

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Appellant,

vs.

TATIANA LEIBEL,

Respondent,

_____ /

Electronically Filed
Aug 30 2022 03:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 2014-CR-00062
2014-CR-00062BD

RECORD ON APPEAL

VOLUME 6

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TATIANA LEIBEL
INMATE #1137908
FLORENCE MCCLURE WOMEN'S CORRECTIONAL CENTER
4370 SMILEY ROAD
LAS VEGAS, NEVADA 89115

IN PROPER PERSON

THE STATE OF NEVADA

DOUGLAS COUNTY DISTRICT ATTORNEY

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District Court Clerk

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BOBBIE R. WILLIAMS

CLERK

BY *[Signature]* DEPUTY

CASE NO. 14-CR-0062

DEPT. NO. 1

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

BEFORE THE HONORABLE DISTRICT COURT JUDGE, NATHAN TOD YOUNG

THE STATE OF NEVADA,

Plaintiff,

vs.

TATIANA LEIBEL,

Defendant.

TRANSCRIPT OF PROCEEDINGS

JURY SELECTION

TUESDAY, JANUARY 27, 2015

APPEARANCES:

For the State:

TOM GREGORY

Chief Deputy District Attorney
Minden, Nevada

For the Defendant:

KRIS BROWN

Attorney at Law
Minden, Nevada

JAMIE HENRY

Attorney at Law

Reported By:

Kathy Jackson CSR
Nevada CCR #402
California CCR #10465

CAPITOL REPORTERS (775) 882-5322

1 TUESDAY, JANUARY 27, 2015, MINDEN, NEVADA

2 -oOo-

3 THE COURT: This is Case 14CR62, State of Nevada
4 versus Tatiana Leibel. Ms. Leibel is present. She is
5 represented by her attorneys, Ms. Brown and Ms. Henry. The
6 State is represented by Mr. Gregory.

7 Before we proceed any further, I want to have the
8 interpreters for Ms. Leibel sworn. The two interpreters are
9 Ms. Anna Sosnovskoya and Zoya Spivakovsky, and so if the two
10 interpreters would please stand.

11 (Whereupon, the two interpreters were duly
12 sworn.)

13 THE COURT: The record should reflect that I
14 believe there's also a representative of the Russian
15 Federation here. Please raise your hand. Welcome, sir.

16 Ms. Brown, Ms. Henry, your table is quite full.
17 We've tried to make accommodations for you to have a spot to
18 put all of your paperwork and such, but you do have an
19 investigator here. There's not room at your table, it does
20 not appear, for your investigator to sit there, but your
21 investigator is welcome to sit immediately behind you
22 throughout the course of your proceedings. I need to know if
23 that's satisfactory to you?

24 MS. BROWN: That's working so far, Your Honor.

1 THE COURT: Mr. Gregory, you have an investigator
2 here with your office.

3 MR. GREGORY: Yes, Your Honor.

4 THE COURT: And I see Mr. Schultz here. If you
5 would like for him to sit at counsel table with you, you have
6 the Court's permission to do so.

7 MR. GREGORY: Thank you, Your Honor. I think he
8 will most likely be in and out, so he can remain back in the
9 gallery.

10 THE COURT: Okay.

11 MR. GREGORY: Thank you.

12 THE COURT: Thank you. It's my intention to
13 bring up the potential jurors now, unless there are other
14 issues that you want to address before we do that,
15 Mr. Gregory?

16 MR. GREGORY: None for the State, Your Honor.

17 THE COURT: Ms. Brown?

18 MS. BROWN: None for the defense, Your Honor.

19 THE COURT: Could I ask the bailiffs to bring up
20 the potential jurors and fill up the seats back there.

21 (Whereupon, the prospective jurors were brought
22 into the courtroom.)

23 THE COURT: Have a seat anywhere where you're
24 comfortable. We're waiting for one more person. This is the

1 longest it's been quiet in this room in a long time except
2 for last night.

3 Fill in any empty seat that you can find, please.
4 I promise you being in the front row has nothing to do with
5 being selected.

6 Well, good morning, ladies and gentlemen.
7 Welcome to Department One of the Ninth Judicial District
8 Court, State of Nevada. You have been called to be potential
9 jurors in a case, and this case is Case Number 14CR62, the
10 State of Nevada versus Tatiana Leibel.

11 Now, let me introduce the people around you, and
12 then we'll talk a little bit about the process that you're
13 going to go through this morning. From having spent years in
14 this courtroom, both as a judge and an attorney before that,
15 I'm aware that in this corner back here, the ventilation
16 system makes it very difficult for you to hear what is being
17 said up here, so I'm speaking kind of loudly, not to yell at
18 you, but to make sure that you can hear me. Anyone who can't
19 hear, well, it doesn't do any good to say if you can't hear,
20 raise your hand, does it? But if you experience some
21 difficulty hearing and you heard that part, raise your hand
22 and let me know.

23 The -- I'm your judge. I work for you. My name
24 is Tod Young, and I'm a district court judge here. The lady

1 who sits to my right is Kristin Wilfert. She's the court
2 clerk. Her job is to help me keep track of the exhibits, to
3 take notes and to help manage the course of the trial.

4 In front of me is our court reporter, is
5 Ms. Kathy Jackson. She has the amazing capacity to write
6 down everything that gets said as it gets said. I know how
7 to practice law. I did it for 30 years. I never understood
8 how the court reporters kept track of everything that got
9 said. I think it's one of the most difficult jobs in the
10 courtroom, and she does a fantastic job of it, but that's
11 what she's doing right now, and she'll do that throughout the
12 course of the trial. There may be other people that
13 substitute in for her during the course of the trial as other
14 court reporters. I don't know if Ms. Jackson will be here
15 every single day, but we'll see.

16 The gentleman who sits over here is Mr. John
17 Sutton. He works for me. He's a lawyer. He's my law clerk,
18 preparing orders and will act also as one of the bailiffs
19 during the course of this trial and help keep track of the
20 jury.

21 The other bailiffs are over here, Mr. Eric
22 Lindsey, who is a deputy. All three of them are deputies,
23 Mr. Rick Sousa, Mr. David Nishikida. They are responsible
24 for security generally and for making sure that the jury is

1 is not bothered. If there's something that a juror needs,
2 the jurors are going to tell the bailiffs. The bailiffs will
3 let me know. They are responsible, again, for general
4 security, not only in the courtroom here, but in the
5 courthouse in general. They enforce my orders and they will
6 take charge of the jury when I ask them to do so.

7 So, again, if you have an inquiry concerning your
8 personal welfare apart from this case, you should make an
9 inquiry to one of the bailiffs, who will, if necessary,
10 arrange for you to meet with me so that I can hear whatever
11 your concern is.

12 I want you to know that I respect the fact that
13 you're not at home today. You're not at work. You're not
14 taking care of your kids, whatever else you would have been
15 doing. You're here, not just because you got summoned to be
16 a potential juror in this case, but you're here fulfilling
17 what, in fact, is a civic duty, and it's one of the things
18 that make our country such a wonderful place to live is that
19 we exercise the power of government to determine whether
20 someone has committed a crime or not by having a trial in
21 front of a jury of our peers. You are the peers.

22 You are the representatives of this community,
23 who come in and fulfill the role of citizenry and that effort
24 on your part, your time, your thoughts, what you're not doing

1 with your family is all appreciated and respected by me and
2 all of my staff. I know that there are jokes in the
3 community sometimes about trying to avoid jury service but as
4 I just explained, serving on a jury is one of the obligations
5 of citizenry, and it's one of the ways that we as citizens
6 make sure our government works as it's supposed to.

7 Is the plaintiff ready to proceed?

8 MR. GREGORY: The State is ready, Your Honor.

9 THE COURT: Would you introduce yourself, please.

10 MR. GREGORY: I will. Good morning, folks. My
11 name is Tom Gregory. I'm the chief deputy district attorney
12 here for Douglas County. I'll be representing the State of
13 Nevada in these proceedings.

14 THE COURT: Thank you. Is the defense ready?

15 MS. BROWN: The defense is ready, Your Honor.

16 THE COURT: Would you introduce yourself, please.

17 MS. BROWN: Thank you, Your Honor. My name is
18 Kristine Brown. I'm one of the attorneys representing
19 Ms. Leibel in this case. This is Jamie Henry. We also have
20 an investigator present in the courtroom. This is Dustin
21 Great. If he's not talking to you, he's not being rude.
22 He's following the judge's orders.

23 THE COURT: Now, ultimately 14 of you will be
24 chosen to be on this jury, 14. Well, that's a jury of 12 and

1 two alternates. The alternates won't know who the alternates
2 are until the end of the trial, so you can't sit up there and
3 think I'm an alternate. I don't have to really pay attention
4 because we'll select the alternate at the end of the trial.
5 We'll go through a process this morning that helps us select
6 the 14 members of the community who will serve on this jury.

7 To begin that process, the clerk is going to call
8 some names, and we'll have those people come and sit down
9 here but before we do that, we're going to call everyone's
10 name that got summoned this morning so that I know who
11 responded to the summons and who appeared and who did not.

12 So to begin with, Ms. Wilfert is going to call
13 the roll.

14 THE CLERK: If I don't speak loud enough, just
15 holler at me or if you need to correct the way I say your
16 name, just go ahead and speak up.

17 THE COURT: When she calls your name, if you
18 could just signify by saying here or present or something
19 like that, that will work.

20 THE CLERK: Okay. Steven Albert?

21 MR. ALBERT: Here.

22 THE COURT: Allen Alexander.

23 MR. ALEXANDER: Here.

24 THE CLERK: Ashli Alexander? Ashli Alexander?

1 Doris Azevedo? Doris Azevedo?
2 Michel Balda?
3 MR. BALDA: Right here.
4 THE CLERK: Samantha Barns? Samantha Barns?
5 Rhonda Bavaro?
6 MS. BAVARO: Here.
7 THE CLERK: Brandon Bernard? Brandon Bernard?
8 Therese Born? Therese Born?
9 James Butler?
10 MR. BUTLER: Here.
11 THE CLERK: Christopher Buxton? Christopher
12 Buxton?
13 Raul Cabagnet?
14 MR. CABAGNOT: Here.
15 THE CLERK: Rudolph Campbell? Rudolph Campbell?
16 Susan Clark?
17 MS. CLARK: Here.
18 THE CLERK: Patricia Corwin?
19 MS. CORWIN: Here.
20 THE CLERK: Corwin, I'm sorry.
21 Kenneth Cowden? Kenneth Cowden?
22 Salvatore Disalvo? Salvatore Disalvo?
23 Kevin Dolan?
24 MR. DOLAN: Here.

1 THE CLERK: Sharon Dublanc?
2 MS. DUBLANC: Here.
3 THE CLERK: Troy Dumas?
4 MR. DUMAS: Here.
5 THE CLERK: Audrey Ellbogen?
6 MS. ELLBOGEN: Here.
7 THE CLERK: Patrick Ezekiel?
8 MR. EZEKIEL: Ezekiel.
9 THE CLERK: Ezekiel, thank you.
10 MR. EZEKIEL: Here.
11 THE CLERK: Wallace Farnham.
12 MS. FARNHAM: Here.
13 THE CLERK: Katherine Funk.
14 MS. FUNK: Here.
15 THE COURT: Maria Garcia?
16 MS. GARCIA: Here.
17 THE CLERK: Denise Geissinger?
18 MS. GEISSINGER: Here.
19 THE CLERK: Lucile Gillett?
20 MS. GILLETT: Gillett, here.
21 THE CLERK: Gillett, thank you..
22 Anita Gonzales?
23 MS. GONZALES: Here.
24 THE CLERK: Marlene Goodwin?

1 MS. GOODWIN: Here.
2 THE CLERK: Deborah Graf?
3 MS. GRAF: Here.
4 THE CLERK: Harry Pissamai?
5 MR. PISSAMAI: Here.
6 THE CLERK: Okay. Douglas Hash? Douglas Hash?
7 Dawn Havens?
8 MS. HAVENS: Here.
9 THE CLERK: Lance Hipple?
10 MR. HIPPLE: Here.
11 THE CLERK: William Jones?
12 MR. JONES: Here.
13 THE CLERK: Richard Kelsh?
14 MR. KELSH: Here.
15 THE CLERK: Edwin Kingham?
16 MR. KINGHAM: Here.
17 THE CLERK: Raymond Klein?
18 MR. KLEIN: Here.
19 THE CLERK: Elaine Kyle?
20 MR. KYLE: Here.
21 THE CLERK: Whit Landvater?
22 MR. LANDVATER: Here.
23 THE CLERK: Anthony Lundy? Anthony Lundy?
24 John Lynn? John Lynn?

1 Jeanette Manzano?
2 MR. MANZANO: Here.
3 THE CLERK: Mary Marlow?
4 MS. MARLOW: Here.
5 THE CLERK: Billy Martin?
6 MR. MARTIN: Here.
7 THE CLERK: Suzanne Martin?
8 MS. MARTIN: Here.
9 THE CLERK: Nichole Mathers?
10 MS. MATHERS: Here.
11 THE CLERK: Patricia Matthews?
12 MS. MATTHEWS: Here.
13 THE CLERK: Tamara Matus?
14 MS. MATUS: Here.
15 THE CLERK: Mary McKay -- Mark McKay, sorry.
16 MR. MCKAY: Here.
17 THE CLERK: Kelly McNeil?
18 MS. MCNEIL: Here.
19 THE CLERK: Davie Moore?
20 MR. MOORE: Here.
21 THE CLERK: Barry Morningstar?
22 MR. MORNINGSTAR: Here.
23 THE CLERK: Jarrod Morrow?
24 MR. MORROW: Here.

1 THE CLERK: Russell Mortellaro?
2 MR. MORTELLARO: Here.
3 THE CLERK: Byran Moss?
4 MR. MOSS: Here.
5 THE CLERK: Gail Nault? Gail Nault?
6 Jack Norberg?
7 MR. NORBERG: Here.
8 THE CLERK: Andrew Oddo?
9 MR. ODDO: Right here.
10 THE CLERK: Victoria Peneueta? Victoria
11 Peneueta?
12 Eric Petrie?
13 MR. PETRIE: Here.
14 THE CLERK: Leaann Randall.
15 MS. RANDALL: Here.
16 THE CLERK: Marcy Rouse?
17 MS. ROUSE: Here.
18 THE CLERK: Kyle Russell?
19 MR. RUSSELL: Here.
20 THE CLERK: Craig Schorr?
21 MR. SCHORR: Here.
22 THE CLERK: Terry Schrecker?
23 Rita Stewart?
24 MS. STEWART: Here.

1 THE CLERK: Linda Strickland?
2 MS. STRICKLAND: Here.
3 THE CLERK: Susan Stugart?
4 MS. STUGART: Here.
5 THE CLERK: Sharon Thompson?
6 MS. THOMPSON: Here.
7 THE CLERK: Thomas Tittle?
8 MR. TITTLE: Here.
9 THE CLERK: Elaine Trent?
10 MS. TRENT: Here.
11 THE CLERK: Trent Unruh?
12 MR. UNRUH: Present.
13 THE CLERK: Donna Unsinn?
14 MR. UNSINN: Here.
15 THE CLERK: Danette Vargas? Danette Vargas?
16 Sarah Vido? Sarah Vido?
17 Lisa Watson?
18 MS. WATSON: Here.
19 THE CLERK: Deborah Wood?
20 MS. WOOD: Here.
21 THE CLERK: Steven Yates?
22 MR. YATES: Here.
23 THE CLERK: Thank you so much.
24 THE COURT: To all of you who are here, again,

1 thank you for being here.

2 Madam clerk, those who did not appear in response
3 to a summons, an order to show cause will issue as to why
4 they should not be held in contempt of this Court.

5 Now, let me talk to you a little bit about before
6 we begin the general session of selecting jurors. Let me
7 talk a little about the issue of being able to hear and to
8 see or maybe being ill.

9 Is there anyone in the room who has such a
10 difficulty with their hearing or their eyesight or their
11 health in some other fashion such that they feel that that
12 would prevent them from serving on this jury. If so, just
13 raise your hand. This is not intended to embarrass anyone
14 but if you have health issues, please let me know. So if you
15 would raise your hand.

16 Ma'am, would you stand up, please. And could you
17 tell me your name, please.

18 MS. STRICKLAND: Linda Strickland.

19 THE COURT: Yes, ma'am, Ms. Strickland, what is
20 your health concern?

21 MS. STRICKLAND: It's hard for me to sit for a
22 long time. I have fibromyalgia, and I also have to use the
23 restroom a lot.

24 THE COURT: Okay. Are you on any medication?

1 MS. STRICKLAND: No, nothing that would effect my
2 body.

3 THE COURT: As we go through this trial, it is
4 generally my practice to take a break about every hour and a
5 half. Would that be sufficient for you?

6 MS. STRICKLAND: Yes, it would.

7 THE COURT: Would you be able to serve given
8 that?

9 MS. STRICKLAND: Yes.

10 THE COURT: Okay. If you believe that your
11 health issue would keep you from serving, given that
12 information, I need you to tell me so.

13 MS. STRICKLAND: I think I could do it, yes.

14 THE COURT: Thank you, ma'am.

15 There was a gentleman behind her. Sir?

16 MR. CABAGNOT: Good morning, Your Honor. I'm
17 Raul Cabagnet.

18 THE COURT: Your last name, sir?

19 MR. CABAGNOT: Cabagnet.

20 THE COURT: Yes, sir?

21 MR. CABAGNOT: I'm a diabetic person.

22 THE COURT: You're what?

23 MR. CABAGNOT: Diabetic.

24 THE COURT: Diabetic?

1 MR. CABAGNOT: Yes. So I just use the bathroom
2 often because my -- and I can hardly see. Sometimes, you
3 know, my vision is blurry.

4 THE COURT: Because of your diabetes, sir?

5 MR. CABAGNOT: I bring my prescription. I take
6 this twice a day.

7 THE COURT: Yes, sir. So did you hear me explain
8 that generally we take a break about every hour and a half.

9 MR. CABAGNOT: Yeah, I can do that.

10 THE COURT: Would that be sufficient for you?

11 MR. CABAGNOT: Yes.

12 THE COURT: Would you be able to serve if we
13 broke about every hour and a half?

14 MR. CABAGNOT: Yeah.

15 THE COURT: That's for the convenience of the
16 Court and the employees and particularly for Ms. Jackson
17 because if you all can imagine what it would be like to go
18 longer than that trying to write down every single word
19 that's said, so we do break about every hour and a half about
20 15 minutes or so, and we take a lunch break also. Would that
21 work for you, sir?

22 MR. CABAGNOT: Yes.

23 THE COURT: Okay. Thank you. Thank you for
24 telling me.

1 Yes, ma'am? Could you tell me who you are,
2 please.

3 MS. RANDALL: Leann Randall.

4 THE COURT: Yes, ma'am?

5 MS. RANDALL: I have an ingrown -- I got a hernia
6 and I had it checked last week, and they want me to see a
7 surgeon on Friday because they think it's bad, and the pain
8 hasn't let up much.

9 Also, I'm a caregiver for my 82-year-old father,
10 so I'm under tremendous amounts of stress trying to take care
11 of him, and I'm bipolar, manic depressant, and I'm under a
12 lot of medications.

13 THE COURT: You don't have to tell me all of the
14 medications but let me ask you this, do you think the
15 medication that you take would make it difficult for you to
16 concentrate for long periods of time?

17 MS. RANDALL: Yes, sir, especially the stress
18 I've been under. I forget things a lot now because of the
19 stress of taking -- being a caregiver with my father, and I
20 have contacted my therapist and notified him of my situation.

21 THE COURT: I'm going to excuse you, ma'am.

22 MS. RANDALL: Thank you, sir.

23 THE COURT: But I appreciate you being here,
24 Ms. Randall.

1 MS. RANDALL: Thank you.

2 THE COURT: Thank you for coming.

3 (Ms. Randall was excused.)

4 THE COURT: Did anyone else have their hand up or
5 want to talk to me about a health issue?

6 We've got a healthy group here today. That's
7 great.

8 Okay. Next, I want to talk to you about the
9 qualifications to be a juror and in order to do that, I am
10 going to read to you what the Nevada law says. Except as
11 otherwise provided in this section, every qualified elector
12 of the state whether registered or not who has sufficient
13 knowledge of the English language and who has not been
14 convicted of treason, a felony or other infamous crime and
15 who is not rendered incapable by reason of physical or mental
16 infirmity is a qualified juror of the county in which the
17 person resides. A person who has been convicted of a felony
18 is not a qualified juror of the county in which the person
19 resides until the person's civil rights to serve as a juror
20 has been restored.

21 So what that tells us is that, one, if English is
22 not your primary language and you have difficulty
23 understanding English, if you have been convicted of a felony
24 and not had your civil rights restored, if you're not a

1 citizen of this county, a resident of Douglas County, then
2 you're not qualified to serve as a juror.

3 Is there anyone who would want to report to me
4 that you have either been convicted of a felony, you're not a
5 resident of this county or you don't understand English well
6 enough to serve? Anyone fall into that category?

7 Yes, ma'am. Could you stand up, please.

8 MS. HARRY: My name is Pissamai Harry. I'm not
9 -- English is not primary language for me.

10 THE COURT: Okay. Do you read and write the
11 English language?

12 MS. HARRY: I can read, but I can write, but I'm
13 not -- I understand correctly in court. I even have to do
14 something misunderstood and then something is going to be --

15 THE COURT: Are you a citizen of the United
16 States?

17 MS. HARRY: I am.

18 THE COURT: Okay. And have you understood what
19 I've said today?

20 MS. HARRY: I understand but if -- if I happen to
21 serve whatever thing but if something not really clear, you
22 know, maybe make everything worse. I would be concerned.

23 THE COURT: Any objection to me excusing her?

24 MR. GREGORY: No, Your Honor.

1 MS. BROWN: No, Your Honor.

2 THE COURT: Did you become a citizen after you
3 moved here?

4 MS. HARRY: Yes.

5 THE COURT: Well, congratulations for that, and I
6 think that's wonderful. Serving as a juror is part of being
7 a citizen, but it's very important to all of us citizens and
8 to the litigants here that the people who sit on the jury
9 understand everything that gets said, at least that they
10 don't have language problems. And so because you've reported
11 to me that you might have difficulty with the language, I'm
12 going to excuse you for this jury, and I'm going to count on
13 your English continuing to get better and maybe have you back
14 for another jury. You are excused, ma'am. Thank you for
15 being here.

16 (Ms. Harry was excused.)

17 THE COURT: Anyone else?

18 Now, you may be wondering how you got here.

19 Generally, I will tell you that our jury commissioner every
20 few years develops a list of prospective jurors and that's
21 done through a number of different sources. We use
22 everything from telephone directories, voter registration
23 lists, tax roles, motor vehicle registration lists, utility
24 customer list and some other sources, and then we draw these

1 names randomly and that's how you got chosen. So if you
2 don't have a registered car, that doesn't keep you from
3 getting pulled in or if you don't have electricity, that
4 doesn't keep you from getting pulled in. We try to make it
5 broad enough so we get a wide selection of the community, and
6 that's our goal in trying to develop a good jury pool, that's
7 how you ended up being here.

8 I want to let you know that the probable duration
9 of this trial is two weeks. We're scheduled for the balance
10 of this week and all of next week, except for Tuesday of next
11 week when the Court has some other matters calendared and
12 I've got to hear those issues. So I expect that this trial
13 will conclude by Friday of next week.

14 Now, as we go through the process, I will do my
15 best to try to eliminate unreasonable delays. The attorneys
16 have already assured me that they will have their witnesses
17 ready to go. We'll be moving right along. There may be
18 times when the jury is waiting for us to conduct some
19 business outside of their presence but I assure you, we will
20 be working during that period of time to make sure that this
21 trial is concluded by the end of next week.

22 Next, we're going to start with the clerk drawing
23 32 names. As your name is called, what I'm going to ask you
24 to do is to begin by filling the row in the back back here

1 and that will start with this seat back here or, okay, over
2 here in the corner by Mr. Sutton on the top, fill that back
3 row and then the next row, and then we'll fill these front
4 rows.

5 If your name is called, please stand up and come
6 forward.

7 THE CLERK: Russell Mortellaro. William Jones.

8 MS. BROWN: What was the last name?

9 THE CLERK: William Jones.

10 Whit Landvater. Catherine Funk.

11 THE COURT: Ms. Funk, you have a child with you.

12 MS. FUNK: I do. She's sick and I didn't want to
13 get a babysitter, like spread the sickness. I also have an
14 11-year-old daughter at home. I think she has strep throat.

15 THE COURT: Well, I don't want these jurors to
16 get sick and so what I'm going to do is I'm going to excuse
17 Ms. Funk.

18 But, Ms. Funk, I need to let you know that it was
19 most appropriate that you get a babysitter for today because,
20 ma'am, when you told me you didn't want to spread the
21 sickness, you still brought your child into a room full of
22 people, so I understand that she's not well, and I'm going to
23 let you go home, okay.

24 MS. FUNK: I called and told them, and they said

1 I had to bring her.

2 THE COURT: Well, I'll talk to those people.

3 (Ms. Funk was excused.)

4 THE COURT: Okay. Thank you. Another name.

5 THE CLERK: Sharon Thompson. Rhonda Bavaro.

6 Allen Alexander. Eric Petrie. Nichole Mathers. Richard

7 Kelsh. Kyle Russell. Marlene Goodwin. Elaine Trent.

8 Wallace Farnham, Jarrod Morrow. Patrick Ezekiel, Ezekiel,

9 sorry. James Butler. Donna Unsinn. Lisa Watson. Billy

10 Martin. Susan Stugart. Mary Marlow. Marcy Rouse.

11 THE COURT: Ms. Rouse?

12 MS. ROUSE: Rouse.

13 THE CLERK: Lance Hipple. Rita Stewart.

14 Patricia Matthews. Anita Gonzales. Jack Norbert. Tamara

15 Matus. Sharon Dublanc. Kelly McNeil.

16 MS. MCNEIL: It's Walling.

17 THE COURT: Would you share that with me too.

18 THE CLERK: Ms. McNeil's last name is Walling,

19 W-a-l-l-i-n-g.

20 THE COURT: Ms. McNeil's last name is Walling.

21 She'll be referred to in that fashion.

22 THE CLERK: Trent Unruh. Thomas Tittle.

23 THE COURT: What was the last name?

24 THE CLERK: Tittle, Thomas Tittle.

1 THE COURT: All right. Thank you. We'll let
2 Mr. Tittle get up here. No hurry, sir.

3 And now just because you remain in the back of
4 the room doesn't mean that you might not get up to the front
5 of the room. So as I talk to you, it's important that
6 whether you're in the front up here or you're still in the
7 back that you listen carefully to these questions.

8 We're going to start though before I begin any
9 questioning with the clerk swearing all of the prospective
10 jurors, including those in the back. So if you would,
11 please, everyone rise. Face the clerk. Raise your right
12 hand.

13 (Whereupon, the prospective jurors were duly
14 sworn.)

15 THE COURT: Thank you. Have a seat. Now, ladies
16 and gentlemen, the following comments are directed to all
17 prospective jurors. It's important that you pay close
18 attention to what's going on now. It is not possible but it
19 is probable that some of the people now up here in the front
20 of the room will be excused, and some of you outside the
21 rail, which is behind the lawyers here, will take their
22 places.

23 The purpose of what follows is to ascertain if
24 you're qualified under the law to serve as a juror in this

1 particular case, that is are you so unrelated to the parties,
2 their attorneys and the facts of the case that you would be
3 able to act as a fair and impartial juror. To make this
4 determination, I will first ask a number of general questions
5 and give you some admonitions. Then the attorneys may ask
6 some specific questions. You're obligated by your oath which
7 you just took to answer all of these questions fully and
8 truthfully.

9 If any of your answers appear to reveal a legal
10 basis for you to be excused as a juror, one of the attorneys
11 will challenge you. That is he or she will request that you
12 be excused. It's not like a dual, that sort of a challenge.
13 It's a legal term. You won't have to arm wrestle, I assure
14 you.

15 If the Court agrees with the reason stated for
16 the challenge, you'll be excused from further service in this
17 case, and the name of another prospective juror will be
18 called and drawn up. These are called challenges for cause.
19 Once enough jurors have been qualified for cause, the
20 attorneys may then exercise another type of challenge called
21 a peremptory challenge, and each side is allowed a number of
22 peremptory challenges. If either side for any reason or for
23 no reason at all makes this type of challenge, then I have no
24 alternative but to excuse you. It simply means that you have

1 been excused and nothing more. You shouldn't read anything
2 into it. The attorneys on each side attempt to seek a jury
3 they believe will be fair to their side and to their cause,
4 and that's all this process is about.

5 During this questioning, I ask all of you to bear
6 in mind that neither I nor the attorneys want to embarrass
7 you or pry into your personal affairs but to discover if you
8 have any knowledge of the case, if you have any preconceived
9 opinions which you cannot lay aside or if you have experience
10 in your personal or family life that might cause you to
11 identify yourself with one or either party. These questions
12 are necessary to assure each party receives a fair and
13 impartial trial and a fair and impartial jury.

14 I'm now going to ask some general questions that
15 I mentioned earlier and if any juror in the box would answer
16 the following questions affirmatively, I would ask you to
17 raise your hand, and I'm going to start by speaking to the
18 folks up front, but it's important that the folks out in the
19 back listen to the questions because if you fill a spot,
20 you'll answer the same questions.

21 If you give me an affirmative answer, I may
22 explore the matter further, and the attorneys may also be
23 given a chance to do so later. I encourage you do not
24 hesitate to raise your hand if the question prompts you to do

1 so. The integrity of our entire judicial system depends upon
2 obtaining jurors who are disinterested, unbiased and
3 un-prejudice, and the only way we can do this is by asking
4 you these questions and relying on you to give honest and
5 thorough answers.

6 So to begin with, I'm going to start in the back
7 with Mr. Mortellaro and ask you to just stand and give me a
8 little bit of information. I would like to know -- I've got
9 your name, but can you tell me how long you've lived in
10 Douglas County, your occupation, and I'll ask you a couple of
11 others. You all will remember all of these questions by the
12 time we get down to the front.

13 So how long have you been in Douglas County, sir?

14 MR. MORTELLARO: A little over 11 years, 12 years
15 in July.

16 THE COURT: And what kind of work do you do?

17 MR. MORTELLARO: Financial analyst.

18 THE COURT: All right. Are you married or
19 single?

20 MR. MORTELLARO: Married.

21 THE COURT: And does your spouse work?

22 MR. MORTELLARO: Yes.

23 THE COURT: What does your spouse do?

24 MR. MORTELLARO: She's an occupational therapist.

1 THE INTERPRETER: This is the interpreter
2 speaking. Could Your Honor slow down with the questions,
3 please.

4 THE COURT: I could. As you'll see throughout
5 this, if you haven't seen already, this whole proceeding is
6 being interpreted for Ms. Leibel, and so I need to go slower,
7 and periodically I may remind the lawyers to go a little bit
8 slower. That's also a very difficult job to interpret.

9 So your wife does what, sir?

10 MR. MORTELLARO: Occupational therapist.

11 THE COURT: All right. Thank you. Do you have
12 children?

13 MR. MORTELLARO: Yes.

14 THE COURT: How old are they?

15 MR. MORTELLARO: Almost 12.

16 THE COURT: Thank you. And we'll go to
17 Mr. Jones, and just the same general questions, sir. How
18 long have you been in Douglas County?

19 MR. JONES: Since 1975.

20 THE COURT: Okay. Do you work, sir?

21 MR. JONES: Not anymore.

22 THE COURT: Are you retired?

23 MR. JONES: Yeah, unemployed slash retired.

24 THE COURT: What kind of work are you unemployed

1 slash retired from?

2 MR. JONES: Equipment operator.

3 THE COURT: Okay. Are you married?

4 MR. JONES: Yeah.

5 THE COURT: Does your wife work?

6 MR. JONES: Uh-huh.

7 THE COURT: What does she do?

8 MR. JONES: CPA.

9 THE COURT: Do you have children?

10 MR. JONES: Yep.

11 THE COURT: And how old and how many?

12 MR. JONES: Three, 21, 27 and 31.

13 THE COURT: Thank you, Mr.. Jones.

14 Mr. Landvater?

15 MR. LANDVATER: Yes, sir.

16 THE COURT: How long have you been here?

17 MR. LANDVATER: Approximately a little over 20

18 years.

19 THE COURT: Okay. What do you do, sir?

20 MR. LANDVATER: Self-employed.

21 THE COURT: Doing what?

22 MR. LANDVATER: Web designer.

23 THE COURT: Web designer?

24 MR. LANDVATER: Yes, sir.

1 THE COURT: And are you married?
2 MR. LANDVATER: Yes, sir.
3 THE COURT: What does your spouse do?
4 MR. LANDVATER: She's a bookkeeper.
5 THE COURT: Okay. Do you have children?
6 Mr. LANDVATER: A 31-year-old.
7 THE COURT: Thank you, sir.
8 Ms. Thompson, I bet you're starting to remember
9 the questions. How long have you been here?
10 MS. THOMPSON: Eight years.
11 THE COURT: Do you work, ma'am?
12 MS. THOMPSON: I'm starting a new job on Tuesday
13 as a courier.
14 THE COURT: Good for you.
15 MS. THOMPSON: Hopefully starting on Tuesday as a
16 courier anyway.
17 THE COURT: Oh.
18 MS. THOMPSON: I've been employed eight months
19 prior to that.
20 THE COURT: Yes, ma'am. Are you married?
21 MS. THOMPSON: No.
22 THE COURT: Do you have children?
23 MS. THOMPSON: No.
24 THE COURT: Thank you, ma'am.

1 Ms. Bavaro?

2 MS. BAVARO: Bavaro.

3 THE COURT: Yes, ma'am. How long have you been
4 here?

5 MS. BAVARO: 32 years.

6 THE COURT: Do you work?

7 MS. BAVARO: Yes.

8 THE COURT: What do you do?

9 MS. BAVARO: I'm the deputy director of the
10 department of motor vehicles.

11 THE COURT: All right. Are you married?

12 MS. BAVARO: I am.

13 THE COURT: What does your spouse do?

14 MS. BAVARO: My husband is a supervisor at
15 casino, and I have two sons, 31 and 33.

16 THE COURT: See, she jumped right to the next
17 question. Thank you, ma'am.

18 Mr. Alexander?

19 MR. ALEXANDER: I've lived here for 14 years. I
20 have a couple of small businesses in Carson City.

21 THE COURT: What kind of businesses are those,
22 sir?

23 MR. ALEXANDER: We build hydrostatic test pumps
24 and tools for estimators, measuring devices.

1 THE COURT: Okay.

2 MR. ALEXANDER: I have three kids, 11, eight and
3 seven, and my wife does not work.

4 THE INTERPRETER: Your Honor?

5 THE COURT: He's a little soft spoken. He said
6 his wife does not work.

7 MR. ALEXANDER: Well, if I told her, she has
8 three kids.

9 THE COURT: She works. Thank you, sir.
10 Mr. Petri?

11 MR. PETRI: I've been here 16 years. I work for
12 Frontier Communications. Single and no children.

13 THE COURT: Thank you, sir.

14 Ms. Mathers?

15 MS. MATHERS: I've been here since I was --
16 28 years.

17 THE COURT: Who is doing the math?

18 MS. MATHERS: I work for the State of Nevada
19 Welfare Division. I do quality control, and I have a five
20 and an eight-year-old, two boys.

21 THE COURT: Do you have a spouse?

22 MS. MATHERS: No.

23 THE COURT: Thank you, ma'am.

24 Mr. Kelsh?

1 MR. KELSH: Kelsh.
2 THE COURT: Kelsh.
3 MR. KELSH: I've been here 28 years. I work for
4 Direct TV, no kids, single.
5 THE COURT: Thank you, sir.
6 Mr. Russell?
7 MR. RUSSELL: I've been here since '93 and
8 unemployed, no spouse, no children and also something I
9 probably should have mentioned when we did the medical
10 question, I'm getting surgery on my shoulder on Thursday so I
11 won't be able to come in that day.
12 THE COURT: You don't get to skip a day. This
13 surgery is already planned, sir?
14 MR. RUSSELL: Yes.
15 THE COURT: Where are you having surgery?
16 MR. RUSSELL: Carson Valley Medical Center.
17 THE COURT: All right.
18 MR. RUSSELL: If you need, I can probably get
19 the --
20 THE COURT: Mr. Russell, I believe you're telling
21 me the truth, sir. You wouldn't tell me a lie about that,
22 would you?
23 MR. RUSSELL: No.
24 THE COURT: I didn't think so. I'm going to

1 excuse, Mr. Russell as he has a prescheduled surgery.
2 Mr. Russell, thank you for your appearance today. You are
3 excused.

4 (Mr. Russell was excused and another name was
5 called.)

6 THE COURT: The clerk will call another name.

7 THE CLERK: Linda Strickland.

8 THE COURT: Was there any objection to that?

9 MS. BROWN: No, Your Honor.

10 MR. GREGORY: No, Your Honor.

11 THE COURT: Ms. Strickland, come on up. So as
12 you make your way up there, Ms. Strickland, can you tell us
13 how long you have been here.

14 MS. STRICKLAND: Approximately 37 years. I'm
15 married. I have two children. I believe they are 42 and 32,
16 and I'm not working right now. I'm retired, and my husband
17 is driving truck.

18 THE COURT: What are you retired from?

19 MS. STRICKLAND: I worked for the school district
20 in the nutrition.

21 THE COURT: Thank you, ma'am.

22 Ms. Goodwin?

23 MS. GOODWIN: I have lived in Douglas County
24 40 years and worked at Harrah's at the lake for 40 years.

1 THE COURT: Doing what, ma'am?
2 MS. GOODWIN: I'm a dealer.
3 THE COURT: Okay.
4 MS. GOODWIN: My husband is pretty much retired,
5 does a little consulting work. He was a chef, and we have
6 one son who works at Tinker Air Force Base, Oklahoma City.
7 He's 26.
8 THE COURT: Thank you, ma'am.
9 Ms. Trent?
10 MS. TENT: 18 years a legal secretary. My
11 husband is an environmental scientist, two children, 26 and
12 23.
13 THE COURT: Very good. Thank you.
14 Mr. Farnham?
15 MR. FARNHAM: 13 years, heavy equipment operator,
16 no children, married. She's disabled.
17 THE COURT: Thank you, sir.
18 Mr. Morrow?
19 MR. MORROW: 25 years being here, currently
20 unemployed. Single, no children.
21 THE COURT: What kind of work are you unemployed
22 from?
23 MR. MORROW: I used to be a cashier, then I went
24 in to get my master's degree and I got that with a 4.0 so I'm

1 happy about that.

2 THE COURT: I'm happy for you.

3 MR. MORROW: But I had to take care of my
4 disabled mother and my elderly -- my 83-year-old grandmother,
5 so I've been out of work for a while now.

6 THE COURT: Yes, sir. Thank you.

7 Mr. Ezekiel?

8 MR. EZEKIEL: Yeah, I've been in this county
9 14 years. I'm married. I'm a machinist at General Electric.
10 I got two children, a boy and a girl. The boy is 36. The
11 girl is 26.

12 THE COURT: Thank you, sir. Did you say you are
13 married?

14 MR. EZEKIEL: I am married. My wife is a
15 housewife.

16 THE COURT: Thank you, sir.

17 Mr. Butler?

18 MR. BUTLER: I've been here 32 years. I'm a
19 correctional officer for the State of Nevada. My wife works
20 at bank. I have one 34-year-old daughter, who lives in
21 Oregon.

22 THE COURT: Thank you, sir.

23 Ms. Unsinn?

24 MS. UNSINN: I --

1 THE COURT: Did I say your name correctly?

2 MS. UNSINN: Unsinn, yes, thank you. I've been
3 here for eight years. I'm a school secretary. I have a
4 14-year-old daughter, no spouse.

5 THE COURT: Thank you, ma'am.

6 Ms. Watson?

7 MS. WATSON: Yes, full time resident for ten
8 years in Douglas County. I'm retired from a long career with
9 American Airlines and cargo sales, and I'm married. My
10 husband is retired also from a long career and runs a small
11 consulting business out of our house, and we have three kids,
12 three grand kids and one great grandson.

13 THE COURT: Wow.

14 MS. WATSON: Don't ask me all their ages.

15 THE COURT: I'll let you go on that.

16 Mr. Martin?

17 MR. MARTIN: I've lived here 26 years. I'm
18 married. My wife is a full time grandmother at home. We
19 have guardianship over our seven-year-old granddaughter, and
20 I have two sons, both live in Reno, 29, 26.

21 THE COURT: Did you tell me you're retired?

22 MR. MARTIN: I'm not retired. I still work. I
23 work for an aerosol and lubricant manufacturing here in
24 Gardnerville, 30 years.

1 THE COURT: Thank you, sir.

2 Ms. Stugart?

3 MS. STUGART: I'm Susan Stugart. I'm an
4 administrative assistant for the CEO of Douglas County. I'm
5 married. I have two kids, two girls, one 30 and one 27.

6 THE COURT: What does your spouse do?

7 MS. STUGART: He is presently not working at the
8 moment.

9 THE COURT: Okay.

10 MS. STUGART: Because of illness.

11 THE COURT: Thank you.

12 Ms. Marlow?

13 MS. MARLOW: Hi there. I've been in the valley
14 since 1982. I'm semi-married. I have a 34-year-old and
15 37-year-old children, and I work part-time. I have retired
16 from one job, and I work part-time here in town in the gift
17 shop, retail.

18 THE COURT: What does your semi spouse do?

19 MS. MARLOW: Looks at the computer all day. He's
20 retired.

21 THE COURT: I was expecting drive a semi. Thank
22 you.

23 Ms. Rouse?

24 MS. ROUSE: I've been here 15 years. I'm a

1 pharmacist at Smith's. My husband is a store director for
2 Safeway at Round Hill. We've two children, a 15-year-old
3 know it at all and a ten-year-old, both boys.

4 THE COURT: Thank you.

5 Mr. Hipple?

6 MR. HIPPLE: I've been here about three and a
7 half years. I'm married. My wife is a teacher for Douglas
8 schools, and I'm a home health physical therapist, and we
9 have no kids.

10 THE COURT: Thank you, sir.

11 Ms. Stewart?

12 MS. STEWART: Yes, I've been here since 1998,
13 about 17 years, and I am married. I am retired. My husband
14 is retired. I was always a stay at home mom, and he is
15 retired and three children, 33 to 23.

16 THE COURT: And what did your husband retire
17 from, ma'am?

18 MS. STEWART: He was in the broadcast business
19 and -- but I don't know if right now is the time to mention
20 this to you, he's having health problems, and he has a
21 medical procedure scheduled for I think it's a week from
22 Friday, February 6th, and I have the medical documentation
23 for that, and I need to be with him for that and to drive him
24 to and from, to make sure he'll be okay.

1 THE COURT: Let me see, February 6th is a week
2 from this Friday. What time is that scheduled?

3 MS. STEWART: I think it's in the morning, yes.
4 I believe it's early in the morning and it's -- I think it
5 takes three hours, you know.

6 THE COURT: Okay.

7 MS. STEWART: I have the documentation.

8 THE COURT: Ma'am, I believe you're telling me
9 the truth. It's okay.

10 Mr. Gregory?

11 MR. GREGORY: The State would not object to
12 excusing Ms. Stewart, Your Honor.

13 THE COURT: Ms. Brown?

14 MS. BROWN: No objection, Your Honor.

15 THE COURT: Ma'am, I think it's important you be
16 with your husband.

17 MS. STEWART: Yeah.

18 THE COURT: So I appreciate and honor the fact
19 that you showed up. Thank you.

20 MS. STEWART: Thank you.

21 THE COURT: We're going to excuse you.

22 MS. STEWART: Thank you.

23 THE COURT: Ms. Clerk?

24 MS. STEWART: Thank you, Your Honor. Thank you.

1 THE COURT: Yes, ma'am. Good luck to your
2 husband.

3 (Ms. Stewart was excused and another name was
4 called.)

5 THE CLERK: Barry Morningstar.

6 THE COURT: Could you give me that name.

7 THE CLERK: Barry Morningstar.

8 THE COURT: Thank you, ma'am.

9 So, Mr. Morningstar, this is the test to see if
10 you were listening to the questions.

11 MR. MORNINGSTAR: What? 21 years. I'm married.
12 My wife works with autistic children at a place called Kids
13 and Horses. Child is 21, and I am lost now.

14 THE COURT: How about you, do you work?

15 MR. MORNINGSTAR: I'm working for the state
16 department of corrections.

17 THE COURT: Okay. What do you do?

18 MR. MORNINGSTAR: 17 years. I run a commissary
19 for the inmates at the prison.

20 THE COURT: Okay. All right. Thank you very
21 much.

22 Ms. Matthews?

23 MS. MATTHEWS: Good morning.

24 THE COURT: Good morning.

1 MS. MATTHEWS: I am retired.

2 THE COURT: From?

3 MS. MATTHEWS: I have lived in Douglas County
4 full time for about 13 years. I retired from Toyota Motor
5 Sales, USA, the headquarters in Torrance. I'm married. My
6 husband is also retired. He worked as a long shore man in
7 Southern California, and I have four step children, ranging
8 in age from 50 to 58.

9 THE COURT: Thank you, ma'am.

10 Ms. Gonzales?

11 MS. GONZALES: I've lived here six years. I work
12 at Wal-Mart, and I'm married, no kids.

13 THE COURT: And you are married?

14 MS. GONZALES: No.

15 THE COURT: Thank you.

16 Mr. Norberg?

17 MR. NORBERG: I've lived in Douglas County for
18 28 years. I'm a consulting civil engineer. I work in Reno.
19 My wife is the librarian at Jacks Valley Elementary School.
20 We have a 34-year-old daughter and a 32-year-old son.

21 THE COURT: Thank you, sir.

22 Ms. Matus?

23 MS. MATUS: Good morning. I've lived in Douglas
24 County for 16 years. I'm a pardons investigator for parole

1 and probation. My husband is a retired radiation physicist,
2 and I have two kids, ages nine and 11. I don't know if I
3 missed anything.

4 THE COURT: You did well. Thank you, ma'am.

5 Ms. Dublanc?

6 MS. DUBLANC: I've been here 19 years. I'm a
7 surgical tech at Carson-Tahoe Hospital. My husband works for
8 NDOT. I have two kids, a four-year-old daughter and a
9 19-year-old son.

10 THE COURT: Thank you, ma'am.

11 Ms. Walling?

12 MS. WALLING: My name is Ms. Walling. I am a
13 human resources generalist, and I have -- I am married. My
14 husband is a civil engineer at RO Anderson Engineering, and
15 we have no children, and I've been here 26 years.

16 THE COURT: How long have you been Ms. Walling?

17 MS. WALLING: Two and a half. It is legally
18 through the system already so I don't know.

19 THE COURT: Well, this jury pool was actually --
20 I said we do this every couple of years. This is -- we're at
21 the tail end of what we're doing so thank you, ma'am.

22 Mr. Unruh?

23 MR. UNRUH: I'm a full time student at WNC right
24 now. I've lived here pretty much my entire life, except for

1 three years when I lived in Colorado. Thankfully no kids.
2 I'm not married.

3 THE COURT: Well, given the last answer, the next
4 to last answer, you're right, thankfully.

5 Mr. Tittle?

6 MR. TITTLE: I've been here 20 years, married.
7 She's a homemaker. I'm an auditor. We have a 43-year-old
8 son.

9 THE COURT: Thank you, sir.

10 So now I'm going to ask some questions generally
11 and ask these folks up here to answer them. In the back, I
12 want you to think about these questions because, again, if
13 you come up, you may have to answer them but at the moment,
14 you don't have to raise your hand regardless of your
15 response.

16 Do any of you feel that you have any business or
17 personal reason which you believe would interfere with your
18 impartiality in this case as a juror?

19 I should probably tell you a little bit about the
20 nature of the charge. Ms. Leibel is accused by the State of
21 open murder with the use of a deadly weapon. To that charge,
22 she's entered a plea of not guilty. Having told you that,
23 does that give any of you the feel that you have a personal
24 reason that you could not serve impartially?

1 Do any of you have any sort of a debtor, creditor
2 relationship with either of the parties?

3 Now, if you could look up on the blackboard,
4 there's a list of witnesses in this case. Mr. Tittle, from
5 your position, it's really hard to see the last couple.
6 Mr. Unruh, you may have that same problem. If you want to
7 stand to see the last few names, anyone is welcome to do
8 that.

9 Is there any potential juror related to or
10 acquainted with Ms. Leibel?

11 Is any juror acquainted with any of the attorneys
12 involved in this case?

13 Ma'am? Ms. Mathers?

14 MS. MATHERS: I graduated with Jamie.

15 THE COURT: You graduated with Ms. Henry?

16 MS. MATHERS: Yeah.

17 THE COURT: Okay. Does having been in the same
18 graduating class with her cause you to have any prejudice
19 against or for Ms. Leibel? Can you say something out loud,
20 ma'am?

21 MS. MATHERS: Sorry, no, it doesn't.

22 THE COURT: Do you socialize with Ms. Henry these
23 days?

24 MS. MATHERS: We've seen each other out and

1 about. I'm not going to ignore her.

2 THE COURT: Okay. So if you see her in the
3 grocery store, you recognize her and might say hello; is that
4 correct?

5 MS. MATHERS: Yes.

6 THE COURT: Do you have dinner together?

7 MS. MATHERS: No.

8 THE COURT: Do you go to activities together?

9 MS. MATHERS: No.

10 THE COURT: Is there any reason that you feel
11 that your having graduated with her or seeing her in the
12 community causes you to favor or disfavor her position in
13 this case?

14 MS. MATHERS: No.

15 THE COURT: Okay. Just so you know. Yes, ma'am.

16 Mr. Gregory, would you state the name of the
17 other attorneys in our office, please.

18 MR. GREGORY: Mr. Jackson is the elected
19 official, the District Attorney. In the criminal division
20 other than myself, there's Deputy District Attorney Ric
21 Casper, Deputy District Attorney Brian Filter, Deputy
22 District Attorney Preston Day and Deputy District Attorney
23 Tina Russom.

24 Would you like me to also -- we have a bunch of

1 secretaries in the office. I don't know how you would like
2 me to do --

3 THE COURT: I would like you to name your
4 secretaries and your investigator.

5 MR. GREGORY: The investigator, chief
6 investigator is Steve Schultz. We have another investigator
7 in our office named Brian Putzer. We have several
8 secretaries that support us. They are Sarah McMonagle, Erin
9 Palante, Leah Williams, Jan Budden and Erin Palante, and they
10 are all in our criminal division.

11 THE COURT: Thank you, sir.

12 Ms. Brown, you have no other attorneys in your
13 office; is that correct?

14 MS. BROWN: That is correct, Your Honor.

15 THE COURT: Do you have any employees?

16 MS. BROWN: Ms. Dorian McCull.

17 THE COURT: Thank you.

18 Ms. Henry, you don't have other attorneys in your
19 law firm, do you?

20 MS. HENRY: I do not.

21 THE COURT: Do you have employees?

22 MS. HENRY: Yes, I do.

23 THE COURT: Would you tell the jurors who that
24 is.

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MS. HENRY: Katie Nash is my paralegal.

THE COURT: Thank you. So are any of you acquainted with any of the other attorneys or employees that were just named?

MR. TITTLE: Yes, sir. Last year I was on jury duty, and I believe the woman lawyer for the state was the one being the lawyer for the state but that's the only way I know her.

THE COURT: Okay.

MR. TITTLE: Just to let you know.

THE COURT: Does that -- did that experience cause you to have any prejudice either for or against the State?

MR. TITTLE: No.

THE COURT: Or for or against Ms. Leibel?

MR. TITTLE: No, sir.

THE COURT: All right. I thought the beard would cure that.

Somebody else raised their hand.

MS. MATUS: Your Honor, I know all of attorneys that are here and several that are in the District Attorney's Office from doing presentence investigations in the past.

THE COURT: And you know me.

MS. MATUS: Yes.

1 THE COURT: Would that knowledge cause you to
2 have any prejudice for or against any of the parties?

3 MS. MATUS: No.

4 THE COURT: Do you have any preconceived opinion
5 about this case?

6 MS. MATUS: No.

7 THE COURT: Could you serve as a fair and
8 impartial juror?

9 MS. MATUS: Yes.

10 THE COURT: Thank you. Who else raised their
11 hand? Mr. Unruh?

12 MR. UNRUH: The only person I know is you and but
13 since you're impartial, I don't see that influencing me at
14 all.

15 THE COURT: Okay. And for the record, you know
16 me because back some time ago when I was in private practice
17 in Douglas County, I may have represented you or some members
18 of your family.

19 MR. UNRUH: Yes, sir.

20 THE COURT: Does that cause you to have any
21 prejudice against either party in this case?

22 MR. UNRUH: No, sir.

23 THE COURT: Did it cause you to have any feeling
24 regarding the judicial system or lawyers or judges that would

1 keep you from being impartial in this case?

2 MR. UNRUH: No, I've grown up quite a bit.

3 THE COURT: Yes, sir. Thank you.

4 Who else raised their hand?

5 Yes, ma'am, in the back, Ms. Strickland.

6 MS. STRICKLAND: I know Mark Jackson and Erin
7 Palante.

8 THE COURT: Okay. How do you know them?

9 MS. STRICKLAND: My daughter and son-in-law are
10 friends with Mark and Kathy, watched their children and she
11 also watches Erin's children.

12 THE COURT: Does that relationship with
13 Mr. Jackson and Ms. Jackson, who happens to be the court
14 reporter here, cause you to feel that you cannot be impartial
15 in this case?

16 MS. STRICKLAND: No.

17 THE COURT: Does it make you feel that you would
18 favor the side of the State?

19 MS. STRICKLAND: No.

20 THE COURT: Or disfavor Ms. Leibel?

21 MS. STRICKLAND: No.

22 THE COURT: Or disfavor the State?

23 MS. STRICKLAND: No.

24 THE COURT: Or favor Ms. Leibel?

1 MS. STRICKLAND: I could be totally impartial.

2 THE COURT: Who else raised their hand, I'm
3 sorry. Yes, sir, that's Mr. Hipple.

4 MR. HIPPLE: Yes, I know Mark Jackson. I coached
5 with him during Pop Warner and I also know Kathy and also
6 Tina Russom. I don't know if she represented me or what, but
7 I was bit by a dog, myself and my dog, and the case was
8 sentenced a couple of days ago.

9 THE COURT: Okay. So you were the victim in a
10 matter that Ms. Russom prosecuted?

11 MR. HIPPLE: Yes.

12 THE COURT: Does your relationship with either
13 Mr. or Ms. Jackson or your relationship and history with
14 Ms. Russom cause you to favor or disfavor either side in this
15 case?

16 MR. HIPPLE: No.

17 THE COURT: Do you believe you could be a fair
18 and impartial juror?

19 MR. HIPPLE: Yes.

20 THE COURT: Okay. I'll allow the attorneys to
21 explore these issues later if you choose to do so.

22 Anyone else that I skipped? Yes, sir?

23 MR. BUTLER: I think I know Kathy from power
24 lifting days?

1 THE COURT: She doesn't get to answer the
2 questions, sir.

3 MR. BUTLER: Like 15 years ago. Her previous
4 boyfriend used to before but now I look at her, her hair is
5 different.

6 THE COURT: But she's hard to forget. Does that
7 cause you any to favor or disfavor to either side?

8 MR. BUTLER: No, sir.

9 THE COURT: Okay. Are any of you presently being
10 represented by any of the attorneys or their associates?

11 Is there anyone present who is in any way
12 obligated to any of these attorneys or their associates?

13 Is there anyone present to whom an obligation is
14 owed by any of the attorneys or their associates?

15 Is any juror acquainted with or related to any
16 law enforcement personnel, police officer, sheriff deputy,
17 sheriff highway patrolman, et cetera that you haven't told me
18 about so far?

19 MR. TITTLE: I was with the gaming control board
20 as an investigator and auditor so I know a lot of guys that
21 are with the gaming control board that work in investigations
22 and auditing.

23 THE COURT: And does your relationship with those
24 law enforcement officers cause you to favor the State in this

1 case?

2 MR. TITTLE: No, sir.

3 THE COURT: Or to disfavor the defense or the
4 reverse?

5 MR. TITTLE: No, sir.

6 THE COURT: Thank you.

7 Ms. Matus?

8 MS. MATUS: Your Honor, I know several officers
9 with parole and probation and a few deputies in Carson and
10 Douglas at different times.

11 THE COURT: And do those relationships impact
12 your ability to be fair and impartial in this case?

13 MS. MATUS: No.

14 THE COURT: Would it cause you to favor one side
15 over the other?

16 MS. MATUS: No.

17 THE COURT: Someone else raise -- okay. In the
18 back? I'm just hopping around as I see the hands go up. So
19 Ms. Bavaro?

20 MS. BAVARO: My brother is retired chief of
21 alternative sentencing in Carson City.

22 THE COURT: And does your relationship with your
23 brother cause you to favor or disfavor one side here?

24 MS. BAVARO: No.

1 THE COURT: Could you be fair to both sides?
2 MS. BAVARO: Yes.
3 THE COURT: All right. Thank you. Who else had
4 your hand up? Please, we'll go back to Mr. Butler.
5 MR. BUTLER: Dave Nishikida, when I was a
6 security supervisor at a casino 20 years ago, I remember him,
7 that's all.
8 THE COURT: Okay. So and Deputy Nishikida, who
9 is one of the bailiffs here.
10 MR. BUTLER: Yes, sir.
11 THE COURT: Does your 20-year-old relationship
12 impact you in any way as to influence your fairness here?
13 MR. BUTLER: No.
14 THE COURT: So your answer is no, so that
15 Ms. Jackson can write it no?
16 MS. BUTLER: Yes.
17 THE COURT: There's another hand right up over
18 here. I'll go to Ms. Matthews.
19 MS. MATTHEWS: Your Honor, my brother was on
20 the -- was a lieutenant on the Las Vegas police department
21 for over 30 years, but he recently passed away, and that
22 would not be an influence to me.
23 THE COURT: Okay. Thank you, ma'am.
24 I think Ms. Rouse?

1 MS. ROUSE: My brother-in-law is a police officer
2 for out of state.

3 THE COURT: For where?

4 MS. ROUSE: He's a police officer in Arkansas.

5 THE COURT: In Arkansas?

6 MS. ROUSE: It would not influence me here.

7 THE COURT: You don't believe that would
8 influence you, okay.

9 And then Ms. Marlow?

10 MS. MARLOW: I just know three names on that
11 board. I used to work with Eric Schinzing.

12 THE COURT: All right. So the names that you
13 know, could you tell me what names you know.

14 MS. MARLOW: Claudette Springmeyer used to be my
15 first husband's employer's wife. We went to dances and hung
16 together. Nate Alameda is another child of a lady I worked
17 with, and then I worked with Eric years ago.

18 THE COURT: Okay. Would your relationship with
19 any of those people, maybe not all of them, but any of them
20 impact your ability to be fair and impartial in this case?

21 MS. MARLOW: Not at all.

22 THE COURT: Would you because of those
23 relationships afford those witnesses any greater credibility
24 than anyone else?

1 MS. MARLOW: No.

2 THE COURT: In other words, would you -- well,
3 because it's I think you mentioned Mr. Schinzing, for
4 example, because it's Mr. Schinzing, whatever he said must be
5 true no matter what anybody else says?

6 MS. MARLOW: A person can lean that way, but I
7 think I have an open mind.

8 THE COURT: I'm asking do you lean that way?

9 MS. MARLOW: Okay. I might. I might think --
10 yeah, I might.

11 THE COURT: Okay. This is why we're talking.

12 MS. MARLOW: Yeah.

13 THE COURT: I need to know your answer to this.
14 And is that particularly about Mr. Schinzing or Mr. Almeida
15 or I think you mentioned Ms. Springmeyer also?

16 MS. MARLOW: Well, I'm not sure I understand your
17 question.

18 THE COURT: Does your relationship -- does your
19 leaning towards them, that is at about one of them or all of
20 them?

21 MS. MARLOW: No, it would be to all of them in
22 just a general familiarity. If they -- if one of them told
23 me Bob did it and she told me Bob did it, I would more
24 believe them.

1 THE COURT: I see, okay. All right.

2 MS. MARLOW: Just because I've been --

3 THE COURT: Do you think you have a hard time
4 putting that aside?

5 MS. MARLOW: No, no.

6 THE COURT: How would you put that aside?

7 MS. MARLOW: Bring in my adult maturity and know
8 that these are --- we're all people.

9 THE COURT: Could you weigh the credibility of
10 those witnesses fairly and equally with the other witnesses?

11 MS. MARLOW: Yes, oh, yes.

12 THE COURT: Okay. Thank you.

13 Yes, ma'am. That's Ms. Strickland.

14 MS. STRICKLAND: I know Claudette Springmeyer.

15 THE COURT: How do you know her?

16 MS. STRICKLAND: Our children grew up together
17 and just through sports and stuff.

18 THE COURT: So does knowing her make you feel
19 that you would give her testimony more credibility than
20 someone else's?

21 MS. STRICKLAND: No, I would listen to
22 everything.

23 THE COURT: Are you able to do that?

24 MS. STRICKLAND: Yes, I am.

1 THE COURT: Anyone else? Yes, ma'am. That's
2 Ms. Trent.

3 MS. TRENT: I worked -- if that's the same Stacey
4 Chambers, I think -- I haven't seen her since 2003 at one
5 time, but I haven't spoken to her since 2003.

6 THE INTERPRETER: Your Honor?

7 THE COURT: You need to -- we need to speak a
8 little bit louder, okay. And I believe that Ms. Trent said
9 that if it is the same Stacey Chambers, you might have worked
10 with her --

11 MS. TRENT: In 2003. I haven't seen her since
12 then.

13 THE COURT: Would that impact your ability -- the
14 witness' credibility?

15 MS. TRENT: No.

16 THE COURT: Anyone else? Yes, ma'am?

17 UNIDENTIFIED PROSPECTIVE JUROR: Well, I don't
18 know any of those people but my dad was a police officer.

19 THE COURT: Your dad was a police officer, okay.
20 And does that impact your ability to --

21 UNIDENTIFIED PROSPECTIVE JUROR: No.

22 THE COURT: -- weigh the testimony of the
23 witnesses?

24 UNIDENTIFIED PROSPECTIVE JUROR: No.

1 THE COURT: Would you necessarily favor the
2 testimony of a police officer over someone else just because
3 they are a police officer?

4 UNIDENTIFIED PROSPECTIVE JUROR: No.

5 THE COURT: Does that make you prejudice for or
6 against one side or the other in this case?

7 UNIDENTIFIED PROSPECTIVE JUROR: No.

8 THE COURT: All right. All witnesses are
9 presumed to testify truthfully until the contrary is shown.
10 This presumption applies regardless of whom the witness may
11 be. Do you understand that no witness is automatically,
12 because of his or her position or title entitled to more than
13 this presumption or less? Does everyone understand that?
14 Does anyone not understand that?

15 Do any of you feel that you would give any
16 witness undo credence or believability because of his or her
17 title or position?

18 Do any of you know anything about the facts of
19 this case prior to today? Okay. Without telling me what you
20 believe those facts are, let me start with Ms. Strickland.
21 You believe you know some facts?

22 MS. STRICKLAND: I don't know them for sure, just
23 what I read in the paper.

24 THE COURT: You read in the newspaper?

1 MS. STRICKLAND: I read the newspaper.

2 THE COURT: Okay. So, Mr. Norberg?

3 MR. NORBERG: Same, there was an article I think
4 some time over the weekend and just in reading the paper, I
5 remember reading about it. I don't remember the facts.

6 THE COURT: Ms. Matus?

7 MS. MATUS: I typically read the newspaper. I
8 haven't in the last month so I don't know if there was
9 anything prior to that.

10 THE COURT: Now, with all due respect to the
11 press who happens to be here in the courtroom, do all of you
12 understand that sometimes they get it wrong? Anyone who
13 disagrees with that? Is there anyone who disagrees with the
14 idea that sometimes they get it right? Is there anyone who
15 disagrees with the idea that we don't try people in the
16 United States in the press and that's exactly what this
17 process is for?

18 To any of you who read a newspaper article about
19 this case, without telling everyone specifically what you
20 read, can you put aside what you read and judge this case
21 solely on the evidence that's presented in this room during
22 this trial?

23 Ms. Strickland?

24 MS. STRICKLAND: Yes, sir.

1 THE COURT: Ms. Matus?
2 MS. MATUS: Yes.
3 THE COURT: And, Mr. Norberg?
4 MR. NORBERG: Yes.
5 THE COURT: Anyone who would have difficulty with
6 that?
7 Has any juror formed or expressed an opinion as
8 to the guilt or innocence of Ms. Leibel or as to any other
9 matter connected with this case? Yes, ma'am?
10 MS. ROUSE: I want to disclose that my husband
11 had a business relationship or business interactions with the
12 victim.
13 THE COURT: Okay. And when was that?
14 MS. ROUSE: Just slightly before the incident.
15 THE COURT: Before his death?
16 MS. ROUSE: Correct.
17 MS. HENRY: Your Honor, I'm sorry, we didn't hear
18 that.
19 THE COURT: Ms. Rouse tells us that she is
20 disclosing that her husband had a business relationship with
21 Mr. Leibel.
22 How long was that relationship?
23 MR. ROUSE: I don't know.
24 THE COURT: Have you discussed this case with

1 your husband?

2 MS. ROUSE: He said something to me the day that
3 he found out about this that it happened.

4 THE COURT: Did he express an opinion as to what
5 happened?

6 MS. ROUSE: No.

7 THE COURT: Do you believe your husband has any
8 independent knowledge as to what happened in this matter?

9 MS. ROUSE: No.

10 THE COURT: Has your husband told you that he
11 does?

12 MS. ROUSE: No.

13 THE COURT: Do you believe that your husband's
14 business relationship with Mr. Leibel causes you to feel bias
15 either for or against either party in this matter?

16 MS. ROUSE: It could.

17 THE INTERPRETER: This is the interpreter
18 speaking. The interpreter did not hear the answer.

19 THE COURT: The answer was it could.

20 Okay. And do you believe it would be difficult
21 for you to set that aside?

22 MS. ROUSE: No.

23 THE COURT: How would you do that, ma'am?

24 MS. ROUSE: Their relationship was just business.

1 It was not a personal relationship.

2 THE COURT: You mean your husband's relationship
3 with Mr. Leibel?

4 MS. ROUSE: Yes.

5 THE COURT: Did you socialize with them?

6 MS. ROUSE: No.

7 THE COURT: Did your husband socialize with them?

8 MS. ROUSE: It was strictly just a business
9 interaction.

10 THE COURT: How do you believe that relationship
11 might impact you then?

12 MS. ROUSE: Just from what he said.

13 THE COURT: From things your husband told you?

14 Thank you. You may get some further questions on that.

15 Okay. Do any of you have any friends or
16 neighbors up here in the well or in the jury box? In other
17 words, do any of you know each other? Yes, I always get yes
18 on that. So we'll start with Ms. Strickland again.

19 MS. STRICKLAND: Well, I don't even know her
20 name, but I know her because my daughter takes care of her
21 children.

22 MS. DUBLANC: Yeah

23 THE COURT: Ms. Dublanc?

24 MS. DUBLANC: Yes. And I also know Susan Stugart

1 and I also know, he's my neighbor.

2 THE COURT: Okay. All right. So you're talking
3 about Mr. Farnham?

4 MS. DUBLANC: Yes.

5 THE COURT: Would -- it's okay to have friends
6 and neighbors, that's what makes us a community. That's what
7 makes us different from just a bunch of people who live in
8 caves near each other or in houses near each other, we have
9 friends and neighbors and so that's all right.

10 What is important is would you be able to form
11 your own opinion without necessarily feeling like you're
12 obligated to agree with your friends or neighbor? Would any
13 of you have difficulty in having your own opinion if there
14 anything in the experience of having a friend or neighbor in
15 this same group that would influence you in one way or
16 another to either disagree or agree with them?

17 Okay. At the conclusion of the evidence, I will
18 state to you the law that is applicable to this case. I will
19 instruct you that it is your duty to apply the law to the
20 facts as found by you. Would any juror be reluctant to apply
21 the general principles of law that will be so stated by the
22 Court?

23 Is there anyone present who has such a
24 preconceived idea of what the law is or what it ought to be

1 that it would render you incapable of setting aside such an
2 idea if you were instructed by me to the contrary? Sir?
3 That's Mr. Kelsh.

4 MR. KELSH: Yes, sir. Just past experience in my
5 life. Any decision I would come up with would be bias at
6 best.

7 THE COURT: I'm sure it's just me, but I'm not
8 sure I understand what you're telling me, so.

9 MR. KELSH: I did federal grand jury for
10 18 months and just from experience, I have a difficult time
11 bringing a guilty or an indictment charge against anybody,
12 just due to past experience in my life with law enforcement.

13 THE COURT: So you feel like you might have some
14 bias against law enforcement?

15 MR. KELSH: Yes, Your Honor.

16 THE COURT: Would you be able to set that aside
17 and hear the evidence in this case and decide this case based
18 solely upon the evidence that you hear here?

19 MR. KELSH: I mean, I feel I'm an intelligent
20 individual, and I can understand evidence. I did the
21 18 months of grand jury duty, and thought I was able to put
22 it past me, but it had an influence on a lot of my decisions.

23 THE COURT: So the answer to the question I asked
24 you is would you be able to be fair?

1 MR. KELSH: No, sir, I would not be able to.
2 THE COURT: You could not give equal justice to
3 the State as you would to Ms. Leibel?
4 MR. KELSH: Yes, sir.
5 THE COURT: I'm going to excuse you.
6 MR. KELSH: Thank you, Your Honor.
7 THE COURT: Any objection?
8 MS. BROWN: No, Your Honor.
9 MR. GREGORY: No, Your Honor.
10 THE COURT: Mr. Kelsh, thank you for your
11 appearance today.
12 MR. KELSH: I appreciate it. Thank you.
13 (Mr. Kelsh was excused and another name was
14 called.)
15 THE CLERK: Suzanne Martin?
16 UNIDENTIFIED SPEAKER: Your Honor, would we be
17 taking a short break soon?
18 THE COURT: As a matter of fact, Ms. Martin, do
19 you see where your seat is? We've been a little more than an
20 hour and a half, and we're going to take that break right
21 now.
22 Now, I have to read something to you that I am
23 required to read to you every time we take a break. So
24 you're going to hear this a great deal. We're going to take

1 a 15-minute recess. During this recess, you're admonished
2 not to talk or converse among yourselves or with anyone else
3 on any subject connected with this trial. Don't read, watch
4 or listen to any report of or commentary on the trial or any
5 person connected with this trial by any medium of
6 information, including without limitation newspapers,
7 television, radio or internet. Do not form or express any
8 opinion on any subject connected with this trial until the
9 case is finally submitted to you. Please remember what seat
10 you're in. I want you to return right to that very seat, and
11 we will return at five minutes until the hour. Thank you.
12 We are in recess.

13 (Whereupon, a brief recess was taken.)

14 THE COURT: During our break, I was advised that
15 there were a couple of jurors who had a question. I think
16 the first one was Mr. Jones.

17 Mr. Jones, I've been told that you're having a
18 hard time hearing.

19 MR. JONES: You're the only one that I can really
20 hear good and I can appreciate it.

21 THE COURT: There may also be some difficulty
22 with your vision, sir.

23 MR. JONES: I can't read those names on the
24 board. I can only correct them so well. I had a detached

1 retina.

2 THE COURT: Yes, sir.

3 MR. JONES: I have my hearing aids in.

4 THE COURT: I'll tell you a couple of things.

5 One, the statute tells me that if you've reached the age of
6 65, that if you have a hearing or a vision difficulty and you
7 request to be released, I should let you go. I believe
8 you're not 65, but I can see it. Do you think you would have
9 a hard time following along in the case here if we were to
10 provide you with -- you said you have hearing aids. We
11 actually have some headphones that amplify that everything
12 that goes into these microphones.

13 MR. JONES: I use them for TV and stuff.

14 THE COURT: Okay. Do they help?

15 MR. JONES: Yeah.

16 THE COURT: Of course, that doesn't help with
17 your vision.

18 MR. JONES: Not really. I wasn't sure how well I
19 had to see.

20 THE COURT: I'll tell all of you that during the
21 course of this trial, you can expect that this screen is
22 going to come down, and I anticipate that the parties are
23 going to display on the screen some things they want you to
24 see. Now, those things are blown up, and they are put up,

1 pretty good size up on is this projector. It would be bigger
2 than the print that you see on the board now. Do you think
3 you would be able to see that if it's projected large enough?

4 MR. JONES: It's possible, yeah.

5 THE COURT: If you -- if we got you the
6 headphones and if you continue to have a hard time hearing,
7 would you tell me that?

8 MR. JONES: Yeah.

9 THE COURT: Okay. Are you asking to be excused
10 because of your hearing?

11 MR. JONES: I'm just concerned that I would miss
12 too much.

13 THE COURT: Well, sir, I will make every effort
14 to make sure that people speak loud enough for you. If you
15 can't hear, I would ask you to make the effort to tell me and
16 we'll work together on that issue.

17 MR. JONES: Okay.

18 THE COURT: Is that okay?

19 MR. JONES: Yes.

20 THE COURT: I should also tell all of you that
21 there's also a statute which advises me that if you're
22 70 years of age and you don't want to serve on the jury, I
23 should excuse you. I haven't said that yet because I was
24 worried about how many people we would have assemble. Is

1 there anyone 70 years of age or older who is requesting to be
2 excused? There are no hands up, all right.

3 We'll proceed, but I think there was someone else
4 who had an issue that advised Mr. Sutton that you wanted to
5 talk to me, and I can't remember who it was.

6 Mr. Alexander?

7 MR. ALEXANDER: Yes, I spoke to Mr. --

8 THE COURT: Mr. Sutton or Mr. Nishikida?

9 MR. ALEXANDER: Mr. Nishikida. I didn't know
10 when this would actually come up. Next week, I'm slated to
11 travel to the World of Concrete for two days. I do make my
12 own travel arrangements, and I can change it, but I do have
13 an opportunity to attend that show and work with a new
14 inventor from University of Auburn.

15 THE COURT: Well, sir, I think that it may be
16 that there are a number of people who have either business or
17 educational opportunities or work that they are simply going
18 to miss and while I really appreciate that your work is
19 valuable to you, and I want you to know that's important to
20 me, that's not a reason I'm going to excuse you. Thank you
21 though.

22 In a jury trial, the jury determines all of the
23 factual matters, that is all questions of fact. The judge
24 determines all questions of law. I will not infringe on your

1 prerogative as to the facts you find, and I expect that you
2 won't infringe on mine as to what the law is. Do you all
3 understand that?

4 As I previously stated, this is an action
5 involving a charge of open murder with the use of a deadly
6 weapon. Does any juror quarrel with the principle that open
7 murder with the use of a deadly weapon is declared to be a
8 criminal offenses in this state?

9 Is there anything in the nature of this case that
10 causes you to believe that you cannot be a fair and impartial
11 juror?

12 Do you realize the criminal information is not
13 evidence at all but it's only a piece of paper in order to
14 bring the defendant into court?

15 Do you understand that the fact that an arrest
16 occurred in this matter does not in and of itself constitute
17 evidence of guilt of the defendant?

18 If the Court were essentially to instruct you at
19 the conclusion of the case that a defendant in a criminal
20 action is presumed to be innocent until the contrary is
21 proven beyond a reasonable doubt and in the case of a
22 reasonable doubt, the defendant's guilt, she is entitled to
23 be acquitted. Would each of you accept and follow that
24 instruction?

1 Do you understand that you are to consider this
2 presumption of innocence as actual proof of innocence until
3 it is overcome by proof of guilt beyond a reasonable doubt?
4 You are acknowledging that.

5 You understand, do you not, that the burden of
6 proving the defendant guilty beyond a reasonable doubt rests
7 with the prosecution and that the accused need not introduce
8 any evidence whatsoever? Essentially the State must prove,
9 one, that a crime was committed and, two, that the defendant
10 committed that crime. Knowing that, would any of you require
11 the accused at any time to convince you of her innocence?

12 When it becomes time for you to consider a
13 verdict in this case, the concurrence of all 12 of the final
14 jurors is required. However, each of the parties to this
15 action is entitled to the opinion and judgment of each
16 individual juror. All jurors must agree on the verdict, but
17 it must be understood that the individual judgment of each
18 juror is important, do you understand that?

19 If you happen to be in the minority as for
20 example, just an example, say a ten to two vote or an 11 to
21 one vote, would you change your position what you consider to
22 be reasonable solely because you were in the minority, would
23 anyone do that?

24 Do you understand it's your duty to agree on a

1 verdict if you can do so without violating conscientiously
2 held convictions that are based on the evidence?

3 Now, if you came to the conclusion that the
4 prosecution had not proven the guilt of the accused beyond a
5 reasonable doubt and you found that a majority of the jurors
6 believed the defendant was guilty, would you change your
7 verdict or vote only because you were in the minority or vice
8 versa?

9 Do you understand that both sides in this matter
10 are entitled to a verdict on the evidence here produced and
11 on nothing else?

12 Is there any juror now in the box who knows of
13 any reason why he or she cannot act as a fair and impartial
14 juror in this matter? Okay. Thank you.

15 I'm going to allow the attorneys now to question
16 you some. We'll begin with the prosecution, Mr. Gregory?

17 MR. GREGORY: Thank you, Your Honor. Good news
18 is Judge Young was so thorough I'm not going to have a lot
19 here, and I do thank you for your patience.

20 Mr. Jones, I'm just going to come back to you
21 again to check on you. How are you doing with the hearing?

22 MR. JONES: It's quite tenable. I can hear men's
23 voices a lot better than women's voices.

24 MR. GREGORY: You said you could hear Judge Young

1 pretty well? Have you been able to hear me?

2 MR. JONES: Yes. How I can usually hear better
3 is if I can watch your mouth.

4 MR. GREGORY: Okay. But you've indicated there
5 are some -- there's been some speaking that you could not
6 hear?

7 MR. JONES: Quite a bit.

8 MR. GREGORY: Quite a bit? So it is important
9 during the course of the trial that you hear everything.

10 MR. JONES: That's right.

11 MR. GREGORY: Your Honor, would he be able to try
12 those? Getting them out now.

13 THE COURT: I'm going to try these out for him,
14 but I want to get them turned on first. Let's give that to
15 Mr. Jones and see that it helps. Turn the volume up a
16 little.

17 Mr. Jones, do you mind trying one of the Court's
18 headphones?

19 MR. JONES: That's fine.

20 THE COURT: Thank you. Do you hear anything
21 through that? Can you hear that?

22 MR. JONES: I don't know if I can hear it through
23 here though.

24 THE CLERK: Can you hear me?

1 THE COURT: Can you hear anything through that?

2 MR. JONES: I can hear you.

3 THE CLERK: There's buzzing.

4 THE COURT: We're going to work on those. You
5 can take that off, and we'll work on that.

6 Mr. Gregory, I would point out to you that
7 Ms. Martin was not asked any questions as she came up so I'm
8 going to ask you if you would ask her maybe any of the
9 general questions.

10 Ms. Martin, if you would just maybe just tell us
11 how long have you been in the valley and what you do.

12 MS. MARTIN: My name is Suzanne Martin. I've
13 been in the valley 22 years. I work for the State of Nevada
14 Housing Division. My husband is retired. He worked for
15 NDOT. I have a stepson, 47, who lives in Arizona, and I am
16 acquainted with Tom through work. He audited our division,
17 and I am acquainted with Pat through Douglas Animal Welfare
18 Group, but I don't do it anymore, but we use to walk dogs
19 together.

20 THE COURT: Do any of those relationships make
21 you feel like you wouldn't be able to hold your own opinion
22 in this group?

23 MS. MARTIN: No.

24 THE COURT: Ms. Martin, would you have -- to any

1 of the other questions that I've asked, do you believe that
2 any of them would cause you trouble being a fair and
3 impartial juror?

4 MS. MARTIN: Absolutely not. And Claudette
5 Springmeyer, I was in Soroptimist with and quite a long time
6 ago, 17 years.

7 THE COURT: Thank you, ma'am.

8 Mr. Gregory, I'll allow you to follow-up on that.

9 MR. GREGORY: Thank you, Your Honor.

10 Were you able to hear all of the questions when
11 you were seated out there?

12 MS. MARTIN: Some voices are less strong than
13 others.

14 MR. GREGORY: And did any of those questions give
15 you concern or do you want to give us some information?

16 MS. MARTIN: No.

17 MR. GREGORY: Okay. Thank you.

18 Ms. Rouse, I wanted to follow-up with you
19 regarding the business relationship your husband had with
20 Mr. Leibel. You indicated that upon Mr. Leibel's passing
21 that your husband and you discussed that?

22 MS. ROUSE: Correct.

23 MR. GREGORY: I don't want you to get into what
24 you discussed, but it seemed like maybe you had some

1 discomfort with that. Is there anything about the
2 conversation that you had with your husband that would cause
3 you to not to be fair in this case to either side?

4 MS. ROUSE: There was just some things said that
5 gives me a preconceived idea.

6 MR. GREGORY: Okay. And I appreciate that.
7 Would that preconceived notion and, again, I'm not asking you
8 what that notion was, but would that impact your ability to
9 sit in this case?

10 MS. MARTIN: I don't think so.

11 MR. GREGORY: Okay. Tell me why not. Why do you
12 think you can do this?

13 MS. ROUSE: I think I can -- I just already have
14 an idea about the victim's, perhaps, personality --

15 MR. GREGORY: Okay.

16 MS. ROUSE: -- his personal life. Although, I've
17 never met him. I've never met the wife as well.

18 MR. GREGORY: So you know some things about the
19 defendant and her husband that the other jurors would not
20 know, correct?

21 MS. ROUSE: I don't know about them. I just know
22 about myself.

23 MR. GREGORY: Okay. But what I'm saying is your
24 husband told you some things that so now you have some ideas

1 about them that other jurors sitting here would not have.

2 MS. ROUSE: That's probably true.

3 MR. GREGORY: Okay. And if there were another
4 jury trial next week where you didn't know anything or didn't
5 know anything about the players, do you think you would be a
6 better juror in that case?

7 MS. ROUSE: Probably, particularly for the
8 charges that are here.

9 MR. GREGORY: Okay. And I appreciate your
10 honesty.

11 Your Honor, I would ask to excuse Ms. Rouse for
12 cause. She's indicated she does have a preconceived notion
13 about the case, and I would ask that she be excused.

14 THE COURT: Ms. Brown?

15 MS. BROWN: No objection, Your Honor.

16 THE COURT: Ms. Rouse, you feel that those
17 preconceived notions impact your ability to be fair and
18 impartial?

19 MS. ROUSE: I just know something about the
20 victim.

21 THE COURT: I couldn't hear.

22 MS. ROUSE: I know information from about the
23 victim.

24 THE COURT: I'm going to excuse you, okay. Thank

1 you for being here today, ma'am. We'll call another name.
2 Thank you, Ms. Rouse.

3 (Ms. Rouse was excused and another name was
4 called.)

5 THE CLERK: Edwin Kingham.

6 MS. BROWN: I missed the name.

7 THE COURT: Edwin Kingham.

8 MS. BROWN: I missed it again.

9 THE CLERK: Kingham.

10 THE COURT: Mr. Kingham?

11 MR. KINGHAM: Yes.

12 THE COURT: How are you, sir?

13 MR. KINGHAM: I'm okay. Thank you.

14 THE COURT: Can you tell us how long you've been
15 here, sir?

16 MR. KINGHAM: I've lived in Douglas County since
17 1997. I'm retired from teaching mathematics, college
18 mathematics. I'm not married, and I have no children.

19 THE COURT: Thank you, sir. Did any of the other
20 questions that I've asked this panel cause you any concern or
21 make you want to respond in any fashion?

22 MR. KINGHAM: I can't think of one but there were
23 so many.

24 THE COURT: Let me get to the essence of it. Is

1 there anything about any of the attorneys, the witnesses or
2 the nature of this case that make you feel any bias for or
3 against either side?

4 MR. KINGHAM: No. I couldn't really read the
5 names from the angle I was sitting at, so I need to look
6 through those.

7 THE COURT: Certainly, sir. Take your time.

8 MR. KINGHAM: I don't recognize any of those as
9 anyone that I know.

10 THE COURT: And do you believe that if you were
11 chosen to be a juror in this case that you could do fair and
12 equal justice to both sides?

13 MR. KINGHAM: Yes.

14 THE COURT: Have a seat.

15 And, Mr. Gregory, would you please continue.

16 MR. GREGORY: Thank you, Your Honor. Anybody on
17 the panel up here a fan of the CSI crime shows? All right.
18 Pretty popular. Any reason that you can't separate what you
19 see on TV from what you see here in the courtroom? I trust
20 you all understand those are for entertainment purposes and
21 this is the real deal. Can you all separate that? All of
22 you that raised your hand, do you have any issues with that?

23 All right. The judge mentioned the type of case
24 this is and given the type of case this is, you're apt to see

1 some gory photographs. Now, my question isn't are you going
2 to enjoy that. My question is does anybody have a problem
3 with that such that they don't believe they can look at those
4 photographs and take them into consideration?

5 MS. THOMPSON: I pass out in first aid class
6 every time I take one. I don't know. I couldn't judge
7 because I don't know what I'm going to see.

8 MR. GREGORY: Okay. So if we put something up
9 there that you're uncomfortable with, do you think you can
10 focus and look at the photograph and be considered?

11 MS. THOMPSON: I can try, but you may have to
12 revive me.

13 MR. GREGORY: Does that impact your ability to
14 sit on this jury?

15 MS. THOMPSON: I don't think unless reviving me
16 is not a good thing. It depends on how graphic it really is.
17 Like, I can watch the TV shows, but I know that's not real
18 but in first aid class with blood and fake blood, I get a
19 little.

20 MR. GREGORY: Would you feel comfortable if you
21 got to a point in the trial where you were feeling a little
22 woozy, would you feel comfortable letting Judge Young know
23 that so we can take a break?

24 MS. THOMPSON: Yeah, if I can catch myself.

1 MR. GREGORY: All right. Thank you.

2 Anybody else? Sir?

3 MR. MORROW: While I'm not actually squeamish
4 towards pictures all that much, it's like presentation or
5 something, I may get squeamish because I'm back when I was
6 younger, we did some biology on a cow brain, and that was
7 kind of a bit much for me, but that was also a couple of
8 decades ago, so I may be over it now.

9 MR. GREGORY: Okay. I would ask you to do the
10 same thing, if you got uncomfortable, would you --

11 MR. MORROW: Yes, I would be able to tell the
12 judge.

13 MR. GREGORY: -- let the judge know?

14 MR. MORROW: Yes.

15 MR. GREGORY: Thank you. I appreciate that.

16 In criminal trials, the jury has important
17 decisions to make. Is there anybody that feels they are
18 incapable or unwilling to make important decisions? I almost
19 always get at least one hand, you know, I just don't think
20 that I can make those decisions. Anybody have that feeling?

21 Sir?

22 UNIDENTIFIED POTENTIAL JUROR: Will those
23 decisions include sentencing decisions?

24 THE COURT: They will not, sir. Sentencing is

1 not a matter that is in the province of this jury and is not
2 something that this jury should consider in any fashion
3 whatsoever. In the event that there is a verdict of guilty,
4 sentencing will be the sole responsibility of me, and I'll
5 address that with you later as I have some other comments.

6 MR. GREGORY: Did that answer your question
7 sufficiently, sir?

8 UNIDENTIFIED POTENTIAL JUROR: Yes.

9 MR. GREGORY: Okay. Thank you, sir.

10 Anybody else want to respond to that question?

11 As the judge indicated, the State has the burden
12 of proof in this case. My question to each of you is if I
13 prove the case to you beyond a reasonable doubt, will you
14 find Ms. Leibel guilty?

15 Thank you, Your Honor. Pass the panel for cause.

16 THE COURT: Mr. Gregory, thank you.

17 Ms. Brown, or, Ms. Henry?

18 MS. BROWN: Thank you, Your Honor.

19 I would like to go back and document some
20 follow-up questions first on questions that have already been
21 asked and, of course, Mr. Jones I'll start with you. I'm
22 known to be soft spoken. Can you hear me?

23 MR. JONES: Sort of. I can't hear at all.

24 MS. BROWN: Are you still concerned if you were a

1 juror on this trial, you would be missing a lot of the
2 evidence?

3 MR. JONES: I think so.

4 MS. BROWN: Your Honor, I would ask that
5 Mr. Jones be excused. I think he's repeatedly indicated he's
6 not able to hear and follow the evidence.

7 MR. GREGORY: No objection, Your Honor.

8 THE COURT: Mr. Jones, I appreciate you being
9 here, sir, I really do, and I appreciate you making the
10 effort. My concern has less to do with you hearing me but
11 with you being able to see across the room. I think we'll be
12 able to work on your hearing. I can't work on your vision
13 very much, and I'm well aware that the parties intend to
14 present some photographic evidence that you might have to
15 look at from across the room and there may be some other
16 evidence in here that you're going to have to see.

17 So it's with respect to you and appreciation but
18 I'm going to release you, sir. I thank you for being here.
19 The clerk will call another name.

20 MR. JONES: I gave it a shot.

21 THE COURT: Yes, sir, I know you did, and I thank
22 you for that.

23 (Mr. Jones was excused and another name was
24 called.)

1 THE CLERK: Raymond Klein?

2 THE COURT: All the way up there, sir. Mr.

3 Klein, would you tell us a little bit about yourself.

4 MR. KLEIN: I work for the US Postal Service.

5 I'm married. I've lived here for 16 years. My wife is a

6 dental hygienist, and she just resigned from her job. She's

7 looking for another one, so.

8 THE COURT: Thank you, sir. To any of the

9 questions that I've asked this group, are there any of them

10 that make you feel that because of your relationship with the

11 attorneys or the parties or the witnesses that you could not

12 be a fair and impartial juror?

13 MR. KLEIN: I would be fair and impartial, and I

14 don't know any of the witnesses or any of the attorneys. I

15 have an open mind.

16 THE COURT: Thank you. Were there any questions

17 that I asked that gave you pause or concern, sir?

18 MR. KLEIN: No, Your Honor.

19 THE COURT: Thank you.

20 Mr. Gregory, do you have questions of this

21 gentleman?

22 MR. GREGORY: I do not. Thank you.

23 THE COURT: Ms. Brown?

24 MS. BROWN: Thank you, Your Honor.

1 Ms. Thompson?

2 MS. THOMPSON: Yes.

3 MS. BROWN: You indicated that you may be
4 starting a job next Tuesday?

5 MS. THOMPSON: I'm hoping to. I will if I'm not
6 on a jury.

7 MS. BROWN: Okay. Would that be distracting from
8 your attention if you were chosen to sit on the jury, that
9 prospect of not having that job?

10 MS. THOMPSON: Well, yeah, I've been in a place
11 for eight months. If I don't have that job, I don't have any
12 job.

13 MS. BROWN: Would that be on your mind then if
14 you were --

15 MS. THOMPSON: Yes.

16 MS. BROWN: -- asked to be on this jury?

17 Does anybody else have commitments? I know we've
18 heard from Mr. Alexander, work commitments, child care
19 commitments, those types of things that would be on their
20 mind if they were all of a sudden taken away for two weeks to
21 be placed on a jury? That would be?

22 MR. LANDVATER: Landvater.

23 MS. BROWN: Landvater, can you tell me about
24 that?

1 MR. LANDVATER: I'm as busy as I've ever been
2 right now, and my head is all in it, honest to God.
3 MS. BROWN: Okay. Busy with your work?
4 MR. LANDVATER: Yes, ma'am.
5 MS. BROWN: And you do web design?
6 MR. LANDVATER: Yes, ma'am.
7 MS. BROWN: You're self-employed?
8 MR. LANDVATER: Yes, ma'am.
9 MS. BROWN: There's no vacation pay or anything?
10 MR. LANDVATER: No, ma'am. If you can give me
11 about three weeks, I'll come back.
12 MS. BROWN: Okay. So this -- this would be
13 something that would be on your mind then if you were chosen
14 to be on the jury?
15 MR. LANDVATER: Yes, ma'am.
16 MS. BROWN: Okay. Thanks.
17 Anybody else to that question?
18 And, Ms. Walling?
19 MS. WALLING: Yes, as the human resources
20 generalist, I work at the Starbucks Roasting Plant, and there
21 is two of us supporting 320 people. So we have a lot of,
22 similar to this, in that we're constantly dealing with
23 regarding employee relation issues and things that rise to
24 that nature. So literally every break, I will be checking my

1 phone, as I will have to be called upon for most of that, if
2 not working after juror hours to support those.

3 MS. BROWN: In order to be on this jury, you
4 would basically be multi-tasking with managing your work and
5 managing what is here?

6 MS. WALLING: Yes.

7 MS. BROWN: Do you think that would distract your
8 attention away from it as the evidence is presented in this
9 case?

10 MS. WALLING: I would do my best to separate the
11 two as best as possible. I mean, in no way should it impact
12 my partiality to one or the other side. It's just making
13 sure that, you know, I can balance both of those.

14 MS. BROWN: Okay. Thank you.

15 Anybody else as to that question?

16 Mr. Hipple?

17 MR. HIPPLE: Yes, I'm a home health physical
18 therapist and for the company I work for, I'm the only
19 therapist providing services for the Minden and Gardnerville
20 area. And so if I'm here on the jury, my patients won't be
21 seen for -- until the trial is over.

22 MS. BROWN: Okay. So these are patients --

23 MR. HIPPLE: Elderly people that are fall risks
24 and people that have recently had surgery, who have started

1 to rehab at home who are homebound.

2 MS. BROWN: Okay. Again, would that -- if you
3 were chosen to sit on the jury, would your concerns
4 concerning your patients be distracting?

5 MR. HIPPLE: No, I would probably see them on the
6 weekends and after hours.

7 MS. BROWN: Okay. Thank you. Was that everybody
8 on that question?

9 Mr. Kingham?

10 MR. KINGHAM: Kingham.

11 MS. BROWN: Kingham, sorry.

12 MR. KINGHAM: I can't remember your exact words
13 but something to the effect of taking -- if you're taken away
14 from your life for two weeks, does that imply that we won't
15 be going home at all or would we in the evenings?

16 MS. BROWN: No.

17 THE COURT: I am not intending to sequester this
18 jury. There's not been a motion to do so. I don't see any
19 reason why I should. I will give you admonishments about not
20 reading the paper or the news or watching television,
21 listening to radio reports of this, and I will expect you to
22 honor that, but I do not intend to sequester the jury and
23 keep the jury locked in a hotel room during the course of the
24 trial.

1 Once deliberation begins, you will continue to
2 deliberate until I release you but during the course of the
3 trial, you will be going home tonight. Does that answer your
4 question, sir?

5 MR. KINGHAM: Yes.

6 MS. BROWN: And, Ms. Strickland, you said that
7 you know both Mr. Jackson and his wife, Kathy, the reporter,
8 and that you also know Erin Palante, who works in the
9 District Attorney's Office?

10 MS. STRICKLAND: Yes.

11 MS. BROWN: And you care for their children
12 sometimes?

13 MS. STRICKLAND: My daughter does.

14 MS. BROWN: Your daughter does. Do you have
15 social contacts with Mr. Jackson and his wife?

16 MS. STRICKLAND: No, we just see each around
17 town.

18 MS. BROWN: You said that knowing them wouldn't
19 affect your decision-making process in this case. If you sat
20 as a juror, at some point your decision is going to be known
21 to the world and if you had to think what -- you know,
22 knowing Mr. Jackson and he's the elected D.A. in this case
23 and I reached a verdict of not guilty, you know, having to
24 try to explain that to him, would that cause any you concern?

1 MS. STRICKLAND: No, I will be good with my
2 decision.

3 MS. BROWN: Okay. And you also said you know
4 Ms. Springmeyer?

5 MS. STRICKLAND: Yes.

6 MS. BROWN: And would knowing her, if she were
7 called as a witness in this case, would you tend to favor
8 what she said more than another witness based on that?

9 MS. STRICKLAND: No.

10 MS. BROWN: Okay. All right. Thank you.

11 And, Mr. Butler, I think you said basically your
12 knowledge of Ms. Jackson was from 15 years ago?

13 MR. BUTLER: Or more.

14 MS. BROWN: Or more, okay. Do you have any
15 ongoing social relationship?

16 MR. BUTLER: It's the first time I've seen her.

17 MS. BROWN: So there's nothing about that
18 relationship then that would come into play in this case?

19 MR. BUTLER: No.

20 MS. BROWN: And, Mr. Hipple, you said you know
21 both Mr. Jackson and his wife?

22 MR. HIPPLE: Yes.

23 MS. BROWN: And you coached with --

24 MR. HIPPLE: Yes.

1 MS. BROWN: -- Mr. Jackson. And, again, the same
2 type of question to you, would knowing them and knowing that
3 you'll be coming in contact with them again, would that come
4 into mind in you reaching your verdict?

5 MR. HIPPLE: No, I would feel comfortable with
6 whatever decision is made, not based on -- just totally
7 independent of my relationship with both of them.

8 MS. BROWN: And for example, contacts with
9 Mr. Jackson while you were coaching or anything, was there
10 any general discussion of the criminal justice system or
11 their office or --

12 MR. HIPPLE: No, it's just been about football.

13 MS. BROWN: Okay. Thank you.

14 Ms. Marlow?

15 MS. MARLOW: Yes.

16 MS. BROWN: You also said you knew
17 Ms. Springmeyer and Mr. Almeida and Mr. Schinzing.

18 MS. MARLOW: Yes.

19 MS. BROWN: And, again, if they were called as
20 witnesses in this case, would knowing them, any personal
21 knowledge you have of them affect your ability to view their
22 testimony one way or another?

23 MS. MARLOW: I would believe their testimony.

24 MS. BROWN: And would you believe it even if it

1 was called into question while they were testifying on the
2 stand?

3 MS. MARLOW: I would listen to both sides of
4 something most definitely.

5 MS. BROWN: But you're tendency would be then to
6 give them credibility and it would have to be taken away for
7 someone else? Okay. Thank you.

8 And, Ms. Matus?

9 MS. MATUS: Yes.

10 MS. BROWN: You know everybody in the courtroom.
11 You know law enforcement. You know the defense attorneys,
12 and you deal day to day with basically writing presentence
13 reports.

14 MS. MATUS: I did.

15 MS. BROWN: In criminal cases discussing what
16 your recommended sentence should be in a case, so you're very
17 familiar with the criminal justice system?

18 MS. MATUS: Yes.

19 MS. BROWN: And in spite of that, you would step
20 aside from that role as basically a partisan? I mean, you've
21 been a representative of the State office that deals with
22 prisoners, and you would be able to step aside from that
23 occupation and look at this case without that coming into
24 play?

1 MS. MATUS: I believe so. Cases I've worked on
2 in the past where people who were already convicted of a
3 crime, that's completely different from what we're doing
4 here.

5 MS. BROWN: Okay. I appreciate that. Thank you.
6 And, Mr. Butler, again, you're also a
7 correctional officer?

8 MR. BUTLER: Yes, ma'am.

9 MS. BROWN: Would your -- is that here in Carson
10 with the State?

11 MR. BUTLER: Northern Nevada Correctional Center.

12 MS. BROWN: Would that employment with the State
13 in a correctional type setting, would you have more tendency
14 to believe police officers against other witnesses if --

15 MR. BUTLER: No, ma'am.

16 MS. BROWN: Okay. And what about, again, the
17 same question, if you were called upon to reach a verdict in
18 this case and wanted to give a verdict of not guilty, going
19 back then into your friends, your group of co-workers, would
20 that thought of having to explain, justify, even say that
21 decision have any impact on your decision?

22 MR. BUTLER: I've been there a lot longer than
23 they have, no.

24 MS. BROWN: Thank you. And, Mr. Tittle, did you

1 say you had previously sat on a criminal jury?

2 MR. TITTLE: Yes, ma'am.

3 MS. BROWN: And that was when?

4 MR. TITTLE: Last year, January time frame.

5 MS. BROWN: And without saying what the verdict

6 was, were you -- did the case finally go to verdict?

7 MR. TITTLE: Yes, ma'am.

8 MS. BROWN: And was the jury -- again, without

9 saying what the verdict was, were you able to reach a verdict

10 in that case?

11 MR. TITTLE: Yes, ma'am.

12 MS. BROWN: Was there anything about your service

13 on that jury that caused you any concern or was very

14 positive, very negative experience?

15 MR. TITTLE: It was a positive experience.

16 MS. BROWN: And there wouldn't be anything then

17 that would in viewing the evidence in this case that would --

18 MR. TITTLE: No, ma'am.

19 MS. BROWN: -- come into mind.

20 Let me broaden that out to other people on the

21 jury. How many of you have sat previously on juries? And of

22 the group that have sat previously on juries, have you had

23 very positive or negative experiences as a result of that

24 that might effect your ability to sit as a juror on this

1 case?

2 UNIDENTIFIED PROSPECTIVE JUROR: I had a positive

3 experience.

4 UNIDENTIFIED PROSPECTIVE JUROR: Positive.

5 MS. BROWN: Anybody else? Yes?

6 UNIDENTIFIED PROSPECTIVE JUROR: Mine was

7 positive. It was about 30 years ago but.

8 MS. BROWN: Okay.

9 UNIDENTIFIED PROSPECTIVE JUROR: From what I

10 remember.

11 MS. BROWN: Anybody else?

12 Yes, Mr. Petri.

13 MR. PETRI: Positive?

14 MS. BROWN: Real positive?

15 And, Mr. Tittle, you said this was -- your

16 sitting on a jury was just last year?

17 MR. TITTLE: Yes.

18 MS. BROWN: Is there -- are you wondering how you

19 got so lucky to be called again?

20 MR. TITTLE: No, they gave me the letter saying I

21 didn't have to do it for a year, but I assume that meant to

22 the end of 2014, so we're in 2015, so.

23 MS. BROWN: Okay. So there's nothing about being

24 called again as a juror so quickly?

1 MR. TITTLE: Oh, no, it's my responsibility.

2 MS. BROWN: And as we go through these questions,
3 I don't think -- nobody is asking you questions to try to
4 make you feel uncomfortable. It's just we need to try to get
5 to know you a little bit better and get some information out.
6 If there is anything that comes to mind that you don't feel
7 comfortable in discussing in front of the full panel, during
8 breaks or lunch, you can contact Mr. Sutton or any of
9 bailiffs, and there's a possibility of raising those kind of
10 matters out of the presence of the other jurors, just so you
11 can be sure you can speak freely in this case.

12 THE COURT: Ms. Brown, Ms. Thompson had her hand
13 raised.

14 MS. THOMPSON: I'm sorry. When I was on a jury,
15 it was actually a negative experience because the evidence
16 was presented well, and the defense didn't, and this one gal
17 just sat up there going, well, you know, law enforcement does
18 all of these wrong things. And I'm like, that wasn't what
19 was presented. It wasn't the best experience, I'll tell you
20 that much.

21 MS. BROWN: And would that experience influence
22 your decision or --

23 MS. THOMPSON: It makes me not want to be here
24 but as far as using my adult brain and coming to my own

1 conclusions about this case, it doesn't.

2 MS. BROWN: Thank you. Now, a few people, and I
3 don't know if they ended up here on this panel but on their
4 jury questionnaires indicated they had family members, who
5 have been convicted of crimes. And what I wanted to know is
6 are there any of you that made it to the panel that have
7 family members or either yourself, family members or close
8 friends that have been convicted of crimes? Let's start in
9 the front row here with Mr. Norberg.

10 MR. NORBERG: Yes, my brother years ago was
11 convicted of DUI multiple times, spent six or eight months in
12 county jail.

13 My brother-in-law about 30 years ago was a fatal
14 DUI. He spent five or six years in the California State
15 Prison.

16 We have a friend, same age as my son, who about
17 20 years ago, he was 14, killed a man, and he's currently in
18 the Nevada State Prison.

19 MS. BROWN: Going through, you know, that type of
20 experience, was there any contact with law enforcement that
21 was either a negative experience for you, positive experience
22 for you?

23 MR. NORBERG: None.

24 MS. BROWN: Was there any -- as the cases were

1 going through the court system, again, did that have any --
2 did you get a positive, negative feeling or?

3 MR. NORBERG: You know, I felt that everything --
4 you know, the verdicts were all correct. You know, the only
5 difference was in the sentencing of my son's young friend,
6 being sent to prison for 50 years when he was 14, that rubbed
7 me the wrong way.

8 MS. BROWN: But, and that was how long ago?

9 MR. NORBERG: That was 20 years ago.

10 MS. BROWN: So time heals all wounds.

11 MR. NORBERG: Yeah, it wouldn't impact my ability
12 to be fair and impartial.

13 MS. BROWN: Okay. Anybody else on the front row?

14 Ms. Matus?

15 MS. MATUS: My brother had a DUI misdemeanor
16 probably 20, 25 years ago in Miami. I don't remember when it
17 was exactly.

18 MS. BROWN: Okay. Anything about that case that
19 would come to mind?

20 MS. MATUS: I was never involved in it.

21 THE COURT: Anybody else on the front row? What
22 about in the second row back?

23 UNIDENTIFIED PROSPECTIVE JUROR: My brother,
24 repeated DUI's, no prejudice.

1 MS. BROWN: Okay. And in the third row?
2 Yes, Mr. Butler?
3 MR. BUTLER: My wife's brother did four years,
4 two in California, two in Nevada, and her niece did a couple
5 of years.
6 MS. BROWN: Okay. Were you involved in the
7 cases?
8 MR. BUTLER: No.
9 MS. BROWN: -- in any way?
10 And Ms. Unsinn?
11 MS. UNSINN: Yes, my fiance's little brother
12 served some time here, but I don't even know what he did.
13 MS. BROWN: Okay. So you had no involvement in
14 the justice system?
15 MS. UNSINN: I just knew he was here.
16 MS. BROWN: Anybody else on that row?
17 And, yes, Mr. Martin, correct?
18 MR. MARTIN: My son served one year in the Nevada
19 State Prison for three DUI's and --
20 MS. BROWN: Were you involved in the case in any
21 way as it worked its way through?
22 MR. MARTIN: It worked its way through, and I
23 have no prejudice.
24 MS. BROWN: Thank you.

1 THE INTERPRETER: Your Honor, the interpreter
2 could not hear the answer that was rendered.

3 THE COURT: The answer was it worked its way
4 through, and I don't have any prejudice.

5 Is that correct, sir?

6 MR. MARTIN: Correct.

7 THE COURT: Thank you, sir.

8 MS. BROWN: Anybody else in the next row up? In
9 the final row?

10 Ms. Mathers?

11 MS. MATHERS: My boyfriend did a year for third
12 DUI.

13 THE COURT: My boyfriend did a year for third
14 DUI.

15 MS. BROWN: Okay. Were you involved in the court
16 system with law enforcement in any way concerning that case?

17 MS. MATHERS: You mean like over there during the
18 trial, uh-huh, yes. Sorry.

19 MS. BROWN: That's okay. Was there anything
20 about that experience that affected you either in a positive
21 way, negative way or was it just --

22 MS. MATHERS: There was a lot to it.

23 MS. BROWN: I'm sorry, I can't --

24 MS. MATHERS: Yes, it actually went to the

1 Supreme Court.

2 MS. BROWN: Okay.

3 MS. MATHERS: So it was a lot, yeah, and I have
4 good and bad about it.

5 MS. BROWN: Okay. Would there be anything about
6 that case and having to go through that system that might
7 come to mind as you listen to the evidence in this case?

8 MS. MATHERS: Maybe.

9 MS. BROWN: Can you explain a little bit further?

10 MS. MATHERS: I guess it just depends on the
11 circumstances. You know, there was a lot to his because it
12 went all the way to the Supreme Court.

13 MS. BROWN: Uh-huh.

14 MS. MATHERS: But I don't think this would do
15 that but I don't know.

16 MS. BROWN: Okay. In what way do you think it
17 might affect you in this case?

18 MS. MATHERS: I could judge. I would be
19 judgmental I guess.

20 MS. BROWN: Be judgmental towards?

21 MS. MATHERS: Towards either side, it just
22 depends. I don't know.

23 MS. BROWN: Okay. Anybody else in that row?
24 Yes?

1 UNIDENTIFIED PROSPECTIVE JUROR: 30 years ago,
2 they gave me a wet reckless. It wasn't really a DUI, so it
3 was a one time mistake.

4 And then about two years ago, when my wife and I
5 were on a long vacation, our son thrashed our house and got
6 arrested for minor in consumption. He's a good boy, that's
7 it.

8 MS. BROWN: Okay. Anything about those
9 experiences and your contact with maybe law enforcement that
10 would come to mind in this case?

11 UNIDENTIFIED PROSPECTIVE JUROR: No, I used to be
12 a park ranger in Yosemite and I was in law enforcement and no
13 prejudices.

14 MS. BROWN: Okay. And other than actual
15 involvement in criminal cases, has anybody had just an
16 experience with law enforcement that was either very positive
17 or very negative in their feelings towards maybe law
18 enforcement as a whole?

19 Yes, Mr. Morrow?

20 MR. MORROW: Yeah, I have a generally positive
21 view of law enforcement because back when I was a minor in --
22 around middle school to high school, I basically had an
23 outburst on the school bus, and my bus driver called Secret
24 Witness on me. The cops came and basically listened to my

1 side of the story and then basically told me that what I did
2 was just fine in a sense because I didn't actually inflict
3 violence on anyone else, and that I was trying to relieve my
4 stress without accidentally bringing someone involved into
5 the situation, so I've had a positive view towards law
6 enforcement for actually listening to me as a person, even
7 though I was just a kid.

8 MS. BROWN: Okay. Thank you.

9 Anyone else?

10 Yes, Mr. Unruh.

11 MR. UNRUH: Yes, I've had positive and negative
12 experiences but, I mean, just to be honest, a couple of
13 times, I felt like they power tripped on me. I don't know
14 how else to really say that. They are in the position of
15 power over me and like made me feel lower, and I don't, like,
16 express that towards all cops or law enforcement. But, like,
17 if those traits are, like, displayed as them being, like, a
18 egomaniac or something, it's going to make me not want to
19 listen to them because it's just hard to trust somebody that
20 is like that and sorry but.

21 MS. BROWN: That's okay. But you're able -- you
22 say you had both good and bad experiences, correct?

23 MR. UNRUH: Yeah.

24 MS. BROWN: And so if there's a certain type of

1 individual that you don't agree with the way they treat
2 people?

3 MR. UNRUH: Yes.

4 MS. BROWN: But there's other law enforcement
5 officers who don't act in that way that you --

6 MR. UNRUH: Yes, like, 99 percent have the best
7 intentions at heart I'm willing to state, but there is the
8 ones that are, you know, not up to par with the rest.

9 THE COURT: Okay. So this isn't a preconceived,
10 I hate everybody in law enforcement?

11 MR. UNRUH: No.

12 MS. BROWN: I've had a dealing with an
13 individual?

14 MR. UNRUH: No, I'm just trying to be honest.

15 MS. BROWN: That's fine and that's the kind of
16 thing we like to talk about because it brings out -- I mean,
17 you can think the world of law enforcement and tell if you
18 know if there's a particular law enforcement officer that
19 testifies that you don't think is credible, you know, we're
20 looking for being able to judge people, their credibility on
21 how they present the evidence on the stand and not just a
22 preconceived idea of I love all law enforcement or I hate all
23 law enforcement?

24 MR. UNRUH: Yes.

1 MS. BROWN: Thank you.

2 Anybody else?

3 Some of you have been involved in civil cases
4 also. I saw some of the questionnaires. Anybody had -- and
5 civil -- by civil cases I mean the contract cases, personal
6 injury, things like that where you've gone into court for
7 money damages or to enforce an agreement. Has anybody had
8 any experiences in the courtroom in dealing with those types
9 of cases that might impact the way you view the judicial
10 system in this case? Some people come -- yes, Ms. --

11 UNIDENTIFIED PROSPECTIVE JUROR: Are you asking
12 if we've had personal involvement?

13 MS. BROWN: If there's -- I mean, maybe if it's
14 maybe a family member or friend, something, something that
15 may have left a sour taste in your mouth of, you know, that
16 judge just was way out of line or whatever and might affect
17 just your ability to view things in this case.

18 UNIDENTIFIED PROSPECTIVE JUROR: I was involved
19 in a personal lawsuit. It lasted about four years, but I
20 don't think it would have any bearence on this case.

21 MS. BROWN: Okay. So there was nothing that you
22 just kind of went, you know, I hate this system type thing?

23 UNIDENTIFIED PROSPECTIVE JUROR: No, I think it
24 was rather slow but.

1 MS. BROWN: Well, they can be that.

2 Has anyone here or with close friends or family
3 members been a victim of a violent crime?

4 Mr. Unruh?

5 MR. UNRUH: Yeah, my, like, second cousin got
6 murdered about a year ago and -- or actually two years ago,
7 and we just got done with the sentencing about two weeks ago
8 but --

9 MS. BROWN: Would there be anything about that
10 experience of being, you know, associated with the victim
11 side of the family that would have an impact on the way you
12 view the evidence in this case?

13 MR. UNRUH: I don't think so.

14 MS. BROWN: You could set that aside as something
15 separate?

16 MR. UNRUH: Yeah, it's a separate matter, you
17 know.

18 MS. BROWN: Okay. Thank you. Anybody else?
19 Second row? Anyone else?

20 Has anybody had friends or close family members
21 that have committed or tried to commit suicide?

22 Ms. Mathers?

23 MS. MATHERS: My boyfriend did.

24 MS. BROWN: Committed suicide or --

1 MS. MATHERS: Yeah, he committed suicide.

2 MS. BROWN: Okay. In this case, Ms. Leibel made

3 a report to the sheriff's department when her husband died

4 that he had committed suicide, and the law enforcement didn't

5 take her word for that. Is there anything about living

6 through the experience that you have been through that might

7 come to mind if you were chosen as a juror in this case?

8 MS. MATHERS: I could be -- I could be really

9 judgmental about it.

10 MS. BROWN: I'm sorry?

11 MS. MATHERS: I could be very judgmental about

12 it.

13 MS. BROWN: Judgmental?

14 MS. MATHERS: If it's shown that she did that and

15 lied about it, I guess, I could, yeah.

16 MS. BROWN: Okay. Thank you.

17 Mr. Morrow?

18 MR. MORROW: My brother when I was 12 hung

19 himself, and my mom was the one who discovered the body, and

20 I had to come home to the aftermath of it, and I can't deal

21 with suicides. I just can't deal with them.

22 MS. BROWN: Okay. So if that's going to be an

23 issue that's discussed in the testimony --

24 MR. MORROW: It would be -- it would be too hard

1 for me.

2 MS. BROWN: Would you be able to listen to the
3 evidence and consider it fairly with that strong feeling
4 concerning just the subject?

5 MR. MORROW: It depends on -- no, I don't think I
6 could do it.

7 MS. BROWN: Your Honor, I would ask that
8 Mr. Morrow be excused for cause.

9 THE COURT: Mr. Gregory?

10 MR. GREGORY: No objection, Your Honor.

11 THE COURT: Mr. Morrow, I'm going to thank and
12 excuse you for your attendance today. You've given us a lot
13 of answers and a lot of insight into your life, and I think
14 you've been real honest in your answers. I appreciate that.

15 (Mr. Morrow was excused and another name was
16 called.)

17 THE COURT: The clerk will call another name.

18 THE CLERK: Maria Garcia.

19 THE COURT: Ms. Garcia, would you maybe remain
20 standing for a moment and tell us a little about yourself.
21 How long have you been here?

22 MS. GARCIA: I've been here 17 years. I'm not
23 working. Actually, I'm a part-time student.

24 THE COURT: Part-time student?

1 MS. GARCIA: Yes.

2 THE COURT: Where?

3 MS. GARCIA: WNC.

4 THE COURT: Okay.

5 MS. GARCIA: I'm not married. I don't have any
6 children.

7 THE COURT: What are you studying?

8 MS. GARCIA: Well, before my grandpa went
9 downhill and died a couple of years ago, I was in the
10 American Sign Language program, but I figure I would be a
11 lousy interpreter so right now, I've gone back to
12 mathematics.

13 THE COURT: Okay. Were you able to hear all of
14 questions that we've been talking about this morning?

15 MS. GARCIA: Yeah, but not all of the answers but
16 the questions.

17 THE COURT: Well, the questions are what I want
18 to talk to you about, and we'll hear your answers. Was there
19 anything about any of the questions that made you feel that
20 you could not be fair or impartial?

21 MS. GARCIA: The fairness or impartiality not
22 really. My big thing is kind of the making the decision. He
23 asked a question if anybody was going to not be able to make
24 that kind of decision because it's a heavy decision. It's

1 kind of a big affect on somebody's life, no, no.

2 THE COURT: You don't feel that you could do
3 that?

4 MS. GARCIA: No, not really.

5 THE COURT: Why is that, ma'am?

6 MS. GARCIA: Because it's a huge decision that is
7 going to weigh heavily on somebody else's life. I just can't
8 do it.

9 THE COURT: Okay. How old are you?

10 MS. GARCIA: 27.

11 THE COURT: Mr. Gregory, do you want to ask any
12 questions of this potential juror?

13 MR. GREGORY: And I thank you for sharing that.
14 That's important to everybody that you be open and honest.
15 So at the end of the case, obviously, you do, you have a very
16 hard weighty decision to make in this case, and you voiced
17 some concern. My question is could you do it? Could you
18 arrive at a decision? Would you be able to do that?

19 MS. GARCIA: I am one of the more indecisive
20 people I know. I -- the thing is I could know what I was
21 thinking but being willing to point that out, I'm not -- I'm
22 not sure I would be willing to do that.

23 MR. GREGORY: I appreciate you sharing that.

24 And, Your Honor, I would ask that she be removed

1 for cause.

2 MS. BROWN: No objection, Your Honor.

3 THE COURT: All right. Ms. Garcia, I'll let you
4 go with no objections to it. Thank you for being here today.

5 MS. GARCIA: Uh-huh.

6 (Ms. Garcia was excused and another name was
7 called.)

8 THE CLERK: Debra Wood.

9 THE COURT: Good morning, Ms. Wood. Go up and
10 have a seat in that spot. And I think you know what I would
11 start out asking you.

12 MS. WOOD: Yes, I've been here, gosh, 52 years.
13 I'm married. My husband is a software engineer. I'm a
14 kindergarten aid at CC Meneley. I have one son who is nine
15 years old.

16 THE COURT: Okay. Let's talk about some of these
17 other questions. Have you been able to hear me this morning?

18 MS. WOOD: Yes.

19 THE COURT: Are any of the questions that I've
20 asked or any of the attorneys have asked given you pause and
21 made you feel that you could not be a fair and unbiased juror
22 in this case?

23 MS. WOOD: No.

24 THE COURT: Do you believe that you could?

1 MS. WOOD: Yes, my only concern is being here the
2 duration of two weeks and with my job and getting my son to
3 and from school. I'm his transportation. I have Cub Scout
4 commitments, meetings I've made the end of this week, that
5 kind of thing.

6 THE COURT: And I think those are common problems
7 for all of us because everybody brings into the courtroom a
8 life that they have been living up until they got summoned to
9 come in here. So let's talk more specifically about the
10 issues in this case. Do you believe you would be able to
11 hear a case of this nature?

12 MS. WOOD: Yes.

13 THE COURT: To reach a decision?

14 MS. WOOD: I think so.

15 THE COURT: Okay. And did you know any of the
16 people on the board?

17 MS. WOOD: It's hard to see from where I was
18 sitting. I mean, I know some of the names but not
19 personally, maybe just knowing names just from I've been here
20 forever.

21 THE COURT: Would that cause you to have any --
22 any bias for or against them?

23 MS. WOOD: No.

24 THE COURT: Or for or against either party.

1 MS. WOOD: No.

2 THE COURT: Mr. Gregory, are there questions you
3 would like to ask Ms. Wood?

4 MR. GREGORY: No, Your Honor.

5 THE COURT: Ms. Brown, I don't believe you were
6 done generally yet either so --

7 MS. BROWN: Yes.

8 THE COURT: -- go on.

9 MS. BROWN: Thank you, Your Honor.

10 I think we made it down to the second row from
11 the top there concerning suicide with close family or family
12 and close friends and that.

13 Ms. Martin?

14 MS. MARTIN: My brother tried to commit suicide
15 twice.

16 MS. BROWN: Okay. And --

17 MS. MARTIN: He was bipolar. He did not
18 commit -- he didn't die of suicide. He had pancreatic
19 cancer.

20 MS. BROWN: And would anything about those
21 attempts and your involvement in them come to mind if there
22 was evidence presented concerning suicide in this case?

23 MS. MARTIN: He was a troubled person and
24 everybody is different.

1 MS. BROWN: Okay. Thank you.

2 Yes, Mr. Alexander?

3 MR. ALEXANDER: I moved from Southern California
4 about 15 years ago, but I grew up there most of my life, and
5 my childhood friend that I have known and his wife, he just
6 passed about a week and a half ago, so he was suffering from
7 depression and committed suicide. There's two different
8 families that are being looked at and his wife's family
9 and --

10 THE COURT: Mr. Alexander, could I ask you to
11 speak up just a little bit. I know it's a difficult subject,
12 but it is important that we be able to hear.

13 MR. ALEXANDER: Basically, his wife, they have
14 two boys that are left. This happened a week and a half ago
15 or about two weeks ago. The service was on Monday, and so
16 they are doing the autopsy and the processing of that. My
17 understanding, it's going to take about 50 days for them to
18 go through the process to fully determine his cause of death.

19 MS. BROWN: Okay. Is there anything about being
20 involved in that experience and knowing similar evidence may
21 come up in this case that might affect your ability to sit on
22 this case?

23 MR. ALEXANDER: I think I could sit on this. I
24 have a pretty sound and strong mind and can look at things

1 openly. I haven't gone through the whole process with that
2 but it's many things and factors that happened to his -- his
3 death that are a little bit in question. So I don't know
4 exactly how I would interpret them, but I think I would be
5 fair.

6 MS. BROWN: Okay. And you could separate the
7 facts of that case from the facts of this case?

8 MR. ALEXANDER: I don't know how they would work
9 together, I guess. So I guess I could separate them.

10 MS. BROWN: I mean, you wouldn't overlap this
11 happened in his case then --

12 MR. ALEXANDER: I don't know. I have not had
13 that thought process or just until you mentioned that so I
14 don't know how I would actually, but I think I would be
15 fairly strong.

16 MS. BROWN: Okay.

17 MR. ALEXANDER: Mentally aware.

18 MS. BROWN: Okay. All right. Just think about
19 it. If something comes to mind, let us know and everybody do
20 the same thing on all of these questions. As we're going to
21 be leaving for lunch here soon or whatever, if you think of
22 things while you're away or as you're sitting, listening to
23 others answer that, you know, you think you need to bring up,
24 go ahead and do that. We don't need to come back to you and

1 ask.

2 Anybody down here in the front part?

3 Ms. Matus?

4 MS. MATUS: Our friend's son committed suicide
5 last month.

6 MS. BROWN: Last month?

7 MS. MATUS: Yeah, I didn't know their son. I
8 just know our friend and what happened to him in that
9 situation.

10 MS. BROWN: Knowing what little you know about
11 this case now, is there anything about just the contact with
12 that family that you think would affect your ability to
13 listen to the evidence or make a decision in this case?

14 MS. MATUS: No, I don't think so.

15 MS BROWN: Okay. Mr. Hipple?

16 MR. HIPPLE: Yes, in 1999, a close friend of mine
17 committed suicide that I had known most of my life.

18 MS. BROWN: Okay. And, again, the same type of
19 question.

20 MR. HIPPLE: I could totally separate what
21 happened in the past from this case.

22 MS. BROWN: Okay. Ms. Watson?

23 MS. WATSON: Just a few months ago, a cousin of
24 mine jumped off a bridge and tried to commit suicide. He has

1 a very long serious history of bipolar problems. And maybe
2 20 years ago, my cousin's husband did commit suicide. He
3 also had a long history of psychological problems.

4 MS. BROWN: Okay. Is there anything about those
5 two situations in your life that might enter into either your
6 consideration of the evidence or deliberation?

7 MS. WATSON: No, I don't, none at all.

8 MS. BROWN: Okay. Thank you. Have we covered
9 everybody on that?

10 And the judge did talk to you previously
11 concerning criminal cases. There was a presumption of
12 innocence, and I know a lot of people have difficulty with
13 that concept. It's kind of mental gymnastics. Why is
14 somebody here and you're telling me they are presumed
15 innocent. And maybe we kind of broad brush things but with
16 that concept, if you're arrested, there must be a reason. If
17 there's smoke, there must be fire.

18 How many people have been following the news for
19 example concerning Bill Cosby? Based on those news reports,
20 has anybody formed a very strong opinion on whether something
21 happened or something did not happen?

22 Yes, Ms. Matthews?

23 MS. MATTHEWS: Yeah, I have --

24 MS. BROWN: Well, tell us about that.

1 MS. MATTHEWS: Just from reading articles in the
2 paper and listening to the interviews of some of the people
3 that said they had been attacked, there's so many. I mean,
4 it's not like one. It's like 20, yes.

5 MS. BROWN: So you've kind of formed an opinion
6 where there's smoke, there's fire?

7 MS. MATTHEWS: In this case, yes, just because of
8 the number of women that stepped forward.

9 MS. BROWN: If you were called as a juror on that
10 case and all of a sudden, it wasn't 20 women with varying
11 allegations, it was just you were told to look at specific
12 facts of this specific case and judge the credibility of the
13 witnesses in this specific case, would you be able to set
14 aside that broad, where there's smoke, there's fire type idea
15 and look at a specific case, a specific individual that's
16 making the allegation as opposed to they all type situation?

17 MS. MATTHEWS: From what I know going into court,
18 I would probably say no, that I would have to say that he was
19 guilty.

20 MS. BROWN: Okay.

21 MS. MATTHEWS: I haven't listened to a lot, but
22 I'm on-line quite a bit.

23 MS. BROWN: Uh-huh.

24 MS. MATTHEWS: I go to various on-line sites.

1 And from what I've seen and read and just know they have
2 interviewed a couple of women involved, I would have to say
3 yes. I don't think I could go into that particular jury with
4 an open mind.

5 MS. BROWN: Okay. Anybody else have a problem on
6 that?

7 Again, hand in hand with that principle of the
8 presumption of innocence, there's that presumption exists
9 until the State has proven the allegations beyond a
10 reasonable doubt if they do. Does anybody have any questions
11 concerning the concept of reasonable doubt? Just for
12 example, the judge told you there was a definition of
13 reasonable doubt that was different from what you think it
14 is, I mean, we all have kind of have a preconceived notion of
15 what terms mean. If at the end of this case, you're given an
16 instruction that says, well, what you thought about is
17 reasonable doubt before isn't what we're talking about, it's
18 this standard and you must apply this standard, if that was
19 different from what you had previously thought, would you
20 still be able to follow that instruction, kind of set aside
21 what your notion of what should happen in a criminal case
22 should be?

23 Now, Ms. Leibel was born in Russia. She is still
24 a Russian citizen. It's easy for us to have kind of

1 preconceived notions in our mind when we hear a specific
2 nationality or religion, something like that. When you hear
3 the term she's a Russian, is there some stereotypical image
4 or characteristic that comes to mind.

5 Yes, Ms. Matus?

6 MS. MATUS: I think of Vodka, honestly.

7 MS. BROWN: Okay. Anybody else on the first row?
8 Anybody on the second row? Back, third row? In the upper
9 gallery?

10 MS. MATHERS: That they are mean.

11 MS. BROWN: Excuse me?

12 THE COURT: She said that they are mean.

13 MS. BROWN: They are mean?

14 MS. MATHERS: Uh-huh, yes.

15 MS. BROWN: Why do you say that?

16 MS. MATHERS: Because I had a client that was a
17 Russian lady, and she was mean. She was just all around
18 mean.

19 MS. BROWN: And that Russian lady has nothing to
20 do with this Russian lady.

21 MS. MATHERS: Not that I know of.

22 MS. BROWN: So would your relationship with the
23 other Russian lady affect your feelings towards Ms. Leibel in
24 this case?

1 MS. MATHERS: Maybe if it's a murder case.

2 MS. BROWN: Okay. And but without knowing the
3 facts of this case, you would have that idea in your mind
4 that she may be mean just like that other woman?

5 MS. MATHERS: Yeah.

6 MS. BROWN: And would that --

7 THE COURT: She nodded her head yes for the
8 record.

9 MS. BROWN: Yes, and would she have to dispel,
10 get away that notion that you had that --

11 MS. MATHERS: Yes.

12 MS. BROWN: And, Your Honor, I challenge
13 Ms. Mathers for cause.

14 THE COURT: Mr. Gregory?

15 MR. GREGORY: No objection, Your Honor.

16 THE COURT: Ms. Mathers, I'm going to release you
17 now. Thank you for being here today. I appreciate your
18 attendance and your time.

19 (Ms. Mathers was excused and another name was
20 called.)

21 THE CLERK: Deborah Graf, G-r-a-f.

22 THE COURT: Ms. Graf, as you get up there, if you
23 would, ma'am, I think you heard our introductory questions.

24 MS. GRAF: Yes.

1 THE COURT: Could you tell us a little about
2 yourself?

3 MS. GRAF: I've been living in this valley -- I'm
4 Deborah Graf. I've lived in this valley for about 27,
5 28 years, and I'm retired from the school district, and
6 currently I work part time at Maratime Senior Living.

7 THE COURT: What did you do when you were at the
8 school district?

9 MS. GRAF: Special needs.

10 THE COURT: Yes, ma'am. You were going to tell
11 me you're married?

12 MS. GRAF: Yes, I am married. My husband works
13 at Wal-Mart. He's a night stocker, so that did not sound
14 right. Two children.

15 THE COURT: Stocker, not a stalker?

16 MS. GRAF: Yes, and then I have two children that
17 are like 32 and 27.

18 THE COURT: Thank you, ma'am. Now, were you able
19 to hear my other questions?

20 MS. GRAF: Yes.

21 THE COURT: Is there anything about this case
22 that would cause you to feel that you could not be fair and
23 unbiased?

24 MS. GRAF: No.

1 THE COURT: Do you know any of the witnesses or
2 attorneys?

3 MS. GRAF: You know, I couldn't see them.

4 THE COURT: Take a moment.

5 MS. GRAF: No, just familiar names from being in
6 the valley for so many years.

7 THE COURT: Were there any of the questions that
8 gave you pause or gave you concern?

9 MS. GRAF: Only that I did have some trouble with
10 my daughter in the younger years, and she's been in and out
11 of here but other than that, I don't think that would have an
12 effect on me.

13 THE COURT: How is she doing now?

14 MS. GRAF: She's doing good now.

15 THE COURT: Good. Thank you, ma'am.

16 Mr. Gregory?

17 MR. GREGORY: No questions.

18 THE COURT: Ms. Brown?

19 MS. BROWN: I'm just trying to think, Your Honor,
20 with the daughter, if I had been involved in one of those
21 cases.

22 THE COURT: You're welcome to think.

23 MS. BROWN: I may have to look because I can't
24 remember it.

1 THE COURT: Well, as long as Ms. Graf doesn't
2 remember, I don't think it matters if you do.

3 MS. BROWN: Okay. Was there anybody else on that
4 last row or, Ms. Graf, that has any feelings one way or
5 another that come to mind when they hear a person is of a
6 Russian?

7 THE COURT: Ms. Brown, I'm going to give you the
8 time that you need to do your job. However, it appears that
9 we're at lunch time. It also appears that we're almost an
10 hour and a half in for our reporter. How much longer do you
11 think you'll go?

12 MS. BROWN: I have a couple of more pages, Your
13 Honor.

14 THE COURT: Okay. All right. We're going to
15 take a recess. So to everyone, including those in the back
16 and everyone up front, we're going to take a lunch recess.
17 We'll be back at 1:15, which is an hour from now, and ask you
18 to be in your seats at that time.

19 What is important as you come in, and I'm going
20 to say this again later, but it is critically important that
21 you not discuss this case, and I'm going to read the
22 admonition here in a moment, but one of the things that you
23 need to know is that you don't know who the witnesses are.
24 You won't know them in the hallway if they happen to be here,

1 ready to testify. You won't know who works for whom. And so
2 if you engage in a conversation with someone, it may turn out
3 that that person is a witness in this case. So you must pay
4 attention to the admonition and you must honor it. We're
5 going to take a one-hour recess.

6 During this recess, you are admonished not to
7 talk or converse among yourselves or with anyone else on any
8 subject connected with this trial. You're not to read, watch
9 or listen to any report or commentary on the trial or any
10 person connected with this trial by any medium of
11 information, including without limitation, newspapers,
12 television, radio or internet or to form or express any
13 opinion on any subject connected with the trial until the
14 case is finally submitted to you. We'll be in recess until
15 1:15.

16 Attorneys stay. I'm going to let all of the
17 jurors leave for a moment, and I'm going to meet with the
18 attorneys.

19 Everyone have a seat. All of the potential
20 jurors are out of the room, except for one.

21 Sir, would you give me your name, please?

22 MR. SHARP: Yes, Your Honor, my name is Craig
23 Schorr.

24 THE COURT: Schorr?

1 MR. SCHORR: Schorr.

2 THE COURT: Mr. Schorr, you had something you
3 wanted to tell me?

4 MR. SCHORR: Yes, I was wondering if I could
5 please be dismissed as a potential juror for this case.

6 THE COURT: And why would you want to be
7 dismissed, sir?

8 MR. SCHORR: Because I personally know Mr. and
9 Ms. Leibel.

10 THE COURT: How do you know them?

11 MR. SCHORR: We were both members of Temple Bat
12 Yam which is a religious organization in South Lake Tahoe.

13 THE COURT: Do you feel that you would not be
14 able to be fair and impartial in this case?

15 MR. SCHORR: I believe that I would not be fair
16 and impartial in this case.

17 THE COURT: Mr. Gregory?

18 MR. GREGORY: Mr. Schorr, how well did you know
19 Mr. and Ms. Leibel?

20 MR. SCHORR: Well, I knew them from being active
21 temple members.

22 MR. GREGORY: Did you socialize with them?

23 MR. SCHORR: Only as it relates to the temple.

24 MR. GREGORY: Did you go to their home at all?

1 MR. SCHORR: I was -- I have not been at their
2 home, no.

3 MR. GREGORY: What is it about your relationship
4 with them that makes you feel like you could not be fair and
5 impartial in this case?

6 MR. SCHORR: For one, for Harry, may his memory
7 be --

8 THE COURT: No, Mr. Schultz, sit down, please.

9 Mr. Schorr, you're fine. I wanted that other
10 gentleman to sit down.

11 MR. SCHORR: Could you please repeat your
12 question?

13 MR. GREGORY: I was wondering if you could couch
14 -- you don't need to get into detail. What was it about your
15 relationship with them that makes you feel like you couldn't
16 be fair in this case?

17 MR. SCHORR: I was a personal friend of Harry,
18 and there were certain events like the gentleman up on the
19 board, Dr. Brooks is my personal physician and he would have
20 events at his home, and Harry was a part of a program called
21 Kabbalah which is a special form of Judaism that he would be
22 a part of, and I listened to Harry and I -- and he was a
23 personal friend of mine, and I don't think I would be -- I
24 don't think I would be fair.

1 MR. GREGORY: Thank you for that.
2 I don't have any further questions, Your Honor.
3 THE COURT: Ms. Brown?
4 MS. BROWN: No questions, Your Honor.
5 THE COURT: Anybody have any objection if I
6 release him?
7 MR. GREGORY: The State does not, Your Honor.
8 THE COURT: Mr. Schorr, I thank you for your
9 appearance today. You did what you exactly should have done
10 as a good citizen and a member of the community, and you are
11 released, sir.
12 MR. SCHORR: Thank you.
13 THE COURT: Thank you for being here.
14 (Mr. Schorr was excused.)
15 THE COURT: We're going to start right at 1:15.
16 We need to move along, and I'm not rushing. You have what
17 time you need, but that's why we're not having an hour and a
18 half lunch. We have an hour and be back in your seats.
19 (Whereupon, a lunch recess was taken.)
20 THE COURT: The parties stipulate to the presence
21 of the venire.
22 MR. GREGORY: Yes, Your Honor.
23 THE COURT: Ms. Brown?
24 MS. BROWN: Yes, Your Honor.

1 THE COURT: Ms. Brown, please proceed.

2 MS. BROWN: Ms. Marlow, there was just one thing

3 I wanted to come back to. When you were first being

4 questioned, you talked about knowing Ms. Springmeyer and a

5 couple of other witnesses and stated you would have a

6 tendency to believe them if they testified.

7 MS. MARLOW: Well, they are credible people that

8 I do know personally.

9 MS. BROWN: So that would be based on your

10 experience with them and not what you hear on the stand?

11 MS. MARLOW: Definitely, yes.

12 MS. BROWN: And knowing them personally, would

13 you be able to set that aside and listen to their testimony

14 without that preconception?

15 MS. MARLOW: Well, I'm not sure the question. If

16 they were speaking, I would believe them. If they were

17 telling an untruth, I might believe them just because I know

18 them. Does that make sense?

19 MS. BROWN: Yeah. And, Your Honor, I would

20 challenge Ms. Marlow for cause on the basis of bias.

21 THE COURT: Mr. Gregory, any response?

22 MR. GREGORY: No objection, Your Honor.

23 THE COURT: Ms. Marlow, without objection, I'm

24 going to let you go.

1 MS. MARLOW: Okay.

2 THE COURT: But I want you to know, I greatly
3 appreciate you being here today. You did the right thing by
4 showing up.

5 MS. MARLOW: It's our thing to do, so thank you.

6 THE COURT: Yes, ma'am, it certainly is, and I'm
7 glad you recognize that. Thank you for your time.

8 (Ms. Marlow was excused and another name was
9 called.)

10 THE CLERK: Jeanette Manzano.

11 THE COURT: Got all the way up to past lunch and
12 thought you had to stay. Could you tell us your name, and I
13 think you know some of the questions.

14 MS. MANZANO: My name is Jeanette Manzano. I've
15 lived here about 32 years, married. My husband works for
16 Douglas County Works Department, no kids.

17 THE COURT: Do you work?

18 MS. MANZANO: No.

19 THE COURT: Okay. Thank you, ma'am. Do -- were
20 you able to hear all of the questions that we talked about
21 earlier?

22 MS. MANZANO: Yes.

23 THE COURT: Were any of them questions that
24 raised concerns for you?

1 MS. MANZANO: I've just heard stuff around about
2 it so I kind of have already made in my mind.
3 THE COURT: You've kind of made up your mind
4 already?
5 MS. MANZANO: Just from what I've heard.
6 THE COURT: Well, the source of what you heard,
7 was it the newspaper?
8 MS. MANZANO: Yeah and people, other people.
9 THE COURT: People talking?
10 MS. MANZANO: Yes.
11 THE COURT: So you have engaged in conversations
12 with your friends and your neighbors about this case?
13 MS. MANZANO: Uh-huh.
14 THE COURT: Is that correct?
15 MS. MANZANO: Yes.
16 THE COURT: You believe based on those
17 conversations, you made up your mind one way or the other,
18 whichever way it is. You don't need to tell me that. You
19 feel like based on those conversations that you could not be
20 fair and impartial?
21 MS. MANZANO: I could be fair and impartial.
22 THE COURT: You could?
23 MS. MANZANO: Yes, but --
24 THE COURT: Tell me how you would set aside those

1 discussions that you've had.

2 MS. MANZANO: I would have to see probably all of
3 the evidence and have it pointed out.

4 THE COURT: Do you realize that the friends and
5 neighbors that you've had conversations with haven't seen any
6 of the evidence?

7 MS. MANZANO: Correct.

8 THE COURT: Do you realize they haven't heard any
9 of the witnesses?

10 MS. MANZANO: Yes.

11 THE COURT: And neither have you.

12 MS. MANZANO: No.

13 THE COURT: And none of that has happened and is
14 not going to happen until this trial begins, do you
15 understand that?

16 MS. MANZANO: Yes.

17 THE COURT: Would you be able to reach a
18 conclusion based solely on what you hear at this trial in
19 this room?

20 MS. MANZANO: Yes.

21 THE COURT: Did any of the other questions asked
22 earlier this morning give you cause for concern or make you
23 feel like you could not be fair and unbiased?

24 MS. MANZANO: No.

1 THE COURT: Do you think you can do equal justice
2 to both sides in this case? Is that a yes?
3 MS. MANZANO: Yes.
4 THE COURT: She can't write down when you nod
5 your head.
6 MS. MANZANO: I do have out of town reservations.
7 We are supposed to leave Friday morning.
8 THE COURT: Of this week?
9 MS. MANZANO: Yes.
10 THE COURT: To go how long?
11 MS. MANZANO: For four days.
12 THE COURT: Four days? Are they flight
13 reservations or hotel reservations?
14 MS. MANZANO: I don't know. It's a surprise for
15 my birthday.
16 THE COURT: It's not a very good surprise.
17 MS. MANZANO: Well, it's a surprise when I get
18 there.
19 THE COURT: I see. One of those pack a bag,
20 honey, we're going somewhere. I assume with your husband?
21 MS. MANZANO: Yes.
22 THE COURT: Mr. Gregory?
23 MR. GREGORY: Ma'am, do you know any of the folks
24 on the board there?

1 MS. MANZANO: I do. I know -- Dave back here.
2 THE COURT: I need you to speak up a little so
3 the interpreters can hear you.
4 MS. MANZANO: I know Dave Nishikida. I know that
5 cute little lady up there and her family. There was somebody
6 else I saw, just know them briefly.
7 THE COURT: So you know a couple of court
8 employees?
9 MS. MANZANO: Yes.
10 THE COURT: Would that cause you to have bias one
11 way or another?
12 MS. MANZANO: No.
13 THE COURT: Mr. Gregory?
14 MR. GREGORY: No other questions, Your Honor.
15 THE COURT: Ms. Brown?
16 MS. BROWN: Ms. Manzano, you say you have formed
17 an opinion -- an opinion concerning this case; is that
18 correct?
19 MS. MANZANO: Yes.
20 MS. BROWN: And that's based on information
21 you've gained from outside this courtroom?
22 MS. MANZANO: Of course.
23 MS. BROWN: If you formed an opinion, how do you
24 already set that aside?

1 MS. MANZANO: I don't know. I mean, it's tough.
2 MS. BROWN: So it would be a challenge for you.
3 And, in fact, it would be almost you have an opinion and you
4 have to be brought away from that opinion as opposed to you
5 have no opinion and you're waiting to form one; is that
6 correct?
7 MS. MANZANO: Right.
8 MS. BROWN: And so the presumption of innocence
9 that Ms. Leibel is guaranteed wouldn't be there as far as
10 you're concerned because you formed an opinion?
11 MS. MANZANO: Correct.
12 MS. BROWN: Your Honor, I would challenge
13 Ms. Manzano for cause.
14 THE COURT: Mr. Gregory?
15 MR. GREGORY: No objection.
16 THE COURT: Ms. Manzano, thank you for being
17 here. I appreciate you showing up. You did the right thing.
18 Thank you. You are excused. Have a good trip.
19 MS. MANZANO: Thank you very much.
20 (Ms. Manzano was excused and another name was
21 called.)
22 THE CLERK: Elaine Kyle.
23 THE COURT: Ms. Kyle, come on up, and set your
24 coat down, and tell us a little bit about yourself, if you

1 would, please, ma'am.

2 MS. KYLE: I've been here the shortest amount of
3 time. I've been here seven years, and I'm married and
4 retired, and my husband is retired, and so neither one of us
5 are doing anything. I volunteer at the animal shelter.

6 THE COURT: Okay. Now, tell us what you retired
7 from doing.

8 MS. KYLE: I was an office manager.

9 THE COURT: All right.

10 MS. KYLE: I moved here to take care of my
11 elderly mother who has since passed away.

12 THE COURT: What did your husband retire from?

13 MS. KYLE: He owned his own construction
14 business.

15 THE COURT: Okay. Did he retire also before you
16 moved?

17 MS. KYLE: When we moved.

18 THE COURT: When you moved.

19 MS. KYLE: Yes, we had no choice.

20 THE COURT: Okay. Now, were you able to hear me
21 this morning?

22 MS. KYLE: Yes, your voice projects very well.

23 THE COURT: Oh, good.

24 MS. KYLE: I could not hear some of the people up

1 here because I was way in the back because it was -- they
2 didn't speak very loudly.

3 THE COURT: You know, I mentioned it earlier but
4 the ventilation system in this room is really difficult and
5 if you're in that back corner, you really can't hear
6 anything, especially if we turn the air-conditioning up
7 enough to make it comfortable, so that's one of the problems
8 with this building.

9 But let's talk a little bit about some of those
10 questions that I asked. Were any of them that gave you cause
11 for concern or maybe made you think, well, that might bother
12 me a little bit or so?

13 MS. KYLE: Not really, and I have been here such
14 a short time, I don't know any of these people, you know,
15 so --

16 THE COURT: Okay.

17 MS. KYLE: I'm not familiar with the case.

18 THE COURT: And do you have any history with the
19 judicial system or the legal system or law enforcement that
20 would make you either bias for or against either party in
21 this case?

22 MS. KYLE: Not really.

23 THE COURT: Okay. Mr. Gregory, do you have
24 questions that you would like to ask Ms. Kyle?

1 MR. GREGORY: No thank you, Your Honor.
2 THE COURT: Thank you, sir.
3 Ms. Brown?
4 MS. BROWN: No, Your Honor. Thank you.
5 THE COURT: Thank you.
6 Ms. Kyle, you can have a seat, if you would like.
7 MS. KYLE: Yay.
8 THE COURT: Ms. Brown, you have some additional
9 questions I think of the entire panel.
10 MS. BROWN: If I can back up to one specific one
11 for Ms. Trent. You stated you were a legal secretary. Where
12 do you work at?
13 MS. TRENT: I work for the Attorney General's
14 Office for bureau of consumer protection.
15 MS. BROWN: So you deal with consumer issues, not
16 criminal issues; is that correct?
17 MS. TRENT: Yes, utilities.
18 MS. BROWN: Thank you. Since everybody has had a
19 short period of time to reflect over lunch today, is there
20 any concerns that have come to mind that you would like to
21 address with the Court concerning any questions that have
22 been previously asked?
23 I think most of you now understand the decision
24 you make in this case is going to be basically a life

1 changing decision for Ms. Leibel?

2 There was one juror that left earlier that was
3 very emotionally upset over even the idea of making this type
4 of decision. I was wondering, is there anybody that has any
5 personal beliefs or religious beliefs that would make them
6 have kind of the same emotional or type feelings in this
7 situation or make them feel that they are under able to do
8 that, fulfill that task?

9 And I know all us in the courtroom, we're kind of
10 use to using some legal terminology or just terminology that
11 has become common in the context of a criminal case, and I
12 know on several occasions the word victim has been attached
13 to Mr. Leibel. For us, it really doesn't carry any emotional
14 connotation, but I want to check with you and are you -- do
15 any of you at this time assume Mr. Leibel to be a victim and
16 have that -- including that emotional attachment or is it if
17 he died at his own hands, he's not a victim is the easiest
18 way to say it. By terming him a victim, it's already as if a
19 decision has been made that something happened. Can
20 everybody kind of separate themselves from our more common
21 use within the legal system of these various terms? Thank
22 you.

23 Now, as you're going to hear during this case, as
24 I told you previously, Ms. Leibel was born in Russia. She

1 does speak English as a second language, and so she can
2 converse in English, but she is here with interpreters today.

3 Are there any of you who speak a foreign language
4 as a second language?

5 And we heard from Ms. Pissamai earlier when she
6 was on the panel. She was in the back of the courtroom, and
7 she expressed some concern for herself because even though
8 she spoke English, she wrote English, it wasn't her own
9 language. It was a second language to her, and her concern
10 was if I'm a juror on this case, I might miss important
11 information because it's coming to me in a language that
12 while I can converse in, I'm not an expert in and it's not
13 my -- it's not my native language.

14 Do any of you have any feelings one way or
15 another of the fact that even though Ms. Leibel can converse
16 in English, if there are interpreters present in the
17 courtroom to help her understand all of the conversation and
18 all of the information that's coming to her?

19 Your Honor, could we have the interpreters just
20 introduce themselves. They have beautiful names, and I don't
21 want to butcher their last name.

22 THE COURT: Absolutely.

23 THE INTERPRETER: Hello, my is Zoya Spivakovsky.
24 I'm a certified court interpreter, and my language is Russian

1 and English.

2 THE INTERPRETER: Hello, my name is Anna
3 Sosnovskoya. I'm a certified court interpreter, and my
4 native language is Russian, and I work with Russian
5 immigrants.

6 THE COURT: Thank you both.

7 MS. BROWN: And both of these individuals are
8 employed by the Court. They are not personal friends with
9 Ms. Leibel. They are hired for their professionalism. And I
10 want to know if you -- if you were on trial in a country
11 where you weren't familiar with the language, would you want
12 an interpreter present even if you knew some of the language
13 to make sure you understood everything that was going on?
14 Nobody has a problem with that? Thank you.

15 There's going to be testimony at trial that
16 Mr. and Ms. Leibel are of the Jewish faith. In our society,
17 a lot of times our religions get bound up in our politics,
18 and I want to ask you basically a direct question. Because
19 of this religion, are there political reasons or any other
20 reasons that you would have bias against Ms. Leibel because
21 of her religious beliefs?

22 Does anyone have any special familiarity with the
23 Jewish religion?

24 In the back row, are you Mr. Klein?

1 THE COURT: Mr. Klein.

2 MR. KLEIN: I grew up in Los Angeles, and a lot
3 of my friends were Jewish and speak some Yiddish.

4 MS. BROWN: Okay. Is there anything about just
5 that general knowledge that you foresee having any affect on
6 how you view the evidence in this case?

7 MR. KLEIN: No.

8 THE COURT: Thank you. And, Ms. Martin?

9 MS. MARTIN: I grew up in New York, so I had a
10 lot of Jewish friends, a lot of synagogue services, and it
11 wouldn't bias me one way or the other. I'm Christian.

12 MS. BROWN: Thank you. And, Ms. Watson?

13 MS. WATSON: Yes, my sister -- I grew up in New
14 Jersey and New York, as well. My sister is Jewish. My niece
15 and nephew are Jewish. My great nieces are Jewish, and we
16 have one big happy family of mixed everything.

17 MS. BROWN: Okay.

18 MS. WATSON: We're --

19 MS. BROWN: So there's nothing about that that
20 would cause you any concerns in this case?

21 MS. WATSON: Not at all.

22 THE COURT: Anyone else? Yes.

23 UNIDENTIFIED PROSPECTIVE JUROR: I'm in the same
24 boat. I just have friends who are Jewish and would not cause

1 me any concern.

2 MS. BROWN: Anyone else? Thank you.

3 I kind of like to have everybody maybe go down a
4 row or something and just talk about maybe your
5 decision-making process in an election year, would you say
6 you're the researcher that goes to all of the town meetings
7 or listens to the debates, reads the articles, you know, does
8 on-line investigation or are you more one that would vote
9 along a party line or maybe basically on what advice of
10 friends? So if we can just start down there and just maybe
11 describe that type of process or if you're interested in
12 politics.

13 MR. TITTLE: Well, I'm an auditor so I always
14 research everything and politically would be the same. I do
15 lean one way or the other as far as party wise, but I do do a
16 lot of research. I go to town meetings. I'm very active in
17 that kind of stuff.

18 MS. BROWN: Thank you. Go ahead.

19 MR. UNRUH: I definitely do have, like, a
20 political party that I -- that I, like, associate with, but I
21 definitely do do research over the different candidates, and
22 I've voted against what I'm registered as in a couple of
23 times just because the facts on the person, so I feel like
24 I'm pretty intelligent, and I'm a good critical thinker. I'm

1 pretty good with, like, analyzing so I don't think it will be
2 a problem.

3 MS. BROWN: Okay.

4 MS. WALLING: I don't side with either political
5 party. I typically will make a decision based on certain
6 major topics and just kind of how I'm influenced based on
7 those individual topics than where the party stands on those.

8 MS. BROWN: Okay. And, Ms. Dublanc?

9 MS. DUBLANC: I'm a researcher. I have to base
10 everything on, you know, what I find out, what I see, and
11 then I base it off of that, so.

12 MS. BROWN: Ms. Matus?

13 MS. MATUS: I'm very very unpolitical. So I
14 basically end up going off the views that I hear from the
15 individuals. I don't vote one party or the other.

16 MS. BROWN: Okay. Mr. Norberg?

17 MR. NORBERG: In my work, for instance, as a
18 civil engineer, we work with a lot of facts, a lot of
19 different facts and so when I make decisions, I weigh all of
20 the facts and ask questions and just use all of the input to
21 make a best decision I can.

22 MS. BROWN: Okay. Thank you.

23 And, Ms. Gonzales?

24 MS. GONZALES: Well, I usually don't vote.

1 MS. BROWN: Okay. When you make -- you're going
2 to make an important decision -- I mean, if I'm going to buy
3 a car, I pretty much say I want a Toyota and go to the Toyota
4 place and say I want that car. I want to pay this much a
5 month, make it happen, and I don't like to research.

6 MS. GONZALES: Well, I guess I would research it
7 a bit.

8 THE COURT: Are you more of a researcher?

9 MS. GONZALES: Yes.

10 MS. BROWN: And, Ms. Matthews?

11 MS. MATTHEWS: If I'm making a major decision, I
12 do research the evidence, and I also would check with my
13 friends for reference if it's something I'm going to purchase
14 or if it's somewhere I'm going to go, if my friends who I
15 trust if they have had experience. Also, I weigh the pro's
16 and the con's, and I am affiliated with one party, and I
17 pretty much stick to the party line.

18 MS. BROWN: Okay.

19 MS. MATTHEWS: I have been the same party ever
20 since I started voting.

21 MS. BROWN: Mr. Morningstar?

22 MR. MORNINGSTAR: I consistently am open to all
23 channels, no biases.

24 MS. BROWN: Okay.

1 MR. MORNINGSTAR: I do research.
2 MS. BROWN: Mr. Hipple?
3 MR. HIPPLE: I have a little bit of a political
4 lean towards one side, but I definitely don't just follow
5 party lines, as I do more research and if I haven't had time
6 to research one side or the other, I just won't vote on the
7 issue unless I'm informed on what's going on.
8 MS. BROWN: Okay. And, Mr. Kingham?
9 MR. KINGHAM: I'm a researcher.
10 MS. BROWN: Okay. Ms. Kyle?
11 MS. KYLE: I research. I take on the information
12 and then decide. If it's an issue I'm not totally sure on
13 one way or the other, I don't vote on that issue.
14 MS. BROWN: Okay. Ms. Stugart?
15 MS. STUGART: I research.
16 MS. BROWN: And, Mr. Martin?
17 MR. MARTIN: I research also based on facts, make
18 decisions from that.
19 MS. BROWN: And, Ms. Watson?
20 MS. WATSON: I research also, mostly on-line.
21 MS. BROWN: Okay. And Ms. Unsinn?
22 MS. UNSINN: I'm a note-taker, so I have to
23 research so I can take my notes and make my decision from
24 there.

1 MS. BROWN: Okay. And, Mr. Butler?
2 MR. BUTLER: Well, I'm not from Missouri, so you
3 have to show me.
4 MS. BROWN: And, Mr. Ezekiel?
5 MR. EZEKIEL: I'm neutral, and I'm a researcher.
6 MS. BROWN: Okay. Ms. Wood?
7 MS. WOOD: I pretty much stick to the party that
8 I've been affiliated with since I started voting.
9 MS. BROWN: Okay. Mr. Farnham?
10 MR. FARNHAM: I'm not political at all, and I do
11 a lot of research and gather as much information as possible
12 before I make any big decisions.
13 MS. BROWN: Okay. And, Ms. Trent?
14 MS. TRENT: I'm a researcher.
15 MS. BROWN: Okay. Ms. Goodwin?
16 MS. GOODWIN: I'm pretty much living still in the
17 '60s. I don't do anything on the internet. I've never been
18 on Face Book. I don't do any of that stuff. I read the Wall
19 Street Journal every night. I still like the newspaper. I
20 read the -- I watch the news. My husband and I have very
21 heated political conversations over dinner almost nightly.
22 We're very like minded, but we discuss a lot of politics.
23 I'm very much into politics.
24 MS. BROWN: Okay. You brought up a good point,

1 that you and your husband can have heated discussions.

2 MS. GOODWIN: And still be married.

3 MS. BROWN: So if you're in a jury room with

4 people that some of who you know, some of who you don't know,

5 you have that background expressing an opinion?

6 MS. GOODWIN: Oh, yeah. I'll make myself known.

7 MS. BROWN: Okay. Ms. Strickland?

8 MS. STRICKLAND: A little bit of research, not a

9 lot. I like to talk to people if I'm making a big decision,

10 and I'm not to believe everything everyone says.

11 MS. BROWN: Okay. And, Ms. Martin?

12 MS. MARTIN: I'm not political. Although, I do

13 vote. I don't vote for party line, and I'm probably the

14 minority in this county, and I vote, and I do research.

15 MS. BROWN: You do research, okay.

16 And, Ms. Graf?

17 MS. GRAF: I'm just kind of neutral. I'm pretty

18 easygoing. I'll take -- if it's something really important,

19 I will research facts but other than that, I just kind of

20 like go with my true feelings on what I feel.

21 MS. BROWN: Mr. Petri?

22 MR. PETRI: Research.

23 MS. BROWN: Okay. Mr. Alexander?

24 MR. ALEXANDER: I'll tie it back to my work, so

1 research. And then next week I got scheduled to fly down to
2 Vegas, deal with a person that created the product that
3 people that we'll be using it to make our decision.

4 MS. BROWN: Okay. Ms. Bavaro?

5 MS. BAVARO: I do research myself, and I don't
6 necessarily vote for party line.

7 MS. BROWN: And, Ms. Thompson?

8 MS. THOMPSON: I don't do politics. I don't talk
9 politics. I don't listen to politics. I can't stand
10 politics.

11 MS. BROWN: Bad topic?

12 MS. THOMPSON: If people talk about it, I'll let
13 them talk, but I don't give my opinion and if forced to,
14 forget it. It's not happening.

15 MS. BROWN: Mr. Landvater?

16 MR. LANDVATER: I make decisions based on
17 research when I can and also depending on what the situation
18 is, not split second decisions, based on knowledge.

19 MS. BROWN: Okay. And, Mr. Klein?

20 MR. KLEIN: Well, I'm not like Will Rogers. I
21 don't believe everything I read in the newspaper. I do a lot
22 of research and a lot of times I don't believe what
23 politicians say until I see their voting record. If I agree
24 with their voting record, then I'll agree with the

1 politician, but that's proof in the pudding right there.

2 MS. BROWN: Okay. And, Mr. Mortellaro?

3 MR. MORTELLARO: I'm an analyst for a living so I
4 do a lot of research.

5 MS. BROWN: I want to bring up with, Ms. Graf,
6 you did speak with me briefly earlier concerning your
7 daughter, and there's no issue. I know we had some contact
8 concerning that. Do you have -- does that bring up any
9 issues with you?

10 MS. GRAF: No, that's fine. That's fine.

11 MS. BROWN: If Mr. Gregory would like to
12 follow-up on that.

13 MR. GREGORY: Just quickly, Your Honor, I did see
14 them have a conversation and if you could just let us know
15 what that conversation was, that would be great.

16 MS. GRAF: Oh, we were discussing the fact that I
17 couldn't remember if she had defended my daughter. My
18 daughter had gotten in a little trouble, and my daughter
19 pleaded guilty, so it was kind of very neutral. I don't
20 really know her, and I have no bias against or for what
21 happened. It was my daughter's fault.

22 MR. GREGORY: And Ms. Brown represented your
23 daughter?

24 MS. GRAF: Yes.

1 MR. GREGORY: Did you have contact with
2 Ms. Brown?

3 MS. GRAF: Not at all.

4 MR. GREGORY: What made you think about going up
5 to visit with her today?

6 MS. GRAF: Well, because my daughter had been in
7 trouble several times, and I asked her who, you know -- you
8 know, who was representing her and stuff like that, and she
9 did mention Ms. Brown, but I personally was not there at the
10 time of court and did not have any interactions with her.

11 MR. GREGORY: Okay. Thank you.

12 MS. GRAF: Okay.

13 MS. BROWN: Thank you. Now, I've noticed on some
14 of the questionnaires, there's several folks --

15 THE COURT: Wait. Perhaps this is a good
16 opportunity for me to remind everybody that -- Ms. Graf, I
17 understand that you may have had a conversation with your
18 daughter at lunch time?

19 MS. GRAF: I called her and asked her who
20 represented her.

21 THE COURT: Again, there will be no independent
22 investigation of any issue in this case.

23 MS. GRAF: Okay.

24 THE COURT: None whatsoever. You will not go on

1 the internet, to look up anything about this case. You won't
2 call someone you know, and I'll discuss it more with you
3 later. That is the last instance, the very last instance of
4 anyone making a call or doing any independent research about
5 any issue associated with this case.

6 Please proceed.

7 MS. BROWN: Thank you, Your Honor. There were
8 some folks within the jury panel that noted that in their
9 background they had some medical training, either through
10 nursing, with EMT, whatever. There is going to be some
11 medical testimony in this case, and sometimes people have
12 preconceptions of things based on their own experience.

13 Anybody that has a background for example in the
14 medical field, can you separate what your medical experience
15 is from, if there's an expert or doctor for example that
16 comes in and expresses a different opinion, would you be able
17 to -- you get to evaluate the testimony of experts the same
18 as any other witness. Would you be able to set your own
19 personal experiences aside and listen to that type of
20 testimony if it was in your own field in an open manner
21 without any preconceptions?

22 THE COURT: Mr. Klein had his hand up.

23 MS. BROWN: Oh, I'm sorry, Mr. Klein.

24 MR. KLEIN: Well, I was an EMT and search and

1 rescue. I didn't make any judgments how somebody got hurt or
2 whatever happened. I just tried to save their life.

3 MS. BROWN: Okay. So your job was the actual
4 emergency at the time?

5 MR. KLEIN: Exactly.

6 MS. BROWN: Thank you. There's going to be other
7 types of scientific evidence in this case. I know we have
8 analysts and some people with backgrounds in engineering and
9 again, I mean, you can bring as a collective unit all your
10 practical experiences and your common sense into the jury
11 room, but would everybody be able to listen to an expert in
12 whatever scientific field they are testifying in without your
13 own -- without trying to become the third expert in the jury
14 room if it was something within your field of expertise?

15 You understand it's the testimony of the
16 witnesses that's judged in the jury room and somebody else
17 can't be -- another juror with -- and may very well have a
18 great background in that information can't supply the extra
19 information or disinformation?

20 Are there any of you believe just because
21 something is written in the police report, it's true?

22 There's going to be the testimony of several
23 experts also in this case and when someone testifies as an
24 expert, they discuss their qualifications but, again, you're

1 going to be listening to not only their background and
2 experience but to what they say and because somebody is
3 testifying as an expert doesn't automatically mean that their
4 word is gold. Do you understand even with expert testimony,
5 you're able to judge it under the same standard as you would
6 any other witness? Is it reasonable? Is it credible? Those
7 types of things.

8 Now, you've all been sitting here quite a long
9 time today. Is there anything that we haven't brought up in
10 our questioning that if you would like to bring up to us to
11 see if there's an issue? And, again, if anybody, as I said,
12 feels they need to bring up something out of the presence of
13 the jury, contact can always be made with the bailiffs.

14 Are there any of you here who have for example
15 familiar with firearms?

16 Okay. Why don't we just start down there, the
17 type of familiarity you have.

18 MR. TITTLE: I've been in marine corps for
19 22 years, so I have -- I'm familiar with different types of
20 weapons. I also target practice.

21 MS. BROWN: And, Mr. Unruh?

22 MR. UNRUH: I've been shooting ever since I was,
23 like, six, been reloading pretty much rifles, handguns,
24 shotguns, anything.

1 MS. BROWN: Okay. And second row back. That
2 will be Ms. Gonzales?
3 MS. GONZALES: I'm from Michigan.
4 MS. BROWN: I'm sorry, I can't hear you.
5 MS. GONZALES: I'm from Michigan so I grew up
6 hunting and stuff with my dad.
7 MS. BROWN: Okay. So you're familiar through
8 hunting?
9 MS. GONZALES: Well, yeah, and I go to the range
10 a lot.
11 MS. BROWN: Okay. Anybody else in that row? I'm
12 sorry.
13 UNIDENTIFIED PROSPECTIVE JUROR: I own a variety
14 of rifle, shotguns and handguns. I do a lot of hunting, both
15 bird and big game and a lot of target shooting.
16 MS. BROWN: Okay.
17 UNIDENTIFIED PROSPECTIVE JUROR: And hunting for
18 me as well.
19 MS. BROWN: Okay. Back on the second row,
20 anybody else? Third row would be Ms. Watson.
21 MS. WATSON: My husband owns firearms, but I
22 don't know anything -- I don't handle them. I don't know how
23 to use them, but we do have them locked in safe in our house.
24 MS. BROWN: Okay. Yes?

1 MR. BUTLER: I work at the prison so I have to
2 qualify twice a year with a handgun, a shotgun, a high
3 powered rifle, but I own no personal weapons at home.

4 MS. BROWN: Okay. And, Mr. Ezekiel, did you
5 have?

6 Okay. And then the next row, Ms. Martin?

7 MS. MARTIN: We have some guns. I've done some
8 target practice, but I would not call myself in any way,
9 shape or form any kind of expert.

10 MS. BROWN: Okay. Anyone else?

11 UNIDENTIFIED PROSPECTIVE JUROR: I would say the
12 same thing.

13 MS. BROWN: Okay. Yes?

14 UNIDENTIFIED PROSPECTIVE JUROR: Shooting since I
15 was a little kid with my dad, hunting, reloading shotgun and
16 several handguns.

17 MS. BROWN: Okay. And in the back row, down,
18 Ms. Graf?

19 MS. GRAF: No.

20 MS. BROWN: Anybody else along that, yes.

21 UNIDENTIFIED PROSPECTIVE JUROR: I've had
22 weapons, training and own a couple of firearms.

23 UNIDENTIFIED PROSPECTIVE JUROR: Same here, as
24 well as target shooting.

1 THE INTERPRETER: I'm sorry, what?
2 UNIDENTIFIED PROSPECTIVE JUROR: Target shooting.
3 MS. BROWN: Ms. Bavaro?
4 MS. BAVARO: No.
5 MS. BROWN: Yes?
6 UNIDENTIFIED PROSPECTIVE JUROR: I'm familiar
7 with firearms.
8 MS. BROWN: Do you own firearms?
9 UNIDENTIFIED PROSPECTIVE JUROR: Yes.
10 MS. BROWN: What type of firearms do you own?
11 UNIDENTIFIED PROSPECTIVE JUROR: Handguns,
12 shotgun, long gun.
13 MS. BROWN: Okay. Yes?
14 UNIDENTIFIED PROSPECTIVE JUROR: Along with
15 classic cars, I collect firearms. I have a concealed carry
16 permit, and I have Federal C and R firearms license and I
17 have an extensive firearm selection. I do not hunt.
18 MS. BROWN: Okay. And do you go to the range and
19 shoot.
20 UNIDENTIFIED PROSPECTIVE JUROR: I target
21 practice.
22 MS. BROWN: Okay. Thank you.
23 Mr. Mortellaro?
24 MR. MORTELLARO: I grew up hunting and target

1 shooting.

2 MS. BROWN: Okay. Do you own presently?

3 MR. MORTELLARO: I do still own firearms and
4 handguns and shotguns.

5 MS. BROWN: Thank you.

6 UNIDENTIFIED PROSPECTIVE JUROR: I just want to
7 disclose that my husband collects firearms. They are in a
8 safe. He's taken me target practice maybe twice --

9 MS. BROWN: Okay.

10 UNIDENTIFIED PROSPECTIVE JUROR: -- in 20 years,
11 but I don't know a thing about firearms.

12 MS. BROWN: Okay. Do you have the -- does he
13 keep the guns in the home?

14 UNIDENTIFIED PROSPECTIVE JUROR: Yes, they are in
15 a safe.

16 MS. BROWN: Okay. Thank you. Yes?

17 MS. MATUS: My husband owns several different
18 guns and they are kept in a safe in the house, but I don't
19 know anything about them.

20 MS. BROWN: Okay.

21 MS. MATUS: He took me shooting once, but that
22 was eons ago.

23 MS. BROWN: Did you ever have to carry a gun as
24 for --

1 MS. MATUS: I've never been a sworn officer,
2 always been a civilian.

3 MS. BROWN: Does anyone feel that there's any
4 other reason we haven't discussed that you wouldn't be able
5 to be a fair and impartial juror in this case?

6 Thank you, Your Honor.

7 THE COURT: Do you pass for cause?

8 MS. BROWN: Yes, Your Honor.

9 THE COURT: Do you pass for cause, Mr. Gregory?

10 MR. GREGORY: Yes, Your Honor.

11 THE COURT: Okay. Ladies and gentlemen, now is
12 the point at which the attorneys need to examine their notes
13 for a few minutes and make some decisions. While although
14 we've only been back in session for a few minutes, I'm going
15 to give you the opportunity to go to the restroom and come
16 back and have a seat back there, okay? I'm going to ask
17 everyone else not to leave just yet until this matter is
18 concluded.

19 Those of you that are in the back of the room
20 will probably get the opportunity to leave very shortly, and
21 so I'm going to ask you -- I'm going to give the attorneys
22 about ten minutes. Do you need more than that, 15?

23 MS. BROWN: Yes.

24 MR. GREGORY: 15 minutes, please, Your Honor.

1 THE COURT: Very well. You can tell I like to
2 move things along.

3 So I'll tell you what, we will be in recess until
4 2:15. Now, here's the thing, at 2:15, I would really like to
5 come in and sit down in my chair and get started. So that
6 means that probably by about 2:13, the bailiffs are going to
7 be calling everybody into the room to come and have a seat,
8 so please be in an area where they can find you and get you
9 in to have a seat.

10 If the attorneys feel like they need more time
11 than that, allow me the opportunity to tell the jurors before
12 I bring them in here. You have every opportunity to just
13 tell the bailiff you want to see me, and I'll give you more
14 time if you feel that you need more time, all right? It is
15 an important decision, I recognize that.

16 So, Ms. Brown, you look concerned. Do you need
17 more time than that right now?

18 MS. BROWN: Yes.

19 THE COURT: Tell me how much time you need?

20 MS. BROWN: I think a half an hour is more
21 reasonable.

22 THE COURT: Be prepared to be in your seats at
23 2:30. We'll be in recess until then.

24 Now, before you leave, you may have heard this

1 before, but you're going to hear it again. Ladies and
2 gentlemen, we're going take a half an hour recess. During
3 this recess, you are admonished not to talk or converse among
4 yourselves or with anyone else on any subject connected with
5 this trial. You're not to read, watch, listen to any report
6 of or commentary on the trial or any person connected with
7 this trial by any medium of information, including without
8 limitation newspaper, television, radio or internet. You're
9 not to form or express any opinion on any subject connected
10 with the trial until the case is finally submitted to you.
11 No phone calls. No asking relatives. No research. No
12 internet, and I'll see you at 2:30.

13 We're in recess.

14 (Whereupon, a brief recess was taken.)

15 THE COURT: We're back in session. We're back in
16 session. The State is here. Ms. Brown is here. Ms. Henry
17 is here. Ms. Leibel is here. The interpreters are here.

18 First of all, would the parties stipulate that
19 the venire was here during the last proceeding which we did
20 right after lunch?

21 MR. GREGORY: Yes, Your Honor.

22 MS. BROWN: Yes, Your Honor.

23 THE COURT: And I will tell you that just a few
24 moments ago.

1 MS. WOOD: Ms. Wood.

2 THE COURT: Ms. Wood came to my office and
3 advised me that she had some difficulties that she did not
4 say in front of everyone else, and so I'm going ask her to
5 enunciate those now, and we will address them. Please,
6 madam.

7 MS. WOOD: Past cases, things I've read in the
8 paper, stuff like that has kind of given me prejudice towards
9 Ms. Brown. I don't know what it is personally. I just don't
10 know that I would have a problem with listening to and being
11 unbiased in your case, and I just wanted to be honest about
12 that. I'm sorry I didn't say anything. I just didn't want
13 to say it in front all of the juries or jurors, but I went
14 home and thought about it at lunch, and I can't tell you what
15 it is. I won't say something personal because I don't know
16 you, but I've just read other things, and I just have my
17 opinion, just my opinion.

18 THE COURT: So you believe that you may have a
19 bias against Ms. Brown?

20 MS. WOOD: Yes.

21 THE COURT: You think that would keep you from
22 being a fair and impartial juror?

23 MS. WOOD: Yes, I do.

24 THE COURT: And you think that that would reflect

1 negatively on Ms. Leibel?

2 MR. GREGORY: Yes, it might.

3 THE COURT: Mr. Gregory, do you have questions
4 you want to ask?

5 MR. GREGORY: No, Your Honor.

6 THE COURT: Ms. Brown?

7 MS. BROWN: No, Your Honor.

8 THE COURT: I'm going to excuse Ms. Wood, and do
9 we have the other juror available?

10 Ms. Wood, thank you for your --

11 MS. WOOD: Thank you.

12 THE COURT: -- appearance today. I appreciate
13 you being here, and I appreciate you being honest with me and
14 telling me about those things. I wish you well.

15 MS. WOOD: Thank you.

16 (Ms. Wood was excused and another name was
17 called.)

18 THE BAILIFF: They have disbursed so one of the
19 bailiffs is currently looking for him.

20 THE COURT: I've already asked the clerk to pull
21 another name. When we find that person, the bailiffs will
22 notify me, and we'll go into session immediately, and we'll
23 go through all of the questions that I've been going through
24 with people when they have come up. They will each get an

1 opportunity to question this potential juror.

2 That juror, what is marked on your sheet as seat
3 number nine, which is in the jury box on the upper corner in
4 the -- towards the wall, and we'll get the opportunity to
5 examine that -- that potential juror. I'm going to ask
6 nobody to go very far. You can go back to your office if you
7 want, but I want you to be available to come immediately back
8 once we find this juror.

9 Would you please give them the name of this
10 potential juror.

11 THE CLERK: They have it.

12 THE BAILIFF: Steven Yates.

13 THE COURT: They have it? I want the lawyers to
14 have it.

15 THE CLERK: Steven Yates. Steven with a V.

16 THE COURT: Steven Yates?

17 THE CLERK: Yes.

18 THE COURT: I want you to pull another name,
19 whoever the next name is and while we talk to Mr. Yates, if
20 he's not available -- if he's not going to be a potential
21 juror here, we have to excuse him for cause. I want the
22 other name available immediately, so let Rick know who that
23 is and have that person not wandering far so I can pull the
24 name immediately if I have to.

1 Are there any questions about this procedure?
2 MR. GREGORY: No, Your Honor.
3 MS. BROWN: No, Your Honor.
4 THE COURT: Are there any objections to it?
5 MS. BROWN: No, Your Honor.
6 MR. GREGORY: No, Your Honor.
7 THE COURT: Okay. We're in recess until we find
8 Mr. Yates.
9 MS. BROWN: Your Honor, can I just bring up,
10 we're trying to discuss jurors here. We have court personnel
11 in the courtroom, and we cannot take Ms. Leibel anywhere.
12 THE COURT: Okay. I'm going to ask -- well, I
13 think that security is going to want to be somewhere nearby.
14 MS. BROWN: Well, I understand that but
15 otherwise.
16 THE COURT: What are you asking for?
17 MS. HENRY: We need privacy.
18 THE COURT: To what degree? If you have a
19 bailiff in the courtroom, does that bother you?
20 MS. BROWN: No.
21 THE COURT: Okay. Then everyone else leave the
22 courtroom.
23 MS. BROWN: Thank you.
24 MS. HENRY: Thank you, Your Honor.

1 (Whereupon, a recess was had.)
2 THE COURT: I believe that this is Mr. Yates.
3 MR. YATES: Yes.
4 THE COURT: How are you, sir?
5 MR. YATES: Good.
6 THE COURT: Mr. Yates, you found yourself brought
7 in at this late stage because it became necessary for me to
8 excuse one of the people who was sitting up here earlier.
9 MR. YATES: Okay.
10 THE COURT: So I would like for you to maybe just
11 answer those first initial questions for us. How long have
12 you been here?
13 MR. YATES: I'll tell you what, you scared the
14 crap out of me. I was like what the heck am I doing?
15 THE COURT: Sir, you're in no trouble. We just
16 had to remove someone and you were the next name that would
17 be called on the list and rather than bring everybody in and
18 go through this, I'm trying to move the process along.
19 MR. YATES: Okay.
20 THE COURT: I'm sorry to do that to you. We do
21 have the cardiac paddle devices available.
22 MR. YATES: I think we're good. I've been here
23 nine years. I'm married. My wife is a hairstylist. I work
24 for the State.

1 THE COURT: What do you do?

2 MR. YATES: I help people with government
3 contracts. I also own a small business. My wife and I have
4 a franchise called Margarita Man. We have margarita
5 machines. If you need one here, let me know. I have two
6 kids, 20, 24 years old, and that's pretty much it. All of
7 the questions that you asked, I had no issues at all.

8 THE COURT: Were you able to hear me, sir?

9 MR. YATES: Everything.

10 THE COURT: And do you have any bias either for
11 or against either party?

12 MR. YATES: I don't. I'm an independent voter.
13 Whenever I buy anything, I read reviews on almost everything
14 I buy. I don't get the local newspaper so I have no idea
15 what this case is about. Almost everything that I get is off
16 the internet.

17 THE COURT: Very well.

18 Mr. Gregory, do you have any questions?

19 MR. GREGORY: No, Your Honor.

20 THE COURT: Ms. Brown?

21 MS. BROWN: Thank you. Mr. Yates, do you own any
22 firearms?

23 MR. YATES: I do not.

24 MS. BROWN: Okay. Are you familiar with

1 firearms?

2 MR. YATES: I'm not, and I don't believe in
3 firearms.

4 MS. BROWN: And when you say I don't believe in
5 firearms?

6 MR. YATES: I don't believe in owning firearms.

7 MS. BROWN: Okay. Is that just personally for
8 yourself or is that just that I don't think people should
9 have firearms?

10 MR. YATES: Personally, that's my personal
11 choice.

12 MS. BROWN: Okay. And I'm sorry, I missed --
13 I've got the fact that you work for the State of Nevada, is
14 that true?

15 MR. YATES: I help small businesses with
16 government contracts.

17 MS. BROWN: Okay.

18 MR. YATES: I would have no trouble doing the two
19 weeks.

20 MS. BROWN: Okay. That's fine, Your Honor.
21 Thank you.

22 THE COURT: Thank you.

23 Mr. Yates, I appreciate you being here. I'm
24 going to send you out in the hallway for a moment, but it

1 will be just that. During that period of time, you are
2 instructed not to talk or converse amongst yourselves, with
3 anyone else or any on any subject connected with this trial
4 or to read, watch or listen to any report of or commentary on
5 the trial or any person connected with this trial by any
6 medium of information, including without limitation
7 newspaper, television, radio or internet. You're not to form
8 or express any opinion on any subject connected with the
9 trial until the case is finally submitted to you.

10 Sir, thank you for being here. We're sorry for
11 the shock. If you'll wait outside for just a moment, I'm
12 going to talk to the attorneys for just a moment.

13 MR. YATES: You did wake me up, that's for sure.

14 THE COURT: Very well. We'll bring everyone in
15 in a moment.

16 MR. YATES: Okay. Thank you.

17 THE COURT: Does either party have an objection
18 to the matter in which this issue has come before the Court
19 in the manner in which the Court raised?

20 MR. GREGORY: No, Your Honor.

21 MS. BROWN: No, Your Honor.

22 THE COURT: Okay. Does either party have any
23 objections to the process by which we are choosing the
24 jurors?

1 MR. GREGORY: No, Your Honor.

2 MS. BROWN: Are we going to be passing that back
3 and forth in open court?

4 THE COURT: No, you're going to do it without
5 them here. I'm going to give you a chance to do it here in
6 just a moment.

7 MS. BROWN: Okay.

8 THE COURT: Do you have any objection to it?

9 MS. BROWN: No, Your Honor.

10 THE COURT: Do you have any objection the number
11 of peremptories?

12 MS. BROWN: No, Your Honor.

13 MR. GREGORY: No, Your Honor.

14 THE COURT: In that case, let's give them the
15 sheet. The State goes first. And by the way, are you
16 prepared to proceed, Mr. Gregory?

17 MR. GREGORY: Yes, Your Honor.

18 THE COURT: Ms. Brown?

19 MS. BROWN: Yes, Your Honor.

20 THE COURT: Did you have enough time?

21 MS. BROWN: Yes, Your Honor. Slow it down a bit.
22 You're even talking fast today.

23 THE COURT: Usually I'm so laid back.

24 MS. BROWN: I know.

1 MR. GREGORY: Your Honor, would you like the
2 juror number or just the name?
3 THE CLERK: Number would be great for me just so
4 I make sure I get the right one.
5 THE COURT: And we'll use the numbers that we
6 have on the sheet. The jurors have not actually been
7 assigned a juror number with like on the juror tag, like in
8 some other jurisdiction where they are only known by number,
9 but if you could identify the seating location, that will
10 assist our clerk a great deal, and I thank you.
11 MR. GREGORY: If I'm wrong on the number, the
12 name will predominate?
13 THE CLERK: Yes, thank you.
14 THE COURT: The name trumps.
15 MR. GREGORY: Thank you.
16 MS. BROWN: Mr. Gregory waives.
17 THE COURT: No, ma'am. If he waives, you'll get
18 the next one, and then the Court will take the balance of
19 them from taking them from the highest number working
20 backwards.
21 MS. BROWN: I'm not done. I'm not following what
22 you're saying.
23 THE COURT: Okay. Well, since you're not done
24 and you've given one, the next one that is going to be

1 excused is going to be the last one on the list, that is
2 going to be Mr. Norberg, and the Court is going to name that
3 one. You'll get another one. You still have the opportunity
4 to waive or now not waive.

5 MR. GREGORY: Yes, if I could see the list.

6 THE COURT: Well, that was your turn since you
7 waived, so then it's Ms. Brown's turn. Then you'll get
8 another shot. If you waive that one, then I will waive one
9 which will be the last one on the list.

10 MR. GREGORY: Your Honor, I've never understood
11 or heard a process where the Court does the challenge.

12 THE COURT: We have to eliminate some names so
13 that there are only 14 left. I'm not going to seat 15
14 jurors.

15 MR. GREGORY: I understand, but I object to the
16 Court excusing somebody. The numbers would be whoever is
17 left in the box after the parties have exercised their
18 challenges. I don't believe the Court gets to select who the
19 jurors are.

20 THE COURT: It's not a matter of where they were
21 sitting originally, Mr. Gregory. The third seat in the box
22 has the same -- in this process the same value as the 16th
23 seat, and so I'm working backwards. When you say whoever is
24 left, that's who would move to fill in any way because I'm

1 working with the very last person who was called up.

2 MR. GREGORY: Okay. So you did not -- you're not
3 exercising a challenge to excuse Mr. Norberg?

4 THE COURT: No, I'm knocking the very last person
5 off of the list which would be number 32. The reason it's
6 Mr. Norberg is unless he's already knocked off, I didn't see
7 whether he is or not.

8 MR. GREGORY: But according to the list, so I
9 waived my seventh. The defense invoked their seventh and
10 waived or --

11 MS. BROWN: If he had chosen Mr. Norberg next.

12 MR. GREGORY: -- Ms. Matthews, then it should
13 pass back to me to make the decision but instead it's filled
14 in. The Court has filled in Mr. Norberg as being somebody
15 the Court --

16 THE COURT: I'm sorry. You know, I meant to
17 write that where there was one that was waived. What we need
18 to do is if you're going to waive, the people on the very end
19 of the list are going to be the ones who get knocked off.

20 MR. GREGORY: Yes, yes.

21 MS. BROWN: But if you're doing this now, he
22 might have chosen Norberg.

23 MR. GREGORY: Exactly.

24 THE COURT: Well, you can strike that and you can

1 just write waive if you want.

2 MR. GREGORY: Okay.

3 THE COURT: But I'm going to let you know that
4 the people at the very end, the highest number, 32, 31,
5 however many waivers you have, those people are not going to
6 sit.

7 MR. GREGORY: I understand now.

8 THE COURT: Okay. I think you're right. It's
9 going to work out essentially the same way.

10 MR. GREGORY: It will. I get it.

11 THE COURT: Okay.

12 MR. GREGORY: Now, Your Honor, number nine, that
13 gets me to the alternate, correct?

14 THE COURT: That's correct, but I'm not going to
15 tell anybody who the alternates are until after -- at the
16 close of the case. We'll draw two names to be alternates,
17 and they won't deliberate. The statute for everybody's
18 enlightenment, you get two peremptories for alternates.
19 That's why I asked everybody if they were satisfied with this
20 and there were no objections.

21 We'll give a new seating chart when we seat them
22 up here so that you can fill that in and know who's up here.

23 MS. BROWN: Thank you.

24 THE COURT: I think some of the numbers are off.

1 Your numbers are -- you might have charts that are numbered
2 differently than mine. Did they get the right number?

3 THE CLERK: Probably.

4 THE COURT: So the numbers are a little bit
5 different. I'm going to have the clerk reorganize these and
6 she'll call these folks back up, but you should be aware that
7 it appears that the jury will be composed of the following
8 individuals, Mr. Bavaro, Mortellaro, Yates, Farnham, Trent,
9 Goodwin, Martin, Stugart, Martin, Watson, Unsinn, Ezekiel,
10 Kyle and Tittle. That leaves with the waivers Walling,
11 Dublanc and Norberg off. Does everyone agree with that?

12 MS. BROWN: Got it.

13 MR. GREGORY: Yes.

14 THE COURT: And the parties stipulate that's who
15 the jury will be?

16 MR. GREGORY: Yes.

17 MS. BROWN: Yes, Your Honor.

18 THE COURT: Okay. I'm going to give -- well, I'm
19 going to give this back to them because there's a spot for
20 them to sign and date. So I'm going to ask them to do that
21 and when that's done, give that to the clerk and as she is
22 preparing it, we'll bring everybody in but once that is
23 signed, I'm going to -- I've got a question to ask before
24 everybody comes in.

1 Ms. Brown, and, Mr. Gregory, do you have a Batson
2 challenge or any other type of challenge to the other parties
3 use of peremptories?

4 MS. BROWN: No, Your Honor.

5 MR. GREGORY: No, Your Honor.

6 THE COURT: Thank you. Let's bring them in. Sit
7 them all back there, and you can work on that while they're
8 getting in.

9 (Whereupon, the prospective jurors were brought
10 into the courtroom.)

11 THE COURT: Good afternoon again. The parties
12 have exercised their peremptory challenges and at this point,
13 our clerk is going to call out some names. Those will be the
14 people who will hear this case. So when your name is called,
15 if it is called, I want you to come up and take the seat
16 closest to Mr. Sutton on the back row, and we'll fill-in
17 along the back row, and then we'll start in the front, and
18 we'll fill in along the front, up to the wall where Deputy
19 Lindsey is.

20 Are you ready, ma'am?

21 THE CLERK: Yes. Russell Mortellaro. Rhonda
22 Bavaro. Suzanne Martin.

23 THE COURT: As you get handed a juror tag, please
24 put it on.

1 THE CLERK: Marlene Goodwin. Elaine Trent,
2 Wallace Farnham. Steven Yates. Patrick Ezekiel. Donna
3 Unsinn. Lisa Watson. Billy Martin. Susan Stugart. Elaine
4 Kyle, and Thomas Tittle.

5 THE COURT: Now, to all of the people in the
6 courtroom, the members of the panel who were not chosen to
7 come forward, I want to thank you for being here, for being
8 attentive, for paying attention, for answering our questions,
9 for giving us your day and for acting as what you are which
10 is good citizens for being here.

11 The Court could not operate in our system of
12 justice without your willingness to do what you've done
13 today, and I greatly appreciate it. We would not have had a
14 sufficient number of jurors had you not shown up. Justice
15 would have been delayed, perhaps denied, and it would not
16 have been fair to either one of these parties had you not
17 done what you did today. Your service is appreciated and
18 it's recognized.

19 You are welcome to stay throughout the
20 proceedings, if you choose to do so, if you want to watch the
21 trial. Trials in the United States are open to the public.
22 This trial is open to the public and you're welcome to stay.
23 You won't be members of the jury. You'll be just citizens
24 who want to see how the justice system works but if you have

1 something else that you want to do or need to do or must do,
2 you are excused. I appreciate your attendance today. Thank
3 you.

4 The clerk will now swear the jury in. Can
5 everybody stand and raise your right hand.

6 (Whereupon, the oath was given and the jurors
7 were duly sworn.)

8 THE COURT: Thank you.
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STATE OF NEVADA,)
) ss.
CARSON CITY.)

I, KATHY JACKSON, Nevada Certified Court Reporter
Number 402, do hereby certify:

That I was present in the District Court in Minden, in
and for the State of Nevada, on January 27, 2015, for the
purpose of reporting in verbatim stenotype notes the
within-entitled Trial;

That the foregoing transcript, consisting of pages 1
through 181, is a full, true and correct transcription of
part of said Trial.

Dated at Carson City, Nevada, this 5th day
of March, 2015.


KATHY JACKSON, CCR
Nevada CCR #402

1 CAPITOL REPORTERS
2 515 W. Fourth Street, Suite B
3 Carson City, Nevada 89703
4 775-882-5322

5 THE NINTH JUDICIAL DISTRICT COURT
6 IN AND FOR THE COUNTY OF DOUGLAS

7 STATE OF NEVADA, Case No. 14-CR-0062
8 Plaintiff,
9 Vs. Dept. No. 1
10 TATIANA LEIBEL,
11 Defendant.

12 **AFFIRMATION**
13 Pursuant to NRS 239B.030

14 The Undersigned does hereby affirm that the following
15 document **DOES NOT** contain the social security number of any
16 person: (List of document(s) attached below)

17 1) Trial -- 1/27/15

18 -or-

19 The undersigned does hereby affirm that the document
20 named below **DOES** contain the social security number of a
21 person as required by state or federal law or for the
22 administration of a public program or for an application for
23 a federal or state grant: (List of document(s) attached
24 containing social security number information below)

1) _____

2) _____

(Your signature) Harry Jackson (Date) 3/5/15

Case No. 14-CR-0062

Department No. I

This document does not contain personal information of any person.

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MAR 06 2015

Douglas County
District Court Clerk

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BOBBIE R. WILLIAMS
CLERK

DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA

Plaintiff,

vs.

TATIANA LEIBEL

Defendant

ORDER FOR PAYMENT

It is hereby ordered that payment of \$28,054.22 (twenty eight thousand fifty four dollars and twenty two cents) be made to:

Spencer Investigations
1325 Airmotive Way, #209
Reno, NV 89502

for payment of investigative fees in the above matter.

Dated this 9 day of March, 2015.

District Court Judge

Submitted by:
Kristine L. Brown
1190 High School Street, Suite A
Gardnerville, Nv. 89410
775-783-8642
Counsel for Defendant

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Case No. 14-CR-0062

APR 17 2015

Department No. I

Douglas County
District Court Clerk

2015 APR 17 PM 3:07

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BOBBIE R. WILLIAMS
CLERK

BY *[Signature]* DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA

Plaintiff,

vs.

TATIANA LEIBEL

Defendant

EVIDENCE IN MITIGATION

Tatiana Leibel, through counsel, submits the following evidence in mitigation at sentencing:

1. A letter from Lana Raymo.
2. A letter from Chaya-Anna Leibel.
3. Graduation photograph

Dated this 17th day of April, 2015.

[Signature: Kristine L. Brown]

Kristine L. Brown

Bar No. 3026

The Law Office of Kristine L. Brown

1190 High School Street, Suite A

Gardnerville, Nevada 89410

775-783-8642

Attorney for the Defendant

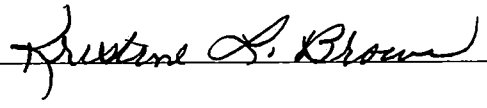
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CERTIFICATE OF SERVICE

I certify that I am an employee of The Law Office of Kristine L. Brown, LLC and that on this day I hand delivered a true and correct copy of the Evidence in Mitigation to:

The Douglas County District Attorney's Office
1038 Buckeye Street
Minden, Nevada 89423

Dated this 17th day of April, 2015.



11000

Dearest Judge Young,

I am writing to you with tears, your Honor to kindly request Mercy. Please keep Tatiana Leibel, my mother's sentence at the low-end of timing as I am confident and sure that she is innocent of all the charges of which she was convicted.

She is a peaceful, loving, bright and educated mother of 2 children and a grandmother of 3. Tatiana is a caring Jewish woman who is very Spiritual and keeps the Sabbath religiously. She has a strong family-oriented background and Always does the right thing. How she ever got into this situation is beyond me! It is truly incomprehensible.

She took such good care of Harry and love him with all of her heart! She was always there for him and happy to be by his side. She moved to Lake Tahoe and uprooted her life to be in a place that he always dreamed of. My mom never left his side during sickness and health. Anyone who interacted with her would say the same things.

My mother Tatiana is the kind of person who would offer to help the elderly, who would teach a child something new and put others before herself. She is a loved member of the Jewish community. She is not a threat to anyone but rather an asset to the Jewish community. She is the staple and the strength of our family!

I Thank You for taking the time out to consider my thoughts and your efforts in ensuring that justice is served righteously. Please be kind as she is Completely Innocent.

Kindly and Sadly written
Lana Raymo and family

Dear Your Honor Judge Young,

My name is Chaya-Anna Leibel and this is regarding my mother, Tatiana Leibel, who has been wrongly accused for a crime she did not commit. I attended my mother's trial and although I believe you did a wonderful job with being fair to both sides in the courtroom, I believe the jury was not. After both sides closed with their arguments and the verdict was read, I witness something that I thought was very unfair and made me skeptical as to whether or not the jury members viewed my mother's case with an open mind. Once the jury members were allowed to leave after the verdict was read, one of the jury members decided to stay and sat down right next to officer Garren to hear when sentencing was going to happen. I recall that jury members had to swear under Oath that they did not know any witnesses on the board when pledging to be a jury member, but after seeing what I saw, I believe that one of them could have lied. This was just my observation, but everyone in the courtroom saw it.

Also, even though the jury members were told to keep an open mind during the course of the trial, I believe that most of them did not. It was obvious that my father's autopsy was not done correctly and Dr. Omalu even proved that it was not. However, the jury members did not seem to take any of the physical evidence shown to them into any account. The jury members have sentenced an innocent woman to prison based upon circumstantial evidence and not actual facts.

Due to these circumstances, I would ask for you to please review the case of my mother, Tatiana Leibel: State of Nevada vs. Tatiana Leibel. If you happen to not review my her case, I would ask for you to consider her sentencing to be at the lowest time possible. She does not deserve to spend years in prison for a crime she did not commit. My mother is a very loving, honest woman and from the start she has pled her innocence. She has a bachelor's degree from University of Nevada Reno, a mother of two daughters, a grandmother of three children. She has not been able to mourn the loss of her husband with her family because she has been kept in jail based on prejudice and unfair citizens. She poses no threat to society. Please give my mother the justice she deserves.

Thank you for your time and all that you do,
Chaya-Anna Leibel

11002



FILED

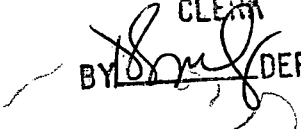
Case No14-CR-0062

Dept No. ~~II~~

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BY  DEPUTY

APR 20 2015
Douglas County
District Court Clerk

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

**VICTIM IMPACT STATEMENTS
AND PHOTOGRAPH OF VICTIM**

TATIANA LEIBEL,

Defendant.

The State of Nevada, by and through Brian G. Filter, Deputy District Attorney, hereby provides victim impact statements from the victim's children, Cheron Bartee and Justin Leibel, as well as a photograph of the victim for the Court's consideration at the time of sentencing in this matter.

DATED this 20th day of April, 2014.

MARK B. JACKSON
DISTRICT ATTORNEY

By: 

Brian G. Filter
Deputy District Attorney

1004

Case No 14-CR-0062

DA 14-343G

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF DOUGLAS

THE STATE OF NEVADA,

Plaintiff,

vs.

CERTIFICATE OF SERVICE

TATIANA LEIBEL,

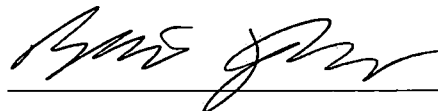
Defendant.

Pursuant to NRCP 5(b), I certify that I am an employee of the District Attorney for Douglas County, Nevada, and that I deposited for delivery a true copy of VICTIM IMPACT STATEMENTS AND PHOTOGRAPH OF VICTIM, addressed to:

Kristine Brown, Esq.
1190 High School, Suite A
Gardnerville, Nevada 89410

- ☐ U.S. Mail
☐ Reno/Carson Messenger
☒ Hand Delivery

DATED this 20th day of April, 2015.



Victim Impact Statement

Cheron Bartee
2015 W. Dogwood Ave.
Anaheim, CA 92801

April 6, 2015

Honorable Judge Young,

During the trial, Harry Leibel has just been a name along with horrible photographs of his lifeless body, but to me, he was my dad. I think of my dad daily and how much I miss him. Growing up I had many fond memories of my dad as a loving and affectionate father. He created wonderful childhood memories that I now appreciate on a different level, having recently assumed the role of a mother. My dad's compassionate side provided me with the openness and security to express my hopes, dreams, and fears about life without judgement. We had such a strong father/daughter bond, so much so, we created our own little world, where we had our own private jokes that nobody knew what we were talking about. My dad could brighten up a room and he had the most infectious laugh.

To begin to attempt to articulate the impact of my dad's death is difficult, and in the manor of his death, is impossible. I want to take this opportunity to thank you for allowing me to share what feelings I am able to express with the court. In doing so, hopefully this will allow for the healing process to begin and give me the closure that I need to start moving forward.



When I think of the many moments with my dad, one in particular really shows what my dad meant to me. It was the day my brother was born. I was six years old and I was so upset because there was now another person in my dad's life that he would have to share his love with. My brother was just a baby and getting so much attention. I felt that I would no longer be my dad's favorite. So my dad sat me down to have a father/daughter talk. I told him, "He ruined my life and you don't love me anymore." And my dad, with his loving grin, picked me up, showered me with hugs and kisses, and took me out for ice cream. For a little kid I thought that was enough. But in my dad's true fashion, he went one step above. That day he rented a private plane and flew me over our house and all around the city. In that

moment I realized how important I was to my dad and how important he was to me. There were so many other moments like teaching me how to drive a stick shift, showing up for my graduations, and even during one of the hardest times in my life, when I lost my twin boys, coming to the hospital to console me. My dad was my safe place and he has been taken away.



Victim Impact Statement

I know that as a law abiding citizen in this great nation, I am to believe that justice is being served. I comprehend it on that level, but on the level of a daughter I am sad and angry that he will never again be here. A guilty verdict, as happy as it made me, won't rectify how her evil actions have altered my very being. She has formed a horrific memory that should have never become part of me.

Her actions have greatly impacted my family and I. Not only has she taken my father away from me, she has also taken away any future moments that we could have had together. My daughters will never get to know their grandfather, the opportunity to spend holidays, hear stories about our family, or share accomplishments with him. My dad could have given me advice on how to raise my daughters, just like he raised me when I was young. But because of her actions, my dad will never have the blessing of seeing me be a mom. She has destroyed a legacy with her actions.

I can't understand why she would shoot him, not only once, but twice. It's still hard to believe that my dad was murdered. My dad trusted her and I can only imagine how he saw his whole life flash before his eyes when he realized she had shot him. She is a cruel, selfish, and unremorseful woman, who not only refuses to take responsibility for her actions, but refuses to admit she's done anything wrong. For these reasons, I beg the court to give her the stiffest sentence possible, so that she can remain in prison and have nothing but time to think about what she's done and a small cell to console her. What she did can never be undone and so the death penalty would be too good for her. I will never forgive her and I hope she rots in prison and when she finally dies, I hope she rots in hell.

Judge Young, I plea to the court to give her the harshest sentence possible; a life sentence. And for the deadly weapon enhancement charge, I ask that she get the maximum of 20 years. I pray she never gets out of prison, so she can never victimize another family and have them suffer the pain and anguish that my family and I have suffered. She issued my dad a death sentence. She does not have the right to take someone's life, and she should be punished and held accountable for her actions.

I will always remember my dad and all of his charming attributes. Although he is not physically here, I know that I can always talk to him in my dreams. I love him very much and will miss him every day.

Respectfully and with a heavy heart,

Cheron Bartee

Cheron Bartee
Daughter of Beloved Father, Harry Leibel



Harry Leibel

Nov. 17, 1948 – Feb. 23, 2014

Victim Impact Statement

Honorable Judge Young,

Harry Leibel will forever be in my heart because he was more than just a father; he was my mentor, my life coach, and my best friend. My dad was a man of spirituality and life long learning who always shared his thoughts with anyone who would listen. We had a special bond since the day I was born that meant the world to me.



One of my fondest times with my dad was during our annual trip to Lake Tahoe. My sister and I would pile into his car before the sun came up and we would begin our trip to Lake Tahoe from Los Angeles. Every time we did this I could not sleep from the excitement of being together and heading to the lake. The lake to me meant an opportunity to connect with my dad, who I didn't get a chance to see often enough throughout the year. Watching the sunrise over the Mojave dessert would be so mesmerizing and would always result in my father talking to me about life. There was so much he shared with me about the way of the world, things that would make my life easier, advice about finding the good in people, and helping solve problems that were upsetting me at the moment. My dad gave me life lessons that now mean the world to me.

Another memorable time was when the two of us went to Israel to visit family during the summer

of 1999. This was one of the best times I had with him and is a memory I will cherish forever. We spent six weeks there learning about our culture, our family that lives there, and the over all history of the area. I always wanted to do this again with him, but this will not be possible.



The last time I saw him was January 13th of last year. I had spent a few days at his house and we had a great time. He was so loving and willing to talk about the many aspects of his life's journey and we talked for hours over a game of billiards. He loved pool and talked about how he was quite the pool shark decades ago. He could still hold his own. I will always cherish that day because I never knew it would be the last time I would ever see him alive.

The next time I had expected to see my dad was at my graduation from Cal State Long Beach in May. However, he was gone by then. He always talked about how proud he was of me and that this next chapter of my life was going to be a great one. My dad had always had an active roll in my life, but now all he can be are memories. All of these great moments my dad shared; the talks with him, the visits to the lake, were violently ripped from my world a year ago.

The actions of a selfish and horrible person have left me without a father. Her actions have taken away everything. Because of her I have no father, which means he will no longer be able to give me fatherly advise. He will never be able to meet my future wife. He will never be able to attend my wedding. He will never meet my children and go to their birthday parties. Finally, he will never be able to give me the advice that I was so often accustomed to getting. There's nothing anyone can do to fill that void. Not a day has passed, since last February, that I haven't wanted to see him, hug him, or talk to him again. I pray to have dreams with him where I can connect with him once more.



This woman came into my family's life and ripped it apart with actions that are unforgivable. It is because she made the decision to end Harry Leibel's life that she should spend the rest of hers locked up. I plea with the court that you deliver the sentence that will provide me the only closure I'll ever have, which is the maximum sentence the court is allowed to give her.

My dad being taken from me the way he was, has been the hardest thing I have had to ever deal with. I am still trying to cope with this on a daily basis and I miss him tremendously. My Dad was truly a one of a kind person that will be missed by many, especially me.

Respectfully,

Justin Leibel

Justin Leibel
Son of Beloved Father, Harry Leibel

