

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

TOYER EDWARDS

S.C. CASE NO. 82639

Appellant,

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Elizabeth A. Brown
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

APPEAL FROM JUDGMENT OF CONVICTION
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE CARLI KIERNY, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME II  
~~~~~

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OPENING BRIEF APPENDIX

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TRANSCRIPT OF PROCEEDINGS RE:
SENTENCING MAY 10, 2018
(FILED APRIL 14, 2021)

VERDICT
(FILED MARCH 02, 2018)

779-794

701-702

CERTIFICATE OF SERVICE

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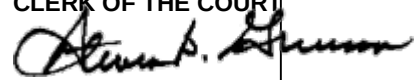
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TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff(s),

vs.

TOYER EDWARDS,

Defendant(s).

Case No. C-17-324805-1

Department XXI

BEFORE THE HONORABLE MARK B. BAILUS,
DISTRICT COURT JUDGE

TUESDAY, FEBRUARY 27, 2018

**TRANSCRIPT OF PROCEEDINGS RE:
JURY TRIAL – DAY 2 of 5**

APPEARANCES:

For the Plaintiff(s):

EKATERINA DERJAVINA, ESQ.
MICHAEL DICKERSON, ESQ.
Deputy District Attorneys

For the Defendant(s):

ELAINE ODEH, ESQ.
SHANA S. BROUWERS, ESQ.
Deputy Public Defenders

RECORDED BY: ROBIN PAGE, COURT RECORDER

1 **LAS VEGAS, NEVADA, TUESDAY, FEBRUARY 27, 2018**

2 [Proceeding commenced at 1:10 p.m.]

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

5 THE COURT: C-17-324805. Counsel, I've been provided --
6 apparently the parties are stipulating to admission of the video
7 cam; is that correct?

8 MS. DERJAVINA: Your Honor, what I believe that is, is an
9 order. There was litigation regarding some statements made by the
10 defendant to the detective. We litigated the issue and an order was
11 proposed and signed, and I believe it was just filed recently.

12 THE COURT: Okay. I --

13 MS. DERJAVINA: But it's not a new issue that arose.

14 THE COURT: All right. And I see it was signed
15 December 15th.

16 MS. DERJAVINA: That's correct.

17 THE COURT: All right. Well, that -- is this going to be a
18 stipulated fact I'm going to submit to the jury, or is there just the
19 admission of the statements?

20 MS. DERJAVINA: It's just the fact that the State agrees
21 not go to into body camera video that has the statements made to
22 the detective.

23 THE COURT: Okay. So the rest of the body cam is
24 admissible?

25 MS. DERJAVINA: Yeah, the State can go into it.

1 MS. ODEH: Up until a certain point, we've agreed it's
2 admissible. After that point, it's on the order, it's not.

3 THE COURT: Okay. So I would ask the parties to get
4 together and make sure whatever video cam is admissible, that
5 they stipulate to it. And that's the only portion that's shown to the
6 jury.

7 MS. DERJAVINA: Yes, Your Honor.

8 THE COURT: If we're going to -- I assume, again, I don't,
9 obviously, know the evidence to be presented, but I'm assume the
10 parties have talked about the body cam.

11 MS. DERJAVINA: That's correct, Your Honor. But we can
12 meet and discuss it and make sure it's clear.

13 THE COURT: And then I want to put it on the record as to
14 which portions are being admitted and that's being stipulated to.

15 MS. DERJAVINA: That's fine. Yes, Your Honor.

16 THE COURT: Thank you, counsel.

17 Can I bring the potential jurors -- panel in?

18 MS. ODEH: Judge, before you do, we have one issue.

19 THE COURT: Sure.

20 MS. ODEH: Relating to the defendant's clothing. So his
21 pants are torn and the zipper doesn't close. Yesterday we had our
22 investigator bring over a good pair of pants. He gave it to a specific
23 person and it was supposed to be given to the defendant, and he's
24 here again today with the torn pants. It's nobody's fault here, we
25 just want to --

1 THE COURT: Do we have somebody from the jail?
2 MS. ODEH: He should have decent pants on.
3 THE COURT: Hi.
4 CORRECTIONS OFFICER: Hi.
5 THE COURT: Can you come forward for a moment?
6 Hi. And your name is?
7 CORRECTIONS OFFICER: Officer Rodriguez.
8 THE COURT: His, Officer. Can you find out what
9 happened to the other pair of pants and make sure it gets to the
10 defendant?
11 CORRECTIONS OFFICER: Yes.
12 THE COURT: I appreciate that. Thank you.
13 MS. BROUWERS: Thank you, Your Honor.
14 MS. ODEH: Thank you.
15 THE COURT: Anything further, counsel?
16 MS. ODEH: That's it.
17 THE COURT: Can you bring the jurors in, please?
18 Potential jurors.
19 [Prospective jury panel reconvened at 1:13 p.m.]
20 THE COURT: Okay. No, we have to call somebody.
21 Let the record reflect the presence of counsel, the
22 presence of the defendant, and the panel of potential jurors.
23 Madam Clerk, can you call the next lowest badge number,
24 please, to come forward.
25 THE COURT CLERK: Badge Number 0840, Rafael Mendez.

1 THE COURT: Sir, state your name and your badge
2 number, please.

3 PROSPECTIVE JUROR NO. 840: Rafael Mendez, 0840.

4 THE COURT: How long have you lived in Clark County,
5 Nevada?

6 PROSPECTIVE JUROR NO. 840: 25 years.

7 THE COURT: How far did you go in school?

8 PROSPECTIVE JUROR NO. 840: High school graduate.

9 THE COURT: What is your occupation?

10 PROSPECTIVE JUROR NO. 840: Operations manager for a
11 construction company.

12 THE COURT: What is your marital status?

13 PROSPECTIVE JUROR NO. 840: Single.

14 THE COURT: Were you ever married?

15 PROSPECTIVE JUROR NO. 840: No.

16 THE COURT: Do you have any children?

17 PROSPECTIVE JUROR NO. 840: No.

18 THE COURT: Have you ever served as a juror before?

19 PROSPECTIVE JUROR NO. 840: No.

20 THE COURT: Have you ever testified as a witness in a
21 criminal case before?

22 PROSPECTIVE JUROR NO. 840: No.

23 THE COURT: Have you or a close family member ever
24 been convicted of a crime?

25 PROSPECTIVE JUROR NO. 840: Yes.

1 THE COURT: And could you give me the circumstances,
2 please.

3 PROSPECTIVE JUROR NO. 840: I'd rather not say out
4 loud.

5 THE COURT: Okay. Can you approach the bench.

6 [Bench conference transcribed as follows.]

7 THE COURT: You just need to speak into that
8 microphone.

9 PROSPECTIVE JUROR NO. 840: My father was in a DUI.

10 THE COURT: Who was?

11 PROSPECTIVE JUROR NO. 840: A DUI hit and run
12 resulting in the -- my father.

13 THE COURT: Your father?

14 PROSPECTIVE JUROR NO. 840: Yeah.

15 THE COURT: Is that an ongoing case or has he been
16 convicted?

17 PROSPECTIVE JUROR NO. 840: No, he's in prison.

18 THE COURT: He's in prison because of that?

19 PROSPECTIVE JUROR NO. 840: Yeah, he's going on four
20 years. Yeah.

21 THE COURT: Okay. And was that here in Clark County,
22 Nevada?

23 PROSPECTIVE JUROR NO. 840: Yes.

24 THE COURT: And did the district attorney's office
25 prosecute him?

1 PROSPECTIVE JUROR NO. 840: Yes.

2 THE COURT: Counsel, since we're at the podium, if you
3 want to ask -- if either of you want to ask any questions regarding
4 this, I'll let you do it now.

5 MR. DICKERSON: Have -- were you involved in that
6 process when your dad --

7 THE COURT: Counsel, if you could come forward a little
8 bit.

9 MR. DICKERSON: Were you involved in that process
10 during your dad's criminal case?

11 PROSPECTIVE JUROR NO. 840: Like, involved, like, was
12 I --

13 MR. DICKERSON: Like, were you with -- coming out to the
14 court appearances and stuff like that?

15 PROSPECTIVE JUROR NO. 840: Yeah, I showed up. Yeah.

16 MR. DICKERSON: Do you feel that he was treated fairly?

17 PROSPECTIVE JUROR NO. 840: No.

18 MR. DICKERSON: Okay. In what way? Tell me about
19 that.

20 PROSPECTIVE JUROR NO. 840: Well, he's Hispanic, you
21 know. He doesn't -- he's not a citizen, so I don't fee like --

22 MR. DICKERSON: What do you mean, though? What do
23 you think?

24 PROSPECTIVE JUROR NO. 840: I feel like it was biased,
25 because the other person's family members were police officers.

1 MR. DICKERSON: Okay. And so you think that the Court
2 was biased?

3 PROSPECTIVE JUROR NO. 840: Yes.

4 MR. DICKERSON: That my office was biased?

5 PROSPECTIVE JUROR NO. 840: I guess so, yeah.

6 MR. DICKERSON: Okay.

7 PROSPECTIVE JUROR NO. 840: They did it, yeah.

8 MR. DICKERSON: Okay. And the police officers were
9 biased?

10 PROSPECTIVE JUROR NO. 840: Well, the person that
11 died, their -- his sons were police officers. So.

12 MR. DICKERSON: Okay.

13 PROSPECTIVE JUROR NO. 840: I think it swayed a little
14 more that way because of that.

15 MR. DICKERSON: Okay. So the guy, the sons that were
16 living were police officers?

17 PROSPECTIVE JUROR NO. 840: Yes.

18 MR. DICKERSON: So having that experience, that's,
19 obviously, something that you hold deeply in your heart, I take it, I
20 can only imagine.

21 PROSPECTIVE JUROR NO. 840: Yeah, I mean, there's no
22 excuse for what happened. But, I mean, it does, obviously, like,
23 come into play.

24 MR. DICKERSON: So has that caused you to have
25 mistrust for my office?

1 PROSPECTIVE JUROR NO. 840: No.
2 MR. DICKERSON: For the police officers?
3 PROSPECTIVE JUROR NO. 840: Some of them, I guess
4 you can say.
5 MR. DICKERSON: Okay. And the Court?
6 PROSPECTIVE JUROR NO. 840: No.
7 MR. DICKERSON: Okay. But you do feel the Court was
8 biased?
9 PROSPECTIVE JUROR NO. 840: In a way.
10 MR. DICKERSON: Why -- what -- excuse me, in what way?
11 PROSPECTIVE JUROR NO. 840: Like I said, you know,
12 he's Hispanic. You know, they treated him -- he's -- he actually
13 speaks English really well. And they, like, you know, they had a
14 Spanish translator there for him.
15 THE COURT: Could you come a little forward.
16 MR. DICKERSON: Okay.
17 PROSPECTIVE JUROR NO. 840: So they, like, pretty much
18 treated him like he was a Hispanic that hadn't been here for a while
19 and --
20 MR. DICKERSON: Yeah.
21 PROSPECTIVE JUROR NO. 840: -- you know, didn't know
22 much English. And he always paid his taxes and all of that, so --
23 MR. DICKERSON: They're just, like --
24 PROSPECTIVE JUROR NO. 840: Yeah, they just --
25 MR. DICKERSON: -- they just blew you off?

1 PROSPECTIVE JUROR NO. 840: -- didn't pay attention to
2 that. Yeah.

3 MR. DICKERSON: Infantilizing him?

4 PROSPECTIVE JUROR NO. 840: Yeah.

5 MR. DICKERSON: Okay. So is that going to -- is that
6 something that's, obviously, going to be weighing on the way that
7 you view evidence in a criminal case?

8 PROSPECTIVE JUROR NO. 840: No.

9 MR. DICKERSON: No? Okay. You think that you could be
10 fair and impartial in this case?

11 PROSPECTIVE JUROR NO. 840: Yes.

12 MR. DICKERSON: And how do you -- how are you able to
13 say that, given the fact that you feel all that bias?

14 PROSPECTIVE JUROR NO. 840: This is a different
15 situation. So, you know, I can't, you know, consider that.

16 MR. DICKERSON: But if you feel that the Court is biased
17 in --

18 THE COURT: I think he said -- do you feel that I'm biased?
19 This Court's biased in your mind?

20 PROSPECTIVE JUROR NO. 840: No, not this --

21 MR. DICKERSON: The court.

22 PROSPECTIVE JUROR NO. 840: Yes.

23 MR. DICKERSON: But the court that your father appeared
24 in.

25 PROSPECTIVE JUROR NO. 840: Exactly.

1 MR. DICKERSON: Exactly. That -- and that my office and
2 the police officers were biased. How can you say that they won't be
3 biased in what you do with that?

4 PROSPECTIVE JUROR NO. 840: I can't say. You know, I
5 can assume. But --

6 MR. DICKERSON: What do you assume?

7 PROSPECTIVE JUROR NO. 840: I can assume that every
8 trial's different, you know.

9 MR. DICKERSON: Uh-huh.

10 PROSPECTIVE JUROR NO. 840: The justice system, you
11 know, every case has its own place. So.

12 MR. DICKERSON: So what are going to be looking for in
13 this case?

14 PROSPECTIVE JUROR NO. 840: The evidence, you know.
15 The factors that come into play, you know.

16 MR. DICKERSON: Do you have any concern that this case
17 right here, that any of the players of the Court, the DA, or the police
18 are biased?

19 PROSPECTIVE JUROR NO. 840: Well, there was a
20 security -- security guards, right?

21 MR. DICKERSON: Yeah.

22 PROSPECTIVE JUROR NO. 840: Against who?

23 MR. DICKERSON: That's just -- that's for the evidence to
24 show.

25 PROSPECTIVE JUROR NO. 840: Gotcha. No.

1 MR. DICKERSON: No?

2 PROSPECTIVE JUROR NO. 840: I feel like it'll be all right.

3 MR. DICKERSON: And how do you feel -- how are you

4 comfortable saying that?

5 PROSPECTIVE JUROR NO. 840: I don't know, just the way

6 I am, really. You know, I'm very open-minded, that's something

7 that happened in the past, something that I learned from that, I

8 grew out of it. So, you know.

9 MR. DICKERSON: Okay. All right. And when you say you

10 learned from that, what do you feel you learned from that?

11 PROSPECTIVE JUROR NO. 840: Honestly, like, that put

12 me in a situation where I had to, you know, take charge of

13 everything, you know, with my family. So I just had to pretty much

14 mature mentally, you know? So.

15 MR. DICKERSON: When your family -- who's that?

16 PROSPECTIVE JUROR NO. 840: My mother.

17 MR. DICKERSON: Okay. Are you the only child?

18 PROSPECTIVE JUROR NO. 840: Yes.

19 MR. DICKERSON: Okay. Your parents were together at

20 this time?

21 PROSPECTIVE JUROR NO. 840: They were divorced. But

22 my dad was always there, you know --

23 MR. DICKERSON: Okay.

24 PROSPECTIVE JUROR NO. 840: -- helping my mom out,

25 because, same situation. And now she doesn't work. So.

1 MR. DICKERSON: And how much time is he looking at
2 right now?

3 PROSPECTIVE JUROR NO. 840: Eight to 20.

4 MR. DICKERSON: Okay.

5 MS. DERJAVINA: Did he go to trial or was it just -- was it
6 a trial or did he plead guilty?

7 PROSPECTIVE JUROR NO. 840: Honestly --

8 MS. DERJAVINA: Do you know?

9 THE COURT: Come forward.

10 MS. ODEH: I think you have to restate -- I think
11 [indiscernible] the question for the recorder.

12 MS. DERJAVINA: Was it a trial or did he take a
13 negotiation?

14 PROSPECTIVE JUROR NO. 840: I think it was a -- I think
15 it -- honestly, I don't recall, to be honest with you.

16 MS. DERJAVINA: Were they -- was there witnesses who
17 came and testified against him?

18 PROSPECTIVE JUROR NO. 840: No.

19 MS. DERJAVINA: Not -- okay.

20 THE COURT: All right. Thank you.

21 Any questions?

22 MS. BROUWERS: Yeah, I do.

23 Just very briefly, so fair to say that a situation with your
24 father was very emotional, correct?

25 PROSPECTIVE JUROR NO. 840: Yes.

1 MS. BROUWERS: Because it had to do with your dad?
2 PROSPECTIVE JUROR NO. 840: Yeah.
3 MS. BROUWERS: Okay. The Court asked some questions
4 at the very beginning about if you recognized the names of any of
5 the individuals involved in this case --
6 PROSPECTIVE JUROR NO. 840: Uh-huh.
7 MS. BROUWERS: -- do you remember that?
8 PROSPECTIVE JUROR NO. 840: Yes.
9 MS. BROUWERS: Okay. And it's my recollection that you
10 didn't --
11 PROSPECTIVE JUROR NO. 840: No.
12 MS. BROUWERS: No to that.
13 PROSPECTIVE JUROR NO. 840: No.
14 MS. BROUWERS: So everyone here is a stranger to you?
15 PROSPECTIVE JUROR NO. 840: Yes.
16 MS. BROUWERS: Okay. All right. Do you believe that
17 you're able to be fair and impartial based upon the fact that you
18 don't have an emotional connection to any of the parties in the
19 case?
20 PROSPECTIVE JUROR NO. 840: Yes.
21 MS. BROUWERS: Okay. You don't believe you're going
22 to -- not believe in a police officer just because they're police
23 officers?
24 PROSPECTIVE JUROR NO. 840: No. No.
25 MS. BROUWERS: Okay. And you're not going to not

1 believe, you know, representations by -- you know, by the attorneys
2 just because we're attorneys?

3 PROSPECTIVE JUROR NO. 840: No.

4 MS. BROUWERS: Okay. So understanding that this is,
5 obviously, a different situation --

6 PROSPECTIVE JUROR NO. 840: Uh-huh.

7 MS. BROUWERS: -- than your father's situation, do you
8 [indiscernible] that you can listen to the evidence and listen to the
9 Court --

10 PROSPECTIVE JUROR NO. 840: Of course.

11 MS. BROUWERS: -- and follow the directions as the Court
12 gives them to you?

13 PROSPECTIVE JUROR NO. 840: Yes.

14 MS. BROUWERS: Okay.

15 THE COURT: All right. Just my follow-up question, do
16 you believe the experience with your father would make it difficult
17 for you to be fair and impartial to both sides in this case?

18 PROSPECTIVE JUROR NO. 840: In this case, no.

19 THE COURT: Okay. Thank you. That's good.

20 MS. DERJAVINA: Okay. Thank you, thank you.

21 [End of bench conference.]

22 THE COURT: Have you or a close family member ever
23 been the victim of a crime?

24 PROSPECTIVE JUROR NO. 840: No.

25 THE COURT: Do you have any close friends or relatives

1 who have ever been engaged in law enforcement?

2 PROSPECTIVE JUROR NO. 840: No.

3 THE COURT: Do you agree that if you are chosen to serve
4 as a juror in this case, that you will honor your duty to be
5 completely fair and impartial and to listen to -- listen carefully to all
6 the evidence before you make a decision?

7 PROSPECTIVE JUROR NO. 840: Yes.

8 THE COURT: Counsel, approach real -- for a moment.

9 [Bench conference transcribed as follows.]

10 THE COURT: Is there any -- I'm asking the State,
11 specifically: Is there any other voir dire you wanted to ask of this
12 witness or were you satisfied?

13 MR. DICKERSON: I'd like to just ask him generally --

14 THE COURT: Okay. But I'm not going to let you get into
15 the stuff we just discussed.

16 MR. DICKERSON: No. I have no need to.

17 THE COURT: It can be something different than what --
18 and solely asked to this juror.

19 MR. DICKERSON: Yeah.

20 THE COURT: Okay. Not to the panel in the box. So --

21 MR. DICKERSON: Right.

22 THE COURT: -- if you have some additional questions, I
23 will let you ask those as to this potential juror, and not -- the ones
24 you've already asked have been asked and answered. Understood?

25 MR. DICKERSON: Okay.

1 THE COURT: All right. Thank you.
2 MS. DERJAVINA: Thank you.
3 MR. DICKERSON: Right, right. Yeah. As to the --
4 [End of bench conference.]
5 THE COURT: State, any questions?
6 MR. DICKERSON: Just briefly, Your Honor.
7 Mr. Mendez, have you ever worked in security?
8 PROSPECTIVE JUROR NO. 840: No.
9 MR. DICKERSON: Okay. Do you have any friends or
10 family members that worked in security?
11 PROSPECTIVE JUROR NO. 840: Yes. My cousin, actually.
12 MR. DICKERSON: Where?
13 PROSPECTIVE JUROR NO. 840: Circus-Circus.
14 MR. DICKERSON: Okay. How long did your cousin work
15 for Circus-Circus?
16 PROSPECTIVE JUROR NO. 840: As a security guard or
17 just in general? Like, five years.
18 MR. DICKERSON: Are you close to that cousin?
19 PROSPECTIVE JUROR NO. 840: Not really.
20 MR. DICKERSON: When is the last time you talked to
21 him?
22 PROSPECTIVE JUROR NO. 840: Maybe, like, two months
23 ago.
24 MR. DICKERSON: Do you ever discuss that job that he did
25 over there?

1 PROSPECTIVE JUROR NO. 840: No.

2 MR. DICKERSON: Okay. Do you have any experiences
3 with homelessness or transient folks?

4 PROSPECTIVE JUROR NO. 840: No. I mean, I work for a
5 realty company, construction, we remodel houses and everything.
6 Sometimes, you know, we get squatters, you know, they break into
7 the houses and we have to, you know, get them out of there.

8 MR. DICKERSON: Okay.

9 PROSPECTIVE JUROR NO. 840: Other than that, that's it.

10 MR. DICKERSON: So that falls on you to get them out of
11 there?

12 PROSPECTIVE JUROR NO. 840: I have to make a call, you
13 know, to get someone over there to get them out of there.

14 MR. DICKERSON: Okay. How do you usually handle that?

15 PROSPECTIVE JUROR NO. 840: Just make the call and
16 get them over there and that's it.

17 MR. DICKERSON: Who -- get who over there?

18 PROSPECTIVE JUROR NO. 840: One of our workers.

19 MR. DICKERSON: What kind of workers are they?

20 PROSPECTIVE JUROR NO. 840: There's just a couple of
21 crews, you know. We have a couple of crews that remodel the
22 houses, you know, working at a time. So --

23 MR. DICKERSON: Okay.

24 PROSPECTIVE JUROR NO. 840: -- I just send one of the
25 guys that's out in the field and send him over there to check it out,

1 see if there's any damage and get the people out of there.

2 MR. DICKERSON: Okay. Because you're not out in the
3 field?

4 PROSPECTIVE JUROR NO. 840: I am out in the field, but
5 I'm doing other things, you know.

6 MR. DICKERSON: Okay. In addition to that, do you --
7 have you ever worked down on the Las Vegas Strip?

8 PROSPECTIVE JUROR NO. 840: No.

9 MR. DICKERSON: Do you go down there often?

10 PROSPECTIVE JUROR NO. 840: No.

11 MR. DICKERSON: Do you know anybody else in this room
12 or on this panel?

13 PROSPECTIVE JUROR NO. 840: No.

14 MR. DICKERSON: Okay.

15 No questions, we'll pass.

16 THE COURT: You'll pass?

17 You may now question -- as questions of the entire
18 potential jury -- potential jurors in the box.

19 MS. ODEH: Thank you, Your Honor.

20 So welcome back, everyone. We all agreed before you
21 got here that it's hot in here. So, yeah. Okay.

22 I'm going to ask you about some of the things that came
23 up yesterday and then also some new things. So I'd like to start
24 with Ms. Eldridge, 0664.

25 You -- correct me if I'm wrong, you were on a civil jury

1 trial, right?

2 PROSPECTIVE JUROR NO. 664: Yes, ma'am.

3 MS. ODEH: And you said something about afterwards,
4 you got cornered by the lawyer and the -- their client; is that right?

5 PROSPECTIVE JUROR NO. 664: Yeah. Yes.

6 MS. ODEH: Can you tell -- talk a little bit more about what
7 happened? Without talking about the details of the case or your
8 verdict.

9 PROSPECTIVE JUROR NO. 664: We were dismissed first.
10 And at the time, they didn't have, like, now they have first to do the
11 validation for the garage parking. So we're trying to find where we
12 need to go to get it done. And by then, most of the people are
13 already gone, because there's, like, about after 5:00 or so. So we're
14 going to the elevators and trying to figure out, we went back to
15 where our -- you know, all the jurors were originally, to try to ask
16 somebody, there was nobody there. Because there's hardly
17 anybody here.

18 So then when we were coming back out, they were
19 coming out of the elevator. And they're, like -- and the guy -- and
20 the lawyer came up to us. He goes, I want to ask you guys
21 something, why did you vote the way you did?

22 And we're, like, standing there looking at him. And the
23 girl that was the one that did the talking, you know, she's talking to
24 him to tell him, you know, why and all this other stuff. And the lady
25 started coming towards one of the other girls, like, Oh, you guys are

1 bad people, and stuff like that.

2 MS. ODEH: So -- well, how did that make you feel when
3 that happened?

4 PROSPECTIVE JUROR NO. 664: I was scared. I actually
5 was shaky, because, it's like there was nobody around to protect us.

6 MS. ODEH: Did anything that they said or did make you
7 feel differently about the verdict?

8 PROSPECTIVE JUROR NO. 664: No. No.

9 MS. ODEH: Okay.

10 PROSPECTIVE JUROR NO. 664: No.

11 MS. ODEH: Did it change your mind at all about jury
12 service?

13 PROSPECTIVE JUROR NO. 664: A little bit, as far as, like,
14 not feeling protected. That was a little scary to me.

15 MS. ODEH: So is there something you do differently
16 now? Let's say you're on this jury and the case is--

17 PROSPECTIVE JUROR NO. 664: Well, it's different now,
18 because now we get our stuff already validated beforehand.

19 MS. ODEH: Right.

20 PROSPECTIVE JUROR NO. 664: Which I noticed
21 yesterday. When we came in, they took our badges and then they
22 validated parking right away, so I don't have to run around trying to
23 find out where I got to go.

24 MS. ODEH: All right. So you're no longer worried that
25 something bad will happen to you?

1 PROSPECTIVE JUROR NO. 664: No. No.

2 MS. ODEH: No.

3 PROSPECTIVE JUROR NO. 664: No.

4 MS. ODEH: Anyone else who served on a jury have a
5 similar experience?

6 Anyone else who's served on a jury have talked to the
7 lawyers or the parties afterwards? No one. Okay. Thank you.

8 Because this is a criminal case, there's a presumption of
9 innocence. So as Mr. Edwards sits here, he's presumed to be
10 innocent. And I'm sure we've all heard that before. But I want to
11 talk to everyone a little bit about your understanding of what the
12 presumption of innocence means.

13 We like to use the example of the Salem Witch Trials.
14 Most of us probably learned about that in grade school, where
15 women and children were accused of being witches and they were
16 hanged without really a trial, it was just based on the accusation.
17 And it's kind of the example of that's not what we do here. A
18 person is innocent until they're proven guilty.

19 So is there anybody -- with that in mind, is there anybody
20 here that thinks because he's sitting there, he must have done
21 something bad? And you can be honest. Okay.

22 Mr. Martinez, Number --

23 PROSPECTIVE JUROR NO. 838: 0838.

24 MS. ODEH: Thank you. Though, I just saw it.

25 Can you them a little bit about that? Why would you say

1 that?

2 PROSPECTIVE JUROR NO. 838: I just find in most cases --
3 it's hard to end up in a position like that for no reason at all. That's
4 the only way for me to think about it.

5 MS. ODEH: What about -- how do you feel about the idea
6 of a person being wrongfully accused? Do you think that's ever a
7 possibility?

8 PROSPECTIVE JUROR NO. 838: Absolutely.

9 MS. ODEH: Do you have something else you want to say
10 about it? Go ahead.

11 PROSPECTIVE JUROR NO. 838: I just feel like that's not
12 the case most of the time.

13 MS. ODEH: You think that you could put aside that feeling
14 and look at him and say right now he's innocent?

15 PROSPECTIVE JUROR NO. 838: Yes.

16 MS. ODEH: And can you explain how you could reconcile
17 that with what you said then and what you're saying right now?

18 PROSPECTIVE JUROR NO. 838: Given the evidence, if I'm
19 not convinced that he's guilty, then I could definitely set that aside.

20 MS. ODEH: Okay. You'd wait and hear the evidence?

21 PROSPECTIVE JUROR NO. 838: Correct.

22 MS. ODEH: Who else? Ms. An, right? You raised your
23 hand?

24 THE COURT: And what is your badge number, ma'am?

25 MS. ODEH: Oh, I'm sorry. 0677, correct?

1 So you think that he must -- Mr. Edwards must have done
2 something to be sitting here today?

3 PROSPECTIVE JUROR NO. 677: Yes.

4 MS. ODEH: And why -- can you explain why you think
5 that?

6 PROSPECTIVE JUROR NO. 677: Without it, why he's
7 sitting there?

8 MS. ODEH: Do you understand the presumption of
9 innocence? Do you -- did you -- heard of that?

10 PROSPECTIVE JUROR NO. 677: Yes.

11 MS. ODEH: What does that mean to you?

12 PROSPECTIVE JUROR NO. 677: Well, if you can prove
13 your innocence, then, you know, I take that way. But at the
14 moment, he's sitting there, and I assume he's --

15 MS. ODEH: So do you think that he needs to show you
16 something to prove to you that he's innocent?

17 PROSPECTIVE JUROR NO. 677: Of course.

18 MS. ODEH: Does anybody else agree with that?

19 Okay. What if the judge asked you, Ms. An, to put that
20 feeling aside and just believe that he's innocent right now, could
21 you do that?

22 PROSPECTIVE JUROR NO. 677: No.

23 MS. ODEH: Okay. And then if you could pass the
24 microphone to Mr. -- is it Gurule?

25 PROSPECTIVE JUROR NO. 680: Yes. 680.

1 MS. ODEH: Thank you.
2 You work with law enforcement, right?
3 PROSPECTIVE JUROR NO. 680: Yes, ma'am.
4 MS. ODEH: So you work sometimes in the criminal justice
5 system?
6 PROSPECTIVE JUROR NO. 680: Yes.
7 MS. ODEH: And would it be fair to say you have some
8 understanding of how it works?
9 PROSPECTIVE JUROR NO. 680: To a certain degree, yeah.
10 MS. ODEH: Tell me what you mean, to a certain degree;
11 what do you understand about how it works?
12 PROSPECTIVE JUROR NO. 680: Well, I only worked on
13 one side of it, right? Like, I don't actively enforce the law. I just am
14 very frequently called into court for, like, subpoenas and stuff for
15 incidents where I've been on and been at and have a, basically,
16 have witnessed and have a full medical chart that has valuable
17 information on it that can be used in court.
18 MS. ODEH: Okay. And you work only on the prosecution
19 side? Is that -- you said you work only on one side.
20 PROSPECTIVE JUROR NO. 680: Well, I don't work for law
21 enforcement. I work with law enforcement. So, like, as -- for the
22 fire department, if I run a call where somebody gets assaulted, and I
23 transport them to the hospital, I write a medical chart on that, right?
24 And I ask that person questions, what happened to them, what they
25 saw, described their injuries. And then later, when that event goes

1 to trial, my chart gets pulled and I get brought into court and I have
2 to, basically, explain what I saw.

3 MS. ODEH: Okay. So then can you explain your belief
4 that he must have -- Mr. Edwards must have done something to be
5 here today; why do you believe that?

6 PROSPECTIVE JUROR NO. 680: Because you don't just
7 take random people off the street and bring them into a court. They
8 get -- to -- and accuse him of something. Like, there had to have
9 been something in the past and some sort of chain of events that
10 caused somebody to land in the spot. And it's kind of just hard just
11 to -- I get what you're saying and you have to presume that they're
12 innocent. But it's hard to follow that through if we're already to this
13 point.

14 MS. ODEH: So is your belief that he is guilty of something
15 at this point?

16 PROSPECTIVE JUROR NO. 680: Yes.

17 MS. ODEH: And would he need to prove to you
18 otherwise?

19 PROSPECTIVE JUROR NO. 680: I don't know what there is
20 to prove, especially when I'm somebody that hasn't been at the
21 incident. You know what I mean? There, like, everything that is
22 given to me throughout this is going to be what people say and it's
23 all going to be changed and there's going to be just different
24 variables to take into consideration. And it's going to be hard to
25 make a full judgment off of. And all I can do right now is just say

1 somebody's here for a reason and that reason must be bad.

2 MS. ODEH: So if I were going to ask you right now to -- if
3 we -- if the jury was going to go back right now and reach their
4 verdict, what would your verdict be: Ability, not guilty, need more
5 information, what would it be?

6 PROSPECTIVE JUROR NO. 680: It would be guilty.

7 MS. ODEH: It would be guilty?

8 Does anyone else agree with him?

9 PROSPECTIVE JUROR NO. 669: I agree that -- not that
10 he's guilty, but I'd need, obviously, more information --

11 MS. ODEH: Ms. Stallworth speaking. 0669.

12 THE COURT: Also, I need the microphone.

13 MS. ODEH: We'll pass the microphone.

14 THE COURT: Can you pass the microphone, please.

15 MS. ODEH: Can you say that again?

16 PROSPECTIVE JUROR NO. 669: I just agree that he's,
17 obviously, here because something bad happened. And I agree
18 with that. You hope that law enforcement has done their just duty
19 and there -- he's here for a reason. He was -- however, having said
20 that, I don't think he's guilty right off. I don't know a lot about the
21 case. I, obviously, need to hear all the information about it. But
22 there's a reason why he's there and I'm here. I mean, I --

23 MS. ODEH: Okay. So let me ask you this --

24 PROSPECTIVE JUROR NO. 669: Just being honest.

25 MS. ODEH: -- you have family or friends that are police

1 officers; is that right?

2 PROSPECTIVE JUROR NO. 669: Family. And friends.

3 MS. ODEH: Okay.

4 PROSPECTIVE JUROR NO. 669: Yeah.

5 MS. ODEH: You work at the MGM Grand, correct?

6 PROSPECTIVE JUROR NO. 669: MGM Resort, but yeah.

7 MS. ODEH: MGM -- okay. MGM Resorts. And do you
8 think that because you know people in law enforcement, do you
9 think you'd be more likely to believe what police officers are going
10 to say?

11 PROSPECTIVE JUROR NO. 669: Yeah.

12 MS. ODEH: And why is --

13 PROSPECTIVE JUROR NO. 669: I'm a cop's daughter.
14 Yeah, I've been born and raised that way. I know that there's not --
15 that there's good and bad in every occupation. But, yeah, being
16 honest, I would side on the law enforcement side.

17 MS. ODEH: Okay. Thank you.

18 So right now, putting -- except for the people who we just
19 spoke about this, if you were going to go back in and reach your
20 verdict right now, how many people would vote not guilty right
21 now? Any -- so let's talk about --

22 THE COURT: And somebody just spoke. Can you --

23 MS. ODEH: I'm so sorry.

24 THE COURT: -- can you hand the microphone. Please
25 state your name and your last --

1 PROSPECTIVE JUROR NO. 664: Cynthia Eldridge 664.

2 THE COURT: And could you restate for the record what
3 you just commented?

4 PROSPECTIVE JUROR NO. 664: I just said how can you
5 vote on something like that when you haven't seen the evidence
6 that was presented for us to see what he -- what was the cause of
7 why he's here.

8 THE COURT: Thank you.

9 PROSPECTIVE JUROR NO. 664: It's hard to make a
10 judgment on something when you don't have anything to see to go
11 off of to find out why.

12 MS. ODEH: Okay. Let me --

13 PROSPECTIVE JUROR NO. 664: So for you to say how
14 many of you think this or that? How can we say that when we
15 haven't seen anything?

16 MS. ODEH: Okay.

17 PROSPECTIVE JUROR NO. 664: Or heard anything?

18 MS. ODEH: Let's talk about the presumption of
19 innocence.

20 As he sits here, he's presumed innocent. Does everyone
21 agree with that? Yes? Okay.

22 If he's presumed innocent and we have no evidence
23 presented, is he innocent or guilty? He's -- and that was
24 Mr. Rogan, 0751.

25 Could you say that again into the microphone.

1 PROSPECTIVE JUROR NO. 751: Yeah, I said innocent.

2 MS. ODEH: So as he sits here right now, does -- who
3 agrees that he's innocent?

4 Does anybody think he's guilty as he sits here right now?
5 All right. Oh.

6 PROSPECTIVE JUROR NO. 812: I don't think that --

7 MS. ODEH: If we could --

8 PROSPECTIVE JUROR NO. 812: The first thing -- I'm
9 Jerome Dickey.

10 MS. ODEH: This is Mr. Dickey. What's your number,
11 Mr. Dickey? I'm sorry. 0812.

12 PROSPECTIVE JUROR NO. 812: Yes. The first thing I
13 would ask is, is there video footage of the incident?

14 MS. ODEH: So you'd need to see video footage to decide?

15 PROSPECTIVE JUROR NO. 812: If there was any available,
16 that's the first thing that I want to see.

17 MS. ODEH: Let's say there's not.

18 PROSPECTIVE JUROR NO. 812: Then I have to go by
19 other evidence.

20 MS. ODEH: Do you agree that right now he's not guilty?

21 PROSPECTIVE JUROR NO. 812: I can't tell you without the
22 evidence.

23 MS. ODEH: Okay. You served on a jury before, right?

24 PROSPECTIVE JUROR NO. 812: Yes.

25 MS. ODEH: A long time ago.

1 PROSPECTIVE JUROR NO. 812: Yes.
2 MS. ODEH: Was that a criminal case?
3 PROSPECTIVE JUROR NO. 812: Yes.
4 MS. ODEH: And without -- well, let me ask you this: Why
5 do you think you were chosen for that jury? What made you a good
6 juror?
7 PROSPECTIVE JUROR NO. 812: Honest in my thoughts, I
8 guess.
9 MS. ODEH: And without telling me what it was, did you
10 reach a verdict in that case?
11 PROSPECTIVE JUROR NO. 812: Yes.
12 MS. ODEH: Okay. And do you understand the
13 presumption of innocence?
14 PROSPECTIVE JUROR NO. 812: I do.
15 MS. ODEH: Can you describe it as you understand it.
16 PROSPECTIVE JUROR NO. 812: Well --
17 MS. ODEH: What does it mean?
18 PROSPECTIVE JUROR NO. 812: It means that you're
19 innocent until proven guilty. And he hasn't been proven guilty of
20 anything, so right now, I guess he is innocent.
21 MS. ODEH: Okay. Thank you.
22 All right. Now we're going to move to the burden of
23 proof. Mr. Edwards is charged with something, and does everyone
24 understand that it is just, at this point, an accusation? Does
25 everyone agree with that? Yes? All right.

1 How about did anyone drive to court today? Okay. How
2 about Mr. Lemier, 0797.

3 Did you drive to court -- this way -- did you drive to court
4 by yourself?

5 PROSPECTIVE JUROR NO. 797: I did, yes.

6 MS. ODEH: Okay. What if, when you walked in this room
7 today, I told the sheriff I was driving behind Mr. Lemier, and he was
8 going to 120 miles an hour, and you need to arrest him for reckless
9 driving. And then the sheriff put handcuffs on you and took you
10 away. How would you defend yourself?

11 PROSPECTIVE JUROR NO. 797: I would deny it.

12 MS. ODEH: Okay. Did you --

13 PROSPECTIVE JUROR NO. 797: And --

14 MS. ODEH: -- take video of your speedometer?

15 PROSPECTIVE JUROR NO. 797: I did not.

16 MS. ODEH: Did you get license plate numbers of other
17 people on the road who could testify that you weren't speeding?

18 PROSPECTIVE JUROR NO. 797: No.

19 MS. ODEH: Okay. So all you could do is deny it then,
20 right?

21 PROSPECTIVE JUROR NO. 797: Essentially. If I thought
22 about it, figure out other ways, maybe traffic cameras or whatever.

23 MS. ODEH: Since I accused you, do you think I should
24 have to prove it or do you think you should have to prove that you
25 weren't speeding?

1 PROSPECTIVE JUROR NO. 797: I would want to prove
2 that I was not speeding.

3 MS. ODEH: Okay. You would not expect me to prove it?

4 PROSPECTIVE JUROR NO. 797: No.

5 MS. ODEH: Okay. And why is that?

6 PROSPECTIVE JUROR NO. 797: Because I would want
7 to -- well, just for me, I would want to be in control of what my fate
8 would be, so I would work as hard as I could to be able to prove
9 that I wasn't.

10 MS. ODEH: Okay. Does anyone disagree with him?

11 Okay. How about Mr. Meckley?

12 PROSPECTIVE JUROR NO. 808: Yes.

13 MS. ODEH: 0808. If you could pass it down.

14 Tell me why you disagree with him.

15 PROSPECTIVE JUROR NO. 808: Because it's the
16 responsibility of the accuser to provide proof. It's not the
17 responsibility of the accused to, well, I would say it's the
18 responsibility of prosecution to provide proof to convince the jury
19 beyond a reasonable doubt that the defendant is guilty and not the
20 other way around.

21 MS. ODEH: So if I accused you, I would have to prove it?

22 PROSPECTIVE JUROR NO. 808: Exactly.

23 MS. ODEH: And who agrees with Mr. Meckley?

24 And who agrees with Mr. Lemier? Okay.

25 So that's the burden of proof. If I'm going to accuse it, I

1 need to prove it. Does everyone agree, then, that not proven
2 means not guilty; do you all agree?

3 Does anyone disagree with that? Okay. Now we're on the
4 same page.

5 Next, I want to talk about reasonable doubt. And I'm sure
6 everyone's heard this. The State needs to prove -- they have the
7 burden of proof, they have to prove their case beyond a reasonable
8 doubt. I'm going to talk to you about the standard of proof, that it is
9 reasonable doubt. I won't define what reasonable doubt is. The
10 judge is going to do that later for you. But it's the standard of proof
11 we use in this country.

12 Ms. An -- could we pass the microphone back there again?

13 I think you -- that's Ms. An, 0677.

14 PROSPECTIVE JUROR NO. 677: Yes.

15 MS. ODEH: I think you had a family member convicted of
16 a crime in another country, right?

17 PROSPECTIVE JUROR NO. 677: Yes.

18 MS. ODEH: And is -- do you know if the legal system in
19 that other country is different from here?

20 PROSPECTIVE JUROR NO. 677: Probably little different.
21 But that time I believe -- I was young and he stole a weapon from
22 the police department and he went to the forest. And it was on the
23 worldwide, I mean, you know, in my country, big news. So -- but
24 I -- even though he's my brother, I want him to serve, you know, his
25 sentence. And he did. And after that, I don't associate with him.

1 MS. ODEH: Did he have a trial, do you know?

2 PROSPECTIVE JUROR NO. 677: Yes, I'm sure that he did.

3 MS. ODEH: Okay. So in this country we have the highest
4 burden of proof. Does anybody know why we have that?

5 It's because --

6 PROSPECTIVE JUROR NO. 677: We don't want to
7 wrongfully accuse somebody.

8 MS. ODEH: That's correct. And because your freedom is
9 at stake, and we don't want to take someone's freedom unless we
10 can meet the highest burden of proof, and that is proof beyond a
11 reasonable doubt.

12 Does anyone not agree with that statement, that if your
13 freedom's at stake, the case against you should have to be proved
14 beyond a reasonable doubt? Does anyone think that's too tough of
15 a burden for the State? No hands. Okay.

16 So this is going to be the last legal thing. I want to talk
17 about the right to not testify. So Mr. Edwards has a right to not
18 testify. If he chooses not to or we, as his lawyers, decide to not
19 have him testify, that is his right. Does anyone think that he needs
20 to testify in order to prove his innocence? No one. Okay.

21 I'm going to take a step further. Ms. Brouwers, me, and
22 Mr. Edwards could sit there and say nothing, we could do nothing,
23 ask no questions, call no witnesses, we don't have to present any
24 evidence. If that happened, is there anybody that would hold that
25 against us? Nobody?

1 Ms. Hammontree, 0772 [sic], if we can pass the
2 microphone.

3 Something you said yesterday. You were talking about
4 how people have stolen from you.

5 PROSPECTIVE JUROR NO. 722: Yes.

6 MS. ODEH: And you made a statement, a comment,
7 Prove to me that you're a good person first.

8 PROSPECTIVE JUROR NO. 722: Correct.

9 MS. ODEH: So thinking about that statement, and if we
10 just sit here and say nothing, how do those two go together? What
11 do you think about that? Does he need to prove to you he's a good
12 person or can we just sit there and say nothing and you're not
13 going to --

14 PROSPECTIVE JUROR NO. 722: No, he needs -- if he
15 could have a character witness or talk, you could hear in peoples'
16 voices and their -- the way they act if they're truthful.

17 MS. ODEH: What if he doesn't have a character witness?
18 What if he calls no one?

19 PROSPECTIVE JUROR NO. 722: I'd say he's not guilty,
20 because you've got to prove he's guilty. You know, you could live
21 in a mansion or you could live on a street, you could have
22 thousands and thousands of dollars or have none, but you're still a
23 person.

24 MS. ODEH: Okay. Everyone agree with her? Good.
25 Thank you.

1 Okay. Homelessness. So I want to ask
2 Ms. Ouellette, 0787, on the -- all the way on the end here.

3 I think you said something yesterday that you worked at
4 a -- you either work now or you worked in the past at a center?

5 PROSPECTIVE JUROR NO. 787: Yes, I worked at
6 Cambridge Recreation Center.

7 MS. ODEH: And what is that?

8 PROSPECTIVE JUROR NO. 787: It's part of the parks and
9 rec department. It's, basically, like an activity center. They have
10 stuff for teens and kids and seniors and those kinds of things.

11 MS. ODEH: Is -- and did you deal with homeless people
12 there --

13 PROSPECTIVE JUROR NO. 787: Yes.

14 MS. ODEH: -- or somewhere else? There?

15 PROSPECTIVE JUROR NO. 787: Uh-huh.

16 MS. ODEH: Okay. Did you ever encounter homeless
17 people who had been victim of -- victims of crime?

18 PROSPECTIVE JUROR NO. 787: I don't know.

19 MS. ODEH: So you aren't aware of anything like that?

20 PROSPECTIVE JUROR NO. 787: No.

21 MS. ODEH: Okay. Do you have an opinion about what it
22 might be like to live as a homeless person in Las Vegas?

23 PROSPECTIVE JUROR NO. 787: I imagine it would be very
24 difficult.

25 MS. ODEH: Why would you say that?

1 PROSPECTIVE JUROR NO. 787: Well, our summers are
2 brutal. The rec center was a cooling station in, like, in the summers
3 when it's, like, really hot. But it's a safe space for people to come in
4 and cool down and we would give out water and all that stuff. So I
5 can imagine the varying degrees in our town would be very difficult
6 to live with.

7 MS. ODEH: Okay. Does anyone else have any direct
8 experience with homeless people?

9 That was -- you know I do came from 0772,
10 Ms. Hammontree.

11 Let's go to -- back to Mr. Gurule, 0680 in the back.

12 And you worked with -- you've encountered homeless
13 people through your work, right?

14 PROSPECTIVE JUROR NO. 680: Yes.

15 MS. ODEH: And have you ever seen homeless people as
16 victims of crime?

17 PROSPECTIVE JUROR NO. 680: Yes.

18 MS. ODEH: Can you give an example?

19 PROSPECTIVE JUROR NO. 680: Found them beat up on
20 the side of the road multiple times, or things of that nature.

21 MS. ODEH: Would you say it's dangerous to -- I'm sorry,
22 go ahead.

23 PROSPECTIVE JUROR NO. 680: See them in camps, like,
24 homeless camps, like, burned and stuff from, like, somebody, like,
25 lighting their whole camp on fire, usually violent.

1 MS. ODEH: Okay. Has -- does anyone remember, there's
2 been a couple of news stories about homeless people being killed
3 recently, I think shot, and before with a hammer? Who's heard of
4 those stories? Okay.

5 How about Mr. Misa, did you raise your hand? Okay.

6 Let's go to him. 0771.

7 And what kind of stories have you heard about homeless
8 people being killed or hurt?

9 PROSPECTIVE JUROR NO. 771: Well, going back to your
10 question about in the news, I just heard about they caught that
11 person in regards to the, you know, the shooting of a homeless
12 person while he was laying on a sidewalk. And as far as I know, I
13 only know that scenario. But in terms of that, I only heard they
14 have someone in custody at that time.

15 MS. ODEH: Did you work for a short time as a police
16 officer?

17 PROSPECTIVE JUROR NO. 771: Yes.

18 MS. ODEH: That was you, right?

19 PROSPECTIVE JUROR NO. 771: Uh-huh.

20 MS. ODEH: How about at that time, did you deal with
21 homeless people?

22 PROSPECTIVE JUROR NO. 771: Yes.

23 MS. ODEH: And did you ever see any violence against
24 them?

25 PROSPECTIVE JUROR NO. 771: Actually, no.

1 MS. ODEH: Okay.

2 PROSPECTIVE JUROR NO. 771: I mean, not any -- there
3 was -- yes, if I recall, there was some instances. But, you know, not
4 anything that I observed directly.

5 MS. ODEH: And have you observed any -- I'll withdraw
6 that.

7 Who else raised their hand that they heard about the
8 stories? Okay. Let's go behind you.

9 Mr. Lindaman, 0707.

10 So what do you think it's like to be homeless in Las Vegas,
11 based on what you know?

12 PROSPECTIVE JUROR NO. 707: Difficult dangerous.

13 MS. ODEH: What do you think a homeless person can do
14 to protect themselves from events like the ones we've seen
15 recently?

16 PROSPECTIVE JUROR NO. 707: Very little. Very little.

17 THE COURT: Can you hear him now?

18 MS. ODEH: Does anyone else have any kind of -- any
19 thoughts about what homeless people might be able to do to
20 protect themselves?

21 What about carrying a weapon; does anyone think that
22 that might be an option for protection? Nobody thinks that's an
23 option? No? Okay.

24 It was him -- Ms. Hammontree, 0772 says, You got your
25 fists.

1 Can we go to Mr. Rogan, 0751. The microphone.
2 PROSPECTIVE JUROR NO. 751: Yes.
3 MS. ODEH: So what do you think about that option of
4 carrying a weapon; what are your thoughts on that?
5 PROSPECTIVE JUROR NO. 751: That's a viable option if
6 you're on the streets.
7 THE COURT: Can you -- ladies and gentlemen --
8 PROSPECTIVE JUROR NO. 751: Can you hear me?
9 THE COURT: Hold on one second.
10 PROSPECTIVE JUROR NO. 751: Okay.
11 THE COURT: Ladies and gentlemen, everything you say is
12 being recorded. That's why you're provided with a microphone. If
13 you could put the microphone closer to your mouth, I would
14 appreciate it, so we can get a record of what's being said. Thank
15 you.
16 PROSPECTIVE JUROR NO. 751: Sure.
17 MS. ODEH: Okay. So you think it's a viable option?
18 PROSPECTIVE JUROR NO. 751: Correct.
19 MS. ODEH: Does anyone disagree with him? Okay.
20 Raising -- Mr. Gurule is raising his hand. If we can pass
21 the microphone back.
22 Did you want to say something about that?
23 PROSPECTIVE JUROR NO. 680: I just disagree with it.
24 MS. ODEH: Okay. So changing topics, does anybody
25 know anyone who's been hurt in a fight? A fistfight? Okay.

1 Let's go to Mr. -- is it Jaehn?
2 PROSPECTIVE JUROR NO. 765: Yes.
3 MS. ODEH: 0765. Can you take the microphone?
4 Can you talk a little bit about that?
5 PROSPECTIVE JUROR NO. 765: It was my cousin recently
6 got in a fight with some other kids in a parking lot of a fast-food
7 restaurant, I think. This was in Simi Valley, California. And I don't
8 know much about it. He ended up -- one of them hit him and then
9 he fell on his face on the asphalt and he broke his tooth.
10 MS. ODEH: Okay.
11 PROSPECTIVE JUROR NO. 765: It wasn't anything major,
12 but he was all right, but --
13 MS. ODEH: How many -- was it -- how many people
14 against him, do you know?
15 PROSPECTIVE JUROR NO. 765: I think it was several. It
16 was him and another buddy of his. His buddy ran and got some
17 pepper spray and sprayed the other guys.
18 MS. ODEH: So they fought back?
19 PROSPECTIVE JUROR NO. 765: Yep.
20 MS. ODEH: Does anyone think that that was wrong to
21 fight back? Okay.
22 While you have the microphone, let me ask you
23 something else. You talked about somebody trying to steal the
24 radio out of your truck, right?
25 PROSPECTIVE JUROR NO. 765: Yep.

1 MS. ODEH: And you tried to go after him, right?
2 PROSPECTIVE JUROR NO. 765: Yeah.
3 MS. ODEH: But didn't catch them.
4 PROSPECTIVE JUROR NO. 765: No.
5 MS. ODEH: Okay. When that happened and you went
6 after them, was your adrenaline pumping?
7 PROSPECTIVE JUROR NO. 765: Yeah.
8 MS. ODEH: Okay. You were going to say something else?
9 PROSPECTIVE JUROR NO. 765: Well, I was asleep. And I
10 had an alarm and it -- I heard my alarm. So, yeah. And then I got
11 up. My legs were like noodles, because I was sleeping. And that's
12 why I couldn't catch him.
13 MS. ODEH: All right. And you jumped up and ran out,
14 right?
15 PROSPECTIVE JUROR NO. 765: Yeah.
16 MS. ODEH: How long did it take you to calm down after
17 that was over?
18 PROSPECTIVE JUROR NO. 765: I ran down the street until
19 I gave up, and it was a few minutes.
20 MS. ODEH: Okay. It lasted a little while, though, yeah?
21 PROSPECTIVE JUROR NO. 765: Yeah, a few minutes.
22 MS. ODEH: Is there anyone else who's had a similar
23 situation where your adrenaline was way up because of a
24 confrontation or something happening?
25 Okay. Mr. Dickey, if we can pass the microphone to him.

1 That's Number 0812.

2 Can you tell us about that?

3 PROSPECTIVE JUROR NO. 812: Well, not just any
4 particular incident, but I can have -- I can -- I have had my
5 adrenaline up before --

6 MS. ODEH: Okay.

7 PROSPECTIVE JUROR NO. 812: -- in confrontations or
8 whatever.

9 MS. ODEH: And when your adrenaline is up, have you
10 ever said, like, angry words that maybe you wouldn't have said if it
11 wasn't?

12 PROSPECTIVE JUROR NO. 812: Just today, my son.

13 MS. ODEH: All right. So after the situation with your son
14 today, how long did it take you to get back down to normal?

15 PROSPECTIVE JUROR NO. 812: 20 minutes.

16 MS. ODEH: Okay. Most of us with kids have been there.
17 Okay.

18 Anyone else have a situation like that? All right.

19 I want to talk quick about self-defense.

20 Mr. Mullins, 0821. You told a story about how your son
21 was attacked in Reno and his -- randomly, and his jaw was broken,
22 right?

23 PROSPECTIVE JUROR NO. 821: Correct.

24 MS. ODEH: What do you know about that situation, how
25 it happened?

1 PROSPECTIVE JUROR NO. 821: I was actually in Reno at
2 the time on a hearing trip. And I got a call saying that my son, who
3 was just about to start a college semester and his best friend had
4 been downtown. And downtown was closing up, so it was fairly
5 late at night. And so the two of them were jumped by three men.
6 And the three men came back -- came behind them on the sidewalk.
7 So one moment my son's walking down the sidewalk and the next
8 minute someone has walked up behind him and clobbered him in
9 the jaw, broke his jaw, knocked my son down.

10 His friend was also hit from behind, shattered orbit below
11 his eye. And so I think both of these young men felt like they were
12 fighting for their lives.

13 MS. ODEH: Did they fight back?

14 PROSPECTIVE JUROR NO. 821: Yes, they did. Since
15 you're asking me --

16 MS. ODEH: Yeah.

17 PROSPECTIVE JUROR NO. 821: -- my son had a knife.
18 And in an instant, as he was on the ground, he pulled all the money
19 out of his pocket, threw it at the guy who was pummeling him --

20 MS. ODEH: Yeah.

21 PROSPECTIVE JUROR NO. 821: -- and in the next instant,
22 while the guy was grabbing the money, my son pulled out his knife
23 and slashed the guy, the attacker, somewhere around the neck or
24 upper shoulder. And my son said there was a lot of blood, but it
25 was really difficult to say what the consequence of the wound was,

1 because with that, the three attackers ran off.

2 MS. ODEH: Okay.

3 PROSPECTIVE JUROR NO. 821: And so then the next
4 thing was let's go to the hospital.

5 MS. ODEH: All right. Scary?

6 PROSPECTIVE JUROR NO. 821: Yeah, my son didn't get
7 to stay in school that semester. Since I was in Reno, we drove him
8 home in his pick-up truck a couple of days later, because trying to
9 get into see some specialist in Reno was complicated.

10 MS. ODEH: Uh-huh.

11 PROSPECTIVE JUROR NO. 821: And when we got him
12 down here, he had to go in for surgery. There happened to be a
13 surgeon in Las Vegas who only does broken jaws. And so that was
14 the result and he was wired up for several weeks and lost a lot of
15 weight. And -- but he's bounced back.

16 MS. ODEH: Full recovery now?

17 PROSPECTIVE JUROR NO. 821: Oh, yeah.

18 MS. ODEH: Good.

19 PROSPECTIVE JUROR NO. 821: Yeah.

20 MS. ODEH: Are you glad he had the knife?

21 PROSPECTIVE JUROR NO. 821: Well, my son and I see
22 the world differently. He enjoys competitive shooting. He has
23 firearms that he handles correctly. But I'm not an advocate of
24 firearms. And as far as the knife is concerned, certainly on that
25 particular occasion, I really think the knife may have saved his life.

1 But I would not encourage my son to feel that he has to go on the
2 street armed.

3 But it is a fact of life that after that, he got a concealed
4 weapon license. And since he goes here, there, and everywhere
5 with his job working on water wells, he feels that he does need to
6 protect himself. So his life experiences are a little different from my
7 own.

8 I don't feel that for me to go out into the community, I
9 have to have a weapon. He does.

10 MS. ODEH: What do you think about people who maybe a
11 gun in their house for protection? What do you think about that?

12 PROSPECTIVE JUROR NO. 821: Well, I don't think I'm
13 revealing a deep, dark secret to say I have a couple of firearms in
14 my house. And I think it's rather commonplace, at least in Las
15 Vegas, for that to occur. And so I would be hypocritical if I said I
16 think it's a bad thing. I have firearms myself for protection in my
17 home, but I don't take them out on the street.

18 MS. ODEH: Right. Does anybody disagree with that,
19 having a gun in the house just in case? Okay.

20 Let's go to Ms. Emory. Yes?

21 PROSPECTIVE JUROR NO. 741: 741.

22 MS. ODEH: Thank you. What do you think about that?

23 PROSPECTIVE JUROR NO. 741: I'm pretty much anti-gun.
24 I don't understand -- I understand the desire to protect yourself and
25 your family in your home. But I have to ask what kind of thug who

1 would break into this gentleman's house couldn't get the gun away
2 from him? I just -- I don't think it makes any practical sense, I don't
3 think it makes any moral sense. I don't -- I know a lot of people who
4 have -- a lot of my friends have guns in their house. I still think that
5 civilized people don't keep arms in their home. That's a view that's
6 probably not going to change.

7 MS. ODEH: Okay. Not asking you to change it.

8 So while you have the microphone, let me ask you, you're
9 a writer, right?

10 PROSPECTIVE JUROR NO. 741: I am.

11 MS. ODEH: What kind of writer?

12 PROSPECTIVE JUROR NO. 741: I'm a retired college
13 professor. I taught writing for many years and have written all
14 manner of things. I'm currently a novelist, published a novel last
15 year, working on a sequel to it now.

16 MS. ODEH: Great. So how did that happen? It was just
17 something you were interested in?

18 PROSPECTIVE JUROR NO. 741: From childhood.

19 MS. ODEH: Okay. And is your master's degree in writing?

20 PROSPECTIVE JUROR NO. 741: My master's degree is in
21 psycholinguistics. Don't ask.

22 MS. ODEH: Okay.

23 PROSPECTIVE JUROR NO. 741: What was I thinking?

24 MS. ODEH: So you write novels; what kind of novels?

25 What --

1 PROSPECTIVE JUROR NO. 741: This --
2 MS. ODEH: -- subject matter?
3 PROSPECTIVE JUROR NO. 741: The first novel is a story
4 about a longtime friendship among three women, and it takes them
5 from college in the 1960s through 9/11. And they're New Yorkers
6 and in New York for 9/11. And the second -- the sequel will pick up
7 at that point.
8 MS. ODEH: What's the first one called?
9 PROSPECTIVE JUROR NO. 741: *Second Acts*.
10 MS. ODEH: *Second Acts*. All right.
11 PROSPECTIVE JUROR NO. 741: Right. Because --
12 MS. ODEH: Available on Amazon?
13 PROSPECTIVE JUROR NO. 741: Well, it's available on
14 Amazon and F. Scott Fitzgerald said there were no second acts in
15 American lives.
16 MS. ODEH: Right. So getting back to the gun, is there
17 anyone else who believes that people should not have weapons in
18 their home to protect themselves? Okay.
19 Let's talk about security guards. Has anyone had any sort
20 of interaction with security guards, like, at a mall? Nobody? Oh,
21 Mr. Martinez. Okay. 0838.
22 PROSPECTIVE JUROR NO. 838: Yes.
23 MS. ODEH: What's your experience with security guards
24 in a mall or something like that?
25 PROSPECTIVE JUROR NO. 838: It's basically a outdoor

1 mall, however, I was at a bar. And they asked me to leave. So I
2 was escorted out by security.

3 MS. ODEH: And how did you feel about that interaction?

4 PROSPECTIVE JUROR NO. 838: I wasn't happy about it.

5 MS. ODEH: Okay. And what else? Have an experience,
6 similar or different, with mall security? Ms. Ouellette, 0787.

7 Yes.

8 PROSPECTIVE JUROR NO. 787: It wasn't a mall, it was a
9 nightclub.

10 MS. ODEH: And what happened?

11 PROSPECTIVE JUROR NO. 787: I got escorted out.

12 MS. ODEH: Want to say why?

13 PROSPECTIVE JUROR NO. 787: I was accused of giving
14 drinks to an underage person. Didn't. I went more quietly than my
15 friend did. But we were asked to leave.

16 MS. ODEH: What -- how did your friend not go quietly?
17 Can you describe that?

18 PROSPECTIVE JUROR NO. 787: She got into an argument
19 with a security guard. And I believe there was -- I think she spit on
20 him, which is not nice.

21 MS. ODEH: Okay. What -- how did they respond?

22 PROSPECTIVE JUROR NO. 787: They just took her out
23 peacefully, even though she was causing a scene.

24 MS. ODEH: They carried her out?

25 PROSPECTIVE JUROR NO. 787: She walked.

1 MS. ODEH: Okay.

2 PROSPECTIVE JUROR NO. 787: Arguing the whole way.
3 But she left.

4 MS. ODEH: Does anyone think that security guards like
5 that should have the same authority as police officers? Someone
6 want to say something? No?

7 Let's go to Ms. Stallworth, 0669, in the back.

8 You said you work with a lot of security officers at your
9 job, yes?

10 PROSPECTIVE JUROR NO. 669: In the casinos, yeah.

11 MS. ODEH: Okay. So can you talk about what you feel
12 like the differences are between a police officer and a security
13 guard, as you know them.

14 PROSPECTIVE JUROR NO. 669: Well, I think it depends on
15 where you're at. But the security officers in our casinos I think are
16 very close to law enforcement. They do carry guns and they're
17 there to protect people. And there are bad people that go into
18 those casinos to rob. So I think it -- I think the lines are blurred in a
19 lot of ways. I think they're there to protect people, just like law
20 enforcement is to protect people on other sides. I know they work
21 closely with them and they call them for arrests. But they're still
22 there to protect everyone.

23 MS. ODEH: So you talked about how you'd be more likely
24 to believe a police officer than a non police officer witness; do you
25 feel the same way about security guards?

1 PROSPECTIVE JUROR NO. 669: Yeah. I mean, I just -- I
2 err towards that side, I guess. I hope that in everything that I've
3 been around, and environment that I've been raised in, that they are
4 good and right and just and are there to help people and protect
5 people. I just feel that way about law enforcement.

6 That doesn't mean to say that there aren't bad ones and
7 that, you know, they don't do wrong things at times. But I think if
8 you're asking me which side I err on, yes, I would err on the
9 security guards or the law enforcement.

10 MS. ODEH: Okay.

11 PROSPECTIVE JUROR NO. 669: Having not had -- I don't
12 know, evidence or explanation or --

13 MS. ODEH: Right. Just a general rule, you're going to err
14 on the side of the law enforcement and/or security, yes?

15 PROSPECTIVE JUROR NO. 669: Correct.

16 MS. ODEH: Okay. Let's see. How about Ms. Barraza, 0 --
17 that's you, right? 0748.

18 Could we pass the microphone down?

19 Your husband has been convicted of a crime, correct?

20 PROSPECTIVE JUROR NO. 748: Yes.

21 MS. ODEH: Do you -- did he have a trial in his case?

22 PROSPECTIVE JUROR NO. 748: No. We -- him and the
23 whole family decided to don't go, because we have no money to
24 pay after eight months in jail and have to pay one of the lawyers.
25 And we don't have -- we have no money to go far.

1 MS. ODEH: Do you think if you had the money that he
2 would have fought the case?

3 PROSPECTIVE JUROR NO. 748: Which one? Like he says,
4 it doesn't matter, we go. So it's too many things to say or to
5 explain, but I'm here and, I mean, I don't feel comfortable to be
6 here, because I'm traumatized for the case.

7 MS. ODEH: Okay.

8 PROSPECTIVE JUROR NO. 748: To be here every two
9 weeks or a month, everything, you know, like that. So --

10 MS. ODEH: So being here makes you think about his case
11 all over again?

12 PROSPECTIVE JUROR NO. 748: Yes.

13 MS. ODEH: Do you think -- do you feel like he was treated
14 fairly or unfairly?

15 PROSPECTIVE JUROR NO. 748: Unfairly.

16 MS. ODEH: By who?

17 PROSPECTIVE JUROR NO. 748: The --

18 MS. ODEH: The prosecutor?

19 PROSPECTIVE JUROR NO. 748: Yes.

20 MS. ODEH: Okay. Do you think that you could be fair to
21 the prosecutor in this case?

22 PROSPECTIVE JUROR NO. 748: I don't know much
23 about -- but I have to think about it. I'm thinking on my case too.

24 MS. ODEH: So are you saying that when you see them, it
25 reminds you of that case?

1 PROSPECTIVE JUROR NO. 748: Well, I can say guilty or
2 not guilty, because from my case, no evidence and, you know,
3 when -- I know my husband for 40 years, and a lot of people. But
4 the systems were different, so I can widow.

5 MS. ODEH: So if the prosecutor here is to -- is -- proves
6 their case against Mr. Edwards, you'll find him guilty?

7 PROSPECTIVE JUROR NO. 748: No.

8 MS. ODEH: You still wouldn't?

9 PROSPECTIVE JUROR NO. 748: No.

10 MS. ODEH: If -- even if they prove it?

11 PROSPECTIVE JUROR NO. 748: Could be nothing.

12 MS. ODEH: Okay. Thank you.

13 Then -- oh, Ms. Pickett, 0817. Down here in the front.

14 PROSPECTIVE JUROR NO. 817: Uh-huh.

15 MS. ODEH: So you've been on a jury twice, yes?

16 PROSPECTIVE JUROR NO. 817: Yes.

17 MS. ODEH: And what do you think -- why do you think
18 you made the cut two times?

19 PROSPECTIVE JUROR NO. 817: I have no idea.

20 MS. ODEH: Okay. How do you feel about your jury
21 service in those two cases? You happy with it?

22 PROSPECTIVE JUROR NO. 817: Yeah.

23 MS. ODEH: You enjoyed it?

24 PROSPECTIVE JUROR NO. 817: Yeah, it wasn't bad.

25 MS. ODEH: Did either case leave you with a bad feeling

1 about the system?

2 PROSPECTIVE JUROR NO. 817: No.

3 MS. ODEH: Okay. Anything else to say about that?

4 PROSPECTIVE JUROR NO. 817: No. No.

5 MS. ODEH: Okay. All right.

6 And then if we can go down to 0799, in this row,
7 Ms. Morlacci, right? Is that right? Okay.

8 So one of the things that judge is going to instruct you on
9 when you go back to deliberate is that if you reach a verdict, it has
10 to be unanimous. All 12 jurors have to agree. So how would you
11 feel if 11 other people disagreed with you? Do you think you could
12 stand your ground?

13 PROSPECTIVE JUROR NO. 799: Yes, I could.

14 MS. ODEH: Okay. Even if they put pressure on you, you
15 would stick to your guns about it?

16 PROSPECTIVE JUROR NO. 799: I would state what I -- my
17 feelings were and how I came to that conclusion, and I would try to
18 persuade them if I felt that it was a just decision.

19 MS. ODEH: So you'd stick to your beliefs.

20 PROSPECTIVE JUROR NO. 799: Correct.

21 MS. ODEH: Okay. If you could pass the microphone right
22 behind you to Mr. -- is it Virgen or Virgen?

23 PROSPECTIVE JUROR NO. 732: Virgen.

24 MS. ODEH: Virgen, 0732.

25 Sort of the same question for you. If that happened and

1 you believe the verdict should be one way and everyone else
2 thought it was the other way, do you think you would stick to it?

3 PROSPECTIVE JUROR NO. 732: Can you --

4 MS. ODEH: So let's say you believed Mr. Edwards is not
5 guilty. And the 11 other people on the jury are telling you, No, we
6 think he's guilty. But you believe that the State didn't prove it, he's
7 not guilty. Are you going to stick to not guilty? Or are you going
8 to -- are they going to be able to convince you to come to their
9 side?

10 PROSPECTIVE JUROR NO. 732: I'm going to assume that
11 he's not guilty.

12 MS. ODEH: Okay. And do you think that you'd be able to
13 hold onto that opinion even if everybody else was against you?

14 PROSPECTIVE JUROR NO. 732: If they can convince me,
15 I'd be open to other opinions. But if I still think that they're -- that
16 he's not guilty, then he's innocent to me.

17 MS. ODEH: Okay. If I could have just a moment, Your
18 Honor.

19 Okay. That's all I have. Thank you everyone.

20 THE COURT: I have some follow-up questions.

21 Ms. An, Badge Number 677. Could you pass her the
22 microphone, please.

23 PROSPECTIVE JUROR NO. 677: Yes.

24 THE COURT: There were some questions asked you
25 regarding the presumption innocence and the standard of

1 reasonable doubt. You understand if you are chosen as a juror, at
2 the end of the trial, I'm going to instruct you on what the law is in
3 this case; do you understand that, ma'am?

4 PROSPECTIVE JUROR NO. 677: Yes.

5 THE COURT: And you -- are you -- will you agree that you
6 will follow my instructions of what the law is even if you disagree
7 what the law is? Will you follow my instructions?

8 PROSPECTIVE JUROR NO. 677: Yes.

9 THE COURT: All right. Can you pass the microphone to
10 the gentleman next to you.

11 Same question, Mr. Gurule, Badge Number 680. You
12 were asked certain questions about the presumption of innocence,
13 reasonable doubt, things of that nature. And again, you understand
14 at the end of this trial, if you're chosen as a juror, I'm going to
15 instruct you what the law is; do you understand that, sir?

16 PROSPECTIVE JUROR NO. 680: Yes, Your Honor.

17 THE COURT: And even if you disagree with what the law
18 is, you're going -- will you agree that you'll follow my instructions?

19 PROSPECTIVE JUROR NO. 680: That I'll do my best to
20 follow the instructions --

21 THE COURT: No. Will you follow my instructions at the
22 end of this case? Will you follow what I tell you the law is, even if
23 you disagree with it? Will you follow my instructions?

24 PROSPECTIVE JUROR NO. 680: Yes.

25 THE COURT: Thank you.

1 Can you pass it to Ms. Barraza, Badge Number 748. I
2 believe she's in front of you.

3 Did I pronounce your name correctly, ma'am?

4 PROSPECTIVE JUROR NO. 748: I'm sorry?

5 THE COURT: Ms. Barraza?

6 PROSPECTIVE JUROR NO. 748: Yes. What --

7 THE COURT: And you were asked some questions about
8 your husband and his prosecution; do you recall those questions?

9 PROSPECTIVE JUROR NO. 748: Yes.

10 THE COURT: Okay. You realize that the prosecutors
11 sitting in this courtroom had nothing to do with your judge's -- with
12 your husband's case; do you realize that?

13 PROSPECTIVE JUROR NO. 748: Yes.

14 THE COURT: Okay. And you're going to -- whatever
15 happened to your husband in his case and with those prosecutors,
16 you're not going to hold it against these prosecutors, are you?

17 PROSPECTIVE JUROR NO. 748: No.

18 THE COURT: Okay. And if you are convinced that they
19 proved their case beyond a reasonable doubt, would you find the
20 defendant guilty if you're convinced the evidence shows that the
21 defendant is guilty beyond a reasonable doubt?

22 PROSPECTIVE JUROR NO. 748: Yes.

23 THE COURT: And on the other hand, if the prosecutors
24 didn't meet their burden, they -- that you didn't believe they proved
25 their case beyond a reasonable doubt, would you be willing to find

1 the defendant not guilty?

2 PROSPECTIVE JUROR NO. 748: Yes.

3 THE COURT: All right. Thank you, ma'am.

4 At this time, counsel, approach.

5 [Bench conference transcribed as follows.]

6 THE COURT: Do you pass the entire panel for cause, or
7 would you like to assert challenges?

8 MR. DICKERSON: I would like to assert challenges.

9 THE COURT: Okay. Then I'm going to excuse the panel at
10 this time and we'll assert the challenges on the record without the
11 panel being present.

12 MS. ODEH: Thank you, Your Honor.

13 MS. DERJAVINA: That's fine, thank you.

14 [End of bench conference.]

15 THE COURT: Ladies and gentlemen, we're going to take I
16 would imagine about a 20-minute recess at this time. During the
17 recess, you are admonished not to talk or converse among
18 yourselves or with anyone else on any subject connected with this
19 trial, or to read, watch, or listen to any report of or commentary on
20 the trial or any person connected with this trial by any medium of
21 information, including, without limitation, newspapers, television,
22 radio, or Internet, or form or express any opinion on any subject
23 connected with the trial until the case is finally submitted to you.

24 We'll be in recess at this time.

25 [Prospective jury panel recessed at 2:20 p.m.]

1 THE COURT: Counsel, can you confer for just a few
2 minutes to see if you agree on any challenges for cause before I
3 hear --

4 MR. DICKERSON: I doubt we will. But, Your Honor, I
5 would like to make a record as to Ms. Emory --

6 THE COURT: Well, first of all, let the record reflect that the
7 potential -- the panel of potential jurors is not present.

8 MR. DICKERSON: I'd like to make a record as to
9 Ms. Emory, Badge Number 741, in regards to her. As she was
10 walking out, she waved and smiled at Defense counsel and asked
11 Defense counsel if she could give her her card. I think that it,
12 obviously, just showed that she had curried favor with that
13 particular juror.

14 MS. ODEH: And if I -- she did -- before that, she said,
15 Thanks for the plug. It was just because I was joking about --

16 THE COURT: She said what?

17 MS. ODEH: She said, Thanks for the plug. I made a joke
18 about her book.

19 THE COURT: Okay. It's noted for the record.

20 MR. DICKERSON: Thank you.

21 MS. DERJAVINA: Thank you.

22 MR. DICKERSON: I think the one that we would propose
23 to agree on would be --

24 THE COURT: Well, is there -- I'm going to take a short
25 recess and see if there's any that counsel agree on as for challenges

1 for cause.

2 [Court recessed at 2:21 p.m., until 2:33 p.m.]

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

4 THE COURT: Let the record present are counsel and the
5 defendant.

6 Have counsel agreed on any challenges for cause?

7 MR. DICKERSON: No, not at this time, Your Honor.

8 MS. ODEH: No.

9 THE COURT: All right. State, what -- which potential
10 jurors are you challenging for cause?

11 MR. DICKERSON: State first moves challenge for cause
12 Ms. Barraza, Badge Number 748, based upon her responses to
13 Defense counsel's questioning that she did not believe that my
14 office, the Clark County District Attorney's Office treated her
15 husband fairly, that, specifically, she noted that the prosecutors
16 treated him unfairly and that she indicated that point in time that
17 even if we proved her -- proved our case, that she would not find
18 him -- find the defendant guilty in this particular case.

19 I think that regardless of the questioning that Your Honor
20 followed up with her on, I think that it was immensely clear by her
21 answers there that she has a bias towards prosecutors and,
22 specifically, my office, the Clark County District Attorney's Office.

23 Based on that, Your Honor, I think that that no doubt falls
24 under the *Webber* standard of reasons to challenge a juror for
25 cause, that she would be substantially impaired from the

1 performance of her duties as a fair and impartial juror. And for that
2 reason, I move for cause on Ms. Barraza, Badge Number 748.

3 THE COURT: Any other, counsel? Any others?

4 MR. DICKERSON: I also move for cause on
5 Mr. Mendez, 840, for very similar reasons. I think that though he
6 wasn't as concerning as Ms. Barraza, it still -- in that he didn't say
7 that he wouldn't find the defendant guilty or not guilty based upon
8 his disdain for the prosecutors, he did specifically say that he
9 believed -- there was bias in his father's felony DUI case that he's
10 currently serving prison time on. He's four years into
11 an 8-to-20-year sentence that my office, the Clark County District
12 Attorney's Office, had a major part in getting him in prison. We
13 prosecuted that case, he believes that the prosecutors were biased.
14 He believes that the court, this particular courthouse, was biased,
15 and that law enforcement was biased.

16 I think that regardless of him believing that he can be fair
17 and impartial, him holding those views about his father's case, a
18 case that he says that he was intimately involved with throughout
19 the process, especially a case that isn't necessarily totally over, per
20 se, given that his father's still in prison on that case, I believe that
21 too would fall under the *Webber* standard and substantially impair
22 his ability to sit as a fair and impartial juror.

23 And that would complete our challenges for cause, Your
24 Honor.

25 THE COURT: Defense, any challenges for cause?

1 MS. ODEH: Just, we would.

2 We would have first 0669, Ms. Stallworth, who stated that
3 she would favor police officers and security guards' testimony.
4 When I tried to ask her if she would be fair, she just said, I hope, I
5 hope. She wouldn't commit to being fair. Our position is that
6 she cannot be.

7 Then Number 0677, Ms. An. She was clear that she would
8 find the defendant guilty. When Your Honor questioned her further,
9 she made faces and she said yes, but it appeared to me that she
10 was just answering the way she thought she would answer. She
11 was very clear and very strong in her opinion that she thought the
12 defendant was guilty from the beginning and she would not be
13 changing her mind.

14 Same goes for Mr. Gurule, 0680. He said right now he
15 would find the defendant guilty. And even though he understands
16 the criminal justice system and how it works, he would go by his
17 own opinion, and if he's sitting here, he's guilty. Again, when Your
18 Honor asked him, he sort of tilted his head, made a face, and
19 begrudgingly agreed that he would be fair. And my position is that
20 he didn't mean it, he was just saying it because the Court was
21 asking him.

22 THE COURT: And, counsel, I got the badge number, you
23 said 668?

24 MS. ODEH: The last one was 0680, Gurule.

25 THE COURT: Gurule.

1 MS. ODEH: Yeah. So 0669, 0677, and 0680.

2 THE COURT: Any other challenges, counsel?

3 MS. ODEH: I think that's it.

4 And then can we respond to the State's challenges?

5 THE COURT: If you feel compelled to.

6 MS. ODEH: Judge, I do. On Ms. Barraza, she was the only
7 one when Your Honor asked her if she could be fair, unequivocally
8 said yes. She was clear that she felt that her husband wasn't
9 treated fairly. But she said she could be fair in this case, and she
10 didn't waiver at all in that statement.

11 As to Mendez, he did say that he felt his father was treated
12 unfairly. It sounded to me like he was talking sort of like he feels
13 like his father was discriminated against because of his race and
14 because of the parties on the other side. But he did specifically say
15 he held no bias against this Court or these prosecutors.

16 THE COURT: Thank you, counsel. I'll take it under
17 submission.

18 MS. BROUWERS: Thank you, Your Honor.

19 MR. DICKERSON: May we be heard as to Defense
20 counsel's, Your Honor?

21 THE COURT: Sure.

22 MR. DICKERSON: As for Ms. Saunders, she specifically
23 said that she could listen to the testimony and consider it --

24 MS. BROUWERS: Your Honor, we didn't challenge
25 Saunders.

1 MS. ODEH: Stallworth.

2 MR. DICKERSON: Oh, I'm sorry, Stallworth.

3 Stallworth, 669.

4 She said that she could listen to the testimony and be fair
5 in that respect, by judging testimony as it is. I think the questioning
6 that she was led into by Defense counsel really comes out more as
7 to her just in general life being in support of law enforcement and
8 saying that she would be on the side of a security officer or a police
9 officer. But isn't specific that she would interpret their testimony to
10 be more credible than anybody else because of that. Which I think
11 is a natural thing for most people to be law-abiding citizens. So her
12 not being anti-police or anti-security doesn't mean that she can't be
13 fair and impartial here. She's indicated as much.

14 As far as Ms. An, we'll submit on that.

15 Mr. Gurule, he can be fair and impartial. He indicated that
16 he would listen to the evidence. He indicated that he has an
17 understanding of the world beyond, you know, what is being
18 questioned here as far as him believing cops or not. I think that that
19 really comes down to something that -- I'm sorry, more of him
20 being able to listen to the evidence and judge the defendant fairly.

21 He did indicate that he would be able to do that. It's a
22 matter of more of him thinking that the defendant has to be here for
23 a reason. Which I think is not the same as believing the defendant's
24 guilty. Him believing that something had to have happened for the
25 defendant to be here is a fair assumption and it's not anything that

1 would raise to the *Webber* standard of substantially impairing his
2 ability to sit as a fair and impartial juror.

3 THE COURT: Anything further, counsel?

4 MS. DERJAVINA: No, Your Honor.

5 THE COURT: It'll be under submission. We'll be in recess.

6 [Court recessed at 2:40 p.m., until 2:48 p.m.]

7 [Outside the presence of the prospective jury panel.]

8 THE COURT: Let the record reflect the presence of
9 counsel, the defendant, and the potential juror panel is not present.

10 At this time I'm going to excuse for cause Badge
11 Number 677, Sun An, Badge Number 680, Damian Gurule, and
12 Badge Number 748, Martina Barraza.

13 Mr. Stevenson, bring the jury panel back in.

14 [Prospective jury panel reconvened at 2:49 p.m.]

15 THE COURT: Thank you.

16 Let the record reflect the presence of counsel, the
17 defendant, and the panel of potential jurors.

18 At this time I'd like to thank and excuse Sun An, Badge
19 Number 677, Damian Gurule, Badge Number 680, and Martina
20 Barraza, Badge Number 748. Thank you.

21 Madam Clerk, the seats will be filled by the next potential
22 juror in order based on lowest badge number.

23 Everybody remain seated.

24 And this time if you could call.

25 THE COURT CLERK: Filling Seat Number 4, Badge

1 Number 0844, Vivian Willis; in Seat Number 5, Badge Number 0845,
2 Manuel Lapid; and in Seat Number 12, Badge Number 0846,
3 Anthony Fortner.

4 THE COURT: Could you hand the microphone -- oh, she
5 has it. Thank you.

6 Could you state your name and badge number, please.

7 PROSPECTIVE JUROR NO. 844: Vivian Willis, 0844.

8 THE COURT: How long have you lived in Clark County,
9 Nevada?

10 PROSPECTIVE JUROR NO. 844: 39 years.

11 THE COURT: How far did you go in school?

12 PROSPECTIVE JUROR NO. 844: Some college.

13 THE COURT: What is your occupation?

14 PROSPECTIVE JUROR NO. 844: Assistant accountant.

15 THE COURT: What is your marital status?

16 PROSPECTIVE JUROR NO. 844: Divorced.

17 THE COURT: What did your ex-spouse do?

18 PROSPECTIVE JUROR NO. 844: He was a slot route
19 operator.

20 THE COURT: All right. Do you have any children?

21 PROSPECTIVE JUROR NO. 844: Two.

22 THE COURT: How old are they?

23 PROSPECTIVE JUROR NO. 844: 36 and 34, both
24 daughters.

25 THE COURT: And what does your 36-year-old daughter

1 do?

2 PROSPECTIVE JUROR NO. 844: She's unemployed.

3 THE COURT: And what does she do when she's
4 employed?

5 PROSPECTIVE JUROR NO. 844: She was an accountant
6 last.

7 THE COURT: And what about your 34-year-old daughter,
8 what does she do?

9 PROSPECTIVE JUROR NO. 844: She works at a union hall.

10 THE COURT: All right. Have you ever served as a juror
11 before?

12 PROSPECTIVE JUROR NO. 844: No.

13 THE COURT: Have you ever testified as a witness in a
14 criminal case?

15 PROSPECTIVE JUROR NO. 844: No.

16 THE COURT: Have you or a close family member ever
17 been convicted of a crime?

18 PROSPECTIVE JUROR NO. 844: No.

19 THE COURT: Have you or a close family member ever
20 been the victim of a crime?

21 PROSPECTIVE JUROR NO. 844: My daughter did have
22 domestic abuse.

23 THE COURT: I'm sorry?

24 PROSPECTIVE JUROR NO. 844: Domestic abuse by my --

25 THE COURT: Your daughter --

1 PROSPECTIVE JUROR NO. 844: Uh-huh.
2 THE COURT: -- was the victim of domestic abuse?
3 PROSPECTIVE JUROR NO. 844: Yes.
4 THE COURT: On one occasion or multiple occasions?
5 PROSPECTIVE JUROR NO. 844: Two that I'm aware of.
6 THE COURT: All right. Was the perpetrator prosecuted?
7 PROSPECTIVE JUROR NO. 844: Yes.
8 THE COURT: Were you satisfied with the prosecution?
9 PROSPECTIVE JUROR NO. 844: Yes.
10 THE COURT: Thank you.
11 Do you have any close relatives or friends who have ever
12 been engaged in law enforcement?
13 PROSPECTIVE JUROR NO. 844: No.
14 THE COURT: Do you agree that if you are chosen to serve
15 as a juror in this case that you will honor your duty to be
16 completely fair and impartial and to listen carefully to all the
17 evidence before you make your decision?
18 PROSPECTIVE JUROR NO. 844: Yes.
19 THE COURT: If you could pass the microphone to the
20 gentleman next to you.
21 Sir, state your name and badge number.
22 PROSPECTIVE JUROR NO. 845: Manuel Lapid, 0845.
23 THE COURT: How long have you lived in Clark County,
24 Nevada?
25 PROSPECTIVE JUROR NO. 845: 18 years.

1 THE COURT: How far did you go in school?
2 PROSPECTIVE JUROR NO. 845: Some college.
3 THE COURT: What is your occupation?
4 PROSPECTIVE JUROR NO. 845: Rideshare driver.
5 THE COURT: What is your marital status?
6 PROSPECTIVE JUROR NO. 845: Single.
7 THE COURT: Were you ever married?
8 PROSPECTIVE JUROR NO. 845: No.
9 THE COURT: Do you have any children?
10 PROSPECTIVE JUROR NO. 845: No.
11 THE COURT: Have you ever served as a juror before?
12 PROSPECTIVE JUROR NO. 845: Yes.
13 THE COURT: Was it a civil or criminal matter?
14 PROSPECTIVE JUROR NO. 845: Criminal.
15 THE COURT: Where was it -- was it here in Clark County,
16 Nevada?
17 PROSPECTIVE JUROR NO. 845: Yes.
18 THE COURT: Without telling me the verdict, did the jury
19 reach a verdict?
20 PROSPECTIVE JUROR NO. 845: Yes.
21 THE COURT: Were you the foreperson?
22 PROSPECTIVE JUROR NO. 845: No.
23 THE COURT: Is there anything about that experience that
24 would affect your ability to be fair and impartial in this case?
25 PROSPECTIVE JUROR NO. 845: Could you please repeat

1 the question, please.

2 THE COURT: Okay. As a result of being on a prior jury, is
3 there anything about that experience that will affect your ability to
4 be fair and impartial in this case?

5 PROSPECTIVE JUROR NO. 845: No.

6 THE COURT: How far -- shucks.

7 Have you ever testified as a witness in a criminal case?

8 PROSPECTIVE JUROR NO. 845: No.

9 THE COURT: Have you or a close family member ever
10 been convicted of a crime?

11 PROSPECTIVE JUROR NO. 845: No.

12 THE COURT: Have you or a close family member ever
13 been the victim of a crime?

14 PROSPECTIVE JUROR NO. 845: No.

15 THE COURT: Do you have any close relatives or friends
16 who ever been engaged in law enforcement?

17 PROSPECTIVE JUROR NO. 845: No.

18 THE COURT: Do you agree that if you are chosen to serve
19 as a juror in this case that you will honor your duty to be
20 completely fair and impartial and to listen carefully to all the
21 evidence?

22 PROSPECTIVE JUROR NO. 845: Could you please repeat
23 the question again, sir?

24 THE COURT: Okay. Do you agree that, if you are chosen
25 as a juror in this case, that you will honor your duty to be

1 completely fair and impartial to both sides and to listen carefully to
2 all the evidence before you make a decision?

3 PROSPECTIVE JUROR NO. 845: Yes.

4 THE COURT: All right. Thank you.

5 Could you pass the microphone to the gentleman in front
6 of you.

7 Sir, can you state your name and your badge number.

8 PROSPECTIVE JUROR NO. 846: My name is Anthony
9 Fortner, my badge number is 0846.

10 THE COURT: Thank you.

11 How have you lived in Clark County, Nevada?

12 PROSPECTIVE JUROR NO. 846: Seven years.

13 THE COURT: How far did you go in school?

14 PROSPECTIVE JUROR NO. 846: A master's degree.

15 THE COURT: What is your occupation?

16 PROSPECTIVE JUROR NO. 846: I'm a accounting
17 professor and a CPA.

18 THE COURT: And where is that, sir?

19 PROSPECTIVE JUROR NO. 846: College of Southern
20 Nevada.

21 THE COURT: What is your marital status?

22 PROSPECTIVE JUROR NO. 846: Single.

23 THE COURT: Were you ever married?

24 PROSPECTIVE JUROR NO. 846: No.

25 THE COURT: Do you have any children?

1 PROSPECTIVE JUROR NO. 846: No.
2 THE COURT: Have you ever served as a juror before?
3 PROSPECTIVE JUROR NO. 846: No.
4 THE COURT: Have you ever testified as a witness in a
5 criminal case?
6 PROSPECTIVE JUROR NO. 846: No.
7 THE COURT: Have you or a close family member ever
8 been convicted of a crime?
9 PROSPECTIVE JUROR NO. 846: No.
10 THE COURT: Have you or a close family member ever
11 been the victim of a crime?
12 PROSPECTIVE JUROR NO. 846: No.
13 THE COURT: Do you have any close relatives or friends
14 who have ever been engaged in law enforcement?
15 PROSPECTIVE JUROR NO. 846: No.
16 THE COURT: Do you agree that if you are chosen to serve
17 as a juror in this case that you will honor your duty to be
18 completely fair and impartial and to listen carefully to all the
19 evidence in this case before you make a decision?
20 PROSPECTIVE JUROR NO. 846: Yes.
21 THE COURT: Thank you, sir.
22 State, any questions?
23 MR. DICKERSON: Briefly, Your Honor.
24 All right. Folks, so these questions are specifically
25 directed at Ms. Willis, Mr. Lapid, and Mr. Fortner. All right? You

1 guys -- all three of you understand that in this case, all the evidence
2 is -- it's going to come from up here; you understand that?

3 PROSPECTIVE JUROR NO. 844: Yes.

4 MR. DICKERSON: Yes? Yes?

5 PROSPECTIVE JUROR NO. 846: Yes.

6 MR. DICKERSON: Mr. Lapid, you understand? Okay.

7 And, specifically, at this point in time, no evidence has
8 been presented, you understand that? All three of you? Yes?

9 So at this point in time, there's no way to reach a guilty
10 verdict, because there's no evidence. You understand that?

11 PROSPECTIVE JUROR NO. 846: Yes.

12 MR. DICKERSON: Mr. Lapid, you understand that?

13 PROSPECTIVE JUROR NO. 845: I do.

14 MR. DICKERSON: Once the evidence is presented, at that
15 point in time, and when it's submitted to you for your deliberation,
16 that's when you can make your decision on guilt; you understand
17 that?

18 PROSPECTIVE JUROR NO. 845: Yes.

19 MR. DICKERSON: And if, in this case, the State were to
20 present only one witness, and you believe that witness beyond a
21 reasonable doubt that the defendant was, in fact, guilty, could you
22 find the defendant guilty?

23 Mr. Lapid?

24 PROSPECTIVE JUROR NO. 845: Yes.

25 MR. DICKERSON: Okay. Despite the fact that only one

1 witness has testified, you could still find the defendant guilty,
2 correct? Yes? Mr. Lapid?

3 PROSPECTIVE JUROR NO. 845: Even --

4 MR. DICKERSON: If you could pass him the microphone.
5 Badge Number 845.

6 PROSPECTIVE JUROR NO. 845: Yes. I just have the
7 feeling that even there's not much -- not witness involve, but just
8 meaning that he's there, there's, obviously, some reason why he's
9 there right now.

10 MR. DICKERSON: So you have this feeling that,
11 obviously, there's some reason he's there right now, but that
12 doesn't mean that you believe he's guilty at this point in time, does
13 it?

14 PROSPECTIVE JUROR NO. 845: Right now I'm leaning
15 towards that, because based --

16 MR. DICKERSON: So --

17 PROSPECTIVE JUROR NO. 845: -- on the statements --

18 MR. DICKERSON: -- you would agree no evidence has
19 been presented, correct?

20 PROSPECTIVE JUROR NO. 845: Yes, there's no evidence
21 at the moment.

22 MR. DICKERSON: So there's absolutely no evidence at
23 this point in time that the defendant's guilty, correct?

24 PROSPECTIVE JUROR NO. 845: There's no evidence
25 presented as of yet.

1 MR. DICKERSON: As of yet, correct?

2 PROSPECTIVE JUROR NO. 845: Yes.

3 MR. DICKERSON: So as of right now, if, like the question
4 Defense counsel asked that you heard, if you had to reach a verdict
5 right now, the verdict would have to be not guilty, correct? Since
6 there's no evidence.

7 PROSPECTIVE JUROR NO. 845: For now, no.

8 MR. DICKERSON: For now? You understand what I'm
9 saying?

10 PROSPECTIVE JUROR NO. 845: Yes.

11 MR. DICKERSON: Do you agree with that?

12 PROSPECTIVE JUROR NO. 845: Yes.

13 MR. DICKERSON: Okay. Now, you -- then you agreed
14 also that if the State meets its burden even by putting up just one
15 witness, that you believe, beyond a reasonable doubt, that proves
16 the defendant's guilt, you could find the defendant guilty at that
17 point in time?

18 PROSPECTIVE JUROR NO. 845: Yes.

19 MR. DICKERSON: Okay. You did seem to have a couple
20 of issues understanding the judge when he was questioning you.

21 PROSPECTIVE JUROR NO. 845: Yes.

22 MR. DICKERSON: What is that? Was it language? Was it
23 just comprehension? What's going on there?

24 PROSPECTIVE JUROR NO. 845: Just trying to catch up.

25 MR. DICKERSON: Okay.

1 PROSPECTIVE JUROR NO. 845: I want to be specific on --
2 I don't -- just don't want to mis-listen.

3 MR. DICKERSON: Right. And so one of those questions
4 was, Did anything from your prior jury service, would that affect
5 your ability to sit here as a fair and impartial juror? There was a
6 long pause, what was it that you were thinking about at that point
7 in time?

8 PROSPECTIVE JUROR NO. 845: Well, it's just a different
9 scenario this time.

10 MR. DICKERSON: Okay.

11 PROSPECTIVE JUROR NO. 845: From the previous duty
12 that I represented before.

13 MR. DICKERSON: Okay. Was that here in this
14 courthouse?

15 PROSPECTIVE JUROR NO. 845: Not specifically here, but
16 it's the same building.

17 MR. DICKERSON: Okay. Same building, maybe different
18 floor or something?

19 PROSPECTIVE JUROR NO. 845: Yes.

20 MR. DICKERSON: Okay. But nonetheless, do you still
21 believe that you could be a fair and impartial juror?

22 PROSPECTIVE JUROR NO. 845: I do.

23 MR. DICKERSON: Okay. So you can listen to all the
24 instructions of the judge and follow those instructions?

25 PROSPECTIVE JUROR NO. 845: Yes.

1 MR. DICKERSON: Even if maybe you don't agree with
2 them?

3 PROSPECTIVE JUROR NO. 845: Even if I don't agree, I
4 have to follow the procedures of the law.

5 MR. DICKERSON: Right. You have to follow the law that
6 the judge gives you?

7 PROSPECTIVE JUROR NO. 845: Yes.

8 MR. DICKERSON: Because you would agree with me that
9 the system wouldn't work if the jury just rewrote the law?

10 PROSPECTIVE JUROR NO. 845: Could you please repeat
11 that again? I'm sorry.

12 MR. DICKERSON: Our system of justice wouldn't work if
13 the jury was just allowed to rewrite the law, correct?

14 PROSPECTIVE JUROR NO. 845: Yeah. Correct.

15 MR. DICKERSON: Okay. So with that, sir, if you did have
16 to reach a verdict right now, the verdict is what?

17 PROSPECTIVE JUROR NO. 845: Innocent till proven
18 guilty.

19 MR. DICKERSON: Okay. Ms. Willis -- could you pass it
20 right next to you?

21 844?

22 PROSPECTIVE JUROR NO. 844: Yes.

23 MR. DICKERSON: You said that your daughter was a
24 victim of battery and domestic violence?

25 PROSPECTIVE JUROR NO. 844: Yes.

1 MR. DICKERSON: And did that occur here in Clark
2 County?

3 PROSPECTIVE JUROR NO. 844: Yes.

4 MR. DICKERSON: So was it prosecuted by my office,
5 Clark County District Attorney's Office?

6 PROSPECTIVE JUROR NO. 844: I'm sure it was. I wasn't
7 really involved.

8 MR. DICKERSON: Okay. But you were satisfied with the
9 way that that was prosecuted?

10 PROSPECTIVE JUROR NO. 844: Well, he did get put in
11 jail, so.

12 MR. DICKERSON: Okay.

13 PROSPECTIVE JUROR NO. 844: Yes.

14 MR. DICKERSON: Do you have any concerns about that
15 experience, whatever you had to do with that, that may affect your
16 ability here as a juror?

17 PROSPECTIVE JUROR NO. 844: No.

18 MR. DICKERSON: Okay. Do you believe you can be fair
19 and impartial?

20 PROSPECTIVE JUROR NO. 844: Absolutely.

21 MR. DICKERSON: Follow all the instructions of the judge?

22 PROSPECTIVE JUROR NO. 844: Yes.

23 MR. DICKERSON: Okay. Have either of you three ever
24 been into a fight?

25 PROSPECTIVE JUROR NO. 844: To a fight?

1 MR. DICKERSON: Have you -- I'm sorry. Have either three
2 of you ever been in a fight?

3 Mr. Lapid?

4 THE COURT: Counsel --

5 MR. DICKERSON: Badge Number --

6 THE COURT: -- pass him a -- pass the microphone to
7 Ms. Willis. She responded and we --

8 PROSPECTIVE JUROR NO. 844: I said no. I said no.

9 MR. DICKERSON: Ms. Willis, Badge Number 845 [sic] said
10 no. Mr. Lapid, Badge Number -- I'm sorry, 845, Ms. Willis 844.

11 PROSPECTIVE JUROR NO. 845: Close, but not -- it didn't
12 happen.

13 MR. DICKERSON: Tell me about it.

14 PROSPECTIVE JUROR NO. 845: Someone almost
15 provoked me, but I backed out.

16 MR. DICKERSON: What happened?

17 PROSPECTIVE JUROR NO. 845: It's just a verbal
18 confrontation.

19 MR. DICKERSON: Okay.

20 PROSPECTIVE JUROR NO. 845: No physical altercation
21 whatsoever.

22 MR. DICKERSON: Okay. And what happened?

23 PROSPECTIVE JUROR NO. 845: It's just -- someone just
24 berated me, talking some unfitting language. And then I thought he
25 was about to confront me. I was about to my defensive stance of

1 whatsoever, waiting for him to strike, just in case. Of course,
2 natural instincts tells me that I have to defend myself.

3 MR. DICKERSON: Right. So how did that whole
4 confrontation end?

5 PROSPECTIVE JUROR NO. 845: My friend and -- my
6 friend just split us up.

7 MR. DICKERSON: Okay. So the other guy didn't attack
8 you?

9 PROSPECTIVE JUROR NO. 845: No.

10 MR. DICKERSON: Okay.

11 PROSPECTIVE JUROR NO. 845: I thought he was about
12 to.

13 MR. DICKERSON: And how did that make you feel?

14 PROSPECTIVE JUROR NO. 845: Of course, very, very
15 angry. Because he was saying the wrong buttons, basically,
16 pushing the wrong buttons on me.

17 MR. DICKERSON: Oh, yeah?

18 PROSPECTIVE JUROR NO. 845: Yes.

19 MR. DICKERSON: So having that experience, is that
20 something that you can still have in your past, but sitting and
21 hearing about a confrontation of another person fair and
22 impartially?

23 PROSPECTIVE JUROR NO. 845: It might affect at some
24 degree.

25 MR. DICKERSON: And to what degree?

1 PROSPECTIVE JUROR NO. 845: To the point that I might
2 be in that scenario myself. And I just have to react at certain
3 degree.

4 MR. DICKERSON: Okay. Can you explain that to me?

5 PROSPECTIVE JUROR NO. 845: Because it just happened
6 so fast at that time. So if I might put myself into that situation, of
7 course, I -- given to the scenario, I just have to really guard up,
8 basically.

9 MR. DICKERSON: Do you think it's going to affect your
10 ability to understand the evidence?

11 PROSPECTIVE JUROR NO. 845: If the evidence is very
12 tangible, just -- I just have to decide from there on.

13 MR. DICKERSON: Do you think you're going to have
14 trouble with the evidence in general?

15 PROSPECTIVE JUROR NO. 845: No.

16 MR. DICKERSON: So then, regardless of what evidence
17 there is, you don't believe we'll have any problems?

18 PROSPECTIVE JUROR NO. 845: No. It won't be a
19 problem.

20 MR. DICKERSON: Okay. You seem to have some
21 hesitation; what was that about? Earlier and two questions ago.

22 PROSPECTIVE JUROR NO. 845: It's just I have some -- a
23 little -- I'm a little nervous too at the same time, because it's been --
24 the last I did this was two and a half -- almost a year -- almost two
25 years ago.

1 MR. DICKERSON: Okay.

2 PROSPECTIVE JUROR NO. 845: It was too recent for me.

3 MR. DICKERSON: Too recent?

4 PROSPECTIVE JUROR NO. 845: Yes.

5 MR. DICKERSON: Why is that?

6 PROSPECTIVE JUROR NO. 845: I was part of the panel

7 before, and it was just -- I just didn't know that I'll be selected this

8 soon.

9 MR. DICKERSON: That you'd be selected to serve?

10 PROSPECTIVE JUROR NO. 845: This soon.

11 MR. DICKERSON: Oh, this soon again?

12 PROSPECTIVE JUROR NO. 845: Yes.

13 MR. DICKERSON: Welcome back. So as far as that goes,

14 would you characterize your past jury experience as being an

15 enjoyable one?

16 PROSPECTIVE JUROR NO. 845: I might say neither I enjoy

17 it or enjoy it. I'm just, basically, in the middle.

18 MR. DICKERSON: Okay. Do you have any ill feelings

19 about it?

20 PROSPECTIVE JUROR NO. 845: Not ill feelings. It's just a

21 sense of a little bit uncomfortable. But not to the point that it cause

22 my decision with my fellow jurors or whatsoever. It's just the initial

23 process, basically.

24 MR. DICKERSON: Okay. Are you uncomfortable right

25 now, just being here?

1 PROSPECTIVE JUROR NO. 845: To certain degrees, yes.

2 MR. DICKERSON: And despite your uncomfot, are you
3 going to be able to deliberate at some point in time with your other
4 fellow jurors?

5 PROSPECTIVE JUROR NO. 845: A certain degree, yes.

6 MR. DICKERSON: What do you mean to a certain degree?

7 PROSPECTIVE JUROR NO. 845: I won't find out till I'm in
8 that situation.

9 MR. DICKERSON: Do you think it'll be difficult for you to
10 deliberate with other people, to talk to them about your ideas and
11 listen to their ideas?

12 PROSPECTIVE JUROR NO. 845: No.

13 MR. DICKERSON: You don't believe so?

14 PROSPECTIVE JUROR NO. 845: Actually, I can deliberate
15 along with my fellow peers.

16 MR. DICKERSON: Okay. We'll pass, Your Honor.

17 THE COURT: Defense, any questions?

18 MS. ODEH: Yes, thank you, Your Honor.

19 So Mr. Lapid, right?

20 PROSPECTIVE JUROR NO. 845: Yes.

21 MS. ODEH: 0845. While you still have the microphone,
22 we're not -- we don't -- there's no right answers or wrong answers,
23 and we don't ask people to be robots. We are just looking for
24 honest answers. Okay?

25 PROSPECTIVE JUROR NO. 845: Yes.

1 MS. ODEH: So let me ask you this: If you were accused of
2 a crime yourself, would you want someone like you on your jury,
3 with your background? Would you want that person to be a juror in
4 your case?

5 PROSPECTIVE JUROR NO. 845: No.

6 MS. ODEH: Is that because in your heart of hearts you
7 just don't believe you can be fair?

8 PROSPECTIVE JUROR NO. 845: Could you please repeat
9 the question, please.

10 MS. ODEH: Is it because you don't believe that you can be
11 fair and impartial?

12 PROSPECTIVE JUROR NO. 845: No.

13 MS. ODEH: Why?

14 PROSPECTIVE JUROR NO. 845: It's just there's so many
15 uncertainties that I have to check.

16 MS. ODEH: You said you're uncomfortable right now,
17 when Mr. Dickerson was asking you questions, right?

18 PROSPECTIVE JUROR NO. 845: Yes.

19 MS. ODEH: Can you explain a little bit more about that?

20 PROSPECTIVE JUROR NO. 845: I just don't like to be in
21 the spotlight.

22 MS. ODEH: That other jury trial that you were a juror for,
23 did you talk to anyone afterwards, any of the parties or the lawyers?

24 PROSPECTIVE JUROR NO. 845: No.

25 MS. ODEH: Okay. If you could pass the microphone to

1 Ms. Willis, 0844.

2 Ms. Willis, can you tell me, do you think that Mr. Edwards
3 should have to prove anything in this case?

4 PROSPECTIVE JUROR NO. 844: No.

5 MS. ODEH: And why not?

6 PROSPECTIVE JUROR NO. 844: Because that's the burden
7 of the State.

8 MS. ODEH: So it's okay with you if we sit there and say
9 nothing, yes?

10 PROSPECTIVE JUROR NO. 844: Yes.

11 MS. ODEH: And it's okay with you if we don't ask any
12 questions at all?

13 PROSPECTIVE JUROR NO. 844: Yes.

14 MS. ODEH: And if the State does not prove him guilty,
15 you will find him not guilty, correct?

16 PROSPECTIVE JUROR NO. 844: Correct.

17 MS. ODEH: Okay. If you can pass the microphone to
18 Mr. Fortner, 0846.

19 Mr. Fortner, let me ask you, what do you think about
20 peoples' right to defend themselves?

21 PROSPECTIVE JUROR NO. 846: Well, under the law, it's a
22 right if somebody is physically threatened and they feel that they
23 may be harmed, then my understanding of the law is people have
24 that right.

25 MS. ODEH: Putting the law aside, how do you feel about

1 it personally?

2 PROSPECTIVE JUROR NO. 846: I -- my personal feelings
3 are consistent with the law.

4 MS. ODEH: Okay. Do any of the three of you have any
5 experience with security guards?

6 PROSPECTIVE JUROR NO. 846: No, I don't. Other than
7 positive.

8 MS. ODEH: That's Mr. Fortner answering, 0846.

9 And would you describe what positive interactions you've
10 had with security guards?

11 PROSPECTIVE JUROR NO. 846: It means that when I ask a
12 security guard in any given casino where a restroom is, where the
13 restrooms are, they've always smiled and pointed me in the right
14 direction.

15 MS. ODEH: So they've been pleasant?

16 PROSPECTIVE JUROR NO. 846: Yes.

17 MS. ODEH: Do you hold security guards in the same -- at
18 the same level as police officers? The same level of authority?

19 PROSPECTIVE JUROR NO. 846: No, because they have
20 not gone under -- in general -- speaking in general terms, security
21 guards have not gone under the intensive training that police
22 officers have.

23 MS. ODEH: For the three of you were sitting there while I
24 was asking questions before, and I hope you were listening, do any
25 of you have anything specific that you'd like to say regarding any of

1 the questions that I've asked?

2 PROSPECTIVE JUROR NO. 846: No.

3 MS. ODEH: Mr. Fortner answers no out loud, and
4 Ms. Willis shaking her head no.

5 I don't think I have any other questions. Thank you.

6 THE COURT: Thank you, counsel. Approach, please.

7 [Bench conference transcribed as follows.]

8 THE COURT: Counsel, do you pass the entire panel for
9 cause or would you like to assert a challenge?

10 MS. BROUWERS: We would like to assert a challenge to
11 Mr. Lapid.

12 MR. DICKERSON: Submit.

13 THE COURT: You're going to submit? Is it going to be a
14 short challenge?

15 MS. BROUWERS: I wouldn't be sure --

16 THE COURT: I mean, do I need to excuse the juror? Could
17 we do it at the --

18 MS. BROUWERS: No. I mean, I -- the challenge that I --
19 that we have to him is he --

20 THE COURT: With who?

21 MS. BROUWERS: Mr. Lapid.

22 MR. DICKERSON: That's --

23 THE COURT: And he is --

24 MS. BROUWERS: Which I thought we --

25 MR. DICKERSON: Badge Number 845.

1 MS. BROUWERS: Thank you.

2 THE COURT: Badge Number 845. Yes.

3 MS. BROUWERS: The chang that we have to him is
4 despite him -- well, he's, first, incredibly hesitant to answer
5 questions from the Court, the prosecution, and the defense. But
6 when specifically questioned as to would you want someone with
7 your kind of background to be a juror in a trial? He said no. He
8 doesn't seem to be actively engaged in the process. I think he's
9 being a little bit willful in terms of his refusal to participate actively
10 in questioning that goes beyond just simply being a little reticent to
11 answer questions because he's uncomfortable.

12 He said this is too soon, he didn't think he was going to be
13 called up for this process again. I don't believe we can expect him
14 to actively participate in any kind of paying attention or deliberation
15 process.

16 He repeatedly asked questions -- or asked for questions to
17 be repeated or restated, even though I believe they were fairly clear
18 and standard and have been asked of every single juror before him.
19 And given the fact that he again did say that he could not be fair,
20 that's why we're asserting a challenge for cause.

21 THE COURT: State, any response or are you going to
22 submit?

23 MR. DICKERSON: We will just submit on the fact --

24 THE COURT: Okay.

25 MR. DICKERSON: -- that he said he couldn't be fair.

1 THE COURT: All right. Just my observation of him is he
2 seems to be hesitant, it seems -- he takes a long time to respond
3 and then asked to repeat the question. So I'm going to dismiss
4 him.

5 MS. BROUWERS: Thank you, Your Honor.

6 MR. DICKERSON: Thank you.

7 THE COURT: All right. Thank you.

8 What's his name? Oh.

9 [End of bench conference.]

10 THE COURT: At this time we'd like to thank and excuse
11 Manuel Lapid, Juror Number 845.

12 PROSPECTIVE JUROR NO. 845: Thank you, Your Honor.

13 THE COURT: Lowest number. I think Mr. Lapid was 845.

14 THE COURT CLERK: So it will be Juror Number 0854,
15 Kenneth Kamae.

16 THE COURT: Sir, if you could state your name and your
17 badge number.

18 PROSPECTIVE JUROR NO. 854: Kenneth Kamae, 0854.

19 THE COURT: I imagine you can state the questions back
20 to me by now.

21 PROSPECTIVE JUROR NO. 854: No, my memory's not
22 that good.

23 THE COURT: How long have you lived in Clark County,
24 Nevada?

25 PROSPECTIVE JUROR NO. 854: About 26 years.

1 THE COURT: How far did you go in school?
2 PROSPECTIVE JUROR NO. 854: High school graduate.
3 THE COURT: What is your occupation?
4 PROSPECTIVE JUROR NO. 854: Automotive technician.
5 THE COURT: What is your marital status?
6 PROSPECTIVE JUROR NO. 854: Married.
7 THE COURT: What is the occupation of your spouse?
8 PROSPECTIVE JUROR NO. 854: Credit underwriter.
9 THE COURT: Do you have any children?
10 PROSPECTIVE JUROR NO. 854: Yes, sir, four.
11 THE COURT: How old are your children?
12 PROSPECTIVE JUROR NO. 854: 32, 31, 29, and 26.
13 THE COURT: Okay. As to your eldest child, male or
14 female?
15 PROSPECTIVE JUROR NO. 854: Female, cosmetologist.
16 THE COURT: Okay. Your second oldest child?
17 PROSPECTIVE JUROR NO. 854: My son is a tattoo artist.
18 THE COURT: Your third oldest child?
19 PROSPECTIVE JUROR NO. 854: My third daughter is a
20 homemaker, and our youngest daughter is a teacher's aide.
21 THE COURT: Thank you.
22 Have you ever served as a juror before?
23 PROSPECTIVE JUROR NO. 854: No, sir.
24 THE COURT: Have you ever testified as a witness in a
25 criminal case?

1 PROSPECTIVE JUROR NO. 854: No, Your Honor.
2 THE COURT: Have you or a close family member ever
3 been convicted of a crime?
4 PROSPECTIVE JUROR NO. 854: No.
5 THE COURT: Have you or a close family member ever
6 been the victim of a crime?
7 PROSPECTIVE JUROR NO. 854: I was a victim of grand
8 theft auto.
9 THE COURT: Somebody took your car without your
10 permission?
11 PROSPECTIVE JUROR NO. 854: It was just a moped, but it
12 had a 17-digit VIN number, so they classified it as grand theft auto.
13 THE COURT: Okay. And did you -- was the case
14 investigated by law enforcement?
15 PROSPECTIVE JUROR NO. 854: Yes.
16 THE COURT: And were you satisfied with their
17 investigation?
18 PROSPECTIVE JUROR NO. 854: Yes.
19 THE COURT: Did they -- were they able to recovery your
20 moped?
21 PROSPECTIVE JUROR NO. 854: Yes.
22 THE COURT: Was the person who took your moped
23 prosecuted?
24 PROSPECTIVE JUROR NO. 854: They never found the
25 individual.

1 THE COURT: Okay. Other than that, that's the only
2 person, either you or your close family member that's been the
3 victim?

4 PROSPECTIVE JUROR NO. 854: Yes, Your Honor.

5 THE COURT: Okay. Thank you.

6 Do you have any close relatives or friends that have ever
7 been engaged in law enforcement?

8 PROSPECTIVE JUROR NO. 854: No.

9 THE COURT: Do you agree that if you are chosen to serve
10 as a juror in this case, that you will honor your duty to be
11 completely fair and impartial and to listen carefully to all the
12 evidence before you make a decision?

13 PROSPECTIVE JUROR NO. 854: Yes.

14 THE COURT: State, any questions?

15 MR. DICKERSON: Just briefly, Your Honor.

16 Mr. Kamae, Badge Number 854, you've heard the other
17 questions that have been asked.

18 PROSPECTIVE JUROR NO. 854: Yes.

19 MR. DICKERSON: Do you have any response or any ideas
20 that came up here in the questioning that you think would be
21 pertinent for us to know?

22 PROSPECTIVE JUROR NO. 854: No.

23 MR. DICKERSON: Any experience with homelessness?

24 PROSPECTIVE JUROR NO. 854: No.

25 MR. DICKERSON: Any experience with security officers?

1 PROSPECTIVE JUROR NO. 854: I was a security officer for
2 a brief stint. It was, like, for a year, '94 to '95.

3 MR. DICKERSON: Where was that?

4 PROSPECTIVE JUROR NO. 854: That was here in Clark
5 County.

6 MR. DICKERSON: Okay. And where, specifically?

7 PROSPECTIVE JUROR NO. 854: They had me stationed
8 several different places. I was a guard at a new-home construction
9 site, and for a while I was at an apartment complex near Clark High
10 School. And for a while inside Caesars Palace at the Cartier jewelry
11 store.

12 MR. DICKERSON: Okay. And did you ever have any
13 conflicts with anybody doing that work?

14 PROSPECTIVE JUROR NO. 854: No.

15 MR. DICKERSON: Okay. What were your general duties?

16 PROSPECTIVE JUROR NO. 854: Pretty much just to
17 oversee properties at the construction site, make sure nobody
18 interfered with anything. At the apartment complex, I was just to
19 make rounds and make sure there were tampering with vehicles or
20 property. And then at the jewelry store, just there, pretty much just
21 stand up when somebody comes in.

22 MR. DICKERSON: Yeah.

23 PROSPECTIVE JUROR NO. 854: There's never really
24 anything -- but, I mean, Caesars Palace, their regular security were
25 always walking around, so.

1 MR. DICKERSON: Okay. Have you ever been in a fight
2 before?

3 PROSPECTIVE JUROR NO. 854: Just once back in junior
4 high.

5 MR. DICKERSON: That's the last time?

6 PROSPECTIVE JUROR NO. 854: Yeah.

7 MR. DICKERSON: Anything about that junior high fight
8 that's going to affect your ability to sit here?

9 PROSPECTIVE JUROR NO. 854: No, sir.

10 MR. DICKERSON: Do you have any feeling that there's
11 anything in your background or history that's going to affect your
12 ability to sit here as a fair and impartial juror?

13 PROSPECTIVE JUROR NO. 854: No.

14 MR. DICKERSON: Okay. Thank you, sir.

15 THE COURT: Defense counsel, any questions?

16 MS. ODEH: Yes. Thank you, Your Honor.

17 So, Mr. Kamae, I missed it, did you say whether you'd
18 served on a jury before?

19 PROSPECTIVE JUROR NO. 854: I have not.

20 MS. ODEH: Okay. So let me ask you the question I asked
21 the other gentleman that was in your seat: If you were the one
22 accused of a crime here, would you want a person with your
23 background on your jury?

24 PROSPECTIVE JUROR NO. 854: Yes.

25 MS. ODEH: Why?

1 PROSPECTIVE JUROR NO. 854: I make pretty fair
2 judgment. I try to see both sides of the story, but I go with what my
3 heart tells me.

4 MS. ODEH: Okay. So let' say there's only side to this
5 story, the State side. And we don't prevent any evidence. Not say
6 that we won't, but if we didn't, what would your finding be?

7 MR. DICKERSON: Your Honor, I object.

8 MS. ODEH: I apologize. I'm sorry. I misspoke it.

9 THE COURT: I'm going to sustain.

10 MS. ODEH: I apologize.

11 If we were not to present any evidence and you didn't
12 believe that the State proved Mr. Edwards guilty, would you find
13 him not guilty?

14 PROSPECTIVE JUROR NO. 845: Correct. Not guilty.

15 MS. ODEH: You said you can judge both sides, so I just
16 want to be clear: Would you need to hear anything from
17 Mr. Edwards before you made your decision?

18 PROSPECTIVE JUROR NO. 845: No.

19 MS. ODEH: When you were a security guard, did you
20 work individually or on teams?

21 PROSPECTIVE JUROR NO. 845: I just -- individual.

22 MS. ODEH: Based on your experience as a security guard,
23 would you favor the testimony of someone who's worked security
24 over anyone else?

25 PROSPECTIVE JUROR NO. 845: No. A person is a person.

1 MS. ODEH: And you heard all the other questions that I
2 asked; is that anything that -- any question that stood out that you
3 wish you could answer?

4 PROSPECTIVE JUROR NO. 845: No.

5 MS. ODEH: Okay. Thank you.

6 THE COURT: Ladies and gentlemen, we are now
7 entering -- first of all, counsel, approach the bench, please.

8 [Bench conference transcribed as follows.]

9 THE COURT: Counsel, do you pass the entire panel for
10 cause or would you like to assert a challenge?

11 MR. DICKERSON: State passes for cause.

12 MS. BROUWERS: Defense pass for cause.

13 THE COURT: Thank you.

14 MS. BROUWERS: Thank you.

15 [End of bench conference.]

16 THE COURT: Ladies and gentlemen, we are now entering
17 the last phase of the jury selection process, the exercise of
18 peremptory challenges. This will take a few minutes as some
19 private conferences -- counsel, will you approach the bench again.

20 [Bench conference transcribed as follows.]

21 THE COURT: I've done it either way, where I've excused
22 the jurors during this process or I've let them sit here for a while.
23 My preference is usually to excuse them.

24 MS. BROUWERS: We'll submit to that, Your Honor.

25 THE COURT: Because it usually takes --

1 MR. DICKERSON: We're fine with that.
2 THE COURT: Okay. So I'm going to excuse them,
3 about 15 minutes, do you think?
4 MS. DERJAVINA: That's fine.
5 MS. BROUWERS: Yeah.
6 MR. DICKERSON: Great.
7 THE COURT: Okay. All right. We'll take another recess
8 for about 15 minutes and --
9 MR. DICKERSON: Great. Thank you, Your Honor.
10 MS. BROUWERS: Thank you.
11 THE COURT: Thank you.
12 [End of bench conference.]
13 THE COURT: Ladies and gentlemen, we're going to take
14 a 15-minute recess. During this recess, you're admonished not to
15 talk or converse among yourselves or with anyone else on any
16 subject connected with the trial, or read, watch, or listen to any
17 report of or commentary on the trial or any person connected with
18 this trial by any medium of information, including, without
19 limitation, newspapers, television, radio, or Internet, or form or
20 express any opinion on any subject connected with the trial until
21 the case is finally submitted to you.
22 We'll be in recess for about 15 minutes. Thank you.
23 [Prospective jury panel recessed at 3:25 p.m.]
24 THE COURT: Counsel, you're each entitled to five
25 peremptory challenges, four peremptory challenges towards the

1 proposed regular jurors and one peremptory challenge for the
2 alternate juror, for a total of five. Quietly, you will alternate writing
3 your challenges down on the clerk's form, passing the form back
4 and forth. In any given term, you're allowed to waive your right to
5 a challenge. We will do this process first for the proposed regular
6 jurors and then for the proposed alternate juror.

7 Then I will review the forms and ask counsel certain
8 questions regarding the peremptory challenge. Before any of the
9 challenged jurors are released, that is the time to assert any *Batson*
10 challenge or challenge under *JBK versus Alabama*. Any challenge
11 not asserted at that time will be deemed waived.

12 After resolving a *Batson* challenge or challenge under *JBK*
13 *versus Alabama*, I will release any persons that will not be on the
14 final jury panel, announce the final jury panel.

15 Are there any questions?

16 MS. BROUWERS: Your Honor, I just have a quick
17 questions. If, for example, we were to waive one of our regular
18 challenges, are we precluded from waiving our -- precluded from
19 using or waiving the alternate? So if I say I --

20 THE COURT: You can waive whatever challenges you
21 deem appropriate.

22 MS. BROUWERS: Okay. But that's not going to preclude
23 us from --

24 THE COURT: So you're going to have --

25 MS. BROUWERS: -- later using a peremptory.

1 THE COURT: Give me the form.
2 MS. BROUWERS: I apologize.
3 THE COURT: That's okay.
4 MS. BROUWERS: I just want to make sure I get it right.
5 THE COURT: Here's the form. So usually the State will do
6 their peremptory. On your side you can waive it, then the State will
7 go back and do a peremptory. On the next, you can assert a
8 challenge.
9 MS. BROUWERS: Okay.
10 THE COURT: So it's going to go back and forth, back and
11 forth.
12 Is that your understanding, counsel?
13 MR. DICKERSON: Yeah. And then the final one will be on
14 the last four.
15 THE COURT: On the alternate.
16 MR. DICKERSON: So that would be the last four
17 prospective jurors?
18 THE COURT: That's correct.
19 MR. DICKERSON: Okay.
20 THE COURT: We're going to have two alternates.
21 MS. BROUWERS: Okay. Thank you.
22 THE COURT: At this time we'll be in recess.
23 MS. DERJAVINA: Okay. Thank you, Your Honor.
24 [Court recessed at 3:27 p.m., until 4:01 p.m.]
25 [Outside the presence of the prospective jury panel.]

1 THE COURT: Back on the record. Let the record reflect
2 the presence of counsel, the defendant, however, the potential jury
3 panel is not present.

4 I've received the peremptory challenges.

5 State, you waived one of the challenges for the alternates?

6 MR. DICKERSON: Correct, Your Honor.

7 THE COURT: It's my understanding that once I exclude --
8 first of all, is there any challenges to any of the peremptory
9 challenges?

10 MS. ODEH: No.

11 THE COURT: Okay. So it's my understanding that the
12 first 12 will be the jurors. The next two will be the alternate jurors,
13 and the 13th juror will be excused. Is that counsels' understanding?

14 MS. ODEH: The -- wait.

15 MS. BROUWERS: So the 15th juror will be excused?

16 THE COURT: Okay. We have four -- we have four jurors,
17 four alternate jurors. Okay. So you've only excluded one alternate.
18 So we're going to -- we have three. So the first two, sequentially,
19 will be the alternates. The last juror, sequentially, will be excused.
20 Is that your understanding, counsel?

21 MR. DICKERSON: That's the State's understanding, which
22 I believe would be Badge Number 830, Ms. Manangan.

23 THE COURT: Okay. So when I excuse everybody, I'm
24 going to seat them in the box. And then the 13th person -- I'm
25 sorry, you know what, you're right. I apologize.

1 MS. BROUWERS: I was, like, Oh, my God.

2 THE COURT: No, no, no. I see where -- your confusion
3 and it's completely my fault.

4 MS. BROUWERS: That's okay.

5 THE COURT: And this is why I'm not an accountant and
6 I'm an -- oh, now I'm a judge.

7 MS. BROUWERS: I was told there would be no math.
8 Yeah.

9 THE COURT: But it's going to be the 15th person will be
10 excused sequentially; is that your understanding?

11 MS. BROUWERS: Yes.

12 MS. ODEH: Yes.

13 MS. BROUWERS: It's also our understanding -- it's our
14 mutual understanding that that's Badge Number 0830.

15 THE COURT: Okay. Which one is it?

16 MS. BROUWERS: 0830, Camarin Manangan.

17 THE COURT: Okay. So make sure I excuse the right
18 person.

19 MS. BROUWERS: I will count for you.

20 THE COURT: Okay. It's five after 4:00. I'm going to seat
21 the panel, do my preliminary instructions, we'll get started on -- I'll
22 let you decide if you want to get started today or wait till tomorrow.

23 MS. ODEH: Judge, I'm going to tell you that we're going
24 to have -- we're probably going to have to wait till tomorrow,
25 because there's body cam video that we just got this afternoon that

1 we need to watch. I understand the State's going to reference that
2 body cam in their opening statement, and we just want an
3 opportunity to watch it before the opening statement happens.

4 MS. DERJAVINA: Oh, yeah. And just for the record, it's
5 not that they've never seen it or never received it; they received a
6 link all the way back in June. But apparently this link isn't working
7 anymore.

8 THE COURT: Okay.

9 MS. DERJAVINA: So the State did go and make a physical
10 copy of the body cam. I just want to make sure that the record's
11 clear.

12 MS. ODEH: That's correct. That's correct.

13 THE COURT: Hold on one second.

14 [Pause in proceedings.]

15 THE COURT: Counsel, I'm just talking with the clerk. So
16 she's going to read off who the jurors are, and then even though
17 they're not struck, it's my understanding that Camarin Manangan,
18 Juror Number 830, will also be excused; is that correct?

19 MR. DICKERSON: State's understanding, Your Honor.

20 MS. DERJAVINA: Yes, Your Honor.

21 MS. ODEH: Yes.

22 THE COURT: Okay.

23 [Pause in proceedings.]

24 THE COURT: So if I understand what counsels -- I will do
25 the preliminary instructions this afternoon, and then I'm going to

1 excuse the jurors; is that correct?

2 MR. DICKERSON: That's State's understanding, Your
3 Honor.

4 MS. DERJAVINA: Yes.

5 MS. ODEH: Yes.

6 THE COURT: Making me do all the work today.

7 MR. DICKERSON: We sure are.

8 [Pause in proceedings.]

9 THE COURT: You want them -- her to state the seat
10 number when she calls --

11 MR. DICKERSON: That would be great.

12 MS. BROUWERS: Yeah. That's --

13 THE COURT CLERK: Where who is sitting.

14 MR. DICKERSON: Yes, ma'am. That would be great.
15 Thank you so much.

16 THE COURT: Okay. And then can you advise counsel
17 the 12 jurors and the two alternates, so it coincides with their
18 understanding of who the jurors will be and the alternates.

19 THE COURT CLERK: Yes, Your Honor.

20 So in Seat Number 1, we will have Cynthia Eldridge; and
21 then the next seat will be Vivian Willis.

22 MS. DERJAVINA: Can you give us the badge numbers,
23 please.

24 THE COURT CLERK: Yes, I'm sorry. Going backwards,
25 Seat Number 1 will be Juror Number 0664, Cynthia Eldridge; Seat

1 Number 2 will be Vivian Ellis -- excuse me, Willis, Badge
2 Number 0844; Seat Number 3, Kenneth Kamae, 0854; Seat
3 Number 4, John Lindaman, 0707; Seat Number 5 will be Dana
4 Hammontree, 0722; Seat Number 6, Anthony Fortner, 0846; Seat
5 Number 8, 0751, Timothy Rogan; Seat Number 9, Joshua
6 Jaehn, 0765; Seat Number 10 will be Tamara Ouellette, 0787; Seat
7 Number 11, Daniel Lemier, 0797; Seat Number 12, 0799, Julie
8 Morlacci; in Seat Number 13, 0808, Jeffrey Meckley; Seat
9 Number 14, Jerome Dickey, 0812.

10 MS. ODEH: I think we're one off.

11 MS. BROUWERS: Yeah, I was, like, I think we're one off. I
12 believe Seat Number -- I think we skipped Seat Number 7.

13 MS. DERJAVINA: 7 and 8.

14 THE COURT CLERK: Oh.

15 MS. ODEH: So 7 should be Timothy Rogan.

16 State, is that consistent with your understanding?

17 MR. DICKERSON: Yes.

18 MS. ODEH: Okay. Sorry. I should have piped up earlier,
19 but --

20 THE COURT CLERK: Okay. I'm sorry, where -- what seat
21 did you go?

22 MS. ODEH: So the last one that we can -- that we're all in
23 agreement on is Seat Number 6 is Anthony Fortner, Badge
24 Number 0846.

25 THE COURT CLERK: Okay.

1 MS. ODEH: And subsequent to that is Seat Number 7,
2 which I believe the parties are in agreement should be --

3 THE COURT CLERK: That is correct.

4 MS. ODEH: -- Timothy Rogan, Badge Number 0751.

5 THE COURT CLERK: That's correct. The following seat
6 will be 0765, Joshua Jaehn; and following him will be 0787, Tamara
7 Ouellette; following him will be Daniel Lemier, 0797, and following
8 him will be Julie Morlacci, 0799; following him will be Jeffrey
9 Meckley, 0808; following him will be Jerome Dickey, 0812; and then
10 lastly, Ronald Mullins, 0821.

11 THE COURT: And it's my understanding the -- Seats 1
12 through 12 are the jurors in Seats 13 and 14 are the alternate jurors.
13 At this point, we still -- I'm not going to advise the jurors who are
14 the jurors and who are the alternate jurors.

15 Now, is this -- as to the jurors and alternate jurors, does
16 that coincide with counsel's understanding of the panel?

17 MR. DICKERSON: It does, Your Honor.

18 MS. BROUWERS: Yes, Your Honor.

19 THE COURT: So I'm going to bring them back in and she
20 will announce.

21 And do seat number, also.

22 And then at that time, I'm going to excuse everybody else,
23 have them sworn in, and then I'll do the preliminary instructions,
24 and then we'll have our evening recess.

25 MS. BROUWERS: That's correct, Your Honor.

1 THE COURT: Is that satisfactory?
2 MS. DERJAVINA: Thank you.
3 MS. BROUWERS: Yes.
4 THE COURT: Okay. Thank you.
5 If you could bring them in at this time.
6 [Prospective jury panel reconvened at 4:10 p.m.]
7 THE COURT: Counsel, can you approach for a moment,
8 please.
9 [Bench conference transcribed as follows.]
10 THE COURT: This is not my normal clerk, and I asked her
11 how she does it in her department. And she advises that what she
12 usually does is excuse the persons who are not going to be on the
13 jury panel. Then once those persons are excused, she then will seat
14 the people in their seats. If that's satisfactory?
15 MS. DERJAVINA: Yes, that is, Your Honor.
16 MR. DICKERSON: That is correct.
17 MS. BROUWERS: Court's please at this time.
18 MR. DICKERSON: Thank you.
19 THE COURT: Thank you.
20 [End of bench conference.]
21 THE COURT: It appearing to the Court that all peremptory
22 challenge -- first, let the record reflect the presence of counsel, the
23 defendant, and the panel of potential jurors.
24 It appearing to the Court that the peremptory challenges
25 have either been exercised, the clerk will now call the names of

1 persons who will comprise the jury.

2 And it's my understanding that we're going to call the
3 names initially of the people who are going to be excused; is that
4 correct?

5 THE COURT CLERK: That is correct, Your Honor.

6 THE COURT: Thank you.

7 THE COURT CLERK: Okay. Badge Number 0741, Emory;
8 Badge Number 0675, Saunders; Badge Number 0848, Mendez;
9 Badge Number 0771, Misa; Badge Number 0669, Stallworth; Badge
10 Number 0838, Martinez; Badge Number 0809, Keene; Badge
11 Number 0732, Virgen; Badge Number 0817, Pickett; and Badge
12 Number 0830, Manangan.

13 THE COURT: And now if you'll seat the jurors in their
14 appropriate seats.

15 THE COURT CLERK: Yes, Your Honor.

16 In Seat Number 1, Badge Number 0664, Cynthia Eldridge;
17 in Seat Number 2, Vivian Willis; Badge Number 3, Kenneth Kamae;
18 Seat Number 4, John Lindaman; Seat Number 5, Dana
19 Hammontree; Seat Number 6, Anthony Fortner; Seat Number 7,
20 Timothy Rogan; Seat Number 8, Joshua Jaehn; Seat Number 9,
21 Tamara Ouellette; Seat Number 10, Daniel Lemier; Seat Number 11,
22 Julie Morlacci; Seat Number 12, Jeffrey Meckley; Seat Number 13,
23 Jerome Dickey; and Seat Number 14, Robert Mullins.

24 THE COURT: At this point, I'll excuse the remaining
25 potential jurors.

1 [Balance of prospective jury panel excused at 4:15 p.m.]

2 THE COURT: The clerk will now administer the oath to the
3 jurors.

4 [Jury sworn.]

5 THE COURT: The jury is now fully empaneled. You may
6 be seated.

7 Ladies and gentlemen, you are now members of the jury.
8 Before we commence with opening statements, I need to make
9 some introductory comments.

10 You are admonished that no juror may declare to a fellow
11 juror any fact relating to this case of his or her own knowledge, and
12 if any juror discovers during the trial or after the jury has retired
13 that he or she or any other juror has personal knowledge of any fact
14 in controversy in this case, he or she shall disclose such situation to
15 myself in the absence of the other jurors. This means that if you
16 learn during the course of the trial that you were acquainted with
17 the facts of this case or the witnesses, and you have not previously
18 told me of this relationship, you must then declare that fact to me.

19 It should be noted you communicate to the Court through
20 my marshal. During the course of the trial, the attorneys for both
21 sides, the parties, the witnesses, and court personnel other than the
22 marshal are not permitted to converse with members of the jury.
23 These individuals are not being antisocial, they are bound by ethics
24 and the law not to talk to you. To do so might contaminate your
25 verdict.

1 You are admonished additionally that you are not to visit
2 the scene of any of the acts or occurrences made mention of during
3 this trial unless specifically directed to do so by the Court. Please
4 don't investigate this case or anyone who has anything to do with
5 this case on your own. Do not undertake any legal or factual
6 research on your own.

7 What I will now say is intended to serve as an introduction
8 to the trial of this case, it is not a substitute for the detailed
9 instructions on the law which I will give you at the close of the case
10 and before you retire to consider your verdict.

11 This is a criminal case commenced by the State of
12 Nevada, which may sometimes refer to as the State, against Toyer
13 Evans -- I'm sorry, Toyer Edwards, Defendant. The case is based --
14 on an information. The clerk will now read the information to the
15 ladies and gentlemen of the jury and state the plea of the defendant
16 to that information.

17 [Information read.]

18 THE COURT: This case is based on the information which
19 has been -- has just been read to you by the clerk. You should
20 distinctly understand that the information is simply a charge and
21 that is not, in any sense, evidence of the allegations it contains.

22 The defendant has pled not guilty to the information. The
23 State therefore has the burden of proving each of the essential
24 elements of the charges beyond a reasonable doubt. As the
25 defendant sits there now, he is not guilty.

1 The purpose of this trial is to determine whether the State
2 will meet that burden. It is your primary responsibility as jurors to
3 find and determine the facts. Under our system of criminal
4 procedure, you are the sole judge of the facts. You are to
5 determine the facts from the testimony you hear and the other
6 evidence, including exhibits introduced in court. It is up to you to
7 determine the inferences which you feel may properly drawn from
8 the evidence.

9 At times I may sustain objections or direct that you
10 disregard certain testimony or exhibits. You must not consider any
11 evidence to which an objection has been sustained or which I have
12 instructed you to disregard. Anything you may have seen or heard
13 outside of the courtroom is not evidence and must also be
14 disregarded.

15 You must not be influenced in any degree by any personal
16 feeling or sympathy for or prejudice against the State or the
17 defendant. Both sides are entitled to the same fair and impartial
18 consideration. In considering the weight and value of the testimony
19 of any witness, you may take into consideration the appearance,
20 attitude, and behavior of the witness, the interest of the witness in
21 the outcome of the case, if any, the relation of the witness to the
22 defendant or the State, the inclination of the witness to speak
23 truthfully or not, and the probability or improbability of the
24 witness's statement and all of the facts and circumstances in
25 evidence. Thus, you may give the testimony of any witness just

1 such weight and value as you believe the testimony of the witness
2 is entitled to receive.

3 There are two kinds of evidence: Direct and
4 circumstantial. Direct evidence is testimony by a witness about
5 what that witness personally saw or heard or did. Circumstantial
6 evidence is testimony or exhibits which are proof of a particular fact
7 from which, if proven, you may infer the existence of a second fact.

8 You may consider both direct and circumstantial evidence
9 in deciding this case. The law permits you to give equal weight to
10 both, but it is for you to decide how much weight to give to any
11 evidence.

12 Opening statements and closing arguments of the
13 attorneys are not intended to help -- repeat.

14 Opening statements and closing arguments of the
15 attorneys are intended to help you in understanding the evidence in
16 applying the law, but they are not evidence. In arriving at a verdict
17 in this case as to whether the defendant is guilty or not guilty, the
18 subject of penalty or punishment is not to be discussed or
19 considered by you, and should in no way influence your verdict.

20 Until this case is submitted to you, you must not discuss it
21 with anyone, even with your fellow jurors. After it is submitted to
22 you, you must discuss it only in the jury room with your fellow
23 jurors.

24 It is important that you keep an open mind and not decide
25 any issue in the case until the entire case has been submitted to

1 you under instructions from me.

2 If you cannot hear a witness, please raise your hand as an
3 indication. Also, if you need to use the restroom or you feel ill,
4 please also raise your hand as an indication.

5 We will take intermittent breaks as the Court sees fit,
6 usually about every 90 minutes or so. And for the most part, I have
7 no objections to jurors bringing drinks into the courtroom.

8 I may during the trial take notes of the witnesses'
9 testimony and you will see me working on my computer. You are
10 not to make any inference from that action. I am required to
11 prepare for legal arguments of counsel during this trial, and for that
12 reason, I may take notes.

13 The jury will not have a transcript to consult at the close of
14 the case, however, the jury will be furnished notepads and pencils
15 and will be allowed to take notes.

16 The trial will proceed in the following manner:

17 The deputy district attorney will make an opening
18 statement, which is an outline to help you understand what the
19 State expects to prove. Next, the defendant may, but does not have
20 to, make an opening statement.

21 Opening statements are not evidence, but serve as an
22 introduction to the evidence which the party making the statement
23 intends to prove.

24 The State will then present its evidence, and counsel for
25 the defendant may cross-examine the witnesses.

1 Following the State's case, the defendant may present
2 evidence and the deputy district attorney may cross-examine the
3 witnesses. However, as I have said, the defendant is not obligated
4 to present any evidence.

5 You will be given an opportunity to ask written questions
6 of any of the witnesses called to testify in this case. You are not
7 encouraged to ask large numbers of questions, because this is the
8 primary responsibility of the parties.

9 Questions may only be asked in the following manner:
10 After both sides are finished questioning the witness, and only at
11 this time, if there are additional questions you would like to ask the
12 witness, you may then seek permission to ask that witness a written
13 question. Should you desire to ask a question, write your question
14 down on your juror pad on a full sheet of clean paper and raise
15 your hand. All questions from jurors must be factual in nature and
16 designed to clarify information already presented.

17 In addition, jurors may not place -- jurors must not place
18 undue weight on the responses to their questions. The marshal will
19 pick up your questions and give it to myself. All questions must be
20 directed to the witness and not to the lawyers or to the judge.

21 After consulting with the parties, I will determine if your
22 question is legally proper. If I determine that your question may be
23 properly asked, I will ask it. No adverse inference should be drawn
24 if the question -- if the Court does not allow a particular question.

25 After all of the evidence has been presented, I will instruct

1 you on the law. After the instructions on the law have been given,
2 after all the instructions on the law have been read to you, each
3 side has the opportunity to present oral argument. What is said in
4 closing argument is not evidence. The arguments are designed to
5 summarize and interpret the evidence.

6 Since the State has the burden of proving the defendant
7 guilty beyond a reasonable doubt, the State has the right to open
8 and close the arguments.

9 After the arguments have been completed, you will retired
10 to deliberate on your verdict. Again, let me remind you that until
11 this case is submitted to you:

12 One, do not talk to each other about it or about anyone
13 who has anything to do with it until the end of the case, when you
14 go to the jury room to decide on your verdict.

15 Two, do not talk with anyone else about this case or about
16 anyone who has anything to do with it until the trial has ended and
17 you have been discharged as jurors. Anyone else includes
18 members of your family and your friends. You may tell them that
19 you are a juror in a criminal case, but don't tell them anything about
20 it until after I have discharged you.

21 Do not let anyone talk to you about the case or about
22 anyone who has anything to do with it. If someone should try to
23 talk to you, please report it to me immediately by contacting the
24 marshal.

25 Do not read any news stories or articles or listen to any

1 radio or television reports about this case, or about anyone who
2 has anything to do with it. Do not visit the scene of any of the
3 events mentioned during the trial or undertake any investigation or
4 research on your own. Do not do any posting or communications
5 on any social networking sites or do any independent research,
6 including Internet searches.

7 Ladies and gentlemen, those are the preliminary
8 instructions. At this point, we're going to take our evening recess.
9 We'll begin tomorrow at 1:00 in this courtroom. If you could be
10 here by 12:45, so we can begin promptly at 1:00, I would appreciate
11 it.

12 I'm going to give you your evening recess admonishment.

13 During the recess, you're admonished not to talk or
14 converse among yourselves or with anyone else on any subject
15 connected with this trial, or read, watch, or listen to any report of or
16 commentary on the trial or any person connected with this trial by
17 any medium of information, including, without limitation,
18 newspapers, television, radio, or Internet, or form or express any
19 opinion on any subject connected with the trial until the case is
20 finally submitted to you.

21 It's my expectation we'll have opening statements
22 tomorrow, and then after the opening statements, we'll hear
23 testimony from witnesses.

24 At this time, you're excused.

25 [Jury recessed at 4:30 p.m.]

1 THE COURT: Counsel, anything that needs to be brought
2 to my attention?

3 MS. DERJAVINA: No, Your Honor.

4 MS. ODEH: No.

5 MS. BROUWERS: No, Your Honor.

6 THE COURT: At this time we'll be in recess till tomorrow
7 at 1:00.

8 MR. DICKERSON: Thank you very much, Your Honor.

9 THE COURT: Thank you.

10 [Court recessed at 4:31 p.m.]

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

23 
24 Shawna Ortega, CET*562
25