealao?

2 MR. TREJO: Yes.

3 THE COURT: Badge Number 13-0978.

4 MR. TREJO: Yes.

5 THE COURT: Okay. So I'm going to excuse Ms.
6 Lealao.

7 And Mr. Trejo, is there anybody you would like to
8 have excused?

9 MR. TREJO: Yes.

10 THE COURT: Okay.

11 MR. TREJO: Anthony Tam-Sing. He admitted that in
12 the back of his mind, I was already guilty. I feel his law
13 enforcement background and the allegations that police shot
14 me, make him already prejudice even though he claimed he would
15 be impartial. There -- there was doubt in his speech and
16 mannerisms.

17 THE COURT: Mr. Schwartzer?

18 MR. SCHWARTZER: I agree that obviously his initial
19 statements were, you know, were a problem. But I think he was
20 able to be rehabilitated. He said then that he would -- he
21 would -- he does believe in the presumption of innocence. He
22 will -- that he would at this point find him innocent, that no
23 evidence is presented.

24 That he would not convict if we didn't hold our
25 burden beyond a reasonable doubt and then he did say he's be

1 fair and impartial.

2 THE COURT: I'm going to have to agree with Mr.
3 Trejo on this one, Mr. Schwartzer. Mr. Tam-Sing, when he was
4 being rehabilitated by you, his -- his voice and mannerisms
5 were a lot more hesitant than when he initially stated that he
6 would not be fair and impartial, that he believed that because
7 the police shot him, what did -- I had it written down, if I
8 could read my handwriting.

9 He was in -- yes, it is because I write tiny. He
10 believed in the back of his mind that he thinks that Mr. Trejo
11 is guilty and he thought he was guilty because he had been
12 shot. And he seemed a lot more sure of himself. I don't know
13 if -- if the record is going to reflect that, so I want to
14 make sure I'm saying it. He was a lot more confident in his
15 answers at that point and was a lot more hesitant when he was
16 being rehabilitated by Mr. Schwartzer on that one.

17 So based on that, I am going to excuse Mr. Tam-Sing
18 who is Badge Number 13-1033.

19 MR. SCHWARTZER: Thank you, Your Honor.

20 THE COURT: Thank you.

21 Anything else, Mr. Trejo?

22 MR. TREJO: Siclaly Federico. Would like to ask
23 Ms. Federico some questions.

24 THE COURT: Oh, sure.

25 MR. TREJO: I believe we worked together in the

1 past and she also mentioned before that this case is
2 triggering to her PTSD.

3 THE COURT: Okay. I don't know if we're going to be
4 able to ask questions about her working with you before,
5 because I don't -- I mean, we'd maybe be able to ask that
6 outside the presence other jurors.

7 Mr. Schwartzer?

8 MR. TREJO: That's what he meant. That's what I
9 meant.

10 THE COURT: Right.

11 MR. SCHWARTZER: Right. That's fine. Either or is
12 fine, Your Honor. If you think it's more appropriate to do it
13 -- yeah, that's fine, Your Honor.

14 THE COURT: Okay. So was she the only other one you
15 had, Mr. Trejo?

16 MR. TREJO: At the moment, yes.

17 THE COURT: Okay. So if we can bring them in.
18 Before we bring them in, I want to make sure I've got the
19 correct people we are taking out.

20 Corey Cunningham. Alexander Burdick. Michael
21 Ricci. Ariel Lealao and Anthony Tam-Sing. Those are the one,
22 two, three, four, five I've got to be taken out. And then who
23 are we going to put in those seats, Roe?

24 THE CLERK: Seat 2, will be 13-1034, Troy Rivas.

25 THE COURT: And that is Seat 2. Okay.

1 THE CLERK: Seat 27, 13-1039, Erik Orozco.

2 THE COURT: And that's going to be between Shane
3 Haycock and Juan Garcia?

4 THE CLERK: Yes.

5 THE COURT: Thank you.

6 THE CLERK: Seat 15, 14-440, Garrett Prentice.

7 THE COURT: Okay. Wait. Seat --

8 THE CLERK: That's between Billy Kelley --

9 THE COURT: Miller and Kelley.

10 THE CLERK: -- and Miller.

11 THE COURT: Okay. Okay.

12 THE CLERK: Seat 5, 14-445, Yolanda Mattison.

13 THE COURT: Okay. Mattison, I think.

14 THE CLERK: And then Seat 20, 14-481, Layla Catabay.

15 THE COURT: And that was next to Silvett? Yeah. I
16 think so.

17 THE CLERK: Yes.

18 THE COURT: Yeah. Okay.

19 MS. HEAP: Did you say Catabay?

20 THE COURT: Yeah.

21 THE CLERK: Yes.

22 THE COURT: And that's it, right?

23 So I've got Seat 2 is Rivas. Seat 5, is Mattison.
24 Seat 14, is Prentice.

25 THE CLERK: Seat 15.

1 THE COURT: Seat 15. Sorry. My numbers are off.
2 Seat 20, is Catabay. Seat 27, is Orozco.
3 Everybody on the same page?

4 MR. SCHWARTZER: Yeah. Yes, Your Honor.

5 MS. HEAP: Yes, Your Honor.

6 THE COURT: Okay. Thank you.

7 So we will bring them all in.

8 Oh, wait, did you -- sorry, did you guys want to
9 bring in Ms. Federico before we bring in everybody else?

10 MR. TREJO: Yes, please.

11 THE COURT: Yeah. Let's -- let's bring in Ms.
12 Federico first.

13 MR. SCHWARTZER: So Rivas is in 2?

14 THE COURT: Rivas --

15 THE CLERK: That's Troy Rivas.

16 MR. SCHWARTZER: Troy Rivas.

17 THE COURT: Yes.

18 THE CLERK: Yes. In Seat 2.

19 THE COURT: Okay. Hold on, Bill, for a second.
20 Let's just get everybody on the same page.

21 MR. SCHWARTZER: That was the only one I had, Your
22 Honor. I was confused on.

23 THE COURT: Okay. And so we're going to bring in
24 Federico. And do you already have your questions written out
25 for Ms. Federico yet, or no? You're working on them right

1 now? Do you want a minute before we bring her in?

2 MR. TREJO: Yes.

3 THE COURT: Okay. We're going to just take a minute
4 before we bring Ms. Federico in.

5 And Bill, are you going to tell them when they go
6 out there that you're going to -- that that's what you're
7 doing, or do you want me to do it?

8 THE MARSHAL: Yeah. No, they'll know.

9 THE COURT: Cool.

10 (Pause in the proceedings; defendant writing questions.)

11 MR. TREJO: I'm ready.

12 THE COURT: You're ready?

13 Okay. Federico.

14 Mr. Trejo, do you want to put your jacket back on?

15 MR. TREJO: Yes.

16 (Prospective Juror No. 1008 is present)

17 THE COURT: Thank you. Have a seat. And just
18 please state your name and your Badge Number.

19 PROSPECTIVE JUROR NO. 1008: Siclaly Federico, Badge
20 Number 1008.

21 THE COURT: Thank you.

22 And we had some questions for you. So, go ahead.

23 MR. TREJO: Ms. Federico, I recall you work for a
24 telecommunications retailer. I was wondering if you have
25 worked for either My Wireless TPR or T-Mobile Corporate

1 anytime from 2015 to 2017?

2 PROSPECTIVE JUROR NO. 1008: Yes, I did.

3 MR. TREJO: I understand that was a long time ago.
4 But do you recall working with me within that time frame?

5 PROSPECTIVE JUROR NO. 1008: No. I didn't
6 specifically work for T-Mobile. I worked for the company that
7 I work for now. That was like a vendor inside of those
8 stores. So I didn't have to deal with the personnel in the T-
9 Mobile stores, only with my people.

10 MR. TREJO: One moment, please.

11 Okay. I just recalled you, but it didn't click
12 until now -- 'till now.

13 You have mentioned that hearing the overview Mr.
14 Schwartzer's made on day one, in a way triggered your PTSD.
15 Can you please elaborate on what you meant?

16 PROSPECTIVE JUROR NO. 1008: I guess, the crime
17 against the -- or the accusation, sorry, against the retail
18 worker, in that sense of it, because I've had that happen to
19 me, not just once, but twice by a man. So maybe that side of
20 it.

21 THE COURT: And so what about this -- the
22 accusations in this case are specifically -- I'm just trying
23 to make it clear for the record --

24 PROSPECTIVE JUROR NO. 1008: Oh, no.

25 THE COURT: -- what are -- what specifically is

1 triggering and how is that affecting you.

2 PROSPECTIVE JUROR NO. 1008: I guess it was the
3 detail where he had -- the accusation is that he had a gun
4 that had the manager, Ms. Serrano, if I remember --

5 THE COURT: Um-hum.

6 PROSPECTIVE JUROR NO. 1008: -- where he kind of
7 took her outside and it kind of life-threatening. And that's
8 what -- my case was just verbal. Nothing was done to me. But
9 to me that's still very, ugh.

10 THE COURT: And -- and how does -- how do you feel
11 about that?

12 PROSPECTIVE JUROR NO. 1008: I don't feel very good
13 towards him.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 1008: If I'm being honest.

16 THE COURT: Would you be fair to him?

17 PROSPECTIVE JUROR NO. 1008: I will like to say yes.
18 But I think that in the back of my mind, just because of what
19 I've gone through, I -- it would be there.

20 THE COURT: Mr. Trejo, I'm sorry to interrupt. I
21 just needed more clarification for the record. So you can
22 continue.

23 MR. TREJO: You actually beat me to the punch, Your
24 Honor.

25 THE COURT: Thank you.

1 Mr. Schwartzer, based on those questions, do you
2 have questions?

3 MR. SCHWARTZER: No, Your Honor.

4 THE COURT: Thank you.

5 Ms. Federico, if you can just go back outside with
6 the rest of the jurors.

7 PROSPECTIVE JUROR NO. 1008: Okay.

8 (Prospective Juror No. 1008 is not present)

9 MR. SCHWARTZER: I have no opposition to what Mr.
10 Trejo is going to ask for.

11 THE COURT: Did you want to make a full record or is
12 that good enough, Mr. Trejo?

13 MR. TREJO: That's good enough, I guess.

14 THE COURT: Okay. So based on the questioning that
15 we had, I am going to grant Mr. Trejo's excusal for cause.
16 Where was Federico? She was on day one?

17 THE CLERK: She was on day one, page two, all the
18 way down.

19 THE COURT: Page two, all the way down.

20 Okay. Yeah. Okay.

21 So then now who are we going to put in that place?

22 THE CLERK: It will be Badge 14-487, Mariya Veleva.

23 THE COURT: I think it's Mariya --

24 THE CLERK: Mariya.

25 THE COURT: -- Veleva. Veleva. Yeah, I think, it's

1 Mariya Veleva.

2 THE CLERK: Mariya Veleva.

3 THE COURT: Okay. So now to be -- we are going to
4 remove Corey Cunningham, Alexander Burdick, Michael Ricci,
5 Ariel Lealao, Anthony Sam-Ting, and Siclaly Federico.

6 MR. SCHWARTZER: Sounds right, Your Honor.

7 THE COURT: And Mr. Trejo, do you agree?

8 MR. TREJO: I do, Your Honor.

9 THE COURT: Okay. Thank you.

10 If you can bring them all in, Bill.

11 I don't have them in any particular order, so.

12 I think it's Veleva. Mariya Veleva.

13 THE MARSHAL: You want the whole group? Everybody,
14 right?

15 THE COURT: Yes. Everybody.

16 THE MARSHAL: Yeah, I mean the entire -- okay. Just
17 clarifying.

18 (Pause in the proceedings)

19 (In the presence of the prospective jury)

20 THE COURT: Okay. Thank you. The -- will the
21 parties stipulate? I think I counted right. I think
22 everybody's here. And will the parties stipulate to the
23 presence of the potential jury?

24 MR. SCHWARTZER: State does, Your Honor.

25 MR. TREJO: Defense does.

1 THE COURT: Okay. Thank you, everybody. Have a
2 seat.

3 So this is going to be in no particular order. But
4 the parties would like to thank and excuse Corey Cunningham,
5 Alexander Burdick, Michael Ricci, Ariel Lealao, Anthony Tam-
6 Sing and Siclaly Federico. I hope I pronounced everybody's
7 names right. Thank you all very much for your willingness to
8 be here and for your service. So, thank you.

9 THE CLERK: Badge 13-1034, Troy Rivas, you're going
10 to go to Seat 2 in the box.

11 13-1039, Erik Orozco, you're going to go to Seat 27.
12 It's going to be around that third side --

13 THE COURT: It will be --

14 THE CLERK: Up in the front row.

15 THE COURT: -- in the front row between -- yeah.

16 THE CLERK: 14-440 Garrett Prentice. You're going
17 to go to Seat 15.

18 PROSPECTIVE JUROR NO. 0440: The other side?

19 THE CLERK: It is going to be in the box right next
20 to the lady in the flowery shirt.

21 14-445, Yolanda Mattison, you're going to go to Seat
22 5. It will be back row in the box.

23 14-481, Layla Catabay, you're going to go to Seat
24 20. It's going to be up front, outside of the box, back row
25 at the end. Thank you.

1 14-487, Mariya Veleva. You're going to go to Seat
2 24.

3 THE COURT: Be careful. And you're going to be
4 right in the front row of the outside the box.

5 Okay. Thank you.

6 So, okay. Bill, can you get the microphone?

7 THE MARSHAL: It's on the podium, Judge.

8 Absolutely. You bet.

9 THE COURT: Sure. And we're going to start in Seat
10 Number 2, for Mr. Rivas.

11 Mr. Rivas, please state your name and your badge
12 number.

13 PROSPECTIVE JUROR NO. 1034: Troy Rivas, Badge
14 Number 13-1034.

15 THE COURT: Thank you.

16 How long have you lived in Clark County?

17 PROSPECTIVE JUROR NO. 1034: Three years.

18 THE COURT: Where did you come from before that?

19 PROSPECTIVE JUROR NO. 1034: LA County.

20 THE COURT: LA County?

21 PROSPECTIVE JUROR NO. 1034: West Covina.

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR NO. 1034: West Covina.

24 THE COURT: Okay. And how far did you go in school?

25 PROSPECTIVE JUROR NO. 1034: Bachelors.

1 THE COURT: In what?
2 PROSPECTIVE JUROR NO. 1034: Urban planning.
3 THE COURT: Oh, that's cool.
4 And are you currently employed?
5 PROSPECTIVE JUROR NO. 1034: I am. Yes.
6 THE COURT: What do you do?
7 PROSPECTIVE JUROR NO. 1034: I am an insurance
8 broker.
9 THE COURT: So clearly nothing to do with your
10 degree.
11 PROSPECTIVE JUROR NO. 1034: That's the way it goes.
12 THE COURT: Are you married or have a significant
13 other?
14 PROSPECTIVE JUROR NO. 1034: Married.
15 THE COURT: What does your spouse do for a living?
16 PROSPECTIVE JUROR NO. 1034: Same thing. Same
17 thing.
18 THE COURT: Okay. Do you have kids?
19 PROSPECTIVE JUROR NO. 1034: I do.
20 THE COURT: How old?
21 PROSPECTIVE JUROR NO. 1034: Two months.
22 THE COURT: Oh, so brand new. Not working, clearly.
23 And are you getting enough sleep?
24 PROSPECTIVE JUROR NO. 1034: I guess. For having a
25 two-month-old.

1 THE COURT: Have you ever been the victim of a
2 serious crime?

3 PROSPECTIVE JUROR NO. 1034: No.

4 THE COURT: Have you ever been accused of a serious
5 crime?

6 PROSPECTIVE JUROR NO. 1034: No.

7 THE COURT: Have any of your family members or
8 anyone close to you ever been the victim of a serious crime?

9 PROSPECTIVE JUROR NO. 1034: No.

10 THE COURT: Have any of your family members or
11 anyone close to you ever been accused of a serious crime?

12 PROSPECTIVE JUROR NO. 1034: Yes.

13 THE COURT: And were they charged?

14 PROSPECTIVE JUROR NO. 1034: Yes.

15 THE COURT: Did they go to trial?

16 PROSPECTIVE JUROR NO. 1034: Yes.

17 THE COURT: Were they convicted of anything?

18 PROSPECTIVE JUROR NO. 1034: Yes.

19 THE COURT: What were the nature of the convictions?

20 PROSPECTIVE JUROR NO. 1034: Attempted murder. And
21 another one that was charged for murder.

22 THE COURT: So that was a different family member?

23 PROSPECTIVE JUROR NO. 1034: Yes.

24 THE COURT: And convicted of that?

25 PROSPECTIVE JUROR NO. 1034: Yes.

1 THE COURT: And was that here or was that in
2 California?

3 PROSPECTIVE JUROR NO. 1034: California.

4 THE COURT: So it clearly was not this District
5 Attorney's Office. Were you satisfied with how those two
6 separate cases were handled?

7 PROSPECTIVE JUROR NO. 1034: Yes.

8 THE COURT: And is there anything about those
9 experiences that would cause you not to be fair and impartial
10 in this case?

11 PROSPECTIVE JUROR NO. 1034: I don't think so.

12 THE COURT: You sound hesitant. Can you just tell
13 me what you're feeling? We just need to know so that we can
14 make sure people --

15 PROSPECTIVE JUROR NO. 1034: No. I think criminals
16 need to go do their time.

17 THE COURT: And you understand that as we sit here
18 today Mr. Trejo is not a criminal?

19 PROSPECTIVE JUROR NO. 1034: Correct.

20 THE COURT: Okay And you're here to determine
21 whether or not he can -- why is -- brain --

22 PROSPECTIVE JUROR NO. 1034: I understand. Yes.

23 THE COURT: That he -- his -- whether or not he's
24 committed any crimes?

25 PROSPECTIVE JUROR NO. 1034: Yes.

1 THE COURT: And so is there anything about that that
2 would make you either unfair or -- or partial in -- in Mr.
3 Trejo's case --

4 PROSPECTIVE JUROR NO. 1034: No.

5 THE COURT: -- either to the State or to Mr. Trejo?

6 PROSPECTIVE JUROR NO. 1034: No.

7 THE COURT: Okay. Have you or anyone close to you
8 ever worked in law enforcement?

9 PROSPECTIVE JUROR NO. 1034: I have a lot of friends
10 that are cops.

11 THE COURT: And is there anything about any of those
12 relationships that would make it hard for you to discuss this
13 case if you came back with a not guilty verdict?

14 PROSPECTIVE JUROR NO. 1034: I don't think so.

15 THE COURT: And have you ever served as a juror?

16 PROSPECTIVE JUROR NO. 1034: No.

17 THE COURT: Is there anything about the nature of
18 this case or anything that you've heard here today that would
19 make it difficult for you to sit as a juror in this case?

20 PROSPECTIVE JUROR NO. 1034: No.

21 THE COURT: Can you base your verdict solely on the
22 evidence presented at the trial and wait to form an opinion
23 until we've heard all of the evidence?

24 PROSPECTIVE JUROR NO. 1034: Yes.

25 THE COURT: Can you be fair to both sides?

1 PROSPECTIVE JUROR NO. 1034: Yes.

2 THE COURT: Thank you.

3 Can you pass that along to Ms. Mattison?

4 Can you please state your name and your badge
5 number?

6 PROSPECTIVE JUROR NO. 0445: Sure. Yolanda Mattison
7 14-0445.

8 THE COURT: Thank you. How long have you lived in
9 Clark County?

10 PROSPECTIVE JUROR NO. 0445: Since, 2014.

11 THE COURT: So almost ten years, give or take. So
12 about eight years. My math is terrible. That's why I'm a
13 lawyer and not a doctor.

14 And where were you -- where'd you live before?

15 PROSPECTIVE JUROR NO. 0445: Michigan.

16 THE COURT: How far did you go in school?

17 PROSPECTIVE JUROR NO. 0445: Some college.

18 THE COURT: Are you employed?

19 PROSPECTIVE JUROR NO. 0445: I am.

20 THE COURT: I'm sorry, I should have asked. Did you
21 earn any sort of degree or certificate?

22 PROSPECTIVE JUROR NO. 0445: No.

23 THE COURT: Okay. And you said you were employed.
24 What do you do?

25 PROSPECTIVE JUROR NO. 0445: I'm a realtor.

1 THE COURT: Are you married or have a significant
2 other?

3 PROSPECTIVE JUROR NO. 0445: I have a significant
4 other.

5 THE COURT: What does your significant other do for
6 a living?

7 PROSPECTIVE JUROR NO. 0445: He's finance-
8 accounting.

9 THE COURT: Do you have any kids?

10 PROSPECTIVE JUROR NO. 0445: One. One.

11 THE COURT: How old?

12 PROSPECTIVE JUROR NO. 0445: He is 26.

13 THE COURT: Okay. What does he do for a living?

14 PROSPECTIVE JUROR NO. 0445: He's a student.

15 THE COURT: Have you ever been the victim of a
16 serious crime?

17 PROSPECTIVE JUROR NO. 0445: No.

18 THE COURT: Have you ever been accused of a serious
19 crime?

20 PROSPECTIVE JUROR NO. 0445: No.

21 THE COURT: Can you answer out loud?

22 PROSPECTIVE JUROR NO. 0445: No.

23 THE COURT: I just didn't -- thank you.

24 PROSPECTIVE JUROR NO. 0445: Um-hum.

25 THE COURT: Have any of your family members or

1 anyone closely associated with you ever been the victim of a
2 serious crime?

3 PROSPECTIVE JUROR NO. 0445: No.

4 THE COURT: Have any of your family members or
5 anyone closely associated with you ever been accused of a
6 serious crime?

7 PROSPECTIVE JUROR NO. 0445: No.

8 THE COURT: Have you or anyone close to you ever
9 worked in law enforcement?

10 PROSPECTIVE JUROR NO. 0445: Yes.

11 THE COURT: Who was that?

12 PROSPECTIVE JUROR NO. 0445: My dad.

13 THE COURT: And what did he do?

14 PROSPECTIVE JUROR NO. 0445: He was a police
15 reserve.

16 THE COURT: And that was in Michigan?

17 PROSPECTIVE JUROR NO. 0445: It was.

18 THE COURT: And is he retired now?

19 PROSPECTIVE JUROR NO. 0445: He's passed away.

20 THE COURT: Okay. I understand you wouldn't be
21 having like table conversations with him, but is there
22 anything about your relationship that you hold with your dad
23 that would make you feel bad about returning a not guilty
24 verdict or anything?

25 PROSPECTIVE JUROR NO. 0445: No. No.

1 THE COURT: Okay. Have you ever served as a juror?

2 PROSPECTIVE JUROR NO. 0445: Never.

3 THE COURT: Is there anything about the nature of
4 this case or anything you've heard here today that would make
5 it difficult for you to sit as a juror in this case?

6 PROSPECTIVE JUROR NO. 0445: No.

7 THE COURT: Can you base your verdict solely on the
8 evidence presented at the trial and wait to form an opinion
9 until you've heard all of the evidence?

10 PROSPECTIVE JUROR NO. 0445: Yes.

11 THE COURT: Can you be fair to both sides?

12 PROSPECTIVE JUROR NO. 0445: Yes.

13 THE COURT: Thank you.

14 Can you pass it to -- the next one would be Mr.
15 Prentice.

16 That's right, right?

17 THE CLERK: Yes.

18 THE COURT: Okay.

19 Mr. Prentice, can you please state your name and
20 your badge number?

21 PROSPECTIVE JUROR NO. 0440: Gary Prentice, 14-0440.

22 THE COURT: Thank you.

23 How long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 0440: 20 years.

25 THE COURT: And how far did you go in school?

1 PROSPECTIVE JUROR NO. 0440: Senior in college.

2 THE COURT: Have you earned any sort of degrees or
3 certificates on the way?

4 PROSPECTIVE JUROR NO. 0440: Not as of yet.

5 THE COURT: I'm sorry?

6 PROSPECTIVE JUROR NO. 0440: Not yet.

7 THE COURT: Okay. Are you currently employed?

8 PROSPECTIVE JUROR NO. 0440: I am.

9 THE COURT: What do you do?

10 PROSPECTIVE JUROR NO. 0440: Computer
11 (indiscernible) technician.

12 THE COURT: Are you married or have a significant
13 other?

14 PROSPECTIVE JUROR NO. 0440: No.

15 THE COURT: Do you have any kids?

16 PROSPECTIVE JUROR NO. 0440: No.

17 THE COURT: Have you ever been the victim of a
18 serious crime?

19 PROSPECTIVE JUROR NO. 0440: No.

20 THE COURT: Have you ever been accused of a serious
21 crime?

22 PROSPECTIVE JUROR NO. 0440: No.

23 THE COURT: Have any of your family members or
24 anyone close to you ever been the victim of a serious crime?

25 PROSPECTIVE JUROR NO. 0440: No.

1 THE COURT: Have any of your family members or
2 anyone close to you ever been accused of a serious crime?

3 PROSPECTIVE JUROR NO. 0440: No.

4 THE COURT: Have you or anyone close to you ever
5 worked in law enforcement?

6 PROSPECTIVE JUROR NO. 0440: No.

7 THE COURT: Have you ever served as a juror?

8 PROSPECTIVE JUROR NO. 0440: No.

9 THE COURT: Is there anything about the nature of
10 this case or anything that you've heard that would make it
11 difficult for you to sit as a juror in this case?

12 PROSPECTIVE JUROR NO. 0440: No.

13 THE COURT: Can you base your verdict solely on the
14 evidence presented at the trial and wait to form an opinion
15 until you've heard all of the evidence?

16 PROSPECTIVE JUROR NO. 0440: Yes.

17 THE COURT: Can you be fair to both sides?

18 PROSPECTIVE JUROR NO. 0440: Yes.

19 THE COURT: Thank you.

20 Can you pass it -- the next one would be Ms.
21 Catabay, right in front of you, I think.

22 Can you please state your name and your badge
23 number?

24 PROSPECTIVE JUROR NO. 0481: Layla Catabay, my Badge
25 Number is 14-0481.

1 THE COURT: Thank you.
2 How long have you lived in Clark County?
3 PROSPECTIVE JUROR NO. 0481: 21 years.
4 THE COURT: And how far did you go in school?
5 PROSPECTIVE JUROR NO. 0481: I had vocational
6 training.
7 THE COURT: Okay. And are you currently employed?
8 PROSPECTIVE JUROR NO. 0481: Yes.
9 THE COURT: What do you do?
10 PROSPECTIVE JUROR NO. 0481: Nursing assistant.
11 THE COURT: Are you married or have a significant
12 other?
13 PROSPECTIVE JUROR NO. 0481: Married.
14 THE COURT: And what does your spouse do for a
15 living?
16 PROSPECTIVE JUROR NO. 0481: Door Dash.
17 THE COURT: Do you have any kids?
18 PROSPECTIVE JUROR NO. 0481: Yes.
19 THE COURT: And what do -- how old are they?
20 PROSPECTIVE JUROR NO. 0481: 13 years old.
21 THE COURT: So clearly, not working.
22 Have you ever been the victim of a serious crime?
23 PROSPECTIVE JUROR NO. 0481: No.
24 THE COURT: Have you ever been accused of a serious
25 crime?

1 PROSPECTIVE JUROR NO. 0481: No.

2 THE COURT: Have any of your family members or
3 anyone close to you ever been the victim of a serious crime?

4 PROSPECTIVE JUROR NO. 0481: My uncle was shot.

5 THE COURT: Did he survive?

6 PROSPECTIVE JUROR NO. 0481: No.

7 THE COURT: And was that person caught?

8 PROSPECTIVE JUROR NO. 0481: I have no idea. I
9 wasn't involved with everything so. It was a police officer,
10 I think, that shot him, as far as I know.

11 THE COURT: And where was that?

12 PROSPECTIVE JUROR NO. 0481: It was here. I don't
13 know specific no.

14 THE COURT: And were you satisfied with how that
15 case was handled?

16 PROSPECTIVE JUROR NO. 0481: I don't know the case
17 went a long so I don't really know, so I can't really say.

18 THE COURT: Basically, what we're trying to get at
19 is if you would hold anything about that case against the
20 State or against Mr. Trejo.

21 PROSPECTIVE JUROR NO. 0481: No, not really.

22 THE COURT: Okay. And have any of your family
23 members or anyone close to you ever been accused of a serious
24 crime?

25 PROSPECTIVE JUROR NO. 0481: No.

1 THE COURT: Have you or anyone close to you ever
2 worked in law enforcement?

3 PROSPECTIVE JUROR NO. 0481: No.

4 THE COURT: Have you ever served as a juror?

5 PROSPECTIVE JUROR NO. 0481: No.

6 THE COURT: Is there anything about the nature of
7 this case or anything you've heard that would make it
8 difficult for you to sit as a juror in this case?

9 PROSPECTIVE JUROR NO. 0481: That depends. It
10 depends on my religious belief. Anything that I'm not
11 comfortable, I would just say no, neutral. Anything else, it
12 would be -- I would be fair.

13 THE COURT: So what do you mean by that? Can you
14 just explain?

15 PROSPECTIVE JUROR NO. 0481: I'm one of Jehovah's
16 Witness, so I can't consent with anything that -- against our
17 belief.

18 THE COURT: And so I don't know too much about that.
19 Is that -- is that a religion where you would not be allowed
20 to sit in judgment of someone?

21 PROSPECTIVE JUROR NO. 0481: No, it's not that.
22 It's anything that confirms with murder and everything then I
23 would not --

24 THE COURT: That confirms what?

25 PROSPECTIVE JUROR NO. 0481: -- consent.

1 If it's like -- if they ask me, I've got to murder
2 somebody, then I would not consent with that.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0481: Yes.

5 THE COURT: Okay. And can you base your verdict
6 solely on the evidence presented at trial and wait to form an
7 opinion until you've heard all of the evidence?

8 PROSPECTIVE JUROR NO. 0481: Yes.

9 THE COURT: Can you be fair to both sides?

10 PROSPECTIVE JUROR NO. 0481: Yes.

11 THE COURT: Thank you.

12 And if you can pass it right in front of you to Ms.
13 Veleva, if I'm pronouncing that correctly.

14 Can you please state your name and your badge
15 number?

16 PROSPECTIVE JUROR NO. 0487: Mariya Veleva, and my
17 badge number is 14-0487.

18 THE COURT: Thank you.

19 How long have you lived in Clark County?

20 PROSPECTIVE JUROR NO. 0487: Almost 20 years.

21 THE COURT: How far did you go in school?

22 PROSPECTIVE JUROR NO. 0487: Graduate college.

23 THE COURT: And what was your degree in?

24 PROSPECTIVE JUROR NO. 0487: Master in accounting.

25 THE COURT: And are you currently employed?

1 PROSPECTIVE JUROR NO. 0487: Yes, I am.

2 THE COURT: What do you do?

3 PROSPECTIVE JUROR NO. 0487: I'm staff accountant
4 for a (indiscernible) company.

5 THE COURT: And are you married or have a
6 significant other?

7 PROSPECTIVE JUROR NO. 0487: Yes, I am.

8 THE COURT: Married or have a significant other?
9 Which?

10 PROSPECTIVE JUROR NO. 0487: I'm married and I have
11 two kids.

12 THE COURT: Okay. You're married. So what does
13 your spouse do for a living?

14 PROSPECTIVE JUROR NO. 0487: He works offshore in
15 Louisiana (indiscernible).

16 THE COURT: And you said you have two kids. How old
17 are they?

18 PROSPECTIVE JUROR NO. 0487: 14 and 20 years old.

19 THE COURT: So the 20-year-old is the -- does the
20 20-year-old work?

21 PROSPECTIVE JUROR NO. 0487: She goes to school and
22 she work part-time at the doctor's office.

23 THE COURT: Okay. And what does she do at the
24 doctor's office?

25 PROSPECTIVE JUROR NO. 0487: She is like -- it's on

1 like a rotation. She's part-time, part hours. She need those
2 (indiscernible) hours.

3 THE COURT: Okay. And have you ever been the victim
4 of a serious crime?

5 PROSPECTIVE JUROR NO. 0487: No.

6 THE COURT: Have you ever been accused of a serious
7 crime?

8 PROSPECTIVE JUROR NO. 0487: No.

9 THE COURT RECORDER: Can hold the -- okay, can you
10 hold the microphone closer?

11 PROSPECTIVE JUROR NO. 0487: Yeah. Okay.

12 THE COURT RECORDER: Thank you.

13 THE COURT: Thank you.

14 And have any of your family members or anyone close
15 to you ever been the victim of a serious crime?

16 PROSPECTIVE JUROR NO. 0487: No.

17 THE COURT: Have any of your family members or
18 anyone close to you ever been accused of a serious crime?

19 PROSPECTIVE JUROR NO. 0487: No.

20 THE COURT: Have you or anyone close to you ever
21 worked in law enforcement?

22 PROSPECTIVE JUROR NO. 0487: No.

23 THE COURT: Have you ever served as a juror?

24 PROSPECTIVE JUROR NO. 0487: No.

25 THE COURT: Is there anything about the nature of

1 this case or anything you've heard here today that would make
2 it difficult for you to sit as a juror?

3 PROSPECTIVE JUROR NO. 0487: No.

4 THE COURT: Can you base your verdict solely on the
5 evidence presented at trial and wait to form an opinion until
6 you've heard all of the evidence?

7 PROSPECTIVE JUROR NO. 0487: Yes.

8 THE COURT: Can you be fair to both sides?

9 PROSPECTIVE JUROR NO. 0487: Yes.

10 THE COURT: Thank you.

11 Who is next? Can -- Bill, can you give that to Mr.
12 Orozco who's in the gallery?

13 PROSPECTIVE JUROR NO. 1039: Erik Orozco, 13-1039.

14 THE COURT: And also, I just want to tell you, yea
15 for spelling your name right.

16 PROSPECTIVE JUROR NO. 1039: All right.

17 THE COURT: With a K and not a C.

18 Mr. Orozco, how long have you lived in Clark County?

19 PROSPECTIVE JUROR NO. 1039: Born and raised.

20 THE COURT: How far did you go in school?

21 PROSPECTIVE JUROR NO. 1039: High school diploma.

22 THE COURT: And do you -- are you currently
23 employed?

24 PROSPECTIVE JUROR NO. 1039: Yes.

25 THE COURT: What do you do?

1 PROSPECTIVE JUROR NO. 1039: Maintenance technician.

2 THE COURT: Are you married or have a significant

3 other?

4 PROSPECTIVE JUROR NO. 1039: Single.

5 THE COURT: Do you have any kids?

6 PROSPECTIVE JUROR NO. 1039: No.

7 THE COURT: Have you ever been a victim of a serious

8 crime?

9 PROSPECTIVE JUROR NO. 1039: No.

10 THE COURT: Have you ever been accused of a serious

11 crime?

12 PROSPECTIVE JUROR NO. 1039: No.

13 THE COURT: Have any of your family members or
14 anyone close to you ever been the victim of a serious crime?

15 PROSPECTIVE JUROR NO. 1039: My sister was sexually
16 assaulted.

17 THE COURT: And was that crime reported?

18 PROSPECTIVE JUROR NO. 1039: Yes.

19 THE COURT: Did the police respond?

20 PROSPECTIVE JUROR NO. 1039: They have court in a
21 couple of months, so yeah.

22 THE COURT: I'm sorry?

23 PROSPECTIVE JUROR NO. 1039: They have court in a
24 couple of months.

25 THE COURT: And so has the person been caught?

1 PROSPECTIVE JUROR NO. 1039: Yes.

2 THE COURT: And you said they have court in a couple
3 -- and have you ever gone to court with your sister?

4 PROSPECTIVE JUROR NO. 1039: Not yet.

5 THE COURT: Okay. And is it being handled by this
6 DA's office or is it somewhere else?

7 PROSPECTIVE JUROR NO. 1039: I think it's here.

8 THE COURT: And so you haven't -- it goes to court
9 in a couple months so you haven't -- there's no outcome yet,
10 correct?

11 PROSPECTIVE JUROR NO. 1039: No.

12 THE COURT: So there's nothing -- how -- have you
13 been satisfied with how far it's -- how it's been handled so
14 far?

15 PROSPECTIVE JUROR NO. 1039: Well, it's -- it's took
16 kind of long, so, I mean --

17 THE COURT: Okay. And is there anything about that
18 experience that would cause you to not be fair and impartial
19 here in this case?

20 PROSPECTIVE JUROR NO. 1039: No.

21 THE COURT: Have any of your family members or
22 anyone close to you ever been accused of a serious crime?

23 PROSPECTIVE JUROR NO. 1039: Yeah. My dad has a
24 sexual assault charge.

25 THE COURT: And did they go to trial? Did your

1 father go to trial?

2 PROSPECTIVE JUROR NO. 1039: They're going to go in
3 a couple months.

4 THE COURT: Oh, so it's the same case?

5 PROSPECTIVE JUROR NO. 1039: Yeah.

6 THE COURT: And is there anything about that
7 experience that would cause you to be not fair -- that would
8 cause you to not be fair and impartial here?

9 PROSPECTIVE JUROR NO. 1039: Honestly, I don't know,
10 because it's kind of stressful. So, I don't want to be too
11 stressed with this, and that, no.

12 THE COURT: I understand that that would be a
13 stressful situation. But there's nothing happening in the
14 case right now. So --

15 PROSPECTIVE JUROR NO. 1039: Yeah. That's true.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR NO. 1039: Yeah, that's true.

18 THE COURT: So is there anything about that, that
19 would make you --

20 PROSPECTIVE JUROR NO. 1039: No.

21 THE COURT: Okay. And have you ever -- have you or
22 anyone close to you ever worked in law enforcement?

23 PROSPECTIVE JUROR NO. 1039: No.

24 THE COURT: Have you ever served as a juror?

25 PROSPECTIVE JUROR NO. 1039: No.

1 THE COURT: Is there anything about the nature of
2 this case or anything you've heard about this case that would
3 make it difficult for you to sit as a juror in this case?

4 PROSPECTIVE JUROR NO. 1039: No.

5 THE COURT: Can you base your verdict solely on the
6 evidence presented at the trial and wait to form an opinion
7 until you've heard all of the evidence?

8 PROSPECTIVE JUROR NO. 1039: Yes.

9 THE COURT: Can you be fair to both sides?

10 PROSPECTIVE JUROR NO. 1039: Yes.

11 THE COURT: Thank you.

12 And Mr. Schwartzer, go ahead with the new people.

13 MR. SCHWARTZER: Thank you, Your Honor.

14 THE COURT: And you probably want to grab the
15 microphone from him because you're probably going to start --
16 unless you wanted to go backwards. That's up to you.

17 MR. SCHWARTZER: No, I'll -- I'll go in order.
18 Thank you, Your Honor.

19 All right. So people from the fourth panel? Is
20 that where we're at now?

21 THE COURT: Third.

22 MR. SCHWARTZER: Third panel. Okay.

23 THE COURT: Third.

24 MR. SCHWARTZER: Yeah. So people from the third
25 panel didn't hear the questions from yesterday. So I'm going

1 to ask general questions. If you have a response to it, raise
2 your hand.

3 One of the core principles of the American Justice
4 System is the presumption of innocence. It is, at this point
5 in the process, Mr. Trejo has to be presumed innocent.

6 Does anyone have an issue regarding that? Raise
7 your hand. Seeing no hands.

8 If the State asks you to go back to the -- to the
9 jury deliberation room right now, you would have to find Mr.
10 Trejo innocent, because no evidence has been presented. Does
11 anyone have an issue with that?

12 Seeing no hands.

13 And I'm -- I understand that people have been here
14 for two days have heard these questions before. But because
15 the people who came here today, I have to reask the questions.

16 Mr. Trejo has the constitutional right as
17 interpreted by our Supreme Court to represent himself. Will
18 anyone from this new day, hold that against Mr. Trejo
19 exercising his constitutional right to do so?

20 Seeing no hands.

21 Will anyone here hold a police officer to a higher
22 or a lower standard simply because he's an officer?

23 And to better explain that, if an officer is
24 testifying and for the people who came here at 11:00 o'clock,
25 you heard a long list of officers that are going to testify in

1 this case.

2 Would you -- if an officer testified, would you --
3 simply because of the fact he's an officer, or she's an
4 officer, would you hold their testimony in a higher esteem
5 than you would any other witness?

6 Raise your hand if you feel that way.

7 Seeing no hands.

8 Would you hold them in a lower -- would you -- less
9 esteem, for example, you would treat -- you would believe them
10 less, simply because they're an officer? Does anyone have an
11 issue -- would anyone do that?

12 Seeing no hands.

13 Out of the new people here, and I believe there's
14 four of you right now on the -- on the panel, actually,
15 everyone that hasn't been on the panel yet, is there anyone
16 here that's been involved in civil litigation, such as a
17 lawsuit, deposed?

18 PROSPECTIVE JUROR NO. 1028: I mean --

19 MR. SCHWARTZER: Let me get you -- let me get you
20 the microphone.

21 Your name and badge number, please?

22 PROSPECTIVE JUROR NO. 1028: April Reckling, 13-
23 1028.

24 MR. SCHWARTZER: Can you tell me about that?

25 PROSPECTIVE JUROR NO. 1028: I'm in the middle of a

1 civil litigation right now.

2 MR. SCHWARTZER: In a what?

3 PROSPECTIVE JUROR NO. 1028: Civil lawsuit right
4 now.

5 MR. SCHWARTZER: Can you tell me what the nature of
6 that lawsuit is?

7 PROSPECTIVE JUROR NO. 1028: Personal injury.

8 MR. SCHWARTZER: Okay. Are you the defendant or the
9 plaintiff?

10 PROSPECTIVE JUROR NO. 1028: Plaintiff.

11 MR. SCHWARTZER: Okay. Have you undergone
12 depositions?

13 PROSPECTIVE JUROR NO. 1028: I'm scheduled to on
14 Monday.

15 MR. SCHWARTZER: On Monday?

16 PROSPECTIVE JUROR NO. 1028: Yes.

17 MR. SCHWARTZER: Okay. But that can be changed if
18 you end up on this jury?

19 PROSPECTIVE JUROR NO. 1028: Okay.

20 MR. SCHWARTZER: Have you sat in on any depositions?

21 PROSPECTIVE JUROR NO. 1028: No.

22 MR. SCHWARTZER: Okay. Has any depositions actually
23 occurred in your case yet?

24 PROSPECTIVE JUROR NO. 1028: No.

25 MR. SCHWARTZER: Okay. Is there anything about that

1 process that might influence you regarding this case?

2 PROSPECTIVE JUROR NO. 1028: No.

3 MR. SCHWARTZER: You understand that there's a lower
4 standard in civil than there is in a criminal case?

5 PROSPECTIVE JUROR NO. 1028: yes.

6 MR. SCHWARTZER: Okay. So whatever standard your
7 attorney might have advised you on would not be the same
8 standard here?

9 PROSPECTIVE JUROR NO. 1028: Correct.

10 MR. SCHWARTZER: Okay. And you have no issue
11 regarding that?

12 PROSPECTIVE JUROR NO. 1028: No issue.

13 MR. SCHWARTZER: Okay. Good. Thank you.

14 Okay. One of the things we ask you to do as a jury
15 is to abide by your oath to follow the jury instructions as
16 presented by the Judge. I know you haven't seen them, and you
17 won't see them unless you're one of the 16 that are picked to
18 be on this jury. But you're going to be asked to follow those
19 instructions.

20 And in fact, you're going to take an oath to do so
21 regarding the State's burden, regarding witness credibility,
22 regarding elements of the crime, and so on.

23 Now, in some cases, people don't believe there
24 should be a crime. You might have heard me talk about, you
25 know, cocaine sales when I was talking to Mr. Ricci.

1 There's some people who believe that that should not
2 be prosecuted. That's not the case here, but it's a good
3 example.

4 If there is something in those instructions that you
5 disagree with, you know, a philosophical reason, such as if
6 you don't believe drug sales or drug possession should be a
7 felony, would you not follow the instruction, even though
8 you've taken an oath to do so?

9 Raise your hand if you would not do so.

10 All right. Seeing no hands.

11 So everyone here, raise your hand if you disagree,
12 everyone here will follow the jury instructions as given by
13 the Judge?

14 Seeing no hands.

15 All right. Let's go back into individual voir dire.

16 Mr. Rivas? Can I have your badge?

17 PROSPECTIVE JUROR NO. 1034: Troy Rivas, Badge
18 Number 13-1034.

19 MR. SCHWARTZER: Did you fill out a questionnaire?

20 PROSPECTIVE JUROR NO. 1034: I did.

21 MR. SCHWARTZER: Okay. Online?

22 PROSPECTIVE JUROR NO. 1034: Yes. Was there another
23 way?

24 MR. SCHWARTZER: I don't know. Because I don't have
25 your questionnaire. So --

1 PROSPECTIVE JUROR NO. 1034: I did it right when I
2 got this letter --

3 MR. SCHWARTZER: -- I'll have to ask you.

4 PROSPECTIVE JUROR NO. 1034: -- like about a month
5 ago, so.

6 MR. SCHWARTZER: Okay. So a waste of your time. I
7 apologize. Not my fault though, or Mr. Trejo's fault, or the
8 Judge's fault.

9 So I'm going to just ask you, I -- you've heard me
10 say these three questions. I'm going to just go through those
11 three real quick.

12 In general, do you feel the criminal justice system
13 is effective?

14 PROSPECTIVE JUROR NO. 1034: Yes.

15 MR. SCHWARTZER: In general, do you feel the
16 criminal justice system is fair?

17 PROSPECTIVE JUROR NO. 1034: Yes.

18 MR. SCHWARTZER: In general, would you say you have
19 positive thoughts about law enforcement?

20 PROSPECTIVE JUROR NO. 1034: Yes.

21 MR. SCHWARTZER: Okay. Is there anything that
22 you've heard over the course of the couple days that you've
23 been here that you believe you would have raised your hand to
24 it, if you were in this box?

25 PROSPECTIVE JUROR NO. 1034: I don't think so.

1 MR. SCHWARTZER: Okay. Were you paying attention to
2 every question very closely?

3 PROSPECTIVE JUROR NO. 1034: I was.

4 MR. SCHWARTZER: Okay.

5 Can you pass it to --

6 PROSPECTIVE JUROR NO. 1034: I do only have one
7 issue though.

8 MR. SCHWARTZER: Please, tell us what it is.

9 PROSPECTIVE JUROR NO. 1034: Just that -- because I
10 know this was brought up earlier. But I have a two-month-
11 year-old. And we have doctor appointments and stuff. I'm the
12 only one with the car. So that might make things a little
13 hard for me. But that's just my own side note.

14 MR. SCHWARTZER: Well, I mean, we want your --
15 obviously, child to be -- go to doctor appointments.

16 PROSPECTIVE JUROR NO. 1034: Yeah. I do too.

17 MR. SCHWARTZER: We're not trying to stop you from
18 doing so.

19 If you're not able to do so, because you're here in
20 the jury, is there someone else that could take your child?

21 PROSPECTIVE JUROR NO. 1034: It's only me and my
22 wife here.

23 MR. SCHWARTZER: Okay. And your wife doesn't drive
24 at all?

25 PROSPECTIVE JUROR NO. 1034: I have the only car.

1 MR. SCHWARTZER: Okay.

2 PROSPECTIVE JUROR NO. 1034: Yeah.

3 MR. SCHWARTZER: There's no way like she could like
4 drop you off here and then take the car?

5 PROSPECTIVE JUROR NO. 1034: We live in Henderson,
6 so it's kind of far.

7 MR. SCHWARTZER: Okay. When's your next doctor
8 appointment?

9 PROSPECTIVE JUROR NO. 1034: May 4th.

10 MR. SCHWARTZER: Okay. Do you know at what time?

11 PROSPECTIVE JUROR NO. 1034: I think it's 11:00.

12 MR. SCHWARTZER: Okay.

13 PROSPECTIVE JUROR NO. 1034: 10:00.

14 MR. SCHWARTZER: Okay. So if we worked around that,
15 and hopefully that's -- I mean, I don't know if you have a
16 bunch set up that week. If we worked around that, that would
17 be okay?

18 PROSPECTIVE JUROR NO. 1034: Yeah.

19 MR. SCHWARTZER: Okay.

20 PROSPECTIVE JUROR NO. 1034: Probably.

21 MR. SCHWARTZER: I'm sorry?

22 PROSPECTIVE JUROR NO. 1034: Yes. Probably, yes.

23 MR. SCHWARTZER: Okay.

24 PROSPECTIVE JUROR NO. 1034: It would.

25 MR. SCHWARTZER: Okay. Can you pass it to Ms.

1 Mattison?

2 Can you say your name and your badge number, ma'am?

3 PROSPECTIVE JUROR NO. 0445: Sure. Yolanda

4 Mattison, 14-0445.

5 MR. SCHWARTZER: Okay.

6 I just said you did fill out a questionnaire as well
7 and we actually received yours. So this will be a little bit
8 quicker.

9 But I did want to ask you -- and I'm sorry for your
10 loss regarding your father. You said he was a police reserve?

11 PROSPECTIVE JUROR NO. 0445: Um-hum.

12 MR. SCHWARTZER: Okay. I just -- I'm not familiar
13 with what that is.

14 PROSPECTIVE JUROR NO. 0445: So it's like a
15 volunteer section of the police. So worked events and things
16 like that.

17 MR. SCHWARTZER: Okay. And did he do that for --

18 PROSPECTIVE JUROR NO. 0445: (Indiscernible).

19 MR. SCHWARTZER: -- a significant period of his
20 life, or?

21 PROSPECTIVE JUROR NO. 0445: He did. Yes.

22 MR. SCHWARTZER: Okay.

23 PROSPECTIVE JUROR NO. 0445: Um-hum.

24 MR. SCHWARTZER: Does he have -- would that entail
25 like law enforcement powers, like ability to like stop cars or

1 arrest people?

2 PROSPECTIVE JUROR NO. 0445: Yeah. Yeah.

3 MR. SCHWARTZER: Okay. If we have that here in
4 Clark County, I just don't know about it. But this was in
5 Michigan?

6 PROSPECTIVE JUROR NO. 0445: Correct.

7 THE COURT: We don't have it here.

8 MR. SCHWARTZER: Okay. Okay. But nothing about
9 what your father, you know, what your father did would affect
10 being fair and impartial here?

11 PROSPECTIVE JUROR NO. 0445: Um-hum. No.

12 MR. SCHWARTZER: No. Okay.

13 During the questionnaire you answered on Number 10
14 that the question was have you or anyone close to you ever
15 been a victim of a crime. And I understand the Judge said
16 serious crime, so it's a different question.

17 You said no, but in your questionnaire, you said
18 yes. So is it like a crime that you just didn't consider
19 serious?

20 PROSPECTIVE JUROR NO. 0445: Well, like yeah, not
21 serious. But yeah, we've had -- been victim of a crime, but
22 no, nothing serious.

23 MR. SCHWARTZER: Okay. Then there's another
24 question over here, Question 11, where it says, have you or
25 has anyone close to you ever been charged with, arrested, or

1 convicted of a criminal offense.

2 You said, no. Again, I understand the question as
3 asked by the Judge was serious. So that's, you know, added
4 something to it. In the questionnaire you wrote yes.

5 PROSPECTIVE JUROR NO. 0445: Say that again. I'm
6 sorry.

7 MR. SCHWARTZER: Sure, absolutely.

8 PROSPECTIVE JUROR NO. 0445: Okay.

9 MR. SCHWARTZER: Have you or has anyone close to you
10 ever been charged with, arrested for, or convicted of any
11 criminal offense?

12 PROSPECTIVE JUROR NO. 0445: Yes.

13 MR. SCHWARTZER: Okay. Is that because it wasn't as
14 serious, whatever it was, it wasn't serious?

15 PROSPECTIVE JUROR NO. 0445: Well, I was arrested.
16 But I wasn't convicted or anything. It wasn't serious.

17 MR. SCHWARTZER: Okay. How long ago was that?

18 PROSPECTIVE JUROR NO. 0445: Maybe nine months ago.

19 MR. SCHWARTZER: Okay.

20 PROSPECTIVE JUROR NO. 0445: Yeah.

21 MR. SCHWARTZER: And I don't -- I don't want to
22 embarrass you in any way --

23 PROSPECTIVE JUROR NO. 0445: Um-hum.

24 MR. SCHWARTZER: -- it's just something I have to
25 get into a little bit.

1 PROSPECTIVE JUROR NO. 0445: Sure.

2 MR. SCHWARTZER: You said it was not a serious
3 crime?

4 PROSPECTIVE JUROR NO. 0445: No.

5 MR. SCHWARTZER: Okay. Can you tell me like the
6 nature of the crime?

7 PROSPECTIVE JUROR NO. 0445: It was a domestic
8 dispute.

9 MR. SCHWARTZER: Okay. And you were arrested, but
10 were you charged?

11 PROSPECTIVE JUROR NO. 0445: No.

12 MR. SCHWARTZER: Okay. So similar to what you heard
13 with me with Mr. Broderick, it was -- it sounds like you were
14 arrested and then at -- at -- charges weren't filed?

15 PROSPECTIVE JUROR NO. 0445: Correct.

16 MR. SCHWARTZER: Okay.

17 Now, obviously, I imagine, being arrested is not a
18 pleasant experience. Anything about that, it would affect how
19 you view law enforcement officers when they testify on the
20 stand?

21 PROSPECTIVE JUROR NO. 0445: No.

22 MR. SCHWARTZER: Okay. And none of that would
23 affect how you would treat the State as well?

24 PROSPECTIVE JUROR NO. 0445: Correct.

25 MR. SCHWARTZER: Okay. In fact, you said if

1 reported, was it properly handled by law enforcement, you
2 said, it was. But then the next question is, the one I've got
3 to ask you about, which is can you still be fair and impartial
4 as a juror, and you wrote no.

5 Now, that could -- I don't know if that was a
6 mistake or not.

7 PROSPECTIVE JUROR NO. 0445: I didn't mean that.
8 That was a mistake, yeah.

9 MR. SCHWARTZER: Okay. Okay.
10 That's all I have. Thank you.

11 PROSPECTIVE JUROR NO. 0445: Um-hum.

12 MR. SCHWARTZER: I think the next one would be Mr.
13 Prentice?

14 PROSPECTIVE JUROR NO. 0440: Yes, sir.

15 MR. SCHWARTZER: Okay.

16 PROSPECTIVE JUROR NO. 0440: Gary Prentice, 14-0440.

17 MR. SCHWARTZER: Okay. Similar, you filled out a
18 questionnaire.

19 When did you start studying in college?

20 PROSPECTIVE JUROR NO. 0440: I started in 2019.

21 MR. SCHWARTZER: I'm sorry. I kind of misspoke.

22 PROSPECTIVE JUROR NO. 0440: Oh, 20 -- sorry.

23 MR. SCHWARTZER: What are you studying?

24 PROSPECTIVE JUROR NO. 0440: Oh, what am I studying?
25 Computer science.

1 MR. SCHWARTZER: Okay. And what do you hope to do
2 with your degree?

3 PROSPECTIVE JUROR NO. 0440: Pursue a masters in
4 cyber security and then go on to be a penetration tester.

5 MR. SCHWARTZER: That sounds interesting. What does
6 that entail?

7 PROSPECTIVE JUROR NO. 0440: It -- it's kind of like
8 a legal way to break into people's things and make sure the
9 security's up to par.

10 MR. SCHWARTZER: Okay. Okay. And what kind of
11 companies would you work for? What's --

12 PROSPECTIVE JUROR NO. 0440: As far as the company
13 that I -- I wouldn't know right now. I haven't done research
14 on that. I'm still just pursuing my degree. The most I can
15 give you is I'm pursuing a certification through a company
16 called INE (phonetic).

17 MR. SCHWARTZER: Okay. I guess, is it something
18 that would be government work, like with like --

19 PROSPECTIVE JUROR NO. 0440: It --

20 MR. SCHWARTZER: -- NSA or something like that or
21 would it --

22 PROSPECTIVE JUROR NO. 0440: No, I don't believe so.

23 MR. SCHWARTZER: -- or is it like private?

24 PROSPECTIVE JUROR NO. 0440: It would be a private
25 business, yeah.

1 MR. SCHWARTZER: Okay. Like a security network or a
2 security --

3 PROSPECTIVE JUROR NO. 0440: Yeah. Yeah.

4 MR. SCHWARTZER: Okay. You wrote in your
5 questionnaire on Question 10, have you or has anyone close to
6 you ever been a victim of a crime. You said no just now.

7 And I understand -- again, I understand that it's a
8 different question when the Judge asked, and you says it
9 wasn't serious, but you wrote yes in your questionnaire.

10 PROSPECTIVE JUROR NO. 0440: Just simple robbery.
11 My mother's car was broken into. And then my grandmother's
12 house was broken into as well.

13 MR. SCHWARTZER: Okay.

14 PROSPECTIVE JUROR NO. 0440: I don't know if they
15 were -- if the perpetrator was caught or not.

16 MR. SCHWARTZER: And that was here in Las Vegas?

17 PROSPECTIVE JUROR NO. 0440: It was.

18 MR. SCHWARTZER: Okay. We call those burglaries.
19 Robberies is with the use of force.

20 PROSPECTIVE JUROR NO. 0440: Okay. Gotcha.

21 MR. SCHWARTZER: So there was no one present when
22 the house was broken into or the --

23 PROSPECTIVE JUROR NO. 0440: As -- as far as --

24 MR. SCHWARTZER: -- car was broken into?

25 PROSPECTIVE JUROR NO. 0440: -- I know, they were

1 present. But I don't -- there was no assault or --

2 MR. SCHWARTZER: Oh, they were present?

3 PROSPECTIVE JUROR NO. 0440: They were present.

4 Yes.

5 MR. SCHWARTZER: Okay. So when your family member's
6 house was broken into, they were actually in the house when
7 this occurred?

8 PROSPECTIVE JUROR NO. 0440: Yes.

9 MR. SCHWARTZER: Okay. Were they confronted by the
10 person doing it?

11 PROSPECTIVE JUROR NO. 0440: To my knowledge, no.

12 MR. SCHWARTZER: Okay.

13 PROSPECTIVE JUROR NO. 0440: It was kind of like
14 they heard them break in and they just stayed in their room.

15 MR. SCHWARTZER: Okay.

16 PROSPECTIVE JUROR NO. 0440: Yeah.

17 MR. SCHWARTZER: It sounds serious to me.

18 PROSPECTIVE JUROR NO. 0440: I've -- I -- it didn't
19 happen to me as far as me witnessing it. It was my
20 grandmother's house 15 years ago. So --

21 MR. SCHWARTZER: Okay.

22 PROSPECTIVE JUROR NO. 0440: -- as far as my
23 recollection, I wouldn't consider that serious.

24 MR. SCHWARTZER: Okay. How did that affect your
25 grandmother?

1 PROSPECTIVE JUROR NO. 0440: She's paranoid. But we
2 keep her safe.

3 MR. SCHWARTZER: Good. You said no one was caught.
4 Has --

5 PROSPECTIVE JUROR NO. 0440: I have no info on that.

6 MR. SCHWARTZER: Oh, you don't know if someone was
7 or not?

8 PROSPECTIVE JUROR NO. 0440: Yeah. I don't know.

9 MR. SCHWARTZER: Okay. So you wouldn't have an
10 opinion one way or another?

11 PROSPECTIVE JUROR NO. 0440: No.

12 MR. SCHWARTZER: Okay. And then you said it was
13 your mom's car that was broken into?

14 PROSPECTIVE JUROR NO. 0440: Yes.

15 MR. SCHWARTZER: Was -- she was -- I assume she was
16 not present then?

17 PROSPECTIVE JUROR NO. 0440: She was not present.

18 MR. SCHWARTZER: Okay. And that wouldn't affect you
19 one way or the other?

20 PROSPECTIVE JUROR NO. 0440: No.

21 MR. SCHWARTZER: Okay.

22 All right. That's it.

23 Who do we have next? Ms. --

24 THE COURT: Catabay.

25 MR. SCHWARTZER: -- Catabay.

1 PROSPECTIVE JUROR NO. 0481: Layla Catabay, 14-0481.

2 MR. SCHWARTZER: Okay. Ma'am, I don't have a
3 questionnaire from you, but first I want to kind of go into
4 some of the stuff you talked about.

5 Were you able to call your employer and find out
6 about your --

7 PROSPECTIVE JUROR NO. 0481: I did talk to her
8 earlier.

9 MR. SCHWARTZER: Okay. And I hate to put you on the
10 spot but --

11 PROSPECTIVE JUROR NO. 0481: She just needs
12 confirmation --

13 MR. SCHWARTZER: Okay. So you will be --

14 PROSPECTIVE JUROR NO. 0481: -- the days.

15 MR. SCHWARTZER: -- so you would be paid your salary
16 if you --

17 PROSPECTIVE JUROR NO. 0481: Yeah.

18 MR. SCHWARTZER: -- were on the jury?

19 PROSPECTIVE JUROR NO. 0481: Yeah.

20 MR. SCHWARTZER: Is that a yes? I'm sorry.

21 PROSPECTIVE JUROR NO. 0481: Yes.

22 MR. SCHWARTZER: Okay.

23 PROSPECTIVE JUROR NO. 0481: Sorry. It's just that
24 I forgot to tell earlier, I have a religious event for May 3
25 to 8.

1 MR. SCHWARTZER: I'm sorry?

2 PROSPECTIVE JUROR NO. 0481: I have a religious
3 event for May 3 to 8.

4 MR. SCHWARTZER: May 3 to 8.

5 PROSPECTIVE JUROR NO. 0481: Yeah.

6 MR. SCHWARTZER: And --

7 PROSPECTIVE JUROR NO. 0481: Other than that, I'm
8 okay.

9 MR. SCHWARTZER: Where is this religious --

10 PROSPECTIVE JUROR NO. 0481: It's here. We just
11 have -- in every six months somebody visits us and we support
12 them for those whole week.

13 MR. SCHWARTZER: Okay.

14 PROSPECTIVE JUROR NO. 0481: Yeah.

15 MR. SCHWARTZER: And just because -- we'll go into
16 that a little bit. Based on your faith, you said there's
17 certain things that you could not agree upon --

18 PROSPECTIVE JUROR NO. 0481: Right.

19 MR. SCHWARTZER: -- if you were --

20 PROSPECTIVE JUROR NO. 0481: Right.

21 MR. SCHWARTZER: -- instructed; is that correct?

22 PROSPECTIVE JUROR NO. 0481: Yes. Yes.

23 MR. SCHWARTZER: Okay. And I -- over the years,
24 I've had various people of your faith --

25 PROSPECTIVE JUROR NO. 0481: Yes.

1 MR. SCHWARTZER: -- on panels and some say they
2 can't judge people at all, and then others say that they can
3 be on the jury.

4 So I guess my question is, if we ask you to convict
5 Mr. Trejo of, you know, robbery with use, kidnapping with use,
6 burglary with use, the charges that you heard, by the Judge,
7 if we prove that beyond a reasonable doubt, would you have any
8 issue based on your faith in convicting him?

9 PROSPECTIVE JUROR NO. 0481: It would not, because
10 it's according to the Bible principles. They used to do that
11 in Israelites. They have to base with the evidence.

12 MR. SCHWARTZER: Okay.

13 PROSPECTIVE JUROR NO. 0481: Yeah. So I don't have
14 any problem with that.

15 MR. SCHWARTZER: So you would have no problem with
16 that?

17 PROSPECTIVE JUROR NO. 0481: It's just that we don't
18 have any considering with politics, anything, we -- why we
19 don't --

20 MR. SCHWARTZER: I can't -- I'm sorry. I don't --

21 PROSPECTIVE JUROR NO. 0481: Oh. We don't involve
22 ourselves with politics or anything.

23 MR. SCHWARTZER: Understood. But, obviously, this
24 isn't a political --

25 PROSPECTIVE JUROR NO. 0481: Yeah. So --

1 MR. SCHWARTZER: -- this isn't a political case,
2 this is a case about a -- a criminal offense.

3 PROSPECTIVE JUROR NO. 0481: So I don't think
4 there's any problem with that. It's --

5 MR. SCHWARTZER: So when you were talking about
6 like, you know, if -- you were talking about murder, are you
7 talking about like the death penalty --

8 PROSPECTIVE JUROR NO. 0481: The --

9 MR. SCHWARTZER: -- like you wouldn't be able to --

10 PROSPECTIVE JUROR NO. 0481: -- yes, if you ask me
11 if I agree with that, I would just put myself in a neutral
12 position.

13 MR. SCHWARTZER: Okay.

14 PROSPECTIVE JUROR NO. 0481: Yes.

15 MR. SCHWARTZER: But obviously, this case has
16 nothing to do with the death penalty so --

17 PROSPECTIVE JUROR NO. 0481: Yeah.

18 MR. SCHWARTZER: -- that won't be an issue?

19 PROSPECTIVE JUROR NO. 0481: I don't think so.

20 MR. SCHWARTZER: Okay. You don't think so, why?

21 PROSPECTIVE JUROR NO. 0481: Well, with what's going
22 on, I don't know with this case yet. So --

23 MR. SCHWARTZER: Okay.

24 PROSPECTIVE JUROR NO. 0481: Yeah.

25 MR. SCHWARTZER: But nothing about those charges --

1 you -- I just -- I've got to be very clear. Nothing about
2 those charges should prevent you from passing judgment
3 regarding the facts of this case?

4 PROSPECTIVE JUROR NO. 0481: Like I said, I have to
5 know what it is first.

6 MR. SCHWARTZER: I guess, what information do you
7 need?

8 PROSPECTIVE JUROR NO. 0481: With -- with the
9 evidence, I mean.

10 MR. SCHWARTZER: Okay.

11 PROSPECTIVE JUROR NO. 0481: If that's against my
12 belief, then I would not --

13 MR. SCHWARTZER: Well, I guess, I have to ask like
14 what evidence would be against your belief?

15 PROSPECTIVE JUROR NO. 0481: Like specifics like --
16 like I said, with the murder, with the -- with the conviction
17 it has -- well, for me, myself, I have to work according to my
18 conscience and my belief. So if he found guilty, then yeah,
19 it is.

20 MR. SCHWARTZER: Okay.

21 PROSPECTIVE JUROR NO. 0481: Yeah. And I don't -- I
22 have to be fair with everybody I know.

23 MR. SCHWARTZER: Yeah. And we want fair jurors.

24 PROSPECTIVE JUROR NO. 0481: Yes.

25 MR. SCHWARTZER: But -- so my understanding -- and

1 it's been a long time since I've been to Sunday School. But
2 it's -- my understanding is, you know, obviously, there's
3 Bible rules about how to convict somebody.

4 PROSPECTIVE JUROR NO. 0481: Right.

5 MR. SCHWARTZER: You know, you need like two
6 witnesses or something --

7 PROSPECTIVE JUROR NO. 0481: Yes.

8 MR. SCHWARTZER: -- something like that, right?

9 PROSPECTIVE JUROR NO. 0481: Yes.

10 MR. SCHWARTZER: Okay. Obviously, well, not --
11 maybe not obviously, but the American justice system is
12 different than the system of justice that is in the Old
13 Testament. So what we need from you --

14 PROSPECTIVE JUROR NO. 0481: Um-hum.

15 MR. SCHWARTZER: -- is that you would agree to
16 follow the instructions as provided by the Judge versus what
17 is found in the Bible. Can you do that?

18 PROSPECTIVE JUROR NO. 0481: I can, like I said, as
19 long as it's not against it.

20 MR. SCHWARTZER: Okay.

21 PROSPECTIVE JUROR NO. 0481: Yeah.

22 MR. SCHWARTZER: But we don't -- I guess, as someone
23 who's -- lacks in their -- in their Bible studies, I don't
24 necessarily know what would be against the -- the Bible.

25 PROSPECTIVE JUROR NO. 0481: Like I said, the one

1 thing is murder. I would not --

2 MR. SCHWARTZER: Sure.

3 PROSPECTIVE JUROR NO. 0481: -- yeah. I mean, but
4 that --

5 MR. SCHWARTZER: That -- that, I get.

6 PROSPECTIVE JUROR NO. 0481: -- point is okay. But
7 if --

8 MR. SCHWARTZER: Well, and --

9 PROSPECTIVE JUROR NO. 0481: -- conviction, it's
10 okay with me as long as it's the -- like the evidence is okay
11 with me.

12 MR. SCHWARTZER: Okay. So let me get through some
13 stuff. So would you be able to consider video surveillance
14 evidence?

15 PROSPECTIVE JUROR NO. 0481: Yes.

16 MR. SCHWARTZER: Would you be able to consider DNA
17 evidence?

18 PROSPECTIVE JUROR NO. 0481: Yes.

19 MR. SCHWARTZER: Would you be able to consider eye
20 witness testimony?

21 PROSPECTIVE JUROR NO. 0481: Yes.

22 MR. SCHWARTZER: Okay. Would you be able to --
23 other technology -- other technology evidence?

24 PROSPECTIVE JUROR NO. 0481: Yes.

25 MR. SCHWARTZER: Okay. Okay.

1 In general, do you feel the criminal justice system
2 is effective?

3 PROSPECTIVE JUROR NO. 0481: Yes.

4 MR. SCHWARTZER: In general, do you feel the
5 criminal justice system is fair?

6 PROSPECTIVE JUROR NO. 0481: Yes.

7 MR. SCHWARTZER: In general, would you say you have
8 positive thoughts about law enforcement?

9 PROSPECTIVE JUROR NO. 0481: Yes.

10 MR. SCHWARTZER: Okay. And now that you've
11 confirmed with your job that about you'll be paid, you don't
12 have that anxiety as well?

13 PROSPECTIVE JUROR NO. 0481: Yes.

14 MR. SCHWARTZER: Okay. Thank you.

15 Can you say your name and badge number, please?

16 PROSPECTIVE JUROR NO. 0487: Mariya Veleva, 14-0487.

17 MR. SCHWARTZER: All right. So you have a
18 questionnaire? So I don't have to go through --

19 PROSPECTIVE JUROR NO. 0487: I think I did. But it
20 was long time ago. I don't remember.

21 MR. SCHWARTZER: You got one.

22 PROSPECTIVE JUROR NO. 0487: (Indiscernible) I don't
23 even remember. But I know it wasn't recently.

24 MR. SCHWARTZER: I've got it.

25 PROSPECTIVE JUROR NO. 0487: I don't know what I

1 answer, so I don't remember.

2 MR. SCHWARTZER: Well, let me ask you this. If you
3 answered the questions, did you answer them to the best of
4 your ability?

5 PROSPECTIVE JUROR NO. 0487: Yes.

6 MR. SCHWARTZER: Were you truthful to them?

7 PROSPECTIVE JUROR NO. 0487: Yes.

8 MR. SCHWARTZER: Okay. So even though you might not
9 remember the answers, I should trust these answers as being
10 truthful?

11 PROSPECTIVE JUROR NO. 0487: Yes.

12 MR. SCHWARTZER: Okay. You're from Bulgaria?

13 PROSPECTIVE JUROR NO. 0487: Yes. I am.

14 MR. SCHWARTZER: Okay.

15 PROSPECTIVE JUROR NO. 0487: Born and raised there.

16 MR. SCHWARTZER: Okay. And you've been in the
17 United States now for 20 years?

18 PROSPECTIVE JUROR NO. 0487: Yeah. Almost.

19 MR. SCHWARTZER: Okay. And have you been able to
20 understand everything that's been said in court?

21 PROSPECTIVE JUROR NO. 0487: Yeah.

22 MR. SCHWARTZER: Okay. Perfect.

23 PROSPECTIVE JUROR NO. 0487: I guess. Even it's not
24 my native language, I guess, I'll do my best.

25 MR. SCHWARTZER: What is your native language?

1 PROSPECTIVE JUROR NO. 0487: Bulgarian.

2 MR. SCHWARTZER: That would make sense.

3 PROSPECTIVE JUROR NO. 0487: Yeah.

4 MR. SCHWARTZER: I'll bet your English is a lot
5 better than my Bulgarian, so.

6 You know what, I don't have any other questions.
7 Thank you.

8 Where did we stop?

9 THE COURT: The one who spells his name right.

10 MR. SCHWARTZER: Sir, can you say your name again,
11 and badge number?

12 PROSPECTIVE JUROR NO. 1039: Erik Orozco, 13-1039.

13 MR. SCHWARTZER: Okay. Sir, you're going through --
14 you don't have a questionnaire, right? Or did you fill one
15 out?

16 PROSPECTIVE JUROR NO. 1039: I think I did online.

17 MR. SCHWARTZER: Okay.

18 PROSPECTIVE JUROR NO. 1039: As soon as I got the
19 letter in the mail, as soon as possible.

20 THE COURT RECORDER: I can't hear him.

21 MR. SCHWARTZER: Oh, you've got to put your
22 microphone --

23 PROSPECTIVE JUROR NO. 1039: Oh, it was like three,
24 four weeks ago. I did it online, so I don't know.

25 MR. SCHWARTZER: Is that better?

1 THE COURT RECORDER: Yeah. Thank you.

2 MR. SCHWARTZER: Okay.

3 We don't have it, so I just want to ask you those
4 three questions, that you've heard me ask a lot of people.

5 In general, do you feel the criminal justice system
6 is effective?

7 PROSPECTIVE JUROR NO. 1039: Yes.

8 MR. SCHWARTZER: In general, do you feel the
9 criminal justice system is fair?

10 PROSPECTIVE JUROR NO. 1039: Yes.

11 MR. SCHWARTZER: In general, would you say you have
12 positive thoughts about law enforcement?

13 PROSPECTIVE JUROR NO. 1039: Yes.

14 MR. SCHWARTZER: Okay. You're going through a very
15 difficult time?

16 PROSPECTIVE JUROR NO. 1039: Yeah.

17 MR. SCHWARTZER: And I don't -- I'm not trying to
18 cause you anymore trauma by going through it. But there's a
19 couple things I'm going to ask about. And I apologize for
20 doing so. But I'm not going to go into detail or anything
21 like that.

22 Obviously, in the case that you're going through,
23 and what your family's going through, there was -- was there
24 responding officers?

25 PROSPECTIVE JUROR NO. 1039: No.

1 MR. SCHWARTZER: Okay. Were there detectives?

2 PROSPECTIVE JUROR NO. 1039: Well, they came to talk
3 to my sister, yeah.

4 MR. SCHWARTZER: Okay. Was the revelation of the
5 assault made to an officer initially, or to a family member
6 initially, or to --

7 PROSPECTIVE JUROR NO. 1039: It was a family member.

8 MR. SCHWARTZER: Okay. And then eventually law
9 enforcement was contacted?

10 PROSPECTIVE JUROR NO. 1039: Yeah.

11 MR. SCHWARTZER: Okay. And so then it was
12 detectives that got involved?

13 PROSPECTIVE JUROR NO. 1039: Yeah.

14 MR. SCHWARTZER: Do you believe the detectives were
15 doing their -- did their job, were doing it right?

16 PROSPECTIVE JUROR NO. 1039: I think so.

17 MR. SCHWARTZER: Okay. To the best of your
18 knowledge, right?

19 PROSPECTIVE JUROR NO. 1039: Yeah.

20 MR. SCHWARTZER: Okay. Do you -- is there anything
21 about that case that would distract you from being on a jury
22 like this, which has obviously very different type of charges?

23 PROSPECTIVE JUROR NO. 1039: Yeah. It wouldn't, but
24 it's just stressful dealing with this and then dealing with
25 that.

1 MR. SCHWARTZER: I can imagine.

2 PROSPECTIVE JUROR NO. 1039: That's the only thing.

3 MR. SCHWARTZER: I can imagine.

4 Your -- your father obviously has a defense lawyer?

5 PROSPECTIVE JUROR NO. 1039: Yeah.

6 MR. SCHWARTZER: Okay. Anything about that, about
7 you know, have you talked to the defense lawyer or anything
8 like that?

9 PROSPECTIVE JUROR NO. 1039: No.

10 MR. SCHWARTZER: Okay. Have you talked to the
11 prosecutor at all?

12 PROSPECTIVE JUROR NO. 1039: No.

13 MR. SCHWARTZER: Okay. Do you feel like you should
14 have been talked to by the prosecutor by now?

15 PROSPECTIVE JUROR NO. 1039: Well, I just don't want
16 to -- honestly, I don't want to be a part of it, because it's
17 just --

18 MR. SCHWARTZER: Okay.

19 PROSPECTIVE JUROR NO. 1039: -- too much for me.

20 MR. SCHWARTZER: Okay. Is there -- you said that
21 process is going slow, and I understand the criminal justice
22 system can be very slow at times.

23 PROSPECTIVE JUROR NO. 1039: Yes.

24 MR. SCHWARTZER: Is there -- do you hold that
25 against any party, like the defense, the State, the police?

1 PROSPECTIVE JUROR NO. 1039: Yes.

2 MR. SCHWARTZER: Everybody? Who do you hold it
3 against?

4 PROSPECTIVE JUROR NO. 1039: Well, the State.
5 Because, I mean, it's something that happened. It should be
6 faster, a faster process, you know?

7 MR. SCHWARTZER: Sure.

8 PROSPECTIVE JUROR NO. 1039: But it's like taking
9 forever so it's just more and more stressful, the longer it
10 takes.

11 MR. SCHWARTZER: I'm sure.

12 Obviously, Ms. Heap and myself are representatives
13 of the State. Would you hold it against us --

14 PROSPECTIVE JUROR NO. 1039: No.

15 MR. SCHWARTZER: -- that --

16 PROSPECTIVE JUROR NO. 1039: No.

17 MR. SCHWARTZER: Okay. Okay. Thank you, sir.

18 PROSPECTIVE JUROR NO. 1039: Yeah. Thank you.

19 MR. SCHWARTZER: And again, I apologize, that you're
20 going through that.

21 Juan Loera?

22 PROSPECTIVE JUROR NO. 0955: Yes.

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

24 PROSPECTIVE JUROR NO. 0955: 955.

25 MR. SCHWARTZER: Okay. We don't have -- did you

1 fill out a questionnaire?

2 PROSPECTIVE JUROR NO. 0955: I believe I did not.

3 MR. SCHWARTZER: You did not?

4 PROSPECTIVE JUROR NO. 0955: No.

5 MR. SCHWARTZER: Okay. So this one -- was the
6 reason why we don't have one.

7 I'm going to just ask you those three questions.

8 In general, do you feel the criminal justice system
9 is effective?

10 PROSPECTIVE JUROR NO. 0955: Yes, I do.

11 MR. SCHWARTZER: In general, do you feel the
12 criminal justice system is fair?

13 PROSPECTIVE JUROR NO. 0955: Yes.

14 MR. SCHWARTZER: In general, would you say you have
15 positive thoughts about law enforcement?

16 PROSPECTIVE JUROR NO. 0955: Yes.

17 MR. SCHWARTZER: Okay. Anything that I've said or
18 asked during this period of time that you believe you should
19 have answered?

20 PROSPECTIVE JUROR NO. 0955: No.

21 MR. SCHWARTZER: Okay.

22 Could you pass it to Ms. Carrasco?

23 PROSPECTIVE JUROR NO. 0957: Christina Carrasco,
24 0957.

25 MR. SCHWARTZER: Okay. So we have learned that your

1 brother is a SWAT officer?

2 PROSPECTIVE JUROR NO. 0957: Correct.

3 MR. SCHWARTZER: Okay. You had previously said to
4 us that that won't affect your ability to be fair and
5 impartial in this case.

6 PROSPECTIVE JUROR NO. 0957: Correct.

7 MR. SCHWARTZER: Okay. You also said that your best
8 friend is a defense attorney?

9 PROSPECTIVE JUROR NO. 0957: Correct.

10 MR. SCHWARTZER: Okay. To be nosey, maybe a little
11 judgy, too, who -- who is this friend?

12 PROSPECTIVE JUROR NO. 0957: Hopefully, the Judge
13 likes him. Jack Buchanan.

14 MR. SCHWARTZER: Okay. So did you know his -- did
15 you know Bucky as well?

16 PROSPECTIVE JUROR NO. 0957: I did. Yeah.

17 MR. SCHWARTZER: Okay. Would you -- were guys like
18 family friends?

19 PROSPECTIVE JUROR NO. 0957: I spent prom at Bucky's
20 house, that's how long -- and I'm 40, 39, so that's how long
21 I've know them.

22 MR. SCHWARTZER: That's a classic Las Vegas figure
23 right there.

24 PROSPECTIVE JUROR NO. 0957: It was a very classic
25 Las Vegas figure.

1 MR. SCHWARTZER: Okay.

2 PROSPECTIVE JUROR NO. 0957: He was a character.

3 MR. SCHWARTZER: Anything about your -- your close
4 friendship with Jack would influence you and during this
5 trial?

6 PROSPECTIVE JUROR NO. 0957: No. Not at all.

7 MR. SCHWARTZER: Should Ms. Heap and myself be
8 concerned at all that you happen to be good friends with Jack?

9 PROSPECTIVE JUROR NO. 0957: Not at all.

10 MR. SCHWARTZER: Who is a very likeable guy.

11 PROSPECTIVE JUROR NO. 0957: Yeah. He's very
12 likeable.

13 MR. SCHWARTZER: Okay. Do you know if your brother
14 was involved with this matter at all?

15 PROSPECTIVE JUROR NO. 0957: He was not.

16 MR. SCHWARTZER: Okay.

17 PROSPECTIVE JUROR NO. 0957: To the best of my
18 understanding. Because I don't believe SWAT was called,
19 correct? I don't know. Sorry. Maybe I should say that.

20 MR. SCHWARTZER: Okay. So you don't believe your --
21 you -- your personal belief is your brother was not involved
22 in this case?

23 PROSPECTIVE JUROR NO. 0957: To the best of my
24 knowledge he was not involved in this.

25 MR. SCHWARTZER: And you're okay not -- if you get

1 picked for this jury, you're okay not talking to your brother
2 about this until it's all over with and there's a verdict?

3 PROSPECTIVE JUROR NO. 0957: Yes. He's very by the
4 book, so he wouldn't talk to me anyways --

5 MR. SCHWARTZER: Okay.

6 PROSPECTIVE JUROR NO. 0957: -- about it.

7 MR. SCHWARTZER: And you're okay not talking to Jack
8 about it until it's all over as well?

9 PROSPECTIVE JUROR NO. 0957: Correct.

10 MR. SCHWARTZER: We don't have a questionnaire for
11 you.

12 PROSPECTIVE JUROR NO. 0957: I didn't fill one out.
13 I apologize.

14 MR. SCHWARTZER: Okay. That's fine. That's okay.
15 I'm not sure we would have got it if you did anyway.

16 PROSPECTIVE JUROR NO. 0957: Yeah. True.

17 MR. SCHWARTZER: So Question Number 7 is, in
18 general, do you -- how do you feel the -- excuse me -- in
19 general, do you feel the criminal justice system is effective?

20 PROSPECTIVE JUROR NO. 0957: I do.

21 MR. SCHWARTZER: And generally, do you feel the
22 criminal justice system is fair?

23 PROSPECTIVE JUROR NO. 0957: I do.

24 MR. SCHWARTZER: In general, would you say you have
25 positive thoughts about law enforcement?

1 PROSPECTIVE JUROR NO. 0957: I do.

2 MR. SCHWARTZER: Okay.

3 PROSPECTIVE JUROR NO. 0957: I don't know --

4 MR. SCHWARTZER: That's all --

5 PROSPECTIVE JUROR NO. 0957: -- if any of this
6 matters, because I figured it didn't.

7 I do have a plane ticket. I'm supposed to move my
8 stepdaughter out of college at the first week of May. What I
9 -- when we started this, I thought it said that the case would
10 be two weeks, so I didn't think it'd be a problem.

11 MR. SCHWARTZER: It's going to be three weeks,
12 especially with --

13 PROSPECTIVE JUROR NO. 0957: Okay.

14 MR. SCHWARTZER: -- how long jury selection's been
15 going.

16 PROSPECTIVE JUROR NO. 0957: I don't even know if --
17 you know, I don't know if -- I'm just telling you, to put that
18 on.

19 MR. SCHWARTZER: When's -- when's your plane ticket?

20 THE COURT: What are the dates? Yeah.

21 PROSPECTIVE JUROR NO. 0957: So let me look. Her
22 last day of school, my calendar. May 5th is the plane ticket
23 and we come back on the 7th.

24 MR. SCHWARTZER: And that's --

25 PROSPECTIVE JUROR NO. 0957: To Phoenix, for ASU.

1 MR. SCHWARTZER: Okay. I'm sorry. I'll grab that
2 microphone real fast.

3 I'm sorry. I just heard you whisper, Ms. Veleva.

4 PROSPECTIVE JUROR NO. 0487: Yeah. I just want to
5 know if --

6 MR. SCHWARTZER: I'm sorry, your name and badge
7 number, please?

8 PROSPECTIVE JUROR NO. 0487: Mariya Veleva, 14-0487.

9 MR. SCHWARTZER: You have a plane ticket?

10 PROSPECTIVE JUROR NO. 0487: No. I just wonder.
11 You said three weeks from today? I just have a business trip
12 But this is just end of May.

13 MR. SCHWARTZER: And, no, if --

14 PROSPECTIVE JUROR NO. 0487: So it's just 23rd to
15 27th.

16 MR. SCHWARTZER: Okay.

17 PROSPECTIVE JUROR NO. 0487: So I just want to know.
18 And I'm going out of country, but that's beginning of June for
19 a month.

20 MR. SCHWARTZER: Hopefully, it's three weeks from
21 Monday. Not --

22 PROSPECTIVE JUROR NO. 0487: From Monday?

23 MR. SCHWARTZER: Yeah. Hopefully, it's not --

24 PROSPECTIVE JUROR NO. 0487: And I'm studying for
25 CPA. I don't know. I have to probably just schedule for my

1 financial. I'm just waiting for the Board to get approved
2 first. The Board has to give me approval before I just
3 schedule the appointment.

4 MR. SCHWARTZER: Okay.

5 PROSPECTIVE JUROR NO. 0487: Because I'm going to
6 look for the first available.

7 MR. SCHWARTZER: When's your CPA exam?

8 PROSPECTIVE JUROR NO. 0487: I -- I didn't schedule.
9 I have to get approval from the Board of Accountants for --
10 which is in Reno.

11 MR. SCHWARTZER: Okay.

12 PROSPECTIVE JUROR NO. 0487: I just book my
13 application. I'm waiting for them --

14 MR. SCHWARTZER: Okay.

15 PROSPECTIVE JUROR NO. 0487: -- to get approve and
16 then I'm going to try to schedule and take it in May because I
17 know I'm having two trips coming so --

18 MR. SCHWARTZER: Okay.

19 PROSPECTIVE JUROR NO. 0487: Fail or --

20 MR. SCHWARTZER: So --

21 PROSPECTIVE JUROR NO. 0487: -- not I have to try.

22 MR. SCHWARTZER: I understand.

23 PROSPECTIVE JUROR NO. 0487: Yeah. That's all.

24 MR. SCHWARTZER: Thank you.

25 No, I appreciate that.

1 PROSPECTIVE JUROR NO. 0487: Thank you.

2 MR. SCHWARTZER: Go ahead and pass it to --

3 THE MARSHAL: Name and badge number?

4 PROSPECTIVE JUROR NO. 0961: 961.

5 THE COURT: Name?

6 PROSPECTIVE JUROR NO. 0961: Oh, Dina Cochran.

7 MR. SCHWARTZER: We do have your questionnaire.

8 I won't have any questions for you. Was there

9 anything that's been said since we've talked to you last that

10 you would have raised your hand for, or have thoughts about?

11 PROSPECTIVE JUROR NO. 0961: No.

12 MR. SCHWARTZER: All right. That was easy.

13 Pass it off.

14 PROSPECTIVE JUROR NO. 1028: April Reckling, 1028.

15 MR. SCHWARTZER: Okay. Ms. Reckling, I -- I don't

16 have a questionnaire for you. So I'm going to go through

17 those three questions real quick.

18 PROSPECTIVE JUROR NO. 1028: Okay.

19 MR. SCHWARTZER: In general, do you feel the

20 criminal justice system is effective?

21 PROSPECTIVE JUROR NO. 1028: Yes.

22 MR. SCHWARTZER: In general, do you feel the

23 criminal justice system is fair?

24 PROSPECTIVE JUROR NO. 1028: Yes.

25 MR. SCHWARTZER: In general, would you say you have

1 positive thoughts about law enforcement?

2 PROSPECTIVE JUROR NO. 1028: Yes.

3 MR. SCHWARTZER: Okay. Is there anything that I've
4 asked anyone else that you think you would have had an answer
5 to?

6 PROSPECTIVE JUROR NO. 1028: No.

7 MR. SCHWARTZER: Perfect.

8 Could you pass it to Mr. Tillery?

9 PROSPECTIVE JUROR NO. 0964: Yes, sir.

10 MR. SCHWARTZER: Badge Number and full name?

11 PROSPECTIVE JUROR NO. 0964: William Tillery, Badge
12 Number 0964.

13 MR. SCHWARTZER: Perfect.

14 Now, sir, I've noticed you've had headphones on and
15 off. Is that yes?

16 PROSPECTIVE JUROR NO. 0964: I -- I have a little
17 hearing problem, yeah.

18 MR. SCHWARTZER: Okay. You don't have them on right
19 now?

20 PROSPECTIVE JUROR NO. 0964: I can see you and I can
21 hear you.

22 MR. SCHWARTZER: Okay.

23 PROSPECTIVE JUROR NO. 0964: If I'm looking around
24 and I don't see you talking, I probably need these.

25 MR. SCHWARTZER: Okay. So during the course of

1 trial, when a lot of my questions, and Ms. Heap's questions
2 will be aimed to the witness, you'll just put the headphones
3 on?

4 PROSPECTIVE JUROR NO. 0964: I'll -- I'll have these
5 on.

6 MR. SCHWARTZER: Okay.

7 PROSPECTIVE JUROR NO. 0964: Yes, sir.

8 MR. SCHWARTZER: Have you been able to hear
9 everything that's been -- have you been able to hear and
10 understand everything that's been said, so long as you've had
11 those headphones on?

12 PROSPECTIVE JUROR NO. 0964: Yes, sir.

13 MR. SCHWARTZER: Okay. And you've had those
14 headphones on during the course of my general questions?

15 PROSPECTIVE JUROR NO. 0964: Yes, sir.

16 MR. SCHWARTZER: During the course of the Judge's
17 general questions?

18 PROSPECTIVE JUROR NO. 0964: Yes, sir.

19 MR. SCHWARTZER: Okay. Perfect.

20 So did you fill out a questionnaire?

21 PROSPECTIVE JUROR NO. 0964: No, I did not.

22 MR. SCHWARTZER: Okay. So I'm going to go through
23 those three questions real quick.

24 In general, do you feel the criminal justice system
25 is effective?

1 PROSPECTIVE JUROR NO. 0964: Yes, I do.

2 MR. SCHWARTZER: In general, do you feel the
3 criminal justice system is fair?

4 PROSPECTIVE JUROR NO. 0964: Yes.

5 MR. SCHWARTZER: In general, would you say you have
6 positive thoughts about law enforcement?

7 PROSPECTIVE JUROR NO. 0964: Yes.

8 MR. SCHWARTZER: Okay.

9 Ladies and gentlemen, I appreciate your patience. I
10 know it's been a very long three days.

11 I must -- I'll end with this, a general question,
12 two parts, one you've heard me say multiple times.

13 You are taking an oath to follow the law. And we do
14 that a lot, because obviously we have Mr. Trejo's
15 constitutional rights, and we also have to respect the victims
16 as well.

17 Now, one of the things you notice, I'm sure, and
18 that's been brought to your attention, is that Mr. Trejo has a
19 speech disability. One of the things you're going to be told
20 is sympathy should not be played into your decision.

21 Will anyone have an issue regarding that
22 instruction? That you have to take sympathy out of it and you
23 just have to look at it -- the elements of the crime were
24 committed and that he's -- Mr. Trejo is the person who
25 committed the crime.

1 Do you have a -- if you have a problem with that,
2 please raise your hand right now.

3 All right. Seeing no hands.

4 Thank you for your time. Thank you for your
5 patience. The State will pass.

6 THE COURT: And the State's passing for cause.

7 It's almost 4:30, and we're going to end at 5:00
8 every day. So I am probably just going to ask them if we can
9 just end this part today, because Mr. Trejo is going to need
10 to do all of his questioning.

11 So can we end with them today, for now, Mr. Trejo?
12 And then you just start fresh tomorrow?

13 MR. SCHWARTZER: Can we -- we approach on that?

14 THE COURT: Sure.

15 (Bench conference)

16 MR. SCHWARTZER: My only issue is -- and if Mr.
17 Trejo is okay with stipulating to this, I have that one
18 witness that has -- I mean, I would normally need about four
19 witnesses to lay the -- the framework, foundation.

20 THE COURT: Foundation.

21 MR. SCHWARTZER: And it's been a long day.

22 THE COURT: It has been a long day.

23 MR. SCHWARTZER: I -- which is Barry Jones, who's
24 the forensic analysis for the phone.

25 THE COURT: Okay.

1 MR. SCHWARTZER: So --

2 THE COURT: So here --

3 MR. SCHWARTZER: -- I just want to make sure that if
4 we take him out of order --

5 THE COURT: No. Can we do this without the jury
6 being here though?

7 MR. SCHWARTZER: Okay. Oh, absolutely.

8 THE COURT: And just -- yeah. No, that -- I just
9 want to -- I want to -- but I do want to ask you guys, so
10 we've got the new panel of 30 people coming at 9:00 in the
11 morning. What time do you guys want to start with them?

12 THE COURT RECORDER: Sorry.

13 THE COURT: So I'm just going to bring in the 30 and
14 have them do my general spiel and all that stuff, so that they
15 know where we are, and we can make sure we get through all of
16 the people. So --

17 MR. SCHWARTZER: Okay.

18 THE COURT: -- if we start at 9:00 with the new
19 people, what time, like 10:00 for the old panel to come back
20 and then Mr. Trejo to do his questions on them?

21 MR. SCHWARTZER: Okay.

22 THE COURT: Do you -- do you think that's enough?

23 MR. SCHWARTZER: I mean, the way it's been going,
24 it's been going like 45 minutes for your general questions.

25 THE COURT: Right.

1 MR. SCHWARTZER: So, I mean, I think you're right
2 time-wise. Again, this time crunch is causing me a little
3 heartache.

4 THE COURT: I understand.

5 MR. SCHWARTZER: So --

6 THE COURT: Okay. So yeah, we'll bring them back at
7 10:00 tomorrow?

8 MR. SCHWARTZER: Yeah.

9 THE COURT: Okay. Mr. -- I'm sorry, I can't hear
10 you, Mr. Trejo, come closer.

11 I can't -- can -- Alex?

12 (Mr. Henry/Mr. Trejo confer)

13 THE COURT: So we'll --

14 MR. HENRY: (To Mr. Trejo) The new panel will come
15 in at 9:00 and then this old panel that we've got now will
16 come in at 10:00. Is that all right?

17 MR. TREJO: That's (indiscernible).

18 THE COURT: And that -- that's fine, he said?

19 MR. HENRY: Yep.

20 THE COURT: Okay. Okay, thank you.

21 MR. SCHWARTZER: Okay.

22 (End of bench conference)

23 THE COURT: So ladies and gentlemen of the jury, it
24 is 4:30, and we have some other things that we need to take
25 care of out of your presence. And so we are going to end you

1 all for today. And we're going to bring you back at 10:00
2 o'clock in the morning.

3 So during the recess, you are admonished not to talk
4 or converse among yourselves, or with anyone else on any
5 subject connected with this trial, or read, watch, or listen
6 to any report of, or commentary on the trial, or any person
7 connected with this trial, by any medium of information,
8 including without limitation, newspapers, television, the
9 Internet or radio, or form or express any opinion on any
10 subject connected with the trial until the case is finally
11 submitted to you.

12 We'll see you tomorrow morning at 10:00 o'clock and
13 you will just hang out outside until we come back.

14 Thank you.

15 (Outside the presence of the prospective jury)

16 THE COURT: Okay. Outside the presence of the jury.

17 Mr. Schwartzer passed the panel for cause.

18 Was there anyone based on his questions that Mr.
19 Trejo you want to challenge for cause?

20 MR. TREJO: Not at the moment.

21 THE COURT: Okay. Thank you.

22 And so now let's talk about scheduling issues.

23 I just didn't want to do that, you know, with them
24 still just sitting here, at the Bench. It's harder to hear
25 while we're at the Bench and also just kind of generally not

1 necessarily good for their time.

2 MR. SCHWARTZER: I understand, Your Honor.

3 THE COURT: So go ahead, Mr. Schwartzer, and start
4 making your record.

5 MR. SCHWARTZER: Sure. Here's my issue regarding
6 the timing, is we have one individual that I've been saying, I
7 think for a couple days now, Detective Barry Jones. He is the
8 forensic phone analysis individual.

9 Mr. Jones won't be available -- or Detective Jones
10 will not be available after this week because he is in Florida
11 for two weeks in a mandatory training for his field, his
12 specialty field for those two weeks.

13 Typically, in order to lay the foundation to bring
14 in the phone, I would need to bring in a few -- obviously, a
15 few people, including a person who obtained the phone, the
16 person who impounded the phone, and then we can get into Mr.
17 Jones.

18 But obviously, there needs to be some type of
19 background to where the phone came from as well which would
20 require another one or two witnesses.

21 So we actually anticipating that we probably
22 wouldn't get started with witnesses until tomorrow we're -- we
23 really narrowed our list to about five witnesses before we got
24 to Detective Jones.

25 At this point, if we're starting with voir dire

1 Thursday at 10:00 a.m. with Mr. Trejo, I'm worried that we
2 might not even get to witnesses until Friday which will make
3 it really hard to get Detective Jones in the proper order.

4 With that said, if the Court would allow us leave to
5 get -- take Detective Jones out of order and we can lay the --
6 I can proffer what the foundation will be after Detective
7 Jones testifies, and obviously, if we don't do so, there would
8 be a mistrial and it would be the State's fault.

9 But obviously, I don't -- I don't anticipate that
10 happening because it's going to be pretty easy to lay the
11 foundation, then the timing shouldn't be an issue.

12 But that's obviously my great concern, because it is
13 a -- according to -- you know, obviously, we have a high
14 burden, beyond a reasonable doubt as Your Honor is well aware.
15 Detective Jones's investigation has brought up what we think
16 is very pertinent evidence to this case.

17 And the inability to get him on the stand based on
18 the fact that this has taken this long, and it's no one's
19 fault, it's just unfortunately the panel. And the, you know,
20 the problems we're having, we would just ask to, if it comes
21 to it, to take Detective Jones out of order, with a proffering
22 being beforehand about what the foundation would be, that
23 would be laid after he testifies.

24 THE COURT: Mr. Trejo?

25 Before -- Mr. Trejo, you can continue writing. I

1 just have a couple questions for you, Mr. Schwartzer, or Ms.
2 Heap.

3 So would there be any way for him testify via
4 BlueJeans from Florida? I mean, they're three hours ahead, so
5 he'd be done with his day before we're finished with ours.

6 MR. SCHWARTZER: I can talk to him about it.
7 Honestly, I've not approached him about it. Obviously, the
8 problem is, as I'm sure Your Honor has dealt with phone
9 evidence before, he's going to be up there on the stand with a
10 computer with the digital evidence. So --

11 THE COURT: That's -- yeah, that's actually true.

12 MR. SCHWARTZER: So --

13 THE COURT: Yeah. You're right. I didn't -- that's
14 a harder issue because he needs to show -- yeah, the phone
15 stuff. So, okay.

16 MR. TREJO: So wouldn't Detective Jones testifying
17 out of order affect the chain of custody needed to prove how
18 the phone was obtained off the -- obtained.

19 Off the top of my head, I do not feel comfortable
20 stipulating this. I need to look at my files and other info
21 regarding this.

22 THE COURT: So that's -- I mean, it would affect the
23 chain of custody. So what the State is offering to do is,
24 outside the presence of the jury, proffer -- so they'd be
25 stating what the foundation they're going to lay for Detective

1 Jones to be, so that he could testify out of order.

2 And then if they didn't put, you know, put the
3 proper foundation in, then obviously there would be a
4 mistrial. And so that's what they're saying. They're
5 offering it, just because they need to get him out of order.

6 So that's what a proffer means, and that's what
7 they're saying that they'd do, out of the presence of the
8 jury, so that they're not biased by that. And just because
9 they need this one witness out of order, is what they're
10 saying.

11 So does that change your mind as to anything -- and
12 I'm not trying to influence you in any way. I'm just asking
13 you if that clarifies it for you so that if you have anything
14 different to say.

15 And did I explain that correctly?

16 MR. SCHWARTZER: You did, Your Honor.

17 THE COURT: Okay.

18 Go ahead.

19 MR. TREJO: As you know, Your Honor, I am not a
20 trained attorney. I will look into this -- I will look -- I
21 would look into how this will affect my case today and I will
22 have to bring this up again tomorrow.

23 As far as now, I need more data to make an informed
24 decision.

25 THE COURT: Okay. So can we come back at 8:30 in

1 the morning? Then the panel will be here at 9:00 and then --
2 and then we start with the original panel at 10:00?

3 MR. SCHWARTZER: Yeah. I just -- I'd want to -- I'm
4 going to have to make my own childcare arrangements then
5 because I take my kids to school, so.

6 THE COURT: What time?

7 MR. SCHWARTZER: I mean, I can -- the best I can get
8 here is probably 8:45 with early care.

9 THE COURT: 8:45.

10 MR. SCHWARTZER: Okay. Thank you.

11 THE COURT: We will do 8:45.

12 I'm not a morning person, so it will be a stretch
13 for me.

14 MR. SCHWARTZER: Okay.

15 THE COURT: So 8:45 we will -- we will bring --

16 MR. SCHWARTZER: So I can --

17 THE COURT: -- him here -- we'll bring Mr. Trejo
18 here at 8:45. So we'll be here at 8:45. I will probably be
19 skidding in on the skidding.

20 But and then we'll bring the new panel in at 9:00
21 o'clock and then the old panel in at 10:00.

22 MR. SCHWARTZER: Thank you, Your Honor.

23 THE COURT: And Mr. Trejo's writing something, so
24 I'm just going to wait for him.

25 MR. HENRY: And Judge, can I leave the jacket and

1 belt in the courtroom?

2 THE COURT: Yeah.

3 MR. HENRY: Okay.

4 THE COURT: Yeah, we don't have a calendar tomorrow.

5 MR. HENRY: Okay.

6 MR. SCHWARTZER: And Your Honor as he's writing, can
7 I just make the suggestion that Mr. Trejo write out his jury
8 questions -- I think he has been -- jury questions ahead of
9 time?

10 THE COURT: Sure.

11 Mr. Trejo, did you -- are you doing that?

12 MR. HENRY: Yes, Judge.

13 THE COURT: And -- okay.

14 MR. HENRY: He's writing out a lot of stuff
15 beforehand.

16 THE COURT: Thank you.

17 MR. SCHWARTZER: Thank you, Your Honor.

18 Thank you, Mr. Henry.

19 THE COURT: I read them the recess admonishment
20 before they left, right?

21 THE MARSHAL: Yes.

22 THE COURT: Okay. All of these things are running
23 into one another, so.

24 (Pause in the proceedings)

25 THE COURT: Oh, he's ready.

1 Go ahead.

2 MR. TREJO: Okay. Yes, Your Honor. I also have a
3 concern regarding my medical condition and the timing. I need
4 to constantly have access to my neck for wound care and
5 management.

6 Yesterday, I spent four hours in chains which caused
7 trouble and significant -- significant pain due to measures --
8 due to the measures I must take to take care of myself.

9 And hours -- and an hour -- I'm sorry -- an hour or
10 two is manageable. But after four hours, my wrists and trach
11 were killing me. And I was mentally strained. I'm just
12 asking if the regular timing will be 10:30 or 11:00.

13 Any -- oh, any court time before 11:00 means I've
14 got to spend hours in chains.

15 THE COURT: So I have some questions about that and
16 maybe the officers can give me a little bit more answers.

17 So why was it that you spent so much time in the
18 belly -- and he -- just for the record he indicated the belly
19 chains when -- when the -- the interpreter was reading his
20 answer.

21 So what -- why did you spend so much time in --

22 If you can just maybe say it to her and she can --

23 CORRECTIONS OFFICER: As far as today?

24 THE COURT: Yes.

25 MR. TREJO: Yesterday.

1 THE COURT: Yesterday.

2 CORRECTIONS OFFICER: Today he was picked up at
3 10:15.

4 MR. TREJO: Yesterday.

5 CORRECTIONS OFFICER: And brought straight to court.

6 MR. TREJO: Yesterday.

7 CORRECTIONS OFFICER: Yesterday, I don't know. I
8 didn't pick him up yesterday so I'm not sure.

9 CORRECTIONS OFFICER: So it basically depends on
10 what time they transport him.

11 CORRECTIONS OFFICER: Yes.

12 CORRECTIONS OFFICER: But, you know, it depends
13 on --

14 THE COURT: Hold on for a second.

15 Susie, are you able to hear what he's saying?

16 THE COURT RECORDER: Yeah.

17 THE COURT: Okay.

18 CORRECTIONS OFFICER: So it depends on what time
19 they transport him and then whether or not they have to be
20 down in court holding. So if they're down in court holding
21 they have to be secured.

22 THE COURT: Okay.

23 CORRECTIONS OFFICER: (Indiscernible) of what they
24 (indiscernible).

25 THE COURT: What time would it be easier for us to

1 have court so he spends less time in chains?

2 CORRECTIONS OFFICER: I mean, there's no way to say
3 that. It's just depending on when everything (indiscernible).

4 CORRECTIONS OFFICER: Yeah, it's a logistical issue.
5 And depending on manpower and -- and who's available to pick
6 him up at what time.

7 THE COURT: Okay.

8 CORRECTIONS OFFICER: We just have to work with what
9 we have.

10 THE COURT: Because I want to have him spend as
11 little time in chains as possible --

12 CORRECTIONS OFFICER: Yeah.

13 THE COURT: -- because of his medical issue. If
14 there's any way -- I mean, I can fashion an order. I just
15 don't know what to say. I would like to -- I mean, if he has
16 to come up here and sit, you know, in court, we can have
17 somebody come and sit in court with him, or however, so that
18 he doesn't spend significant amount of time in chains because
19 he does need to clean his trach tube and -- and things like
20 that.

21 So how can we -- how can we accomplish this? What's
22 the best way to accomplish this so he spends --

23 CORRECTIONS OFFICER: Well, I think tomorrow, just
24 going with tomorrow, it's 8:45, correct?

25 THE COURT: Yes.

1 CORRECTIONS OFFICER: So I would say at the very
2 minimum, he's going to be in chains probably from 7:00 o'clock
3 until -- until he comes up to court. So that's less than two
4 hours right there.

5 THE COURT: Okay. And he said that that was fine.

6 CORRECTIONS OFFICER: Yeah.

7 MR. TREJO: That's fine.

8 THE COURT: And then what about on Friday, I was
9 planning on starting at 9:00 o'clock and that would probably
10 be 7:00 to 9:00?

11 CORRECTIONS OFFICER: Most likely, yes.

12 THE COURT: Okay. So that's two hours.

13 MR. TREJO: That's manageable.

14 THE COURT: Right.

15 MR. TREJO: (Speaking inaudibly, indicating)

16 THE COURT: Right. Does anyone know why he spent so
17 much time in -- in the chains yesterday? Yesterday, we
18 started at --

19 MR. TREJO: 10:30.

20 THE COURT: What time did we start?

21 MR. TREJO: 10:30.

22 MR. HENRY: 10:30.

23 THE COURT: Okay. Yeah.

24 CORRECTIONS OFFICER: That's about -- roughly about
25 three-and-a-half hours, which it's just due to (indiscernible)

1 started.

2 THE COURT: But is there any way we can bring him up
3 here and have him unchained a little longer?

4 MR. HENRY: Can you guys bring him for like maybe in
5 the morning calendar?

6 CORRECTIONS OFFICER: That would depend on
7 (indiscernible).

8 CORRECTIONS OFFICER: The problem is, especially for
9 -- for both of us, we have other assignments that are going on
10 in the early morning hours, particularly, movement of other --
11 of other inmates. So it's kind of impossible for us to come
12 up and actually sit with him in court for two hours.

13 MR. SCHWARTZER: Do mind if I ask something?

14 THE COURT: Sure.

15 MR. SCHWARTZER: If -- so my understanding -- and
16 you just went to the meeting -- is they're going to be in
17 custody on April 25th, right? So starting next week?

18 THE COURT: Yes.

19 MR. SCHWARTZER: If he's transported with the in-
20 custody's at -- do you start at 8:30, Your Honor?

21 THE COURT: No, I'll be starting at 9:30.

22 MR. SCHWARTZER: Oh, okay.

23 If -- could you guys transport him with the in-
24 custody's at 9:30 so he's not sitting there?

25 CORRECTIONS OFFICER: Most of those in-custody's --

1 MR. SCHWARTZER: Yeah.

2 CORRECTIONS OFFICER: -- are picked up at about 6:45
3 in the morning.

4 MR. SCHWARTZER: Oh, so --

5 THE COURT: Right.

6 CORRECTIONS OFFICER: Yeah.

7 THE COURT: And the other thing is he has to be
8 dressed out and then he'd be sitting in here from the -- so I
9 don't know what --

10 MR. SCHWARTZER: I tried.

11 MR. TREJO: (Indiscernible).

12 THE COURT: -- to do -- but I just -- if -- I just
13 want to see --

14 CORRECTIONS OFFICER: Yeah. We'll -- we'll try our
15 best. I know today we -- we waited until about 10:15, 10:20,
16 and brought him straight up.

17 THE COURT: Okay.

18 MR. TREJO: Today was fine like this. If we could
19 just keep it to 10:00 o'clock. I just don't want to do 3 to 4
20 hours in chains.

21 THE COURT: I understand. I'm trying to figure out
22 the best way to -- to accomplish having you not be in chains
23 for that amount of time. So --

24 UNIDENTIFIED SPEAKER: Are you able to bring him to
25 the holding cell back here and let him hang out here?

1 CORRECTIONS OFFICER: We're not allowed per our
2 policy to house them in these holding tanks.

3 UNIDENTIFIED SPEAKER: Hum.

4 THE COURT: So if there's any way anybody can tell
5 me who to contact, I can try and figure out who to contact. I
6 just don't know who to contact. But I don't want -- I mean,
7 he does have -- he absolutely has a medical condition where he
8 can't be restrained for that long because he needs to clean
9 the trach tube. And I don't know who to contact. Do you
10 either of you have any suggestions on who to contact so that
11 we can try --

12 CORRECTIONS OFFICER: I would call the Section
13 Bureau Commander which is going to be Lieutenant Williams --

14 THE COURT: Lieutenant Williams.

15 CORRECTIONS OFFICER: -- for Field Services. Yes.

16 THE COURT: Lieutenant Williams in what services?

17 CORRECTIONS OFFICER: Field Services.

18 THE COURT: Field Services.

19 CORRECTIONS OFFICER: Section. Yep.

20 THE COURT: Chapri, were you listening? Can you
21 hear that? Can you find the number for Lieutenant Williams in
22 Field Services and see if there's a way that I can call him?

23 MR. TREJO: Just for the record, I wanted to, you
24 know, just say that it was the officers, you know, it's
25 just -- they're -- they're being very professional.

1 THE COURT: Right.

2 MR. TREJO: So it's the -- the --

3 THE COURT: I -- and I just -- I --

4 MR. TREJO: -- time --

5 THE COURT: -- absolutely understand your issues,
6 Mr. Trejo, and I'm going to do my best to try and get them so
7 that you're not in chains for that long because I understand
8 your medical issues and that you need to clean your trach
9 tube. And I don't want you to have any medical difficulties
10 based on this trial.

11 And so my JEA said that she's looking to try and get
12 me a contact information for Detective -- I'm sorry --
13 Lieutenant Williams in Field Services, and I will do my very
14 best. Please keep me informed of your medical issues, Mr.
15 Trejo. We're going to do our best to make sure that you're
16 accommodated for this trial; okay?

17 MR. TREJO: Thank you.

18 THE COURT: Thank you.

19 Anything else outside the presence of the jury?

20 MR. SCHWARTZER: Not by the State, Your Honor.

21 MR. TREJO: Not by the defense.

22 THE COURT: Okay. Thank you. I will see you all
23 tomorrow morning.

24 MR. SCHWARTZER: You know what, Judge?

25 THE COURT: Oh, wait.

1 MR. SCHWARTZER: I'm sorry. I'm -- I mean, I think
2 we should bring it up just because it goes into the Barry
3 Jones issue. If Mr. Trejo -- I understand Mr. Trejo doesn't
4 believe the statement should come in. Obviously, his motion
5 was denied.

6 I would ask him to go through his statement given to
7 Mr. Clark -- to Detective Clark, the one on September 6th,
8 2018. And if there's things that he thinks should be taken
9 out, let us know at that -- at -- you know, let us know,
10 because Detective Clark might be one of our first witnesses.

11 THE COURT: Okay.

12 MR. SCHWARTZER: Though I only noted one thing that
13 may or may not be excluded which is he mentions there might be
14 a little marijuana in his apartment because his wife smokes a
15 little weed. That's legal, so I don't think it's a bad act or
16 anything like that.

17 That's the only thing of note in that specific
18 statement that I thought was even slightly hinky. But, again,
19 I would ask Mr. Trejo to review the statement and then he can
20 present what he doesn't think should be in the statement as it
21 comes into the court.

22 THE COURT: Okay. Thank you. And he's writing now,
23 so we're just going to --

24 And I'm going to walk so I don't miss my steps for
25 the hour.

1 (Pause in the proceedings)

2 MR. TREJO: There was an issue I didn't get to argue
3 on Monday. Clark and Rafferty originally didn't begin to
4 record or mirandize at the outset of our contact. I found on
5 Sunday when doing research this is called question first,
6 interrogation tactic.

7 As it occurred in Seibert v. -- oh, versus Missouri,
8 the detectives wanted to know about access to my phone,
9 weapons at my house or truck. But that wasn't on record.
10 They even bring up a broken hunting shotgun, they found --
11 they found out about prior to mirandizing --

12 THE COURT: Mirandizing.

13 MR. TREJO: -- mirandizing --

14 THE INTERPRETER: I'm sorry.

15 MR. TREJO: -- and recording. I will look at my
16 copy of the recordings.

17 THE COURT: Okay. So we've already addressed the
18 statements and so I'm -- I'm going to note that for the
19 record. I'm putting it in my notes and everything. But we've
20 already addressed the statements and the reasons that I think
21 that they should be coming in, so.

22 Thank you, Mr. Trejo.

23 Anything further?

24 MR. SCHWARTZER: No, Your Honor.

25 THE COURT: Thank you.

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MR. TREJO: Thank you.

(Court recessed for the day at 4:56 p.m.)

* * * * *

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



VERBATIM DIGITAL REPORTING, LLC

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MARIO TREJO,) No. 84724
)
Appellant,)
)
v.)
)
THE STATE OF NEVADA,)
)
Respondent.)
)

DARIN F. IMLAY Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 AARON FORD Attorney General 100 North Carson Street Carson City, Nevada 89701-4711 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 16 day of February 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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

MARIO TREJO, #1258166
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office