

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 83917

Electronically Filed
Apr 20 2022 09:02 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

EDWARD MICHAEL ADAMS

Appellant,

v.

THE STATE OF NEVADA

Respondent.

Appeal from a Denial of Petition for Writ of Habeas Corpus (Post-Conviction)
Eighth Judicial District Court, Clark County
The Honorable Nancy A. Becker, District Court Judge
District Court Case No. 08C241003

**APPELLANT'S APPENDIX
VOLUME I**

James A. Oronoz, Esq.
Nevada Bar No. 6769
Oronoz & Ericsson, LLC
1050 Indigo, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 878-2889
Facsimile: (702) 522-1542
jim@oronozlawyers.com
Attorney for Appellant

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 20th, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD
Nevada Attorney General

STEVEN B. WOLFSON
Clark County District Attorney

By /s/ Jan Ellison
An Employee of Oronoz & Ericsson, LLC

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 EDWARD MICHAEL ADAMS, aka,
7 Edward Adams #1969904,

8 Defendant.

CASE NO: 08F00902X

DEPT NO: 9

CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of FIRST DEGREE
10 KIDNAPPING (Felony - NRS 200.310, 200.320); BATTERY WITH INTENT TO
11 COMMIT A CRIME (Felony - NRS 200.400); SEXUAL ASSAULT WITH A MINOR
12 UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366) and OPEN OR
13 GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210), in the manner following, to-
14 wit: That the said Defendant, on or about the 14th day of December, 2007, at and within the
15 County of Clark, State of Nevada,

16 COUNT 1 - FIRST DEGREE KIDNAPPING

17 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,
18 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human
19 being, with the intent to hold or detain the said AMBER VALLES against her will, and
20 without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES
21 against her will, saying he has a gun and by tying her wrists and taping her mouth.

22 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME

23 did then and there wilfully, unlawfully, and feloniously use force or violence upon
24 the person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
25 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
26 arm forcing her to go with him.

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AA 0001

1 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 digital penetration, by inserting his finger(s) into the genital opening of the said AMBER
6 VALLES, against her will, or under conditions in which Defendant knew, or should have
7 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
8 understanding the nature of Defendant's conduct.

9 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

11 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
12 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
13 digital penetration, by inserting his finger(s) into the genital opening of the said AMBER
14 VALLES, against her will, or under conditions in which Defendant knew, or should have
15 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
16 understanding the nature of Defendant's conduct.

17 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

19 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
20 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
21 sexual intercourse, by placing his penis into the genital opening of the said AMBER
22 VALLES, against her will, or under conditions in which Defendant knew, or should have
23 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
24 understanding the nature of Defendant's conduct.

25 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE

27 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
28 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:

1 sexual intercourse, by placing his penis into the genital opening of the said AMBER
2 VALLES, against her will, or under conditions in which Defendant knew, or should have
3 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
4 understanding the nature of Defendant's conduct.

5 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE

7 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
8 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
9 anal penetration, by digital penetration, by inserting his finger(s) into the anal opening of the
10 said AMBER VALLES, against her will, or under conditions in which Defendant knew, or
11 should have known, that the said AMBER VALLES was mentally or physically incapable of
12 resisting or understanding the nature of Defendant's conduct.

13 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
14 AGE

15 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
16 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
17 anal intercourse, by placing his penis into the anal opening of the said AMBER VALLES,
18 against her will, or under conditions in which Defendant knew, or should have known, that
19 the said AMBER VALLES was mentally or physically incapable of resisting or
20 understanding the nature of Defendant's conduct.

21 COUNT 9 - OPEN OR GROSS LEWDNESS

22 did then and there wilfully and unlawfully commit an act of open or gross lewdness
23 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

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1 All of which is contrary to the form, force and effect of Statutes in such cases made
2 and provided and against the peace and dignity of the State of Nevada. Said Complainant
3 makes this declaration subject to the penalty of perjury.
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28 LVMPD EV# 0712141983
(TK9)

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 EDWARD MICHAEL ADAMS, aka,
7 Edward Adams #1969904,

8 Defendant.

CASE NO: 08F00902X

DEPT NO: 9

AMENDED

CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of FIRST DEGREE
10 KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320,
11 193.165); BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A
12 DEADLY WEAPON (Felony - NRS 200.400, 193.165); SEXUAL ASSAULT WITH A
13 MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON
14 (Felony - NRS 200.364, 200.366, 193.165) and OPEN OR GROSS LEWDNESS (Gross
15 Misdemeanor - NRS 201.210), in the manner following, to-wit: That the said Defendant, on
16 or about the 14th day of December, 2007, at and within the County of Clark, State of
17 Nevada,

18 COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

19 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,
20 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human
21 being, with the intent to hold or detain the said AMBER VALLES against her will, and
22 without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES

23 against her will, saying he has a gun and by tying her wrists and taping her mouth, said
24 defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

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1 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A
2 DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
4 person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
5 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
6 arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm,
7 during the commission of said crime.

8 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
9 AGE WITH USE OF A DEADLY WEAPON

10 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
11 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
12 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
13 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
14 have known, that the said AMBER VALLES was mentally or physically incapable of
15 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
16 weapon, to-wit: a firearm, during the commission of said crime.

17 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE WITH USE OF A DEADLY WEAPON

19 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
20 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
21 digital penetration, by defendant inserting his penis into the genital opening of the said
22 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
23 have known, that the said AMBER VALLES was mentally or physically incapable of
24 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
25 weapon, to-wit: a firearm, during the commission of said crime.

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1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
6 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
7 have known, that the said AMBER VALLES was mentally or physically incapable of
8 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
9 weapon, to-wit: a firearm, during the commission of said crime.

10 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE WITH USE OF A DEADLY WEAPON

12 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
13 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
14 digital penetration, by defendant inserting his penis into the genital opening of the said
15 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
16 have known, that the said AMBER VALLES was mentally or physically incapable of
17 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
18 weapon, to-wit: a firearm, during the commission of said crime.

19 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE WITH USE OF A DEADLY WEAPON

21 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
22 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
23 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
24 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
25 have known, that the said AMBER VALLES was mentally or physically incapable of
26 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
27 weapon, to-wit: a firearm, during the commission of said crime.

28 //

1 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 digital penetration, by defendant inserting his penis into the genital opening of the said
6 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
7 have known, that the said AMBER VALLES was mentally or physically incapable of
8 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
9 weapon, to-wit: a firearm, during the commission of said crime.

10 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE WITH USE OF A DEADLY WEAPON

12 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
13 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
14 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
15 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
16 have known, that the said AMBER VALLES was mentally or physically incapable of
17 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
18 weapon, to-wit: a firearm, during the commission of said crime.

19 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE WITH USE OF A DEADLY WEAPON

21 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
22 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
23 digital penetration, by defendant inserting his penis into the genital opening of the said
24 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
25 have known, that the said AMBER VALLES was mentally or physically incapable of
26 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
27 weapon, to-wit: a firearm, during the commission of said crime.

28 //

1 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 anal penetration, by digital penetration, by inserting his finger(s) into the anal opening of the
6 said AMBER VALLES, against her will, or under conditions in which Defendant knew, or
7 should have known, that the said AMBER VALLES was mentally or physically incapable of
8 resisting or understanding the nature of Defendant's conduct, said Defendant using a deadly
9 weapon, to-wit: a firearm, during the commission of said crime.

10 COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE WITH USE OF A DEADLY WEAPON

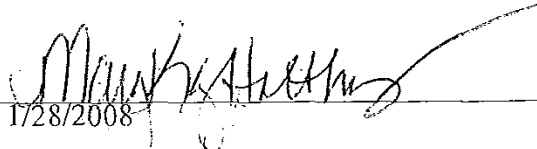
12 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
13 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
14 anal intercourse, by placing his penis into the anal opening of the said AMBER VALLES,
15 against her will, or under conditions in which Defendant knew, or should have known, that
16 the said AMBER VALLES was mentally or physically incapable of resisting or
17 understanding the nature of Defendant's conduct, said Defendant using a deadly weapon, to-
18 wit: a firearm, during the commission of said crime.

19 COUNT 13 - OPEN OR GROSS LEWDNESS

20 did then and there wilfully and unlawfully commit an act of open or gross lewdness
21 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

22 All of which is contrary to the form, force and effect of Statutes in such cases made
23 and provided and against the peace and dignity of the State of Nevada. Said Complainant
24 makes this declaration subject to the penalty of perjury.

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27 08F00902X/mmww/SVU
28 LVMPD EV# 0712141983
(TK9)


1/28/2008


CLERK OF THE COURT

INFO

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
MARY KAY HOLTHUS
Chief Deputy District Attorney
Nevada Bar #003814
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

I.A. 02/19/08
9:00 A.M.
PD

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

EDWARD MICHAEL ADAMS,
#1969904

Defendant.

Case No: C241003
Dept No: V

I N F O R M A T I O N

STATE OF NEVADA }
COUNTY OF CLARK } ss.

DAVID ROGER, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That EDWARD MICHAEL ADAMS, the Defendant(s) above named, having committed the crimes of **FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165); BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 200.400, 193.165); SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165) and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210)**, on or about the 14th day of December, 2007, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace

and dignity of the State of Nevada,

COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

did wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human being, with the intent to hold or detain the said AMBER VALLES against her will, and without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES against her will, saying he has a gun and by tying her wrists and taping her mouth, said defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, and feloniously sexually assault and subject AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by defendant inserting his finger(s) into the genital opening of the said AMBER VALLES, against her will, or under conditions in which defendant knew, or should have known, that the said AMBER VALLES was mentally or physically incapable of resisting or understanding the nature of defendant's conduct, said defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, and feloniously sexually assault and subject AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:

1 digital penetration, by defendant inserting his penis into the genital opening of the said
2 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
3 have known, that the said AMBER VALLES was mentally or physically incapable of
4 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
5 weapon, to-wit: a firearm, during the commission of said crime.

6 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
7 AGE WITH USE OF A DEADLY WEAPON

8 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
9 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
10 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
11 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
12 have known, that the said AMBER VALLES was mentally or physically incapable of
13 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
14 weapon, to-wit: a firearm, during the commission of said crime.

15 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
16 AGE WITH USE OF A DEADLY WEAPON

17 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
18 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
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20 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
21 have known, that the said AMBER VALLES was mentally or physically incapable of
22 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
23 weapon, to-wit: a firearm, during the commission of said crime.

24 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
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26 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
27 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
28 digital penetration, by defendant inserting his finger(s) into the genital opening of the said

1 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
2 have known, that the said AMBER VALLES was mentally or physically incapable of
3 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
4 weapon, to-wit: a firearm, during the commission of said crime.

5 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE WITH USE OF A DEADLY WEAPON

7 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
8 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
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11 have known, that the said AMBER VALLES was mentally or physically incapable of
12 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
13 weapon, to-wit: a firearm, during the commission of said crime.

14 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
15 AGE WITH USE OF A DEADLY WEAPON

16 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
17 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
18 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
19 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
20 have known, that the said AMBER VALLES was mentally or physically incapable of
21 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
22 weapon, to-wit: a firearm, during the commission of said crime.

23 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
24 AGE WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
26 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
27 digital penetration, by defendant inserting his penis into the genital opening of the said
28 AMBER VALLES, against her will, or under conditions in which defendant knew, or should

1 have known, that the said AMBER VALLES was mentally or physically incapable of
2 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
3 weapon, to-wit: a firearm, during the commission of said crime.

4 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE WITH USE OF A DEADLY WEAPON

6 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
7 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
8 anal penetration, by digital penetration, by inserting his finger(s) and/or penis and/or
9 unknown object into the anal opening of the said AMBER VALLES, against her will, or
10 under conditions in which Defendant knew, or should have known, that the said AMBER
11 VALLES was mentally or physically incapable of resisting or understanding the nature of
12 Defendant's conduct, said Defendant using a deadly weapon, to-wit: a firearm, during the
13 commission of said crime.

14 COUNT 12 - OPEN OR GROSS LEWDNESS

15 did then and there wilfully and unlawfully commit an act of open or gross lewdness
16 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

17 DAVID ROGER
18 DISTRICT ATTORNEY
Nevada Bar #002781

19
20 BY /s//MARY KAY HOLTHUS
21 MARY KAY HOLTHUS
22 Chief Deputy District Attorney
23 Nevada Bar #003814
24
25
26
27
28

1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

| 3 | <u>NAME</u> | <u>ADDRESS</u> |
|----|--|----------------|
| 4 | MCPHAIL, RANDALL – LVMPD P#3326 | |
| 5 | RICHARDSON, VICTORIA – LVMPD P#4199 | |
| 6 | HUNTE, MICHAEL – LVMPD P#4538 | |
| 7 | DAVIS, JASMIN – LVMPD P#5163 | |
| 8 | JAEGER, RYAN – LVMPD P#5587 | |
| 9 | LEBARIO, GABRIEL – LVMPD P#5849 | |
| 10 | FRIED, JONATHAN – LVMPD P#8149 | |
| 11 | RIDDLE, JONATHAN – LVMPD P#9306 | |
| 12 | VALLES, AMBER – 7221 ROSE ST., LVN 89145 | |
| 13 | VALLES, LOUISE – 7221 ROSE ST., LVN 89145 | |
| 14 | CERBONI, JONATHAN – 7201 SKYTAIL AVE., LVN 89145 | |
| 15 | ABARZUA, ANGELA – 6813 ASHLAND DR., LVN 89145 | |
| 16 | COE, AMY – UNIVERSITY MEDICAL CENTER | |

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DA#08F00902X/mmw/SVU
LVMPD EV#0712141983
(TK9)


CLERK OF THE COURT

INFO

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
MARY KAY HOLTHUS
Chief Deputy District Attorney
Nevada Bar #003814
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

I.A. 02/19/08
9:00 A.M.
PD

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

EDWARD MICHAEL ADAMS,
#1969904

Defendant.

Case No: C241003
Dept No: V

I N F O R M A T I O N

STATE OF NEVADA }
COUNTY OF CLARK } ss.

DAVID ROGER, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That EDWARD MICHAEL ADAMS, the Defendant(s) above named, having committed the crimes of **FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165); BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 200.400, 193.165); SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165) and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210)**, on or about the 14th day of December, 2007, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace

1 and dignity of the State of Nevada,

2 COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

3 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,
4 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human
5 being, with the intent to hold or detain the said AMBER VALLES against her will, and
6 without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES
7 against her will, saying he has a gun and by tying her wrists and taping her mouth, said
8 defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

9 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A
10 DEADLY WEAPON

11 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
12 person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
13 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
14 arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm,
15 during the commission of said crime.

16 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE WITH USE OF A DEADLY WEAPON

18 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
19 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
20 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
21 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
22 have known, that the said AMBER VALLES was mentally or physically incapable of
23 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
24 weapon, to-wit: a firearm, during the commission of said crime.

25 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE WITH USE OF A DEADLY WEAPON

27 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
28 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:

1 digital penetration, by defendant inserting his penis into the genital opening of the said
2 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
3 have known, that the said AMBER VALLES was mentally or physically incapable of
4 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
5 weapon, to-wit: a firearm, during the commission of said crime.

6 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
7 AGE WITH USE OF A DEADLY WEAPON

8 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
9 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
10 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
11 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
12 have known, that the said AMBER VALLES was mentally or physically incapable of
13 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
14 weapon, to-wit: a firearm, during the commission of said crime.

15 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
16 AGE WITH USE OF A DEADLY WEAPON

17 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
18 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
19 digital penetration, by defendant inserting his penis into the genital opening of the said
20 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
21 have known, that the said AMBER VALLES was mentally or physically incapable of
22 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
23 weapon, to-wit: a firearm, during the commission of said crime.

24 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
25 AGE WITH USE OF A DEADLY WEAPON

26 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
27 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
28 digital penetration, by defendant inserting his finger(s) into the genital opening of the said

1 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
2 have known, that the said AMBER VALLES was mentally or physically incapable of
3 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
4 weapon, to-wit: a firearm, during the commission of said crime.

5 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE WITH USE OF A DEADLY WEAPON

7 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
8 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
9 digital penetration, by defendant inserting his penis into the genital opening of the said
10 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
11 have known, that the said AMBER VALLES was mentally or physically incapable of
12 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
13 weapon, to-wit: a firearm, during the commission of said crime.

14 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
15 AGE WITH USE OF A DEADLY WEAPON

16 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
17 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
18 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
19 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
20 have known, that the said AMBER VALLES was mentally or physically incapable of
21 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
22 weapon, to-wit: a firearm, during the commission of said crime.

23 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
24 AGE WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
26 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
27 digital penetration, by defendant inserting his penis into the genital opening of the said
28 AMBER VALLES, against her will, or under conditions in which defendant knew, or should

1 have known, that the said AMBER VALLES was mentally or physically incapable of
2 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
3 weapon, to-wit: a firearm, during the commission of said crime.

4 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE WITH USE OF A DEADLY WEAPON

6 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
7 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
8 anal penetration, by digital penetration, by inserting his finger(s) and/or penis and/or
9 unknown object into the anal opening of the said AMBER VALLES, against her will, or
10 under conditions in which Defendant knew, or should have known, that the said AMBER
11 VALLES was mentally or physically incapable of resisting or understanding the nature of
12 Defendant's conduct, said Defendant using a deadly weapon, to-wit: a firearm, during the
13 commission of said crime.

14 COUNT 12 - OPEN OR GROSS LEWDNESS

15 did then and there wilfully and unlawfully commit an act of open or gross lewdness
16 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

17 DAVID ROGER
18 DISTRICT ATTORNEY
Nevada Bar #002781

19
20 BY /s//MARY KAY HOLTHUS
21 MARY KAY HOLTHUS
22 Chief Deputy District Attorney
23 Nevada Bar #003814
24
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27
28

1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

| 3 | <u>NAME</u> | <u>ADDRESS</u> |
|----|--|----------------|
| 4 | MCPHAIL, RANDALL – LVMPD P#3326 | |
| 5 | RICHARDSON, VICTORIA – LVMPD P#4199 | |
| 6 | HUNTE, MICHAEL – LVMPD P#4538 | |
| 7 | DAVIS, JASMIN – LVMPD P#5163 | |
| 8 | JAEGER, RYAN – LVMPD P#5587 | |
| 9 | LEBARIO, GABRIEL – LVMPD P#5849 | |
| 10 | FRIED, JONATHAN – LVMPD P#8149 | |
| 11 | RIDDLE, JONATHAN – LVMPD P#9306 | |
| 12 | VALLES, AMBER – 7221 ROSE ST., LVN 89145 | |
| 13 | VALLES, LOUISE – 7221 ROSE ST., LVN 89145 | |
| 14 | CERBONI, JONATHAN – 7201 SKYTAIL AVE., LVN 89145 | |
| 15 | ABARZUA, ANGELA – 6813 ASHLAND DR., LVN 89145 | |
| 16 | COE, AMY – UNIVERSITY MEDICAL CENTER | |

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DA#08F00902X/mmw/SVU
LVMPD EV#0712141983
(TK9)

1 TRAN

2
3 ORIGINAL

4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

39
FILED
MAR 25 4 08 PM '10
CLERK OF THE COURT

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 EDWARD MICHAEL ADAMS,

12 Defendant.

CASE NO. C241003

DEPT. XVIII

(ARRAIGNMENT HELD IN DEPT. LLA)

13
14
15 BEFORE THE HONORABLE KEVIN V. WILLIAMS, HEARING MASTER
16 TUESDAY, FEBRUARY 19, 2008

17 **RECORDER'S TRANSCRIPT OF HEARING RE:**
18 **ARRAIGNMENT**

19 **APPEARANCES:**

20 For the State:

OWEN PORTERFIELD, ESQ.,
Chief Deputy District Attorney

21
22 For the Defendant:

JEFFREY S. MANINGO, ESQ.,
Deputy Public Defender

23
24
25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

RECEIVED

MAR 25 2010

CLERK OF THE COURT

1 TUESDAY, FEBRUARY 19, 2008

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: Adams, Case 241003.

6 MR. MANINGO: Good morning, Judge.

7 THE COURT: Good morning.

8 MR. MANINGO: Jeff Maningo on behalf of Mr. Adams, who is present in
9 custody. Mr. Adams is entering a not-guilty plea to all counts. We would waive the
10 reading of those counts.

11 THE COURT: Okay, and you do have a copy of the Information, right?

12 MR. MANINGO: I do.

13 THE COURT: Okay. What's your true name?

14 THE DEFENDANT: Edward Adams.

15 THE COURT: How old are you?

16 THE DEFENDANT: Twenty-five.

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

18 THE DEFENDANT: Twelfth grade.

19 THE COURT: Read, write, and understand the English language?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Understand what you're charged with?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: What's your plea?

24 THE DEFENDANT: Not guilty.

25 THE COURT: You have a right to a speedy trial within 60 days. Do you want

1 a speedy trial?

2 THE DEFENDANT: No.

3 THE COURT: Ordinary-course trial date.

4 THE CLERK: Calendar call is June 10th -- I'm sorry. Calendar call is June
5 17th, 8:30 a.m. Trial date is June 23rd, ten a.m., Department 5.

6 MR. MANINGO: Thank you.

7 (Proceedings concluded)

8 * * * * *

9
10 ATTEST: I do hereby certify that I have truly and correctly transcribed the
11 audio/video proceedings in the above-entitled case to the best of my ability.

12 
13 _____
14 Kiara Schmidt, Court Recorder/Transcriber
15
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25


CLERK OF THE COURT

NOTC
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CRAIG HENDRICKS
Chief Deputy District Attorney
Nevada Bar #004360
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

EDWARD MICHAEL ADAMS,
aka Edward Adams,
#1969904

Defendant.

CASE NO: C241003

DEPT NO: V

NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
[NRS 174.234]

TO: EDWARD MICHAEL ADAMS, aka Edward Adams, Defendant; and

TO: JEFFERY MANINGO, DPD, Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE
OF NEVADA intends to call the following witnesses/expert witnesses in its case in chief:

| <u>NAME</u> | <u>ADDRESS</u> |
|-------------------|------------------------------|
| ABARZUA, ANGELA | 6813 ASHLAND DR., LVN 89145 |
| CERBONI, JONATHAN | 7201 SKYTAIL AVE., LVN 89145 |
| COE, AMY | UNIVERSITY MEDICAL CENTER |

Will testify as a medical expert as to the
sexual assault examination, treatment,
observations and diagnosis of the victim in
the instant case.

| | | |
|----|----------------------------|---|
| 1 | COR or Designee | CCDC |
| 2 | COR or Designee | ELEVEN/ELEVEN APARTMENTS |
| 3 | | 1111 WARBONNET WAY, LVN 89117 |
| 4 | COR or Designee | LVMPD DISPATCH |
| 5 | DAVIS, JASMIN | LVMPD#5163 |
| 6 | FARNHAM, VICKI | LVMPD#7836 |
| 7 | | Will testify as an expert as to the collection, |
| 8 | | analysis and identification of fingerprint |
| 9 | | evidence. |
| 10 | FRIED, JONATHAN | LVMPD#8149 |
| 11 | HUNTE, MICHAEL | LVMPD#4538 |
| 12 | JAEGER, RYAN | LVMPD#5587 |
| 13 | KRUEGER, LINDA or Designee | LVMPD#1471 |
| 14 | | Will testify as a DNA expert as to the |
| 15 | | collection, analysis and identification of |
| 16 | | DNA evidence. |
| 17 | LEBARIO, GABRIEL | LVMPD#5849 |
| 18 | MCPHAIL, RANDALL | LVMPD#3326 |
| 19 | PARENT/GUARDIAN | |
| 20 | <i>LNU</i> , SIERRA | UNK |
| 21 | PROPERTY MANAGAER | ELEVEN/ELEVEN APARTMENTS |
| 22 | | 1111 WARBONNET WAY, LVN 89117 |
| 23 | RICHARDSON, VICTORIA | LVMPD#4199 |
| 24 | RIDDLE, JONATHAN | LVMPD#9306 |
| 25 | <i>LNU</i> , SIERRA | UNK |
| 26 | SMITH, BOBBY | LVMPD#4991 |
| 27 | VALLES, AMBER | 7221 ROSE ST., LVN 89145 |
| 28 | VALLES, LOUISE | 7221 ROSE ST., LVN 89145 |

1 These witnesses are in addition to those witnesses endorsed on the Information and
2 any other witness for which a separate Notice has been filed. The substance of each expert
3 witness testimony and copy of all reports made by or at the direction of the expert witness
4 has been provided in discovery.

5 A copy of each expert witness curriculum vitae, if available, is attached hereto.

6
7 DAVID ROGER
8 DISTRICT ATTORNEY
9 Nevada Bar #002781

10 BY 
11 CRAIG HENDRICKS
12 Chief Deputy District Attorney
13 Nevada Bar #004360

14 **CERTIFICATE OF FACSIMILE TRANSMISSION**

15 I hereby certify that service of NOTICE OF WITNESSES AND/OR EXPERT
16 WITNESSES, was made this 16th day of April, 2008, by facsimile transmission to:

17 JEFFERY MANINGO, DPD
18 FAX #366-9370

19 /s/ HOWARD CONRAD
20 Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 hjc/SVU

Curriculum Vitae
AMHERSTINA (AMY) V. COE
P.O. Box 35624
Las Vegas, NV 89133
(702) 501-0986
amycoellc@cox.net

EDUCATION

- 2004 **University of Nevada Las Vegas**
Las Vegas, Nevada
Masters of Science in Nursing
(emphasis on Family Nurse Practitioner)
- 2001 **University of Nevada Las Vegas**
Las Vegas, Nevada
Bachelor of Science in Nursing
- 1998 **Community College of Southern Nevada**
Las Vegas, Nevada
Associate of Applied Science Degree in Nursing
- 1995 **Community College of Southern Nevada**
Las Vegas, Nevada
Certified Nursing Assistant Certificate
- 1995 **Community College of Southern Nevada**
Las Vegas, Nevada
Emergency Medical Technician Basic & Intermediate
Training and Certification

EMPLOYMENT

- 1/06 **Sexual Assault Nurse Examiner – Adult Family Nurse
Practitioner**
- Respond to reports of sexual assault at local hospitals.
Conduct a physical assessment, including a pelvic
examination. Document and collect evidence, to include
photographs, DNA material, secretions and other debris.
Maintain a verified chain of evidence and collaborate with
law enforcement, medical staff and victim advocates.
Educate patients concerning sexually transmitted diseases,
pregnancy risks, behavioral risk factors, and refer for follow-
up care. Testify & in court proceedings as an Expert

AMHERSTINA (AMY) V. COE
Curriculum Vitae
Page - 1 -

Witness. Act as a Sexual Assault Nurse Examiner Preceptor for trainees.

11/01

Registered Nurse, Pediatric Intensive Care Unit

Monitor, evaluate and document patients' outcome and response to treatment, Administer medications and treatments. Obtain blood and other specimens for laboratory tests and perform standard diagnostic procedures. Collaborate with physicians, nurses and ancillary staff to ensure proper patient care. Develop and revise plans of care. Assess discharge needs and provide instructions regarding follow-up. Act as a Nursing Preceptor for students and trainees

5/99 – 11/01

Registered Nurse, Family Birth Care Center

Provide specialized care for post-partum patients and their newborn infants. Assess, plan, implement and evaluate patient care plans. Provide thorough education to mothers regarding their newborns. Supervise other nurses as a relief charge nurse. Assess discharge plans and provide referrals if needed. Act as a Nursing Preceptor for students and trainees.

1998-1999

Certified Nursing Assistant, Rancho Rehabilitation Center

Performed basic nursing and assistant restorative services for patients which involve safety, comfort, personal hygiene, basic mental health, protection of patients and patient rights under the direction of a licensed nurse.

CERTIFICATIONS

- Pediatric Acute Care Life Support (PALS)
- Adult Care Life Support (ACLS)
- Basic Life Support (BLS)

LANGUAGE SKILLS

- Tagalog (Philippines)

AMHERSTINA (AMY) V. COE
Curriculum Vitae
Page - 2 -

HONORS AND AWARDS

- Clark County Medical Society Alliance Nursing Scholarship, 2001
- The National Honor Society of Collegiate Scholars, 2001
- Awarded the Federal Traineeship Scholarship from Human Resources and Service
- Administration, Division of Nursing, August 2003

Statement of Qualifications

Name:

Page: 2

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 7-14-03

Name: Vicki Farnham P#: 7836 Classification: Latent Print Examiner I

Current Discipline of Assignment: Latent Prints

| EXPERIENCE IN THE FOLLOWING DISCIPLINE(S) | | | |
|--|-----------------------|--------------------------------------|-------------------------|
| Controlled Substances | | Blood Alcohol | |
| Toolmarks | | Breath Alcohol | |
| Trace Evidence | | Arson Analysis | |
| Toxicology | | Firearms | |
| Latent Prints | X | Crime Scene Investigations | X |
| Serology | | Clandestine Laboratory Response Team | |
| Document Examination | | DNA Analysis | |
| Quality Assurance | | Technical Support / | |
| EDUCATION | | | |
| <i>Institution</i> | <i>Dates Attended</i> | <i>Major</i> | <i>Degree Completed</i> |
| Leeward Community College | 1985 - 1986 | General Education | |
| Grossmont College | 1987 - 1988 | Criminal Justice evidence Technology | A.S. |
| ADDITIONAL TRAINING / SEMINARS | | | |
| <i>Course / Seminar</i> | <i>Location</i> | <i>Dates</i> | |
| 88 th International Association for Identification Educational Conference | Ottawa, Canada | 7/03 | |
| FW21 and LEXS Upgrade User Methods and Operations - NEC | Las Vegas, NV | 2/03 | |
| | | | |

Statement of Qualifications

Name:

Page: 2

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| ADDITIONAL TRAINING / SEMINARS | | |
|---|--------------------|--------------|
| <i>Course / Seminar</i> | <i>Location</i> | <i>Dates</i> |
| Civilian Orientation for Civilians | Las Vegas, NV | 1/03 |
| Driver's Training | Las Vegas, NV | 12/02 |
| LEXS AFIS Software | Las Vegas, NV | 12/02 |
| CPR & First Aid - American Medical Response | Las Vegas, NV | 11/02 |
| 3 rd Annual Educational Conference - Nevada State Division IAI | Las Vegas, NV | 4/01 |
| 1 st Annual Educational Conference - Nevada State Division IAI | Las Vegas, NV | 4/99 |
| Advanced Ridgeology Techniques IAI - Pat Wertheim | Nokesville, VA | 9/97 |
| Fingerprint Examiners' Seminar - Commonwealth of VA | Virginia Beach, VA | 5/97 |
| Educational Seminar - Chesapeake Bay Division of IAI | Virginia Beach, VA | 11/96 |
| Educational Seminar - Chesapeake Bay Division of IAI | Williamsburg, VA | 3/96 |
| 3 rd Annual Investigation for Identification Conference - Florida Association of Medical Examiners | Pensacola, FL | 9/95 |
| Latent Print Development Techniques - FBI | Hampton, VA | 1/95 |
| AFIS Users Training Session - Commonwealth of VA | Hampton, VA | 1/94 |
| Basic Investigation School - Hampton Roads Regional Academy of CJ | Hampton, VA | 8/93 |
| Advanced Palm Print Identification - Ron Smith, Mississippi Crime Lab | Williamsburg, VA | 7/93 |
| Fingerprint Examiners' Seminar - Commonwealth of VA | Virginia Beach, VA | 5/93 |
| Regional AFIS Seminar - Commonwealth of VA | Chesapeake, VA | 2/92 |
| Defensive Driving Course - City of Hampton | Hampton, VA | 9/91 |
| Fingerprint Examiners' Seminar - Commonwealth of VA | Virginia Beach, VA | 9/91 |
| Evidence Handling & Submission Seminar - | Hampton, VA | 6/91 |

Statement of Qualifications

Name:

Page: 2

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| ADDITIONAL TRAINING / SEMINARS | | |
|--|-----------------------------|------------------------|
| <i>Course / Seminar</i> | <i>Location</i> | <i>Dates</i> |
| Commonwealth of VA | | |
| Impression Evidence Seminar - Commonwealth of VA | Hampton, VA | 6/91 |
| Omnichrome 1000 Training - Omnichrome | Hampton, VA | 2/91 |
| Fingerprint Examiners' Seminar - Commonwealth of VA | Virginia Beach, VA | 5/90 |
| Bloodstain Pattern Workshop - Commonwealth of VA | Hampton, VA | 5/90 |
| American Institute of Applied Science - AIAS | Correspondence | 3/90 |
| Advanced Latent Fingerprint Techniques - FBI | Norfolk, VA | 1/90 |
| Fingerprint Classification - FBI | Hampton, VA | 12/89 |
| Crime Scene Photography Course - Commonwealth of VA | Richmond, VA | 8/89 |
| Identi-Kit System - Identi-Kit Co., Inc | Virginia Beach, VA | 8/89 |
| Collection & Preservation of Physical Evidence - FBI | Hampton, VA | 5/89 |
| Latent Print Tracing Techniques - State of CA | San Diego, CA | 9/88 |
| Internship / Forensic Photography & Fingerprinting - San Diego County Morgue | San Diego, CA | Spring 1988 |
| Fingerprint Science AOJ 148 - Grossmont College | El Cajon, CA | Fall 1987 |
| COURTROOM EXPERIENCE | | |
| <i>Court</i> | <i>Discipline</i> | <i>Number of Times</i> |
| Philadelphia, PA Federal Court | Crime Scene / Latent Prints | 1 |
| Norfolk, VA | Crime Scene / Latent Prints | 1 |
| Hampton General District Court | Latent Prints | ~ 20 |
| Hampton General District Court | Crime Scene | ~ 25 |
| Hampton Circuit Court | Latent Prints | ~ 20 |
| Hampton Circuit Court | Crime Scene | ~ 50 |

Statement of Qualifications

Name:

Page: 2

COURTROOM EXPERIENCE

| <i>Court</i> | <i>Discipline</i> | <i>Number of Times</i> |
|-------------------------------------|-------------------|------------------------|
| Hampton Juvenile Court | Latent Prints | ~ 20 |
| Hampton Juvenile Court | Crime Scene | ~ 25 |
| San Diego County | Latent Prints | 1 |
| Newport News General District Court | Latent Prints | ~ 3 |
| Newport News Circuit Court | Latent Prints | ~ 3 |

EMPLOYMENT HISTORY

| <i>Employer</i> | <i>Job Title</i> | <i>Date</i> |
|---|---------------------------------|---------------|
| Hampton Police Department / Hampton, VA | Forensic Technician | 4/89 to 10/98 |
| San Diego County Sheriff's Department | Fingerprint Examiner Technician | 6/88 to 2/89 |

PROFESSIONAL AFFILIATIONS

| <i>Organization</i> | <i>Date(s)</i> |
|--|-----------------|
| International Association of Identification Parent Body | 1992 to present |
| Nevada State Division of International Association of Identification | 1999 to present |
| Chesapeake Bay Division of International Association of Identification | 1992 to 1998 |

PUBLICATIONS / PRESENTATIONS:

| |
|------------------------------------|
| DNA Impact Presentation |
| AFIS Impact Presentation |
| ALS Impact Presentation |
| Vacuum Chamber Impact Presentation |

OTHER QUALIFICATIONS:

| |
|---|
| Certified Latent Print Examiner since 2/10/96 |
|---|

Statement of Qualifications
Name:
Page: 5

[FL 11/00]

Curriculum Vitae
LINDA KRUEGER
Las Vegas Metropolitan Police Department
Forensic Laboratory
Director of Laboratory Services
P# 1471

EMPLOYMENT

| | |
|----------------|---|
| 8/93 – Present | Las Vegas Metropolitan Police Department Director of Lab Services |
| 1988 – 1995 | University of Nevada at Las Vegas Guest lecturer/instructor |
| 8/77 – 8/93 | Las Vegas Metropolitan Police Department Criminalist |

DISCIPLINES

- Controlled Substances
- Trace Evidence –hairs
- Toxicology
- Serology
- Blood Alcohol

EDUCATION

| | |
|-------------|--|
| 9/76 – 6/77 | University of Pittsburgh Forensic Chemistry, M.S. |
| 9/72 – 5/76 | Thiel College, Greenville, PA Chemistry |

TRAINING/SEMINARS

| | |
|-------|--|
| 10/76 | Northeast Association of Forensic Scientists New York |
| 8/75 | Beckman Infrared Seminar Las Vegas |
| 2/77 | American Academy of Forensic Sciences San Diego |

L

LINDA KRUEGER
Curriculum Vitae
Page - 1 -

| | |
|------------------|---|
| 2/85, 2/89 | American Academy of Forensic Sciences Las Vegas |
| 2/91 | American Academy of Forensic Sciences Anaheim |
| 2/95 | American Academy of Forensic Sciences Seattle |
| 2/00 | American Academy of Forensic Sciences Reno, NV |
| 10/87 | California Association of Criminalists Irvine |
| 5/80 | Toxicology Workshop Orange County Sheriff's Office |
| 10/85 | Semen Identification Course Serological Research Institute, Emeryville, CA |
| 4/91 | Rofin Polilight Training Las Vegas |
| 3/92 | Isoelectric Focusing Analytical Genetic Testing Center, Inc., Denver, CO |
| 9/93, 9/95, 9/96 | American Society of Crime Lab Directors FBI FSRTC, Quantico, VA |
| 4/96 | CA Association Crime Lab Directors Las Vegas |
| 4/97 | CA Association of Crime Lab Directors San Diego, CA |
| 9/97 | American Society of Crime Lab Directors San Antonio, TX |
| 9/98 | American Society of Crime Lab Directors Memphis, TN |

L

LINDA KRUEGER
Curriculum Vitae
Page - 2 -

| | |
|-------|---|
| 9/00 | American Society of Crime Lab Directors Buffalo, NY |
| 12/01 | American Society of Crime Lab Directors Phoenix, AZ |
| 10/02 | American Society of Crime Lab Directors Tampa, FL |
| 10/03 | American Society of Crime Lab Directors St. Petersburg, FL |
| 6/99 | The National Forensic Science Technology Center Laboratory Auditing Course, Las Vegas, NV |
| 2/01 | American Academy of Forensic Science Seattle, WA |
| 5/02 | Convicted Offender Statute Meeting Reno, NV |
| 6/02 | Daubert Seminar sponsored by the American Board of Forensic Document Examiners, Las Vegas, NV |
| 9/02 | US Dept. of Justice / FBI / 30 th Annual Symposium on Crime Laboratory Development, St. Louis, MO |
| 10/02 | Why Things Go Right, Why Things Go Wrong; Ethical Decision Making, Las Vegas, NV |
| 11/02 | Employee Performance Support System Las Vegas, NV |
| 01/03 | Executive Development – LVMPD Las Vegas / Mesquite, NV |
| 04/03 | Forensic Approaches to Mass Disasters / CAC/NWAFS Meeting, Reno, NV |
| 3/04 | <i>What You Need to Know About Public Records and Open Meetings</i> - Lorman Education Services, Las Vegas, NV |
| 6/04 | Forensic Epidemiology / Southern Nevada Area Health Education Center, Las Vegas, NV |

L

LINDA KRUEGER
Curriculum Vitae
Page - 3 -

| | |
|-------|--|
| 2/05 | American Academy of Forensic Sciences New Orleans, LA |
| 6/05 | Culture Training: Arabs, Muslims and Sikhs Las Vegas, NV |
| 10/05 | ASCLD Meeting and Workshops Phoenix, AZ |
| 10/05 | National Incident Management System (NIMS) an Introduction, Las Vegas, NV |

COURTROOM EXPERIENCE

Qualified as an Expert Witness over 300 times.

- Clark County District Court, All above disciplines
- Justice Court of Las Vegas Township, Clark County, Nevada, All above disciplines
- Municipal Court of Las Vegas, Blood Alcohol, Controlled Substances
- Municipal Court of Henderson, Blood Alcohol
- Municipal Court of Boulder City, Blood Alcohol
- Justice Court of Beatty, Nye County, Nevada, Blood Alcohol, Controlled Substances and Serology
- Nye County District Court, Controlled Substances
- United States Federal Court, Blood Alcohol , Controlled Substances and Serology
- Nellis A.F.B. Adjutant General's Office, Serology, Controlled Substances

PROFESSIONAL AFFILIATIONS

| | |
|----------------|---|
| 1996 – Present | Northwest Association of Forensic Scientists |
| 1995 – Present | California Association of Crime Lab Directors |
| 1994 – Present | American Society of Crime Lab Directors |
| 1987 – Present | California Association of Criminalists |
| 1986 – Present | American Academy of Forensic Sciences |

L

LINDA KRUEGER
Curriculum Vitae
Page - 4 -

PUBLICATIONS/PRESENTATIONS

- “Detection of Drugs in Bloodstains, II: Morphine” *Journal of Forensic Science*, Vol 25, No. 2, April 1980.
- “Victims, Suspects, and Aids” California Association of Crime Lab Directors 1/1990
- “DNA: Meaningful - Not Magical” Western States Sexual Assault Seminar, May, 1991.

OTHER QUALIFICATIONS

- Governor’s Committee on Testing for Intoxication, member, 1984, 1993 → present
- Technical Working Group on Education and Training in Forensic Sciences, member, July 01 - August 02
- American Society of Crime Lab Directors / Laboratory Accreditation Board, Delegate Assembly Member, July 2003 - present.
- American Society of Crime Lab Directors, Management Survey Committee Member (97); Nominating Committee Member (99); Membership Committee (99); Board of Directors 2000 - 2003.

ORIGINAL

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MAR 17 2 51 PM '10

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

EDWARD MICHAEL ADAMS,

Defendant.

CASE #: C241003

DEPT. V

BEFORE THE HONORABLE JACKIE GLASS, DISTRICT COURT JUDGE
TUESDAY, JUNE 10, 2008

**TRANSCRIPT OF PROCEEDINGS
CALENDAR CALL**

APPEARANCES:

For the State:

CRAIG L. HENDRICKS, ESQ.
Deputy District Attorney

For the Defendant:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

RECORDED BY: RACHELLE HAMILTON, Court Recorder

RECEIVED
MAR 17 2010
CLERK OF THE COURT

1 TUESDAY, APRIL 10, 2008; 8:58 A.M.

2
3 THE COURT: Also on page 4 on Adams. I saw -- there he is, Mr. Hendricks.

4 MR. HENDRICKS: I'm here. Thanks, Judge.

5 THE COURT: What are we doing? It's on for calendar call. Where's Mr.
6 Adams?

7 MR. MANINGO: He's in custody here.

8 THE DEFENDANT: I'm here, Your Honor.

9 THE COURT: Great. What are we doing?

10 MR. MANINGO: We're asking for a continuance, Judge. I just filed a motion
11 yesterday. I'm sure it probably hasn't made it over yet so I did fax over a copy of
12 the motion and I also called Elana and let her know what our intentions were. Mr.
13 Hendricks agrees to the continuance.

14 We don't have a preliminary hearing transcript. We don't have DNA test
15 results back. We are missing quite a few essentials, both sides.

16 THE COURT: Okay, so how long do you think you need?

17 MR. MANINGO: We looked at our collective calendars and I think we've
18 agreed on any time in October if that's acceptable to the Court.

19 THE COURT: Sure.

20 COURT CLERK: The 13th.

21 THE COURT: How's that?

22 MR. MANINGO: That's fine.

23 COURT CLERK: It'll be October 13th at 10 a.m. for jury trial. Calendar call
24 October 7th at 8:30.

25 THE COURT: All right, thank you.

1 MR. HENDRICKS: Thank you, Judge.

2 MR. MANINGO: Thank you.

3 THE COURT: The trial's vacated.

4
5 [Proceeding concluded at 8:59 a.m.]
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20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio/video recording in the above-entitled case to the best of my ability.

22 
23 RACHELLE HAMILTON
24 Recorder/Transcriber
25

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FILED

2008 OCT -6 P 3:59

CLERK OF THE COURT

0026
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

EDWARD ADAMS,
Defendant.

CASE NO. ~~08100902X~~

DEPT. NO. 5

DATE: October 9, 2008
TIME: 9:00 a.m.

MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, EDWARD ADAMS, by and through his attorney, Jeff Maningo, Deputy Public Defender, and respectfully moves this court for an order vacating the October 13, 2008 trial date and requesting a new trial setting on a date convenient to the court.

This Motion is made based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 5th day of October, 2008.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By Jeff Maningo
JEFF MANINGO, #8845
Deputy Public Defender

CLERK OF THE COURT

OCT - 6 2008

RECEIVED

DECLARATION

JEFF MANINGO makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. Mr. Adams is charged with Kidnapping with Use of a Deadly Weapon, Sexual Assault of a Minor Under Fourteen Years of Age, Lewdness with a Minor Under Fourteen Years of Age, and Open or Gross Lewdness.

3. In the police reports, at least one witness states the contact between Defendant and alleged victim is contrary to what has been described by the alleged victim. However, no contact information is provided for this witness and our investigator is still attempting to find this witness. Another witness contacted by police, by the name of Seth Goldberg, matches the defendants physical description. Mr. Goldberg, however, is transient.

4. Also, DNA results have recently been received, but there has not been sufficient time for the defense to have our own expert examine the results and testing procedures.

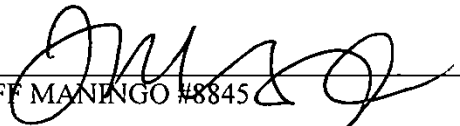
5. All of this discovery and potential evidence is crucial to effectively preparing for trial in this matter.

6. The prosecution, specifically Mr. Hendrix, has no objection to a continuance.

7. This Motion is being made in good faith and not for the purpose of unnecessary delay.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 5th day of October, 2008.


JEFF MANINGO #8845

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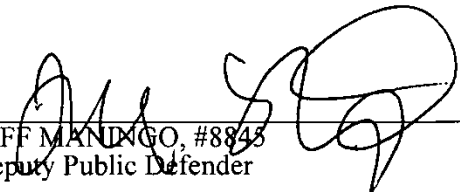
NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Continue Trial
Date will be heard on October 7 at 9:00 a.m. in Department No. 5 of the District Court.

DATED this 5th day of October, 2008.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
JEFF MANDINGO, #8843
Deputy Public Defender

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Motion to Continue Trial Date is
hereby acknowledged this 6 day of October, 2008.

CLARK COUNTY DISTRICT ATTORNEY

By 

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CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 EDWARD MICHAEL ADAMS,

13 Defendant.

CASE #: C241003

DEPT. V

14
15 BEFORE THE HONORABLE JACKIE GLASS, DISTRICT COURT JUDGE
16 TUESDAY, OCTOBER 7, 2008

17 **TRANSCRIPT OF PROCEEDINGS**
18 **CALENDAR CALL**

19 **APPEARANCES:**

20 For the State:

CRAIG L. HENDRICKS, ESQ.
Deputy District Attorney

22 For the Defendant:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

24
25 RECORDED BY: RACHELLE HAMILTON, Court Recorder

RECEIVED
MAR 17 2010
CLERK OF THE COURT

1 TUESDAY, OCTOBER 7, 2008; 9:34 A.M.

2
3 THE COURT: Who's on Adams on page 3? Mr. Maningo?

4 MR. MANINGO: Thanks, Judge.

5 THE COURT: He's present in custody. It's on for calendar call.

6 MR. MANINGO: I think the Court should probably have a motion in the file
7 that I sent over yesterday to continue.

8 MR. HENDRICKS: He didn't even need to file one. It's -- we're agreeing with
9 the continuance. I know the Court's very, very busy and out of town, so.

10 MR. MANINGO: That's correct, and what we're proposing to do, Judge, is set
11 it over for two weeks on October 28th for a status check on negotiations because
12 there's still --

13 THE COURT: Can't do -- well is somebody hearing my calendar?

14 COURT CLERK: Yes.

15 THE COURT: Okay, I'm not here --

16 MR. MANINGO: Okay.

17 THE COURT: -- for a while but we can put it on the 28th for status check on --

18 MR. MANINGO: And then if we can work something out I'm sure -- if not we'll
19 set the trial date on that day.

20 THE COURT: That'd be fine.

21 MR. MANINGO: Great.

22 MR. HENDRICKS: Thank you, Judge.

23 COURT CLERK: It'll be October 28th at 8:30.

24 THE COURT: No problem.

25 MR. MANINGO: Thank you.

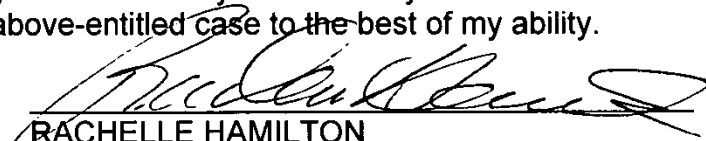
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THE COURT: Okay, thanks.

MR. HENDRICKS: Thanks.

[Proceeding concluded at 9:35]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.


RACHELLE HAMILTON
Recorder/Transcriber

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Ann M. Quinn
CLERK COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

EDWARD MICHAEL ADAMS,

Defendant.

CASE #: C241003

DEPT. V

BEFORE THE HONORABLE JAMES BRENNAN, SENIOR DISTRICT COURT
JUDGE

TUESDAY, OCTOBER 28, 2008

TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING

APPEARANCES:

For the State:

JOHN FATTIG, ESQ.
MARY KAY HOLTHUS, ESQ.
Deputy District Attorneys

For the Defendant:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

RECORDED BY: RACHELLE HAMILTON, Court Recorder

MAR 17 2010
OFFICE OF THE COURT

1 TUESDAY, OCTOBER 28, 2008; 8:52 A.M.

2
3 THE COURT: Bottom of four, 241003, State versus Edward Adams.

4 MR. MANINGO: Jeff Maningo on behalf of Mr. Adams, who is present in
5 custody. I think we're waiting on the special team DA.

6 MR. FATTIG: We are, Judge.

7 [Matter continued at 8:52 a.m.]

8 [Matter recalled at 8:58 a.m.]

9 THE COURT: 241003, State versus Edward Adams.

10 MR. MANINGO: Judge, this was settled for status check on negotiations. It
11 has now been negotiated and we just need to reset the trial date. I spoke with
12 counsel and I think if it's agreeable with the Court's calendar we're looking at early
13 April.

14 THE COURT: All right, your client's waived the 60-day rule, right?

15 MR. MANINGO: Yes.

16 THE COURT: And show the presence of counsel and the Defendant.

17 MS. HOLTHUS: Judge, the only caveat is Mr. Hendricks is on this as well and
18 if for some reason whatever date you pick today doesn't work we'll put it on quickly
19 to move it, if that's okay.

20 THE COURT: Okay.

21 MR. MANINGO: And that'll be fine with us.

22 MS. HOLTHUS: Thanks.

23 COURT CLERK: Do you want early April?

24 MR. MANINGO: That's what we've discussed.

25 COURT CLERK: April 6th at 10 a.m. for jury trial. March 31st at 8:30 for

1 calendar call.

2 MS. HOLTHUS: Thank you.

3 MR. MANINGO: Thank you.

4 THE COURT: Okay.

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[Proceeding concluded at 8:59 a.m.]

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17 ATTEST: I do hereby certify that I have truly and correctly transcribed the
18 audio/video recording in the above-entitled case to the best of my ability.

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RACHELLE HAMILTON

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Recorder/Transcriber

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

EDWARD MICHAEL ADAMS,

Defendant.

CASE NO. C241003

DEPT. XVII

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

TUESDAY, MARCH 31, 2009

**RECORDER'S TRANSCRIPT OF HEARING RE:
CALENDAR CALL**

APPEARANCES:

For the State:

CRAIG L. HENDRICKS, ESQ.,
Deputy District Attorney

For the Defendant:

JEFFREY S. MANINGO, ESQ.,
Deputy Public Defender

RECORDED BY: MICHELLE L. RAMSEY, COURT RECORDER

MAR 25 2010

1 LAS VEGAS, NEVADA; TUESDAY, MARCH 31, 2009

2 [Proceeding commenced at 7:58 a.m.]

3
4 THE COURT: All right. C241003, State of Nevada versus Edward Adams.
5 Mr. Adams is present in custody with Mr. Maningo. Mr. Hendricks for the State.
6 Time set for Calendar Call. I did meet with counsel in Chambers and there's some
7 outstanding discovery; is that correct?

8 MR. MANINGO: That's correct, Judge. And so we are requesting a
9 continuance and set it in the ordinary course.

10 THE COURT: Was this a joint request or one-sided request?

11 MR. HENDRICKS: It is, Judge. I know Mr. Maningo filed the motion to
12 continue, but actually I need a continuance also for the record. And I appreciate you
13 pointing that out, Judge.

14 THE COURT: All right. We'll vacate the trial date. And how long is this trial
15 scheduled to take?

16 MR. MANINGO: I would say a week. We do mornings?

17 THE COURT: Yes. We start at 9:30.

18 MR. MANINGO: Then --

19 THE COURT: We typically do.

20 MR. MANINGO: -- I would say it would take a week.

21 MR. HENDRICKS: I agree with that, Judge.

22 THE COURT: All right.

23 THE CLERK: How's the month of August? Any time during the month of
24 August? Any week better than the other?

25 MR. HENDRICKS: I think early --

1 THE CLERK: October?

2 MR. HENDRICKS: -- October maybe even better.

3 THE CLERK: Okay.

4 MR. MANINGO: Yeah, that makes more sense.

5 THE CLERK: Okay. Okay, your Calendar -- how about October 26th?

6 MR. MANINGO: That looks fine. Is that the trial date?

7 [Off road discussions]

8 THE CLERK: It's a four-day week. I can get you October 27th

9 [indecipherable].

10 MR. MANINGO: That's fine.

11 MR. HENDRICKS: That is.

12 THE CLERK: Okay. October 27th, 8 a.m. is your Calendar Call. November
13 2nd, 10 a.m. is your trial date.

14 MR. HENDRICKS: Thank you, Judge.

15 THE COURT: All right. We'll see you back.

16 MR. HENDRICKS: Thank you, Ms. Clerk.

17 THE COURT: All right.

18 MR. MANINGO: Thank you.

19 THE COURT: Thank you.

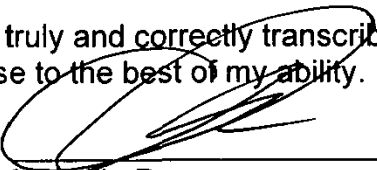
20 [Proceeding concluded at 8:00 a.m.]

21 * * * * *

22 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/video
23 proceedings in the above-entitled case to the best of my ability.

24

25


Michelle Ramsey
Court Recorder/Transcriber

ORIGINAL

ll

1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0556
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
5 (702) 455-4685
6 Attorney for Defendant

FILED
OCT 21 2009
Clerk of Court

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8 Plaintiff,
9 v.
10 EDWARD MICHAEL ADAMS,
11 Defendant.

CASE NO. C241003

DEPT. NO. XVII

DATE: October 27, 2009
TIME: 8:00 a.m.
8/15

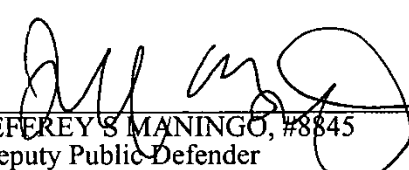
13 DEFENDANT'S MOTION TO DISMISS BASED UPON THE STATE'S FAILURE TO
14 PRESERVE EXCULPATORY EVIDENCE, AND MOTION TO DISMISS DUE TO
15 THE STATE'S FAILURE TO PROVIDE BRADY MATERIAL

16 COMES NOW, the Defendant, EDWARD ADAMS, by and through JEFF MANINGO,
17 Deputy Public Defender and hereby moves the court to dismiss the case based upon the State's
18 failure to preserve material evidence, and provide, pursuant to law, Brady material.

19 This Motion is made and based upon all the papers and pleadings on file herein, the
20 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

21 DATED this 20 day of October, 2009.

22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

24 By: 
25 JEFFREY S. MANINGO, #8845
26 Deputy Public Defender

27 DEPARTMENT XVII
28 NOTICE OF HEARING
DATE 10/27/09 TIME 8:15 am
APPROVED BY EP

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OCT 21 2009
CLERK OF THE COURT

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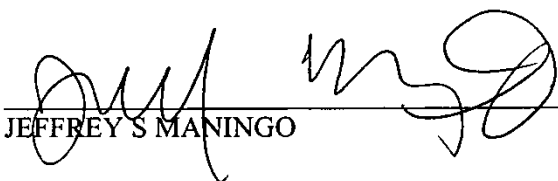
DECLARATION

JEFFREY S MANINGO makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 17 day of October, 2009.


JEFFREY S MANINGO

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1 Nev. 399, 407, 812 P.2d 1279, 1287 (1991); citing Sparks v. State, 104 Nev. 316, 759 P.2d 180
2 (1988).

3 A defendant can establish a due process violation when the state loses or destroys
4 evidence by demonstrating either “(1) that the state lost or destroyed the evidence in bad faith, or
5 (2) that the loss unduly prejudiced the defendant’s case and the evidence possessed an exculpatory
6 value that was apparent before the evidence was destroyed.” Sheriff v. Warner, 112 Nev. 1234,
7 1239-40, 926 P.2d 775, 778 (1996); citing State v. Hall, 105 Nev. 7, 9, 768 P.2d 349, 350 (1989).

8 **a. The State’s failure to provide access to this exculpatory witness was a result of**
9 **bad faith because the police have an affirmative duty to properly preserve and**
10 **document evidence as a result of their investigation.**

11 “Bad faith” can either be intentional deception or dishonesty, or an intentional
12 failure to meet an obligation or duty. Here, the police who responded to the alleged crime scene
13 and who retrieved the lap-top computer had a duty to impound the computer as it was evidence of
14 the alleged crime of robbery. The police turned over the lap-top to the alleged victim immediately
15 after it was recovered. As such, any forensic evidence, or lack thereof, that was on the computer is
16 now forever lost.

17 Additionally, a defendant has a right, pursuant to Nevada statute, to inspect
18 evidence of a crime. See NRS 174.235. It is axiomatic that the right to inspect evidence means
19 nothing if the State intentionally fails to meet its obligation to secure the evidence. Due to the
20 elapsed time since this crime was alleged, locating a witness, even if given information now, is
21 much more difficult if not impossible.

22 **b. Even if the loss or destruction of evidence was not due to bad faith, the**
23 **defendant has nevertheless suffered prejudice because the exculpatory**
24 **statements made by the witness are arguably hearsay, and the defense cannot**
25 **locate an unidentified witness to testify at trial.**

26 To establish prejudice, a defendant “must show that it could be reasonably
27 anticipated that the evidence would have been exculpatory and material to the defense.”
28 Mortensen v. State, 115 Nev. 273, 284, 986 P.2d 1105, 1112 (1999); quoting Leonard v. State, 114
Nev. 639, 654, 958 P.2d 1220, 1232 (1998)(citing Boggs v. State, 95 Nev. 911, 913, 604 P.2d 107,

1 108 (1970)). "Mere assertions by defense counsel that an examination of the evidence will
2 potentially reveal exculpatory evidence does not constitute a sufficient showing of prejudice."
3 Warner, 112 Nev. at 1242, 926 P.2d at 779.

4 Here, it is undisputed that Detective Lebario was first aware of the alleged victim's
5 story regarding the forcible kidnap, and later found out from the unidentified witness that the
6 accuser's story was being contradicted. The mystery witness was obviously beneficial to the
7 defense in this case, showing that the accuser was inconsistent, and that the contact between Mr.
8 Adams and the alleged victim was consensual.

9 II. The State continues to violate Brady, and its progeny, by not providing the
10 defense with information concerning the identification or whereabouts of this
11 essential defense witness.

12 "[T]he suppression by the prosecution of evidence favorable to an accused upon
13 request violates due process where the evidence is material either to guilt or to punishment,
14 irrespective of the good faith or bad faith of the prosecution." Brady v. Maryland, 373 U.S. 83, 87
15 (1963). The Nevada Supreme Court has held, "Brady and its progeny require a prosecutor to
16 disclose evidence favorable to the defense when the evidence is material to either guilt or
17 punishment." Mazzan v. Warden, 116 Nev. 48, 66, 993 P.2d 25, 34 (2000). Additionally,
18 "[e]vidence must also be disclosed if it provides grounds for the defense to attack the reliability,
19 thoroughness, and good faith of the police investigation, to impeach the credibility of the state's
20 witness, or to bolster the defense case against prosecutorial attacks." Id. at 67, 993 P.2d at 37
21 (citing Kyles v. Whitley, 514 U.S. 419, 439-40 (1995)). Lastly, evidence need not be
independently admissible to be material. Mazzan, 116 Nev. at 67, 993 P.2d at 37 (quoting
Carriger v. Stewart, 132 F.3d 463, 481 (9th Cir. 1997)).

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CONCLUSION

Based upon the foregoing, Mr. Adams respectfully requests that this court dismiss the case based upon the State's failure to preserve evidence, or based upon the State's refusal to provide Brady material. In the alternative, Mr. Adams requests this court admit evidence of the hearsay statements and provide the defense with a specific jury instruction regarding spoliation of the evidence.

DATED this 20 day of October, 2009.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 
JEFFREY S. MANINGO, #8845
Deputy Public Defender

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the
above and foregoing Motion on for hearing before the Court on the 27th day of October, 2009, at
8:00 a.m.

DATED this 27 day of October, 2009.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

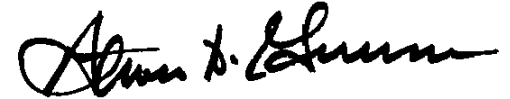
By: 
JEFFREY S. MANINGO, #8845
Deputy Public Defender

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing DEFENDANT'S MOTION TO
DISMISS BASED UPON THE STATE'S FAILURE TO PRESERVE EXCULPATORY
EVIDENCE, AND MOTION TO DISMISS DUE TO is hereby acknowledged this 21 day of
October, 2009.

CLARK COUNTY DISTRICT ATTORNEY

By: 



CLERK OF THE COURT

1 **NOTC**
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 CRAIG HENDRICKS
6 Chief Deputy District Attorney
7 Nevada Bar #004360
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 EDWARD MICHAEL ADAMS,
13 aka Edward Adams,
14 #1969904

15 Defendant.

CASE NO: C241003

DEPT NO: V

16 SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
17 [NRS 174.234]

18 TO: EDWARD MICHAEL ADAMS, aka Edward Adams, Defendant; and

19 TO: JEFFERY MANINGO, Deputy Public Defender, Counsel of Record:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
21 NEVADA intends to call the following witnesses/expert witnesses in its case in chief:

22 ***Indicates an additional witness**

23 NAME

24 ADDRESS

25 ABARZUA, ANGELA

6813 ASHLAND DR., LVN 89145

26 CERBONI, JONATHAN

7201 SKYTAIL AVE., LVN 89145

27 COE, AMY

UNIVERSITY MEDICAL CENTER

28 Will testify as a medical expert as to the

sexual assault examination, treatment,

observations and diagnosis of the victim in

| | | |
|----|----------------------------|---|
| 1 | | the instant case. |
| 2 | COR or Designee | CCDC |
| 3 | COR or Designee | ELEVEN/ELEVEN APARTMENTS |
| 4 | | 1111 WARBONNET WAY, LVN 89117 |
| 5 | COR or Designee | LVMPD DISPATCH |
| 6 | DAVIS, JASMIN | LVMPD#5163 |
| 7 | FARNHAM, VICKI | LVMPD#7836 |
| 8 | | Will testify as an expert as to the collection, |
| 9 | | analysis and identification of fingerprint |
| 10 | | evidence. |
| 11 | FRIED, JONATHAN | LVMPD#8149 |
| 12 | *GAUTHIER, KELLIE | LVMPD P#8691 |
| 13 | | Will testify as a DNA expert as to the |
| 14 | | collection, analysis and identification of |
| 15 | | DNA evidence. |
| 16 | HUNTE, MICHAEL | LVMPD#4538 |
| 17 | JAEGER, RYAN | LVMPD#5587 |
| 18 | *JOSEPH, SHAYLA | LVMPD P#8178 |
| 19 | KRUEGER, LINDA or Designee | LVMPD#1471 |
| 20 | | Will testify as a DNA expert as to the |
| 21 | | collection, analysis and identification of |
| 22 | | DNA evidence. |
| 23 | LEBARIO, GABRIEL | LVMPD#5849 |
| 24 | *MARTIN, JENNIFER | 1909 SAND DOLLAR DR., |
| 25 | | MARYVILLE, CA |
| 26 | MCPHAIL, RANDALL | LVMPD#3326 |
| 27 | PARENT/GUARDIAN | |
| 28 | LNU, SIERRA | UNK |

ELEVEN/ELEVEN APARTMENTS

1111 WARBONNET WAY, LVN 89117

LVMPD#4199

LVMPD#9306

UNK

LVMPD#4991

7221 ROSE ST., LVN 89145

7221 ROSE ST., LVN 89145

These witnesses are in addition to those witnesses endorsed on the Information and any other witness for which a separate Notice has been filed. The substance of each expert witness testimony and copy of all reports made by or at the direction of the expert witness has been provided in discovery.

A copy of each expert witness curriculum vitae, if available, is attached hereto.

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

BY

Craig Hendricks
CRAIGHENDRICKS
Chief Deputy District Attorney
Nevada Bar #004360

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of NOTICE OF WITNESSES AND/OR EXPERT WITNESSES, was made this 21st day of October, 2009, by facsimile transmission to:

JEFFERY MANINGO, DPD
FAX #366-9370

/s/ HOWARD CONRAD
Secretary for the District Attorney's Office

mmw/SVU

Curriculum Vitae
Kellie M. (Wales) Gauthier
Las Vegas Metropolitan Police Department
Forensic Laboratory
P#: 8691 Criminalist - DNA / Biology

EMPLOYMENT

| | |
|----------------|--|
| 5/05 - Present | Las Vegas Metropolitan Police Department Criminalist I |
| 8/03 - 5/05 | Florida Dept. of Law Enforcement Forensic Technologist |

EDUCATION

| | |
|-------------|--|
| 8/98 - 5/02 | University of West Florida B.S., Biology |
|-------------|--|

EXPERIENCE

- Controlled Substances Blood Alcohol
- Tool marks Breath Alcohol
- Trace Evidence Arson Analysis
- Toxicology Firearms
- Latent Prints Crime Scene Investigations
- Serology X Clandestine Laboratory Response Team
- Document Examination DNA Analysis X
- Quality Assurance Technical Support / DNA X

ADDITIONAL TRAINING / SEMINARS

| | |
|-------|---|
| 06/06 | Bode Advanced DNA Technical Workshop Captiva Island, FL |
| 06/06 | Bode Meeting - "Presenting Statistics in the Courtroom" Captiva Island, FL |
| 06/06 | Differential Extraction Las Vegas, NV |

KELLIE M. (WALES) GAUTHIER
Curriculum Vitae
Page - 1 -

| | |
|------|--|
| 5/06 | Serological Techniques and DNA Screening - Colleen Proffitt, MFS, Las Vegas, NV |
| 2/06 | American Academy of Forensic Sciences 58th Annual Meeting, Seattle, WA |
| 8/05 | National Incident Management System (NIMS) an Introduction Las Vegas, NV |
| 7/05 | Drivers Training II Las Vegas, NV |
| 9/04 | Future Trends in Forensic DNA Technology – Applied Biosystems Orlando, FL |
| 9/04 | Southern Association of Forensic Scientists (SAFS) -Paternity Index DNA Statistics Orlando, FL |
| 7/04 | Forensic Epidemiology - Joint Training for Law Enforcement Hazardous Materials and Public Health Officials on Investigative Response to Bio-terrorism Orlando, FL |
| 4/04 | Forensic Technology Training - Florida Department of Law Enforcement Orlando, FL |
| 3/04 | Biology Discipline Meeting Tampa, FL |
| 9/03 | Future Trends in Forensic DNA Technology – Applied Biosystems Orlando, FL |

COURTROOM EXPERIENCE

Court Discipline Number of
Times

Jane Everitt

From: Jeffrey Maningo
Sent: Thursday, October 22, 2009 1:37 PM
To: Jane Everitt
Subject: RE: witness list

Una Joy Williams

Jane: DA finally looked at detective notes and thinks they found our unidentified black male. See if you can contact him, however, the information is two years old.

Andre Randle
D.O.B. 8-16-91
508-7218
1111 Warbonnet Way #162 89117

*10/22
1403 hrs. N.G.*

-----Original Message-----

From: Jane Everitt
Sent: Tue 10/20/2009 4:47 PM
To: Anita Harrold; Jeffrey Maningo
Subject: witness list

*Una Joy Williams
lives there w/husband
Same px- No good. No kids @ apt.*

Anita,

Jeff asked me to send you a witness list for the Edward Adams case (C241003). The names are as follows:

Lori Galloway 2630 Wyandotte St. Apt #6, LVN 89102
Tom Galloway same address
Jamie Galloway same address
Breanna Galloway same address
Daneil Irish same address
Mark Alberti 6753 Carrera Dr., LVN 89103

Thank you,

Jane

1 TRAN

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CLERK

CURT

4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 EDWARD MICHAEL ADAMS,

12 Defendant.
13
14

) CASE NO. C241003

) DEPT. XVII

15 BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

16 TUESDAY, OCTOBER 27, 2009

17 **RECORDER'S TRANSCRIPT OF HEARING RE:**
18 **ALL PENDING MOTIONS**

19 APPEARANCES:

20 For the State:

21 CRAIG L. HENDRICKS, ESQ.,
22 RICHARD H. SCOW, ESQ.,
Deputy District Attorneys

23 For the Defendant:

24 JEFFREY S. MANINGO, ESQ.,
Deputy Public Defender

25 RECORDED BY: MICHELLE L. RAMSEY, COURT RECORDER

RECEIVED
MAR 25 2011
CLERK OF THE COURT

1 LAS VEGAS, NEVADA; TUESDAY, OCTOBER 27, 2009

2 [Proceeding commenced at 8:55 a.m.]

3
4 THE COURT: 241003, Edward Adams. Mr. Adams is present in custody.

5 MR. MANINGO: Jeff Maningo on behalf of Mr. Adams' behalf.

6 MR. HENDRICKS: Good morning, Judge. Craig Hendricks and Richard
7 Scow on behalf of the State.

8 THE COURT: Time set for Calendar Call; is this matter ready to go to trial?

9 MR. HENDRICKS: It is, Judge.

10 MR. MANINGO: We are ready, Judge.

11 THE COURT: How many days?

12 MR. HENDRICKS: At least four. I anticipate approximately 15 State
13 witnesses with several out-of-state witnesses.

14 MR. MANINGO: And we also have probably 4 to 5 witnesses.

15 THE COURT: If I send it to overflow, it's got to be completed in 1 week.

16 MR. HENDRICKS: I think we can.

17 MR. MANINGO: I don't know. I mean --

18 MR. HENDRICKS: If it's a fast Judge. If it was in here, yeah we'd be done
19 with it, but if it's --

20 MR. MANINGO: I don't know that we can guarantee a week, so -- and
21 especially if we have out-of-state witnesses.

22 THE COURT: Well, that's no longer an issue on overflow, but we'll send you
23 over there and we'll have Kristen make a note that we need to have it completed in
24 5 days. So someone's going to have to give you -- a Judge that picks up the case is
25 going to have full trial days.

1 THE CLERK: That'll be October 29th, 9 a.m., Department 18. What about the
2 motions to dismiss?

3 MR. MANINGO: Oh, Judge, the defense is actually withdrawing that motion.
4 I spoke with Mr. Hendricks and we have come to an agreement regarding the
5 witness at issue and getting some leeway during the cross-examination regarding
6 that witness -- during the cross-examination of the detective.

7 MR. HENDRICKS: We'll come up with an agreement on what the detectives
8 can state in regards to what that witness would have stated because he hasn't been
9 located yet.

10 THE COURT: All right.

11 MR. HENDRICKS: So we'll work around it.

12 THE COURT: Okay.

13 MR. HENDRICKS: We'll be fine.

14 MR. MANINGO: That's correct.

15 THE COURT: All right. Thank you.

16 MR. HENDRICKS: Thanks, Judge.

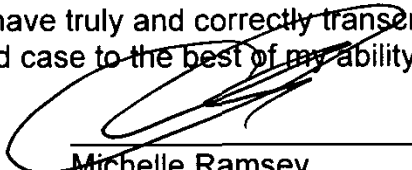
17 THE COURT: You're welcome.

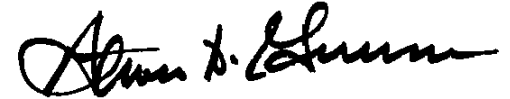
18 THE CLERK: Thursday at 9 a.m. in Department 18 for overflow.

19 [Proceeding concluded at 8:57 a.m.]

20 * * * * *

21
22 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/video
23 proceedings in the above-entitled case to the best of my ability.

24 
25 Michelle Ramsey
Court Recorder/Transcriber



CLERK OF THE COURT

1 **AINF**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **CRAIG HENDRICKS**
6 Chief Deputy District Attorney
7 Nevada Bar #004630
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 EDWARD MICHAEL ADAMS,
14 #1969904

15 Defendant.

Case No: C241003

Dept No: V

AMENDED
INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 DAVID ROGER, District Attorney within and for the County of Clark, State of
19 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That EDWARD MICHAEL ADAMS, the Defendant(s) above named, having
21 committed the crimes of **FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY**
22 **WEAPON (Felony - NRS 200.310, 200.320, 193.165); BATTERY WITH INTENT TO**
23 **COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 200.400,**
24 **193.165); SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF**
25 **AGE WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165)**
26 **and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210),** on or about
27 the 14th day of December, 2007, within the County of Clark, State of Nevada, contrary to
28 the form, force and effect of statutes in such cases made and provided, and against the peace

1 and dignity of the State of Nevada,

2 COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

3 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,
4 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human
5 being, with the intent to hold or detain the said AMBER VALLES against her will, and
6 without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES
7 against her will, saying he has a gun and by tying her wrists and taping her mouth, said
8 defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

9 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A
10 DEADLY WEAPON

11 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
12 person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
13 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
14 arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm,
15 during the commission of said crime.

16 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE WITH USE OF A DEADLY WEAPON

18 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
19 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
20 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
21 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
22 have known, that the said AMBER VALLES was mentally or physically incapable of
23 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
24 weapon, to-wit: a firearm, during the commission of said crime.

25 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE WITH USE OF A DEADLY WEAPON

27 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
28 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:

1 sexual intercourse, by defendant inserting his penis into the genital opening of the said
2 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
3 have known, that the said AMBER VALLES was mentally or physically incapable of
4 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
5 weapon, to-wit: a firearm, during the commission of said crime.

6 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
7 AGE WITH USE OF A DEADLY WEAPON

8 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
9 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
10 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
11 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
12 have known, that the said AMBER VALLES was mentally or physically incapable of
13 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
14 weapon, to-wit: a firearm, during the commission of said crime.

15 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
16 AGE WITH USE OF A DEADLY WEAPON

17 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
18 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
19 sexual intercourse, by defendant inserting his penis into the genital opening of the said
20 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
21 have known, that the said AMBER VALLES was mentally or physically incapable of
22 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
23 weapon, to-wit: a firearm, during the commission of said crime.

24 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
25 AGE WITH USE OF A DEADLY WEAPON

26 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
27 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
28 digital penetration, by defendant inserting his finger(s) into the genital opening of the said

1 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
2 have known, that the said AMBER VALLES was mentally or physically incapable of
3 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
4 weapon, to-wit: a firearm, during the commission of said crime.

5 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE WITH USE OF A DEADLY WEAPON

7 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
8 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
9 sexual intercourse, by defendant inserting his penis into the genital opening of the said
10 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
11 have known, that the said AMBER VALLES was mentally or physically incapable of
12 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
13 weapon, to-wit: a firearm, during the commission of said crime.

14 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
15 AGE WITH USE OF A DEADLY WEAPON

16 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
17 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
18 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
19 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
20 have known, that the said AMBER VALLES was mentally or physically incapable of
21 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
22 weapon, to-wit: a firearm, during the commission of said crime.

23 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
24 AGE WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
26 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
27 sexual intercourse, by defendant inserting his penis into the genital opening of the said
28 AMBER VALLES, against her will, or under conditions in which defendant knew, or should

1 have known, that the said AMBER VALLES was mentally or physically incapable of
2 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
3 weapon, to-wit: a firearm, during the commission of said crime.

4 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE WITH USE OF A DEADLY WEAPON

6 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
7 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
8 anal penetration, by inserting his finger(s) and/or penis and/or unknown object into the anal
9 opening of the said AMBER VALLES, against her will, or under conditions in which
10 Defendant knew, or should have known, that the said AMBER VALLES was mentally or
11 physically incapable of resisting or understanding the nature of Defendant's conduct, said
12 Defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

13 COUNT 12 - OPEN OR GROSS LEWDNESS

14 did then and there wilfully and unlawfully commit an act of open or gross lewdness
15 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

16 DAVID ROGER
17 DISTRICT ATTORNEY
Nevada Bar #002781

18
19 BY /s//CRAIG HENDRICKS
20 CRAIG HENDRICKS
21 Chief Deputy District Attorney
22 Nevada Bar #004630
23
24
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26
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28

1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

| 3 | <u>NAME</u> | <u>ADDRESS</u> |
|----|--|----------------|
| 4 | MCPHAIL, RANDALL – LVMPD P#3326 | |
| 5 | RICHARDSON, VICTORIA – LVMPD P#4199 | |
| 6 | HUNTE, MICHAEL – LVMPD P#4538 | |
| 7 | DAVIS, JASMIN – LVMPD P#5163 | |
| 8 | JAEGER, RYAN – LVMPD P#5587 | |
| 9 | LEBARIO, GABRIEL – LVMPD P#5849 | |
| 10 | FRIED, JONATHAN – LVMPD P#8149 | |
| 11 | RIDDLE, JONATHAN – LVMPD P#9306 | |
| 12 | VALLES, AMBER – 7221 ROSE ST., LVN 89145 | |
| 13 | VALLES, LOUISE – 7221 ROSE ST., LVN 89145 | |
| 14 | CERBONI, JONATHAN – 7201 SKYTAIL AVE., LVN 89145 | |
| 15 | ABARZUA, ANGELA – 6813 ASHLAND DR., LVN 89145 | |
| 16 | COE, AMY – UNIVERSITY MEDICAL CENTER | |

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DA#08F00902X/mmw/SVU
LVMPD EV#0712141983
(TK9)

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ORIGINAL

FILED IN OPEN COURT

November 2, 2009

STEVEN D. GRIERSON
CLERK OF THE COURT

DISTRICT COURT

BY Sharon Chun
SHARON CHUN DEPUTY

CLARK COUNTY, NEVADA

THE STATE OF NEVADA

CASE NO. C241003

Plaintiff(s),

DEPT. NO. XVIII

-vs-

EDWARD MICHAEL ADAMS

Defendant(s).

JURY

- | | |
|-----------------------|---------------------|
| 1. Michael Washington | 7. Margaret Clayton |
| 2. Royce Callowhill | 8. James McKenzie |
| 3. Lawrence Wheeler | 9. Dustin Payne |
| 4. Kevin Marvin | 10. Dion R. Cooper |
| 5. Gail Sheikewitz | 11. Darrius Banks |
| 6. Ruth Lopez | 12. Wade Perkins |

SECRET ALTERNATES

13. Janet Laba
14. Gregory Carter

ORIGINAL

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

ORIGINAL

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THE STATE OF NEVADA,
Plaintiff,
vs.

EDWARD MICHAEL ADAMS,
Defendant.

CASE NO. C-241003

DEPT. NO. 18

**Transcript of
Proceedings**

BEFORE THE HONORABLE DAVID BARKER, DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

MONDAY, NOVEMBER 2, 2009

APPEARANCES:

FOR THE PLAINTIFF:

CRAIG L. HENDRICKS, ESQ.
Chief Deputy District Attorney

RICHARD H. SCOW, ESQ.
Deputy District Attorney

FOR THE DEFENDANT:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

COURT RECORDER:

RICHARD KANGAS
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Littleton, CO 80120
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

CLERK OF THE COURT

APR 13 2010

1 LAS VEGAS, NEVADA, MONDAY, NOVEMBER 2, 2009, 10:00 A.M.

2 (Outside the presence of potential jurors)

3 THE COURT: This is C-241003, State of Nevada v.
4 Edward Michael Adams. The record should reflect the
5 representatives -- the presence of the representatives of the
6 State and defense. Mr. Adams is here, dressed up, prepared for
7 trial.

8 Mr. Adams, before you walked in the door, I was
9 explaining to all parties, jury selection. We're going to
10 qualify 32 people for cause for your jury. Your attorney gets
11 an opportunity -- the State gets an opportunity, your attorney
12 gets an opportunity to ask the jury questions. In that process
13 there's challenge for cause. Initially, once we get 32
14 qualified for cause, then we move on to peremptory challenges.

15 Talk with your attorney about how he wants -- how you
16 two want to discuss who you believe to be appropriate or
17 questions or concerns that you might have as we move through
18 the process, okay?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. I also have received from my
21 clerk a copy of an exhibit list. It looks like it's been
22 prepared by the State and it lists 56 exhibits. Most of them
23 appear to be photographs and some evidence bags. I'd like the
24 parties just to discuss whether there's any stipulations to the
25 exhibits. If not, that's fine. If there are, then we can put

1 them on the record outside the presence, or state the
2 stipulation to the jury at the time whoever's making this --
3 agreeing to the stipulation wants to do it. So talk about that
4 before.

5 Mr. Hendricks, you indicated that you've received
6 proposed jury instructions from Mr. Maningo and you've
7 incorporated those in, at least in some respect, into your
8 submitted jury instructions?

9 MR. HENDRICKS: Yes. Mr. Scow has.

10 THE COURT: Mr. Scow has.

11 MR. HENDRICKS: And there may be some other specials
12 that Mr. Maningo wants and we would take care of those for him
13 also, so.

14 THE COURT: All right. All I ask is the parties
15 confer on those. If you can settle on those instructions,
16 great. If not, then we'll settle up those instructions. You
17 anticipate four days to try the case, both sides? At least
18 that's what was briefly mentioned to me.

19 MR. HENDRICKS: You may want to say five just in
20 case.

21 THE COURT: I'll qualify the jury through Friday,
22 just so they know.

23 MR. HENDRICKS: Okay.

24 THE CLERK: Oh, Friday's -- oh, yeah, we're here.

25 THE COURT: Yeah, we're here Friday. And I do, I

1 work -- I mean, we'll start at probably maybe 9:30 tomorrow
2 morning. It's a small calendar. So let's rack them and stack
3 them. Use the time effectively. I'm not telling you, you
4 don't need -- nobody needs to rush your case, but just use your
5 time effectively. And I hate breaking at 3:30 in the
6 afternoon, because, oh, surprise, we're out of witnesses.

7 MR. HENDRICKS: Out of witnesses.

8 THE COURT: I don't like doing that. I think it's
9 more -- it shows more respect for the jury. They commit, you
10 know, five days to the process and we need to use their time.
11 We need to respect that, so that's all I ask.

12 (Pause in proceedings)

13 THE COURT: Have the parties had an opportunity to go
14 through the proposed charging document, Mr. Maningo, Mr.
15 Hendricks and Mr. Scow? I want you to read the indictment --
16 or is it an indictment or information? Information that my
17 clerk is prepared that she's going to read to the jury. Make
18 sure you're in agreement. She eliminates the felony, the
19 statutes, a couple of things and she'll have it up here for you
20 to look at and make sure you're all in agreement.

21 Mr. Scow's approved it. Mr. Maningo, have you had a
22 chance to look at it?

23 MR. MANINGO: I have not, but I will.

24 THE COURT: All right. Thank you.

25 (Pause in proceedings)

1 THE COURT: Any idea that we might need interpreters
2 or anything? Any issues that we need to get in front of?

3 MR. HENDRICKS: Not for us. We don't have
4 interpreters for our witnesses, Judge.

5 THE COURT: Okay. We had the entire interpreter's
6 office last week in here. Everybody.

7 (Pause in proceedings)

8 (In presence of prospective jurors)

9 THE MARSHAL: First 32, Your Honor.

10 THE COURT: Thank you. Good morning, Ladies and
11 Gentlemen. As soon as we get the balance of the panel, we'll
12 be with you. We just need to get everybody in the courtroom.

13 (Pause in proceedings)

14 THE MARSHAL: Your Honor, complete panel is present.

15 THE COURT: Thank you. This is C-241003, State of
16 Nevada, plaintiff versus Edward Michael Adams. Record should
17 reflect the presence of representatives of the State, defense.
18 All members of the jury panel appear to be present.

19 Again, good morning, Ladies and Gentlemen. My name
20 is David Barker, I'm the presiding Judge here in Department 18.
21 Welcome. You're on the 11th Floor, B Department, 11 Bravo is
22 the floor and courtroom designation. Department 18 is how you
23 find me.

24 You've been summoned here, Ladies and Gentlemen, to
25 participate in jury selection in a criminal case. Before we

1 get into the jury selection process, I have some explanation
2 and I need to do some introductions so you understand who
3 everybody is and kind of their function.

4 To my far right is Mr. Kangas, Richard Kangas, he's
5 my court recorder. It's his job to maintain an electronic
6 record of everything that happens in court and during a jury
7 trial. Jury selection is obviously an important part of that
8 process. We use a hand-held electronic microphone or wireless
9 microphone during jury selection and Mr. Kangas has a few words
10 of explanation for you. Richard?

11 MR. KANGAS: Good morning.

12 ALL PROSPECTIVE JURORS: Good morning.

13 MR. KANGAS: This courtroom, like most in this
14 courthouse, uses an electronic method of keeping a record.
15 There is video cameras up here, up there and one over here that
16 keep a video record. And the cameras are directed by the
17 microphones. So when I'm standing here, the cameras are
18 focused in on me.

19 But, excuse me, by design, however, there's no camera
20 coverage of the ordinary jury box back there. So consequently,
21 there is very little coverage as far as microphones. So during
22 jury selection, from time to time the Judge and the attorneys
23 are going to be asking you individual questions. So when they
24 do that, we're going to ask that you wait until we can pass you
25 this hand-held microphone and then I want you to identify

1 yourself by the last three digits of your badge number and by
2 your name so we'll know who's speaking on the record.

3 And, a word of warning, this is a low powered hand-
4 held microphone. It only works when you hold it right up to
5 your mouth. It doesn't work like this or like this. I realize
6 you're nervous, but I appreciate if you could accommodate me on
7 that.

8 And also, if anybody can't hear, please let us know
9 so we can make some accommodations for you. Thank you.

10 THE COURT: If anybody's concerned about, there's a
11 lot of talk in the media, there's a lot of flu virus going
12 around, everybody's a little worried about it. Richard keeps
13 the -- he sterilizes that thing every time he touches it. So
14 don't be afraid, he's going to wipe that down right now with a
15 little wiper.

16 Also, I need you all to power down any type of
17 personal communications, cell phones, PDA's, anything like
18 that. The frequencies on -- for many of those units are very
19 close to the frequencies we use for maintaining this record and
20 frankly, you're going to hear a feedback as a consequence of
21 somebody just putting it on standby or silent mode. So I just
22 ask you to power down your personal devices until you -- we're
23 on a break.

24 Now, to my immediate right is Sharon Chun. She's my
25 court clerk. It's Ms. Chun's responsibility to maintain the

1 official record of the court. She marks exhibits, swears
2 witnesses and generally helps, as the clerk, keep us focused
3 and going in the right direction.

4 You've met very briefly Officer Reichert, Dan
5 Reichert. You can call him Dan. He is the Bailiff assigned
6 here in Department 18. He is your point of contact. If you
7 need to communicate with the Court, you can't do it just coming
8 up and say, Judge, I got to talk to you about something.
9 There's a formality to the process that I'll get into in a few
10 minutes or later on. But he will be your point of contact
11 should the situation require it. Those are the folks that
12 you're going to be seeing and talking with here in a few
13 minutes, or seeing work.

14 On behalf of the State, would you please introduce
15 yourself, make a brief statement on the nature of the case and
16 state the names of witnesses that the State anticipates
17 calling.

18 MR. SCOW: Thank you, Judge. Good morning. My name
19 is Richard Scow and with me is Craig Hendricks. We're the
20 prosecutors for this case, the State of Nevada v. Edward Adams.

21 Briefly, the nature of this case is Amber Valles, a
22 student at Johnson Middle School, on December 14th, 2007 was
23 taken to an abandoned apartment at the 1111 Apartment Complex,
24 that's 1111 Warbonnet is the address, it's near Charleston and
25 Buffalo. At that location, she was sexually assaulted by the

1 defendant, Edward Adams. And so in this case, he's charged
2 with first degree kidnaping with use of a deadly weapon,
3 battery with intent to commit a crime with a deadly weapon,
4 sexual assault of a minor under 14 years of age with the use of
5 a deadly weapon and open or gross lewdness. Thank you.

6 THE COURT: List of witnesses.

7 MR. SCOW: Our list of witnesses. I've mentioned
8 Amber Valles. She's a 15-year-old now. Her mother, Louise
9 Valles. Cierra Cipriani; Jonathan Cerboni; Angela Abarzua; Amy
10 Russell, she's the apartment manager for the 1111 Apartment
11 Complex; Gabe Lebario, detective with Las Vegas Metro; Jonathan
12 Fried; Randy McPhail, Shayla Joseph, those are each crime scene
13 analysts with Las Vegas Metropolitan Police Department; Amy
14 Coe, a sexual assault examination nurse; Vicki Farnham, a
15 fingerprint examiner with Las Vegas Metropolitan Police
16 Department; and Kellie Gauthier, she's a DNA forensic scientist
17 with the Las Vegas Metropolitan Police Department. Those will
18 be the witnesses that the State anticipates calling in this
19 trial.

20 THE COURT: On behalf of the defendant, would you
21 please introduce yourself, your client and identify any
22 anticipated witnesses.

23 MR. MANINGO: Good morning. My name is Jeff Maningo.
24 I am an attorney, I represent Edward Adams. You've heard a
25 brief synopsis of what the State expects the case to be like.

1 We just want to add that Mr. Adams has entered pleas of not
2 guilty to all of those charges.

3 Any witnesses that the defense may decide to call can
4 come from the list that Mr. Scow has already read you, as well
5 as the possible additional witnesses of Jamie Galloway, Briana
6 Galloway, Daniel Galloway, Tom Galloway and Laurie Galloway who
7 all reside in Las Vegas.

8 THE COURT: Thank you. The clerk will now call roll
9 of the panel of prospective jurors. Ladies and Gentlemen, I
10 just need to make sure that all who need to be here are present
11 and those of you who might have gotten in the wrong line in the
12 confusion that always exists on the third floor on Mondays,
13 send you back if you don't need to be here in Department 18.

14 THE CLERK: Thank you. I'm going to call the last
15 three digits of your badge number and if I make a mistake on
16 pronouncing your name, please correct me at this time.

17 Badge number 104, Michael Schiffman.

18 PROSPECTIVE JUROR NO. 104: Here.

19 THE CLERK: 131, Janice Raymond.

20 PROSPECTIVE JUROR NO. 131: Here.

21 THE CLERK: 133, Starr Winterbottom.

22 PROSPECTIVE JUROR NO. 133: Here.

23 THE CLERK: 135, Michael Washington.

24 PROSPECTIVE JUROR NO. 135: Here.

25 THE CLERK: 136, Royce Callowhill.

1 PROSPECTIVE JUROR NO. 136: Here.
2 THE CLERK: 137, Lawrence Wheeler.
3 PROSPECTIVE JUROR NO. 137: Here
4 THE CLERK: 138, Zenaida Alvarez.
5 PROSPECTIVE JUROR NO. 138: Here.
6 THE CLERK: 141, Andrew Beirne?
7 PROSPECTIVE JUROR NO. 141: Beirne, here.
8 THE CLERK: Beirne, thank you. 143, Bridget Carroll.
9 PROSPECTIVE JUROR NO. 143: Here.
10 THE CLERK: 145, Steven Harris.
11 PROSPECTIVE JUROR NO. 145: Here.
12 THE CLERK: 146, Paula Lisy-Meikle?
13 PROSPECTIVE JUROR NO. 146: Lisy-Meikle, here.
14 THE CLERK: Thank you. 147, Kevin Marvin.
15 PROSPECTIVE JUROR NO. 147: Here.
16 THE CLERK: 149, Grace Aguas.
17 PROSPECTIVE JUROR NO. 149: Helen Grace Aguas.
18 THE CLERK: Helen Grace Aguas, thank you. 150, Keith
19 Oyamot Jr.
20 PROSPECTIVE JUROR NO. 150: Here.
21 THE COURT: 151, Gail Sheikewitz.
22 PROSPECTIVE JUROR NO. 151: Here.
23 THE CLERK: 152, Martin Scott.
24 PROSPECTIVE JUROR NO. 152: Here.
25 THE CLERK: 154, Randle Parker.

1 PROSPECTIVE JUROR NO. 154: Here.
2 THE CLERK: 155, Ruth Lopez.
3 PROSPECTIVE JUROR NO. 155: Here.
4 THE CLERK: 156, Margaret Clayton.
5 PROSPECTIVE JUROR NO. 156: Here.
6 THE CLERK: 158, James McKenzie.
7 PROSPECTIVE JUROR NO. 158: Here.
8 THE CLERK: 159, Daniel Grassian.
9 PROSPECTIVE JUROR NO. 159: Here.
10 THE CLERK: 166, Elena Farfan.
11 PROSPECTIVE JUROR NO. 166: Here.
12 THE CLERK: 167, Dion R. Cooper.
13 PROSPECTIVE JUROR NO. 167: Here.
14 THE CLERK: 168, Rodel Viernes.
15 PROSPECTIVE JUROR NO. 168: Here.
16 THE CLERK: 172, Michael Cianci.
17 PROSPECTIVE JUROR NO. 172: Seanse (phonetic).
18 THE CLERK: See-ante?
19 PROSPECTIVE JUROR NO. 172: See an See (phonetic).
20 THE CLERK: See an See, thank you.
21 PROSPECTIVE JUROR NO. 172: Here.
22 THE CLERK: I see that. 174, Christina Alberts.
23 PROSPECTIVE JUROR NO. 174: Here.
24 THE CLERK: 176, Thomas Johnson.
25 PROSPECTIVE JUROR NO. 176: Here.

1 THE CLERK: 177, Wade Perkins.
2 PROSPECTIVE JUROR NO. 177: Here.
3 THE CLERK: 180, Janet Laba.
4 PROSPECTIVE JUROR NO. 180: Here.
5 THE CLERK: 186, Harvey Stein.
6 PROSPECTIVE JUROR NO. 186: Here.
7 THE CLERK: 188, Gregory Carter.
8 PROSPECTIVE JUROR NO. 188: Here.
9 THE CLERK: 190, Olga Ramsey.
10 PROSPECTIVE JUROR NO. 190: Here.
11 THE CLERK: 191, Megan Loveless.
12 PROSPECTIVE JUROR NO. 191: Here.
13 THE CLERK: 192, Suzanne Byrkit.
14 PROSPECTIVE JUROR NO. 192: Here.
15 THE CLERK: 194, Risa Clayton.
16 PROSPECTIVE JUROR NO. 194: Here.
17 THE CLERK: 195, Dustin Payne.
18 PROSPECTIVE JUROR NO. 195: Here.
19 THE CLERK: 197, Bergit Velasquez.
20 PROSPECTIVE JUROR NO. 197: Here.
21 THE CLERK: 199, Lovella Malicdem.
22 PROSPECTIVE JUROR NO. 199: Here.
23 THE CLERK: 202, Juvenal Castillo-Martinez.
24 PROSPECTIVE JUROR NO. 202: Yes.
25 THE CLERK: Thank you. 203, Dayna Wilson.

1 PROSPECTIVE JUROR NO. 203: Here.

2 THE CLERK: 204, Darrius Banks.

3 PROSPECTIVE JUROR NO. 204: Here.

4 THE CLERK: 205, Sylvia Tran.

5 PROSPECTIVE JUROR NO. 205: Here.

6 THE CLERK: 209, Wendy Garcia.

7 PROSPECTIVE JUROR NO. 209: Here.

8 THE CLERK: 210, Dick Bruno.

9 PROSPECTIVE JUROR NO. 210: Here.

10 THE CLERK: And 211, Linda Sattler.

11 PROSPECTIVE JUROR NO. 211: Here.

12 THE CLERK: Thank you.

13 THE COURT: Is anybody's name -- who's present whose
14 name was not called? All right.

15 Ladies and Gentlemen, the process of jury selection
16 is done under oath. So I need you all to stand as a panel and
17 raise your right hand to be sworn.

18 (Prospective jury panel sworn)

19 THE CLERK: Thank you. You may be seated.

20 THE COURT: Now, Ladies and Gentlemen, as I stated,
21 we're about to begin the process of jury selection. During
22 this process, you'll be asked questions bearing upon your
23 ability to sit as fair and impartial jurors. To accomplish
24 this, I'll ask some initial questions and then I give each side
25 an opportunity to inquire, too.

1 The questions, I hope they don't -- you don't
2 consider them to be too personal. They will be somewhat
3 personal. They're basically designed to help parties make an
4 intelligent determination as to your capability to serve as a
5 fair and impartial juror based upon the unique nature of the
6 facts as they believe them and understand them to be.

7 It's important for you to understand the significance
8 of full, complete and honest answers to all the questions that
9 you're about to be asked. Please try not to withhold or hide
10 any information which might affect your ability or indicate
11 your ability to be fair and impartial.

12 Answer the question truthfully, try not to withhold
13 anything. If you do withhold any information, that fact may
14 tend to contaminate the verdict of the jury and subject you to
15 further inquiry by this Court. I'm required by law to read
16 that to you just so you understand that it's important for you
17 to make complete disclosure about any situation or information
18 that you might hold.

19 If, and I like to say to prospective jurors, if
20 there's something in your mind as a consequence of the question
21 asked that you feel that either side might want to know about
22 you, please don't hesitate to offer up that information in a
23 general sense so that they can consider that in terms of making
24 the decisions in this case.

25 As I said, I'll ask some questions first and then

1 each party will have the opportunity to do followup questions.
2 This is known, commonly, as the challenge for cause portion of
3 jury selection. So, as questions are asked you and answer
4 questions, you might hear a challenge for cause interposed by
5 one of the lawyers. It's not because, if they do that, it's
6 not because they don't believe you can't be a fair person, but
7 based upon all the information that they have in their minds
8 and your answers to the questions, they might feel that your
9 services, energy, time might be better served on a different
10 type of case. Don't take it personally. It's not intended to
11 be a personal attack on your basic ability to be fair and
12 impartial.

13 So the way it's going to work is I'm going to ask a
14 question first. The first individual to raise your hand is
15 going to get that microphone by Mr. Kangas and then answer the
16 question, and then we'll pass that microphone back and forth.
17 It will go from the front to the back and back to the front.

18 I ask people just to treat it like you would if you
19 were at a baseball game or any type of other event where you
20 need to move something in a crowd. If you happen to be one of
21 the lucky individuals that are sitting on the edge, just hand
22 the microphone to one of the parties and we'll move it back and
23 forth. Don't hesitate to stand up and hand it to anybody who
24 might be court personnel just to move that device back and
25 forth.

1 You might see Mr. Kangas stand up and say, I need you
2 to speak in the mike or you might hear me say you need to speak
3 up, it's because he's watching his little monitor and it's not
4 -- whatever you're saying isn't registering in the system and
5 we need to be careful that everything that's said here is
6 recorded.

7 So that's how it's going to work. Let's get to it.
8 Has anyone here been convicted of a felony offense? Uniform
9 negative response.

10 Is everyone here a citizen of the United States?
11 Uniform negative response.

12 Is there anyone here who has such sympathy,
13 prejudice, bias relating to age, religion, race, gender,
14 national origin that they feel they couldn't sit as a fair,
15 open-minded and impartial juror? Uniform negative response.

16 All right. Is anyone here acquainted with any of the
17 people in the courtroom, including the parties who have been
18 identified? In here. Myself, I get around a little bit, it's
19 okay. We already had a hand up. But know anybody here?
20 Ma'am, you had your hand up. And you can identify yourself by
21 your badge number, so the last three numbers on your badge.
22 That's given to you so you don't have to keep saying your last
23 name if you're not comfortable with that. Yes, ma'am.

24 PROSPECTIVE JUROR NO. 156: Your Honor, I'm juror
25 number 156. You and I have met socially several times over the

1 past 20 years. I worked with your wife at the Attorney
2 General's office back in the 1990s.

3 THE COURT: Okay. Anything about that association or
4 relation that might cause you to --

5 PROSPECTIVE JUROR NO. 156: No, sir.

6 THE COURT: -- judge this case unfairly or be -- you
7 wouldn't --

8 PROSPECTIVE JUROR NO. 156: No.

9 THE COURT: -- affect your ability to be fair and
10 impartial?

11 PROSPECTIVE JUROR NO. 156: No.

12 THE COURT: All right. Thank you very much. Anyone
13 else?

14 Is anyone familiar with any of the names of
15 witnesses? We have a hand in the back. If we could move that
16 microphone, hand that microphone to one of the parties. Mr.
17 Scow, if you could move that back. Thank you. Yes, ma'am.

18 PROSPECTIVE JUROR NO. 203: I'm juror 203.

19 THE COURT: 203, thank you.

20 PROSPECTIVE JUROR NO. 203: One of the boys that were
21 actually a witness was my next door neighbor and he did briefly
22 mention it.

23 THE COURT: So you know something about this case
24 other than what's been said briefly here in court?

25 PROSPECTIVE JUROR NO. 203: Yes, I do, but he briefly

1 mentioned it.

2 THE COURT: Don't tell me anything.

3 PROSPECTIVE JUROR NO. 203: I'm not going to.

4 THE COURT: Okay, good.

5 PROSPECTIVE JUROR NO. 203: Okay. So I don't
6 remember details about it, I just remember him mentioning it,
7 so.

8 THE COURT: Okay. So you remember, Ms. Wilson, that
9 there might have been some communication with a witness outside
10 the courtroom. And is that one of the individuals that was
11 named by the District Attorney as a potential witness?

12 PROSPECTIVE JUROR NO. 203: Yes.

13 THE COURT: All right. I got to tell you what, Ms.
14 Wilson. I can't have anybody -- I might as well just move you
15 onto a trial where you don't have any personal knowledge at
16 all.

17 PROSPECTIVE JUROR NO. 203: Okay.

18 THE COURT: It doesn't mean you can't be fair. I'm
19 just saying out of an abundance of caution --

20 PROSPECTIVE JUROR NO. 203: Okay.

21 THE COURT: -- I think that's the best choice, okay?

22 PROSPECTIVE JUROR NO. 203: Okay. Do --

23 THE COURT: So just hand that microphone to the young
24 man sitting next to you. So he'll hold on to that. Ms.
25 Wilson, I'm going to send you back to the third floor, Jury

1 Services. They'll probably put you on another panel. There's
2 lots going on today.

3 PROSPECTIVE JUROR NO. 203: Okay.

4 THE COURT: Thank you so much. All right. Anyone
5 else know any, think they might know any of the names of the
6 witnesses that were called? Okay.

7 Now, this is -- before I ask this question, because I
8 always get a few hands. I understand that everybody here, all
9 the prospective, all of you folks have lives and
10 responsibilities to take care of. And you're probably very
11 concerned about getting back to those responsibilities.

12 But understand, in the process of sitting as a member
13 of a jury, it's a cherished right and responsibility and that
14 I'm very limited by law on how I can excuse you in terms of
15 committing to the process and understanding that this trial,
16 based upon communication with the attorneys, should take about
17 -- frankly through the end of the week, probably till Friday.

18 Is there anyone here that believes that that type of
19 commitment to this important process creates such an undue
20 burden on you that they don't believe they could sit as a fair
21 and impartial juror? All right. Let's do -- since the
22 microphone's in the back, I always get a few hands and you're
23 going to see how my response goes here.

24 Yes, sir, your badge number?

25 PROSPECTIVE JUROR NO. 195: I'm juror 195, my name's

1 Dustin Payne. I have an interview tomorrow at 9:00 with an
2 important company, State of Nevada. I've been unemployed for
3 about six months now.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 195: So --

6 THE COURT: So you have the interview at 9:00
7 tomorrow. If we don't start till 10:00 tomorrow, can you do
8 that interview and -- if you're picked to be a member of this
9 jury, can you make that interview and still be here, do you
10 think?

11 PROSPECTIVE JUROR NO. 195: I believe so, yeah.

12 THE COURT: All right. Appreciate that, sir. Next.

13 PROSPECTIVE JUROR NO. 197: Juror 197. I'm a shop
14 owner, saloon owner and I need to work to pay the bills.

15 THE COURT: I appreciate that, ma'am. I can't let
16 you go for that at this point. The general rule, Ladies and
17 Gentlemen, is a commitment of about a week, a week and a half
18 is what we kind of use as a benchmark. I listen to everybody
19 and everybody's unique, has a unique circumstance, but I can't
20 let you out for that reason right now. Sorry.

21 PROSPECTIVE JUROR NO. 197: Even if it means that I
22 have to close my business and don't make the rent?

23 THE COURT: Well, I don't -- I never want to put
24 anybody in the position where they suffered too much, but I
25 can't let you go for that at this point, sorry.

1 Anyone else? Back row back. Yes, ma'am.

2 PROSPECTIVE JUROR NO. 205: Hi, Your Honor. I'm
3 juror 205.

4 THE COURT: Yes.

5 PROSPECTIVE JUROR NO. 205: I'm still nursing a 7-
6 month-old son at home.

7 THE COURT: You're nursing --

8 PROSPECTIVE JUROR NO. 205: I'm still nursing a 7-
9 month-old son at home.

10 THE COURT: Okay. And is your son -- how are you
11 taking care of those responsibilities today?

12 PROSPECTIVE JUROR NO. 205: I mean, when I go to
13 work, I usually pump. So if I have time to pump, that would be
14 okay.

15 THE COURT: Okay. So you pumped today. And I don't
16 mean to be too indiscreet. Let's see where we go. I
17 appreciate that disclosure. I'm sure there will be further
18 questions for you.

19 PROSPECTIVE JUROR NO. 205: Okay, thank you.

20 THE COURT: Thank you. Anyone else? Back row, back
21 section. Okay, yes, ma'am.

22 PROSPECTIVE JUROR NO. 190: I'm juror 190. I'm a
23 nurse and I work in Clark County Detention Center.

24 THE COURT: Okay. So you're employed at the Clark
25 County Detention Center as an independent contractor?

1 PROSPECTIVE JUROR NO. 190: Yes.

2 THE COURT: Okay. Anything about the nature of that
3 work -- anything about the nature of that work that might
4 affect your ability to be fair and impartial?

5 PROSPECTIVE JUROR NO. 190: Yeah, we deal with the
6 inmates and for me they're all, like, guilty to me, so.

7 THE COURT: Okay. Well, you understand that no one
8 is guilty until they're proven guilty beyond a reasonable doubt
9 based upon the evidence?

10 PROSPECTIVE JUROR NO. 190: (No audible response)

11 THE COURT: All right. I appreciate that. We'll see
12 where we go. Thank you, ma'am. Next.

13 PROSPECTIVE JUROR NO. 211: Juror 211.

14 THE COURT: Yes.

15 PROSPECTIVE JUROR NO. 211: I work for -- I'm the
16 only office person and I take care of payroll and I have to
17 call in payroll this week.

18 THE COURT: I appreciate that. I'm sure we'll have
19 further questions about that. Thank you, ma'am. Anyone else?
20 Front row, back.

21 All right. Let's move the microphone forward. Yes,
22 sir.

23 PROSPECTIVE JUROR NO. 210: Richard Bruno, 210. I
24 have my folks. My dad is 87 years old and my mom is 84 and
25 they live with me. So, I'm responsible for taking care of

1 them.

2 THE COURT: Okay. Thank you, sir. Anyone else front
3 row? If we can move that microphone to the top 32, please.

4 Folks, you're going to see there's -- you're two
5 different sections and that -- there is an intent there.
6 You'll see that in a few minutes, I'm sure.

7 Back row, front? Anybody? We can just do them by
8 row, it's easier that way. All right. Middle row? Or second
9 row. Yes, ma'am.

10 PROSPECTIVE JUROR NO. 146: Your Honor, I'm juror
11 number 146.

12 THE COURT: Yes.

13 PROSPECTIVE JUROR NO. 146: Basically, I don't have
14 anyone else to take care of my one-year-old daughter. It's
15 just my husband and I that live out here. He basically had to
16 take off of work today. We don't have any type of daycare set
17 up nor can we afford it at this time.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 146: He works full-time and I
20 work a couple hours in the evening, but he and I are basically
21 the only ones that can take care of her.

22 THE COURT: Okay. Let's see where we go with that.
23 I'm sure the parties are going to have some additional
24 questions. Anyone else that row? Yes, ma'am.

25 PROSPECTIVE JUROR NO. 143: I'm juror number 143.

1 THE COURT: Yes, ma'am.

2 PROSPECTIVE JUROR NO. 143: And I don't -- from my
3 employment, I'm not paid for the rest of the week, but I'm a
4 dental hygienist who sees eight patients a day and if I knew
5 ahead of time to reschedule these patients, then I might be
6 able to -- to be able to stay.

7 THE COURT: You were scheduled before a jury --

8 PROSPECTIVE JUROR NO. 143: Today. For jury duty?

9 THE COURT: For jury duty.

10 PROSPECTIVE JUROR NO. 143: No.

11 THE COURT: So this is your first time here?

12 PROSPECTIVE JUROR NO. 143: Um-hum.

13 THE COURT: I tell you what, let's see where we go.

14 PROSPECTIVE JUROR NO. 143: Okay.

15 THE COURT: I'm sure there will be some additional
16 questions.

17 PROSPECTIVE JUROR NO. 143: Okay.

18 THE COURT: If you haven't continued or rescheduled
19 your duties, they may be more understanding maybe.

20 PROSPECTIVE JUROR NO. 143: Okay, thanks.

21 THE COURT: All right. Anyone else? Second row,
22 from the wall. Yes, ma'am.

23 PROSPECTIVE JUROR NO. 149: I'm juror 149.

24 THE COURT: Yes.

25 PROSPECTIVE JUROR NO. 149: I'm a stay-at-home mom.

1 I have three kids ages 6, 8 and 10 that I transport to and from
2 school.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 149: And I have no friends who
5 live close by that I can really ask a favor to stay with them.

6 THE COURT: I will note that and see if there are any
7 followup questions on that. I appreciate it.

8 PROSPECTIVE JUROR NO. 149: Okay, thank you.

9 THE COURT: Thank you. Anyone else, second row?
10 Yes, ma'am.

11 PROSPECTIVE JUROR NO. 138: I am juror 138.

12 THE COURT: Yes.

13 PROSPECTIVE JUROR NO. 138: And I don't feel
14 comfortable about because I don't understand too much English.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 138: I understand a little
17 bit, but I don't feel comfortable.

18 THE COURT: Okay. How long you been here in the
19 United States?

20 PROSPECTIVE JUROR NO. 138: Sixteen years.

21 THE COURT: Do you own a home?

22 PROSPECTIVE JUROR NO. 138: Yeah.

23 THE COURT: And you work?

24 PROSPECTIVE JUROR NO. 138: Yeah.

25 THE COURT: Have you ever bought a car, signed a

1 contract in English for the purchase of a car or home?

2 PROSPECTIVE JUROR NO. 138: They had somebody to read
3 it to me.

4 THE COURT: Okay. They read it to you?

5 PROSPECTIVE JUROR NO. 138: Yeah.

6 THE COURT: If I could get you some assistance from a
7 court interpreter, would that assist you in this?

8 PROSPECTIVE JUROR NO. 138: Okay.

9 THE COURT: Okay. We'll see about that. All right.
10 Thank you, ma'am.

11 PROSPECTIVE JUROR NO. 138: Okay. Okay.

12 THE COURT: Anyone else? Second, first, back row.

13 PROSPECTIVE JUROR NO. 141: Hi, I'm juror 141. I do
14 consulting work and I was unemployed for about five and a half
15 months. I got another assignment last Tuesday that's started.

16 THE COURT: It's supposed to start today?

17 PROSPECTIVE JUROR NO. 141: No, it started last
18 Tuesday.

19 THE COURT: Okay. We'll see where we go. Anyone
20 else? Second row back. Third -- or second row from the front.
21 Hand that microphone straight up. Yes, sir?

22 PROSPECTIVE JUROR NO. 159: Hello, I'm juror 159.
23 I'm a college professor. My classes meet Tuesday/Thursday, so
24 I wouldn't be able to meet my classes and the students would
25 suffer.

1 THE COURT: What do you teach, sir?

2 PROSPECTIVE JUROR NO. 159: English.

3 THE COURT: Oh, okay. Well, we'll see where we go.

4 PROSPECTIVE JUROR NO. 159: Okay.

5 THE COURT: Appreciate that. Anyone else?

6 PROSPECTIVE JUROR NO. 166: I'm juror number 166 and

7 I am an elementary teacher. And it's just I've been out

8 because I was sick and I'm going to be out because I'll be on

9 maternity leave and I just feel very bad being out and getting

10 (indiscernible) from my kids because they will suffer honestly.

11 THE COURT: Okay. Well, I don't want anybody to

12 suffer. I appreciate that.

13 PROSPECTIVE JUROR NO. 166: No. And I don't want

14 them to.

15 THE COURT: I'm sure there will be followup questions

16 for you.

17 Yes, sir.

18 PROSPECTIVE JUROR NO. 168: Hi, I'm juror 168.

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR NO. 168: I'm not working right

21 now, but I'm babysitting two kids.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 168: One is, their dad is a

24 correctional officer and the other kid is, my niece has

25 juvenile diabetes.

1 THE COURT: Okay. Thank you, sir. We'll see where
2 we go. In the front row. Yes, sir.

3 PROSPECTIVE JUROR NO. 176: Sir, I'm juror -- what is
4 it?

5 THE COURT: Last three.

6 PROSPECTIVE JUROR NO. 176: Oh, 176.

7 THE COURT: 176.

8 PROSPECTIVE JUROR NO. 176: Yeah, I probably should
9 have gotten a doctor's note. I really don't have the presence
10 of mind to be doing this right now. I have too many burdens.
11 And --

12 THE COURT: Doctor's notes are always a very -- I
13 listen to doctors, but I usually -- I need a note.

14 PROSPECTIVE JUROR NO. 176: Okay. And also, I have
15 many misdemeanors in the State of California, was on probation
16 for drug offenses.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 176: So I'm probably
19 prejudiced.

20 THE COURT: Okay. Well, you've talked about two
21 things. We'll see where we go.

22 PROSPECTIVE JUROR NO. 176: All right.

23 THE COURT: Anyone else? Yes, sir.

24 PROSPECTIVE JUROR NO. 177: Your Honor, badge number
25 177.

1 THE COURT: Yes, sir.

2 PROSPECTIVE JUROR NO. 177: I don't get paid for
3 being here either. So my job don't pay me.

4 THE COURT: Thank you, sir. All right, anyone else?

5 All right. Understand that 14 will be selected,
6 there's 32 of you up here. So there's many who are called, few
7 that will serve. Yes, we have a hand in the back. Can you --
8 and it's okay to raise your hand late as long as we're talking
9 about the information. I know I move along kind of quick.
10 People complain sometimes that I talk kind of fast. I don't
11 mean to. If you don't understand something I've said, just
12 don't hesitate to tell me. Yes, ma'am.

13 PROSPECTIVE JUROR NO. 194: I am juror 194.

14 THE COURT: Yes, ma'am.

15 PROSPECTIVE JUROR NO. 194: I am also an elementary
16 school teacher. I don't know if that's relevant, but I wanted
17 to share that information.

18 THE COURT: I appreciate that. We'll get to what
19 everybody does in the general sense in a few minutes.

20 PROSPECTIVE JUROR NO. 194: Okay.

21 THE COURT: Anyone else in the back? We'll go on the
22 top row, Mr. Schiffman.

23 PROSPECTIVE JUROR NO. 104: I'm 104. I'm not sure if
24 it's relevant right now or not, but my girlfriend was sexually
25 assaulted a few years ago.

1 THE COURT: We'll get to that in a few minutes.

2 PROSPECTIVE JUROR NO. 104: I figured, okay.

3 THE COURT: All right. Thank you, sir. Hold on to
4 that microphone.

5 All right. Is here anybody here who has been either
6 personally, have a spouse or close relative engaged in law
7 enforcement work? We usually get a few hands. Anybody back
8 row? If you can hand that microphone all the way down, Mr.
9 Schiffman. Yes, ma'am.

10 PROSPECTIVE JUROR NO. 136: Hi, I'm 136.

11 THE COURT: Yes.

12 PROSPECTIVE JUROR NO. 136: Royce Callowhill. My
13 brother-in-law was LAPD, Sergeant.

14 THE COURT: Anything about the nature of his work
15 that might affect your ability to sit as a fair and impartial
16 juror in this case if you're selected to do so?

17 PROSPECTIVE JUROR NO. 136: No.

18 THE COURT: Thank you very much. Anyone else? Back
19 row, law enforcement question? Second row up. Just hand that
20 microphone straight up. Anybody second row? Third row up?
21 Yes, sir.

22 PROSPECTIVE JUROR NO. 168: Hi, my brother is a
23 correction officer.

24 THE COURT: Okay, yeah. And you're Mr. -- is it
25 Viernes?

1 PROSPECTIVE JUROR NO. 168: Rodel Viernes.

2 THE COURT: And it's 108 [sic]. And your brother is
3 a CO. Anything about the nature of his work that might affect
4 your ability to sit as a fair and impartial juror?

5 PROSPECTIVE JUROR NO. 168: No.

6 THE COURT: Thank you very much. Anybody else?
7 Third row. Yes, ma'am.

8 PROSPECTIVE JUROR NO. 156: Your Honor, I'm 156. I'm
9 currently dating somebody who just left law enforcement, but it
10 would not affect my ability to rule on this case.

11 THE COURT: Thank you very much. Anybody else?
12 Front row.

13 PROSPECTIVE JUROR NO. 180: I'm juror 180 and I have
14 a nephew who is LAPD, but I rarely see him.

15 THE COURT: Anything about his work that might affect
16 you or you might have to try to justify some decision if you're
17 selected to be a member of this jury one way or the other?

18 PROSPECTIVE JUROR NO. 180: No. He's out-of-state.

19 THE COURT: All right. Thank you very much. Yes,
20 sir.

21 PROSPECTIVE JUROR NO. 186: My number is 186. And my
22 father and two uncles were court officers in New York City.

23 THE COURT: I have you as 186. Is that correct?

24 PROSPECTIVE JUROR NO. 186: Yes, that's correct.

25 THE COURT: All right. And --

1 PROSPECTIVE JUROR NO. 186: It wouldn't affect me,
2 but it's just something you should know.

3 THE COURT: Good. Thank you, sir. Because that's
4 what I'm after. If that type of relationship, having relatives
5 or your personally involved in -- as a law enforcement officer
6 might affect your ability to sit as a fair and impartial juror.
7 Is that everybody that we've talked to on that question?

8 All right. Is there anyone here who would not be
9 able to follow the instructions that I give you on the law
10 because you might personally disagree with those instructions?
11 Before you raise your hand, let me give you a few words of
12 explanation.

13 If this were a case, a criminal case involving the
14 possession of marijuana, there are many in our society that
15 don't believe that possession of marijuana should be a crime,
16 yet it remains so in certain circumstances in Nevada to possess
17 marijuana.

18 Having that type of personal belief would not
19 preclude somebody from sitting as a member of a jury if they
20 could pledge to the Court that they could follow the law as it
21 is in Nevada, even if they might have a personal disagreement
22 with that law.

23 Does everybody kind of understand the context of the
24 question? Can everybody here follow the law that I give you as
25 it applies to this case, even if you might find that you

1 personally disagree with what that law is? All right.

2 Now, as a followup to that question, it's important
3 for you to understand the distinctions and everybody's
4 difference in roles. In real life, and it's not so commonly
5 showed in drama, on TV or movies, the jury sits as a collective
6 trier of fact. They decide what the facts are. They decide
7 those facts from what they hear from this witness stand, from
8 the witnesses, the exhibits and from no other source. That's
9 the role of the jury. They decide what the facts are.

10 My job as a judge is much different. I am -- I sit
11 up here as a neutral arbiter. That's a fancy way of saying I
12 call balls and strikes. I have no interest in the outcome of
13 the case other than to make sure that the evidence that's
14 presented is within the legal bounds. It's up to the jury to
15 decide what evidence that comes before them, what that evidence
16 means.

17 Does everybody understand that important distinction
18 on how the process needs to work?

19 Is there anyone here, as a consequence of
20 understanding your role as the trier of fact that believes for
21 any type of religious or philosophical or any other reason they
22 couldn't sit as a fair, open-minded and impartial juror? Mr.
23 Stein, 186, you raised your hand, sir.

24 PROSPECTIVE JUROR NO. 186: Yes. I live in a
25 household with my wife, daughter and granddaughter and I've

1 raised her from infancy.

2 THE COURT: Yes, sir.

3 PROSPECTIVE JUROR NO. 186: And I find this kind of a
4 trial very repugnant. I may not be fair to the defendant.

5 THE COURT: So, based upon the nature of the charge,
6 you're concerned about your ability to be fair and impartial?

7 PROSPECTIVE JUROR NO. 186: All right. Well, that's
8 an important consideration. We're going to get into that in a
9 little bit more detail in a few minutes. I appreciate that
10 disclosure now.

11 Anybody else? Really what I'm looking for is there
12 are some faith systems out there that don't -- that can't sit
13 in judgment. They're not -- their faith prohibits them from
14 doing so. Or they might have some other philosophic reason
15 that they have trouble sitting in judgment of someone else.
16 Anybody of that type of particular mindset at this time?
17 Anybody? We have a hand in the back. Mr. Stein, if you could
18 hand that microphone to -- thank you.

19 PROSPECTIVE JUROR NO. 205: Hi. I'm juror number
20 205.

21 THE COURT: Yes, ma'am.

22 PROSPECTIVE JUROR NO. 205: I am a mother of two
23 young children. I feel very passionate about certain things
24 and I don't feel that I can be completely impartial.

25 THE COURT: Okay. I appreciate that disclosure.

1 PROSPECTIVE JUROR NO. 205: To the defendant.

2 THE COURT: Okay. We'll see where we go with that.

3 PROSPECTIVE JUROR NO. 205: Okay. Thank you.

4 THE COURT: We'll get into that more in a just few
5 minutes. Anybody else? Okay.

6 Now under our system of criminal justice, an
7 Information has been filed in this case. An Information is a
8 mere accusation and is not any evidence of guilty. Understand
9 that as the defendant sits here right now, as Mr. Adams sits
10 here right now, because no evidence has been presented from
11 this witness stand, he must be presumed innocent till the
12 contrary is proved. Does everybody understand that important
13 concept of our criminal justice system? No evidence has been
14 presented, so he must be presumed innocent at this time.

15 Does anybody believe simply because he's under
16 charge, under charge of indictment, a criminal indictment, that
17 he must have done something wrong? All right, good.

18 You understand that based upon the fact that an
19 indictment's been filed, the State has the burden of proving
20 every element of the crime charged beyond a reasonable doubt?
21 That's how it works, the State must prove their case beyond a
22 reasonable doubt.

23 Does anybody have a problem with that concept, in
24 understanding the breakdown of responsibilities? That the
25 responsibility of the burden lies completely with the State?

1 All right.

2 Let's get that microphone up to Mr. Schiffman if we
3 could. Mr. Schiffman, do you still have that mike? Oh, good.
4 Now, I'm going to have some questions of just the top -- I call
5 you my top 32 and I'm going to have the same questions for all
6 of you Ladies and Gentlemen. You're going to see the pattern
7 develop here real quick.

8 Mr. Schiffman, how long have you been here in Nevada?

9 PROSPECTIVE JUROR NO. 104: Oh, about four years.

10 THE COURT: What do you do for a living, sir?

11 PROSPECTIVE JUROR NO. 104: A couple of things.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 104: Professional poker
14 player, computer research.

15 THE COURT: Okay. So you do some computer work --

16 PROSPECTIVE JUROR NO. 104: Yes.

17 THE COURT: -- and you play poker to support
18 yourself.

19 PROSPECTIVE JUROR NO. 104: Yes, sir.

20 THE COURT: Are you married, single? Do you have any
21 children?

22 PROSPECTIVE JUROR NO. 104: Not married, no children.

23 THE COURT: All right. Any prior -- ever served on a
24 jury before?

25 PROSPECTIVE JUROR NO. 104: No.

1 THE COURT: Any -- here or anywhere else?

2 PROSPECTIVE JUROR NO. 104: No.

3 THE COURT: Thank you very much. If you could hand
4 that microphone to Ms. Raymond next to you.

5 Ms. Raymond, how long have you been here in Nevada?

6 PROSPECTIVE JUROR NO. 131: About 25 years.

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

8 PROSPECTIVE JUROR NO. 131: I'm an office coordinator
9 for a wholesale distributor of fertilizer and chemicals.

10 THE COURT: Okay. Married, single, kids?

11 PROSPECTIVE JUROR NO. 131: Divorced.

12 THE COURT: And any kids out of that relationship?

13 PROSPECTIVE JUROR NO. 131: No, no, sir.

14 THE COURT: All right. Any prior jury service?

15 PROSPECTIVE JUROR NO. 131: Yes, sir.

16 THE COURT: All right. Without telling us -- well,
17 first of all, was that here in Nevada or elsewhere?

18 PROSPECTIVE JUROR NO. 131: Here in Nevada.

19 THE COURT: Was it a criminal or civil -- civil or
20 criminal if you recall? About how long was it?

21 PROSPECTIVE JUROR NO. 131: I believe it was a civil.
22 About two years ago.

23 THE COURT: Okay. So you believe it was a civil. If
24 it was civil, you understand there was an important distinction
25 in the burdens of proof between a civil case and a criminal

1 case. And I'll explain that when I give you the law in the
2 case. It's just important for you to recognize that.

3 Without telling us what the verdict was in that case,
4 was your jury, the jury able to reach a verdict in that case?

5 PROSPECTIVE JUROR NO. 131: Yes, we were, but I
6 abstained from voting.

7 THE COURT: Okay. Were you the foreperson of that
8 jury?

9 PROSPECTIVE JUROR NO. 131: No, sir.

10 THE COURT: Anything about that experience that might
11 affect your ability to sit as a fair and impartial juror here
12 in this case?

13 PROSPECTIVE JUROR NO. 131: No, sir.

14 THE COURT: Thank you very much. If you could hand
15 that microphone, is it Winterbottom? Ms. Winterbottom.

16 PROSPECTIVE JUROR NO. 133: Um-hum.

17 THE COURT: How long have you been here in Nevada?

18 PROSPECTIVE JUROR NO. 133: Three years.

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

20 PROSPECTIVE JUROR NO. 133: I bartend for Excaliber
21 Casino.

22 THE COURT: Okay. Married, single, kids?

23 PROSPECTIVE JUROR NO. 133: Single, no children.

24 THE COURT: Any prior jury service?

25 PROSPECTIVE JUROR NO. 133: No.

1 THE COURT: Thank you, ma'am. Mr. Washington, how
2 long have you been here in Nevada?

3 PROSPECTIVE JUROR NO. 135: About 10 years.

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

5 PROSPECTIVE JUROR NO. 135: Engineering at South
6 Point Maintenance.

7 THE COURT: So you take care of the infrastructure,
8 make --

9 PROSPECTIVE JUROR NO. 135: Yeah.

10 THE COURT: -- sure everything's running and the
11 bells are doing what they need to do?

12 PROSPECTIVE JUROR NO. 135: Yep.

13 THE COURT: Married, single, kids?

14 PROSPECTIVE JUROR NO. 135: Single, no kids.

15 THE COURT: Any prior jury service?

16 PROSPECTIVE JUROR NO. 135: No.

17 THE COURT: Thank you, sir. Is it Callowhill?

18 PROSPECTIVE JUROR NO. 136: Yes.

19 THE COURT: Ms. Callowhill, how long have you been
20 here in Nevada?

21 PROSPECTIVE JUROR NO. 136: Ten and a half years.

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

23 PROSPECTIVE JUROR NO. 136: I'm an account executive
24 at World Market Center.

25 THE COURT: Okay. Married, single, kids?

1 PROSPECTIVE JUROR NO. 136: Widowed, one daughter in
2 California.

3 THE COURT: Thank you. Any prior jury service?

4 PROSPECTIVE JUROR NO. 136: No.

5 THE COURT: Thank you, ma'am. Mr. Wheeler, how long
6 have you been here in Nevada?

7 PROSPECTIVE JUROR NO. 137: Seven years, Your Honor.

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

9 PROSPECTIVE JUROR NO. 137: I'm a gaming
10 transactional attorney with the Venetian.

11 THE COURT: Okay. Married, single, kids?

12 PROSPECTIVE JUROR NO. 137: Married, no children.

13 THE COURT: Any prior jury service?

14 PROSPECTIVE JUROR NO. 137: Approximately 25 years
15 ago out of state..

16 THE COURT: Okay. Was it criminal or civil if you
17 recall?

18 PROSPECTIVE JUROR NO. 137: I believe it was civil.

19 THE COURT: I understand that you, as an attorney,
20 will understand the important distinction between the burdens
21 of proof in a civil and a criminal case?

22 PROSPECTIVE JUROR NO. 137: Yes, Your Honor.

23 THE COURT: Without telling us what the verdict was
24 in that case, if you recall, were you able to reach a verdict?

25 PROSPECTIVE JUROR NO. 137: Yes, Your Honor.

1 THE COURT: Were you the foreperson of that jury?

2 PROSPECTIVE JUROR NO. 137: No.

3 THE COURT: Anything about that experience that might
4 affect your ability to sit as a fair and impartial juror here?

5 PROSPECTIVE JUROR NO. 137: No.

6 THE COURT: Thank you, sir. Ms. Alvarez, how long
7 have you been here in Nevada?

8 PROSPECTIVE JUROR NO. 138: Thirteen years.

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

10 PROSPECTIVE JUROR NO. 138: I'm working Mandalay Bay.

11 THE COURT: And what do you do for Mandalay?

12 PROSPECTIVE JUROR NO. 138: Pantry.

13 THE COURT: Painting?

14 PROSPECTIVE JUROR NO. 138: Pantry, in the kitchen.

15 THE COURT: Pantry, okay. So you work in the
16 kitchen.

17 PROSPECTIVE JUROR NO. 138: Yeah.

18 THE COURT: Married, single, kids?

19 PROSPECTIVE JUROR NO. 138: Married, three kids.

20 THE COURT: Three kids. And have you ever served on
21 a jury before?

22 PROSPECTIVE JUROR NO. 138: No.

23 THE COURT: Thank you very much. Mr. Beirne, how
24 long have you been here in Nevada?

25 PROSPECTIVE JUROR NO. 141: I've been here 19 years.

1 THE COURT: What do you do for a living, sir?

2 PROSPECTIVE JUROR NO. 141: Accounting and financial
3 consulting.

4 THE COURT: You're an independent contractor? You
5 sound like you're a --

6 PROSPECTIVE JUROR NO. 141: No, I work for -- I work
7 for a consulting firm.

8 THE COURT: Okay. Married, single, kids?

9 PROSPECTIVE JUROR NO. 141: Married, three kids.

10 THE COURT: Any prior jury service?

11 PROSPECTIVE JUROR NO. 141: About three years ago, I
12 was called in and we filled out a questionnaire and apparently
13 they settled the case and we didn't have to come back.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 141: And about 20 years ago, I
16 -- in Colorado, I was -- I came in for jury service, but they
17 got the jury before they called me, so.

18 THE COURT: So you never actually went back and
19 deliberated a case and made decisions on a case?

20 PROSPECTIVE JUROR NO. 141: No.

21 THE COURT: All right. Anything about those, those
22 contacts with the system that might affect your ability to be
23 fair and impartial?

24 PROSPECTIVE JUROR NO. 141: No.

25 THE COURT: Thank you. If we can get that microphone

1 up to Ms. Carroll in seat number nine. Ms. Carroll, how long
2 have you been here in Nevada?

3 PROSPECTIVE JUROR NO. 143: Twenty-seven years.

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

5 PROSPECTIVE JUROR NO. 143: I'm a dental hygienist.

6 THE COURT: Right. Married, single, kids?

7 PROSPECTIVE JUROR NO. 143: Single, no kids.

8 THE COURT: Any prior jury service? You ever served
9 on a jury before?

10 PROSPECTIVE JUROR NO. 143: No.

11 THE COURT: Thank you very much. Mr. Harris, how
12 long you been here in Nevada?

13 PROSPECTIVE JUROR NO. 145: About three years.

14 THE COURT: And what do you do for a living, sir?

15 PROSPECTIVE JUROR NO. 145: Retired.

16 THE COURT: Now that you're retired, what do you do
17 to fill your day?

18 PROSPECTIVE JUROR NO. 145: Watch TV.

19 THE COURT: I mean, I've had retired folks tell me
20 they're passionate about growing their tomatoes.

21 PROSPECTIVE JUROR NO. 145: Oh, I love to.

22 THE COURT: A lot of people like to play the
23 machines. A lot of golfing. What -- you know, you're retired,
24 you earned it. So, you would say if you weren't sitting here
25 right now talking with me, you'd be home watching TV?

1 PROSPECTIVE JUROR NO. 145: Right.

2 THE COURT: Okay. What did you retire from?

3 PROSPECTIVE JUROR NO. 145: Engineering.

4 THE COURT: So you were an engineer. What type of
5 engineer?

6 PROSPECTIVE JUROR NO. 145: Maintenance, Bellagio.

7 THE COURT: Okay. And you retired with, what, 20-
8 25-30 in?

9 PROSPECTIVE JUROR NO. 145: Actually, it was a layoff
10 retirement.

11 THE COURT: Okay. All right. But that's the kind of
12 work you do or did?

13 PROSPECTIVE JUROR NO. 145: Right, yeah.

14 THE COURT: All right. Are you married, single, have
15 any children?

16 PROSPECTIVE JUROR NO. 145: Yes, married, no
17 children.

18 THE COURT: Any prior jury service?

19 PROSPECTIVE JUROR NO. 145: No.

20 THE COURT: Thank you, sir. Is it -- help me.

21 PROSPECTIVE JUROR NO. 146: Lisy-Meikle.

22 THE COURT: Lisy-Meikle.

23 PROSPECTIVE JUROR NO. 146: Yes.

24 THE COURT: Miss, is it, Lisy-Meikle.

25 PROSPECTIVE JUROR NO. 146: Yes.

1 THE COURT: Tell me about yourself. How long have
2 you been here in Nevada?

3 PROSPECTIVE JUROR NO. 146: About two years.

4 THE COURT: And you have one child as I recall.

5 PROSPECTIVE JUROR NO. 146: Yes. A daughter.

6 THE COURT: And is that what your responsibilities
7 now? Are you working outside the home?

8 PROSPECTIVE JUROR NO. 146: I'm a stay-at-home mom
9 during the day and then I tutor students for a couple hours in
10 the evening.

11 THE COURT: So are you -- if you didn't have those
12 child issues, would you be a teacher? Or what would you be
13 doing, if anything else?

14 PROSPECTIVE JUROR NO. 146: Well, I recently applied
15 for the school district to be a full-time teacher.

16 THE COURT: Okay. You have the credential to do
17 that?

18 PROSPECTIVE JUROR NO. 146: Yes.

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

20 PROSPECTIVE JUROR NO. 146: No.

21 THE COURT: All right. Thank you very much. Could
22 you hand that microphone to Mr. Marvin, is that right? Mr.
23 Marvin --

24 PROSPECTIVE JUROR NO. 147: That's correct, sir.

25 THE COURT: What do you do for a living, sir?

1 PROSPECTIVE JUROR NO. 147: IT Engineer.

2 THE COURT: Or excuse me, how long have you been here
3 in Nevada?

4 PROSPECTIVE JUROR NO. 147: I've been here 20 years.
5 I'm an IT Engineer, I'm single.

6 THE COURT: Okay. Any --

7 PROSPECTIVE JUROR NO. 147: And I've never been on a
8 jury.

9 THE COURT: Thank you very much. Ms. Aguas, how long
10 have you been here in Nevada?

11 PROSPECTIVE JUROR NO. 149: Eleven years.

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

13 PROSPECTIVE JUROR NO. 149: I'm a stay-at-home mom.

14 THE COURT: Okay. And you, I think you said three?

15 PROSPECTIVE JUROR NO. 149: Three kids, yes.

16 THE COURT: And you take care of them and you gave us
17 their ages.

18 PROSPECTIVE JUROR NO. 149: Yes, 6, 8 and 10.

19 THE COURT: Right.

20 PROSPECTIVE JUROR NO. 149: Yeah.

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

22 PROSPECTIVE JUROR NO. 149: No.

23 THE COURT: Thank you very much, ma'am. Sir, is it
24 -- help me with --

25 PROSPECTIVE JUROR NO. 150: Oyamot.

1 THE COURT: I'm terrible with the pronunciation of
2 names and I don't like to butcher. O --

3 PROSPECTIVE JUROR NO. 150: Oyamot.

4 THE COURT: Mr. Oyamot, how long have you been here
5 in Nevada?

6 PROSPECTIVE JUROR NO. 150: Ten years.

7 THE COURT: What do you do for a living, sir?

8 PROSPECTIVE JUROR NO. 150: I manage a warehouse.
9 Food products.

10 THE COURT: Food products and through -- for the
11 casinos or whatever commercial --

12 PROSPECTIVE JUROR NO. 150: Sushi bars and Hawaiian
13 food products.

14 THE COURT: Okay. Married, single, kids?

15 PROSPECTIVE JUROR NO. 150: Married, three girls.

16 THE COURT: Any prior jury service?

17 PROSPECTIVE JUROR NO. 150: No.

18 THE COURT: Thank you, sir. Is it Sheikewitz?

19 PROSPECTIVE JUROR NO. 151: Sheikewitz.

20 THE COURT: Sheikewitz. Ma'am, how long have you
21 been here in Nevada?

22 PROSPECTIVE JUROR NO. 151: Six years.

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

24 PROSPECTIVE JUROR NO. 151: Retired.

25 THE COURT: What do you do now to fill your day?

1 PROSPECTIVE JUROR NO. 151: Just keep myself busy.

2 THE COURT: Just kind of give me broad strokes. Are
3 you the lady that does the flowers or the tomatoes? Or are you
4 the lady -- just kind of an idea. Or a golfer?

5 PROSPECTIVE JUROR NO. 151: Bowler.

6 THE COURT: Bowler, okay. And what did you retire
7 from?

8 PROSPECTIVE JUROR NO. 151: I was working with
9 mortgages in New Jersey.

10 THE COURT: Okay. In a bank kind of context or a
11 title company?

12 PROSPECTIVE JUROR NO. 151: No. No, it was a -- it
13 was a little office they had that contacted to the mortgages.

14 THE COURT: Okay. I know they do it a little
15 different back there than they do on the west coast.

16 PROSPECTIVE JUROR NO. 151: Way different.

17 THE COURT: So in broad strokes, your job is kind of
18 involved in writing mortgages for people who are trying to buy
19 homes?

20 PROSPECTIVE JUROR NO. 151: Pulling the credit, yes.

21 THE COURT: Okay. Married, single, kids?

22 PROSPECTIVE JUROR NO. 151: Married, two daughters.

23 THE COURT: Any prior jury service?

24 PROSPECTIVE JUROR NO. 151: No.

25 THE COURT: Thank you, ma'am. Mr. Scott, how long

1 have you been here in Nevada?

2 PROSPECTIVE JUROR NO. 152: Six years.

3 THE COURT: What do you do for a living, sir?

4 PROSPECTIVE JUROR NO. 152: Computer Consultant.

5 THE COURT: Married, single, kids?

6 PROSPECTIVE JUROR NO. 152: Married, one kid.

7 THE COURT: Any prior jury service?

8 PROSPECTIVE JUROR NO. 152: Yes, sir.

9 THE COURT: Civil or criminal.

10 PROSPECTIVE JUROR NO. 152: Here in Nevada or
11 elsewhere?

12 PROSPECTIVE JUROR NO. 152: Out of state.

13 THE COURT: Do you understand the difference there's
14 an important distinction in the burdens of proof.

15 PROSPECTIVE JUROR NO. 152: I do.

16 THE COURT: Without telling us what the verdict was
17 in that case, was that jury able to reach a verdict?

18 PROSPECTIVE JUROR NO. 152: Yes, they were.

19 THE COURT: Were you the foreperson of that jury?

20 PROSPECTIVE JUROR NO. 152: No.

21 THE COURT: Anything about that experience that might
22 affect your ability to sit as a fair and impartial jury here?

23 PROSPECTIVE JUROR NO. 152: No.

24 THE COURT: Thank you very much. Get that microphone
25 up to Mr. Parker. Mr. Parker, how long have you been here in

1 Nevada?

2 PROSPECTIVE JUROR NO. 154: About a year and a half.

3 THE COURT: What do you do for a living, sir?

4 PROSPECTIVE JUROR NO. 154: I'm a plumber.

5 THE COURT: Married, single, kids?

6 PROSPECTIVE JUROR NO. 154: Married with four kids.

7 THE COURT: Any prior jury service?

8 PROSPECTIVE JUROR NO. 154: No.

9 THE COURT: Thank you, sir. Ms. Lopez, how long have
10 you been here in Nevada?

11 PROSPECTIVE JUROR NO. 155: About 12 years.

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

13 PROSPECTIVE JUROR NO. 155: I'm an accountant with

14 UNLV.

15 THE COURT: All right. Married, single, kids?

16 PROSPECTIVE JUROR NO. 155: Divorced, two kids, three
17 grandkids.

18 THE COURT: Any prior jury service?

19 PROSPECTIVE JUROR NO. 155: Yes.

20 THE COURT: Civil or criminal?

21 PROSPECTIVE JUROR NO. 155: Civil.

22 THE COURT: Here in Nevada or elsewhere?

23 PROSPECTIVE JUROR NO. 155: Here about six years ago.

24 THE COURT: Were you able to reach a verdict in that
25 case?

1 PROSPECTIVE JUROR NO. 155: Yes, sir.

2 THE COURT: And were you the foreperson of that jury?

3 PROSPECTIVE JUROR NO. 155: No.

4 THE COURT: Anything about that experience that might
5 affect your ability to sit as a fair and impartial juror?

6 PROSPECTIVE JUROR NO. 155: No, sir.

7 THE COURT: Thank you very much. Ms. Clayton, how
8 long have you been here in Nevada?

9 PROSPECTIVE JUROR NO. 156: Nineteen years.

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

11 PROSPECTIVE JUROR NO. 156: I teach criminal law
12 classes at the College of Southern Nevada.

13 THE COURT: Married, single, kids?

14 PROSPECTIVE JUROR NO. 156: Divorced with a teenage
15 daughter.

16 THE COURT: Any prior jury service?

17 PROSPECTIVE JUROR NO. 156: No.

18 THE COURT: Thank you very much. Mr. McKenzie, how
19 long have you been here in Nevada?

20 PROSPECTIVE JUROR NO. 158: Nine years.

21 THE COURT: And what do you do for a living, sir?

22 PROSPECTIVE JUROR NO. 158: I work freelance
23 production work for commercials and conventions.

24 THE COURT: Okay. So you put that type of -- gather
25 that information and put commercials together for --

1 PROSPECTIVE JUROR NO. 158: Yeah.
2 THE COURT: All right. Married, single, kids?
3 PROSPECTIVE JUROR NO. 158: Single, no kids.
4 THE COURT: Any prior jury service?
5 PROSPECTIVE JUROR NO. 158: No.
6 THE COURT: Thank you very much. Is it Grassian?
7 PROSPECTIVE JUROR NO. 159: Grassian.
8 THE COURT: Professor Grassian, how long have you
9 been here in Nevada?
10 PROSPECTIVE JUROR NO. 159: About four and a half
11 years.
12 THE COURT: You've -- well, you're a professor of
13 English at UNLV?
14 PROSPECTIVE JUROR NO. 159: Actually, Nevada State
15 College.
16 THE COURT: Nevada State College. Married, single,
17 kids?
18 PROSPECTIVE JUROR NO. 159: Single, soon to be
19 married.
20 THE COURT: Any prior jury service?
21 PROSPECTIVE JUROR NO. 159: No.
22 THE COURT: Thank you, sir. Ms., is it Farfan?
23 PROSPECTIVE JUROR NO. 166: Yes.
24 THE COURT: How long have you been here in Nevada?
25 PROSPECTIVE JUROR NO. 166: Fourteen years.

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

2 PROSPECTIVE JUROR NO. 166: I'm an elementary
3 teacher.

4 THE COURT: Elementary school teacher, CCSD?

5 PROSPECTIVE JUROR NO. 166: Um-hum.

6 THE COURT: Was that a yes?

7 PROSPECTIVE JUROR NO. 166: Yes.

8 THE COURT: Okay. Married, single, kids?

9 PROSPECTIVE JUROR NO. 166: I'm married and I have
10 one kid and one on the way.

11 THE COURT: All right, yes. And any prior jury
12 service?

13 PROSPECTIVE JUROR NO. 166: No.

14 THE COURT: Thank you, ma'am. Mr. Cooper, how long
15 have you been here in Nevada?

16 PROSPECTIVE JUROR NO. 167: Twenty-one years.

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

18 PROSPECTIVE JUROR NO. 167: Bartender at the
19 Flamingo.

20 THE COURT: All right. Married, single, kids?

21 PROSPECTIVE JUROR NO. 167: Divorced, I have an 18-
22 year-old daughter that I've raised by myself for the last 15
23 years.

24 THE COURT: Any prior jury service?

25 PROSPECTIVE JUROR NO. 167: No.

1 THE COURT: Thank you, sir. Mr. Viernes?
2 PROSPECTIVE JUROR NO. 168: Yes, Your Honor.
3 THE COURT: How long have you been here in Las Vegas?
4 PROSPECTIVE JUROR NO. 168: Thirteen years.
5 THE COURT: And what do you do for a living?
6 PROSPECTIVE JUROR NO. 168: I'm a full-time
7 babysitter to my nephew and niece.
8 THE COURT: Okay. So you're at home full-time.
9 PROSPECTIVE JUROR NO. 168: Um-hum.
10 THE COURT: Are you married?
11 PROSPECTIVE JUROR NO. 168: Single.
12 THE COURT: And you've already told us a little bit.
13 You're babysitting your grandchild.
14 PROSPECTIVE JUROR NO. 168: Yeah, the other one is,
15 has juvenile diabetes, uncontrolled one.
16 THE COURT: Okay. Any prior jury service?
17 PROSPECTIVE JUROR NO. 168: Yes, Your Honor.
18 THE COURT: Here -- here or elsewhere?
19 PROSPECTIVE JUROR NO. 168: Here.
20 THE COURT: Civil or criminal?
21 PROSPECTIVE JUROR NO. 168: Criminal.
22 THE COURT: Without telling us what the verdict was
23 in that case, were you able to reach -- was that jury able to
24 reach a verdict?
25 PROSPECTIVE JUROR NO. 168: Yes, we did.

1 THE COURT: Were you the foreperson of that jury?

2 PROSPECTIVE JUROR NO. 168: I served as an alternate
3 juror.

4 THE COURT: So you were an alternate juror. You
5 listened to the evidence --

6 PROSPECTIVE JUROR NO. 168: Yes.

7 THE COURT: -- but did you ever deliberate on the
8 case?

9 PROSPECTIVE JUROR NO. 168: No.

10 THE COURT: All right. Anything about that
11 experience that might effect your ability to sit as a fair and
12 impartial juror?

13 PROSPECTIVE JUROR NO. 168: None, Your Honor.

14 THE COURT: Thank you very much. Get that microphone
15 up to Mr. Cianci.

16 PROSPECTIVE JUROR NO. 172: Ci-an-ci.

17 THE COURT: Cianci, sorry.

18 PROSPECTIVE JUROR NO. 172: See an See.

19 THE COURT: See -- I got to write it out. See an
20 see. How long have you been here in Nevada, Mr. Cianci?

21 PROSPECTIVE JUROR NO. 172: Fifteen years.

22 THE COURT: And what do you do for a living, sir?

23 PROSPECTIVE JUROR NO. 172: I'm a business
24 representative for Bartender's Local 165 here in Las Vegas.

25 THE COURT: Okay. Married, single, kids?

1 PROSPECTIVE JUROR NO. 172: Married, one child 7
2 years old, boy.

3 THE COURT: Any prior jury service?

4 PROSPECTIVE JUROR NO. 172: No.

5 THE COURT: Thank you, sir. Ms. Alberts, how long
6 have you been here in Nevada?

7 PROSPECTIVE JUROR NO. 174: About two years.

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

9 PROSPECTIVE JUROR NO. 174: I am a copywriter for a
10 PR and Marketing firm in Henderson.

11 THE COURT: All right. Married, single, kids?

12 PROSPECTIVE JUROR NO. 174: Married, no kids.

13 THE COURT: Any prior jury service?

14 PROSPECTIVE JUROR NO. 174: Yes, sir.

15 THE COURT: Civil or criminal.

16 PROSPECTIVE JUROR NO. 174: Criminal.

17 THE COURT: Here in Nevada or elsewhere?

18 PROSPECTIVE JUROR NO. 174: Elsewhere.

19 THE COURT: Where?

20 PROSPECTIVE JUROR NO. 174: Alaska.

21 THE COURT: About how long ago?

22 PROSPECTIVE JUROR NO. 174: Let's see, it would have
23 probably five years ago.

24 THE COURT: Okay. Without telling us what the
25 verdict was in that Alaska case, was your jury able to reach a

1 verdict?

2 PROSPECTIVE JUROR NO. 174: Yes, sir.

3 THE COURT: Were you the foreperson of that jury?

4 PROSPECTIVE JUROR NO. 174: No, sir.

5 THE COURT: Anything about that experience that might
6 affect your ability to sit as a fair and impartial jury here?

7 PROSPECTIVE JUROR NO. 174: No, sir.

8 THE COURT: Thank you very much. Mr. Johnson.

9 PROSPECTIVE JUROR NO. 176: Yes, sir.

10 THE COURT: How long have you been here in Nevada?

11 PROSPECTIVE JUROR NO. 176: Twenty years.

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

13 PROSPECTIVE JUROR NO. 176: Work for Budget Rent-a-
14 Car.

15 THE COURT: In what -- broad strokes, what do you do
16 for Budget?

17 PROSPECTIVE JUROR NO. 176: Wash cars.

18 THE COURT: Okay. Married, single, kids?

19 PROSPECTIVE JUROR NO. 176: Single, one kid.

20 THE COURT: Any prior jury service?

21 PROSPECTIVE JUROR NO. 176: No, sir.

22 THE COURT: Thank you very much. Mr. Perkins, how
23 long have you been here in Nevada?

24 PROSPECTIVE JUROR NO. 177: Thirty-two years.

25 THE COURT: What do you do for a living, sir?

1 PROSPECTIVE JUROR NO. 177: Cook.

2 THE COURT: For who?

3 PROSPECTIVE JUROR NO. 177: Bill's Gambling Hall.

4 THE COURT: All right. Married, single, kids?

5 PROSPECTIVE JUROR NO. 177: Divorced, three boys.

6 THE COURT: Any prior jury service?

7 PROSPECTIVE JUROR NO. 177: No, sir.

8 THE COURT: Thank you, sir. Is it Laba, Ms. Laba?

9 PROSPECTIVE JUROR NO. 180: Yes.

10 THE COURT: How long have you been here in Nevada?

11 PROSPECTIVE JUROR NO. 180: Eleven years.

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

13 PROSPECTIVE JUROR NO. 180: I'm retired, formally
14 materials manager -- manager and logistics for a major water
15 company.

16 THE COURT: All right. Married, single, kids?

17 PROSPECTIVE JUROR NO. 180: Married, three grown
18 children.

19 THE COURT: Any prior jury service?

20 PROSPECTIVE JUROR NO. 180: Yes. Once here in
21 Nevada, civil case and we did come to a verdict. And ten times
22 in California, one plea bargain, mostly criminal cases, and we
23 came to verdicts.

24 THE COURT: And were you the foreperson of any of
25 those juries?

1 PROSPECTIVE JUROR NO. 180: No.

2 THE COURT: Anything about those prior commitments to
3 the process, being a member of the jury, that might affect your
4 ability to sit as fair and impartial juror here today?

5 PROSPECTIVE JUROR NO. 180: No.

6 THE COURT: Thank you very much. Mr. Stein, how long
7 have you been here in Nevada?

8 PROSPECTIVE JUROR NO. 186: Thirteen years.

9 THE COURT: And what do you do for a living, sir?

10 PROSPECTIVE JUROR NO. 186: I'm unemployed, but I
11 used to sell timesharing.

12 THE COURT: Okay. Married, single, kids?

13 PROSPECTIVE JUROR NO. 186: Married, two grown
14 children.

15 THE COURT: Any prior jury service?

16 PROSPECTIVE JUROR NO. 186: Yes.

17 THE COURT: Civil or criminal?

18 PROSPECTIVE JUROR NO. 186: Both, New York and New
19 Jersey.

20 THE COURT: Okay. So you've done both.

21 PROSPECTIVE JUROR NO. 186: Yes.

22 THE COURT: So you understand there's differences in
23 the burdens of proof?

24 PROSPECTIVE JUROR NO. 186: Yes, I do.

25 THE COURT: Without telling us what the verdicts were

1 in any of those cases, were the jurors -- juries able to reach
2 verdicts in those cases?

3 PROSPECTIVE JUROR NO. 186: Only in the criminal one.

4 THE COURT: In the civil you were unable to reach a
5 verdict?

6 PROSPECTIVE JUROR NO. 186: Yeah, it came to a
7 decision without us.

8 THE COURT: So you didn't have to make a verdict?

9 PROSPECTIVE JUROR NO. 186: That's correct.

10 THE COURT: Were you the foreman of any of those
11 juries?

12 PROSPECTIVE JUROR NO. 186: No, I was not.

13 THE COURT: Anything about those experiences that
14 might effect your ability to sit as a fair and impartial juror?

15 PROSPECTIVE JUROR NO. 186: No.

16 THE COURT: Thank you very much. Mr. Carter, how
17 long have you been here in Nevada?

18 PROSPECTIVE JUROR NO. 188: Eight years.

19 THE COURT: What do you do for a living, sir?

20 PROSPECTIVE JUROR NO. 188: Marina manager.

21 THE COURT: All right. Marina out at Lake Mead?

22 PROSPECTIVE JUROR NO. 188: Cottonwood Cove, Lake
23 Mojave.

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

25 PROSPECTIVE JUROR NO. 188: Married, two stepsons.

1 THE COURT: Any prior jury service?
2 PROSPECTIVE JUROR NO. 188: No.
3 THE COURT: Thank you, sir. Ms., is it Ramsey?
4 PROSPECTIVE JUROR NO. 190: Yes, Your Honor.
5 THE COURT: How long have you been here in Nevada?
6 PROSPECTIVE JUROR NO. 190: Nineteen years.
7 THE COURT: And what do you do for a living?
8 PROSPECTIVE JUROR NO. 190: Elementary school
9 teacher?
10 THE COURT: CCSD?
11 PROSPECTIVE JUROR NO. 190: Yes.
12 THE COURT: Married, single, kids?
13 PROSPECTIVE JUROR NO. 190: Married, two children.
14 THE COURT: And any prior jury service?
15 PROSPECTIVE JUROR NO. 190: No.
16 THE COURT: Thank you very much. All right. And
17 these next few questions are just for the top 32.
18 Ladies and Gentlemen, is there anyone here -- anybody
19 here in the top 32 who's had a close family member or friend or
20 personally ever been a victim of a crime, if you haven't
21 already disclosed it? I just don't -- need you to talk about
22 it once so everybody can make their notes. But we're talking
23 about a close family member or friend, victim of a crime.
24 Front row? Next row back?
25 PROSPECTIVE JUROR NO. 168: Yes, Your Honor.

1 THE COURT: Yes, sir. Just your badge number so we
2 keep the record.

3 PROSPECTIVE JUROR NO. 168: 168.

4 THE COURT: Yes, sir.

5 PROSPECTIVE JUROR NO. 168: I had a family member was
6 molested 30 years ago.

7 THE COURT: Okay. Family member molested 30 years
8 ago. Here in Nevada or elsewhere?

9 PROSPECTIVE JUROR NO. 168: Back in the Philippines.

10 THE COURT: Back in the Philippines. Anything about
11 the nature of that family situation that might affect your
12 ability to sit as a fair and impartial juror?

13 PROSPECTIVE JUROR NO. 168: None.

14 THE COURT: Thank you very much. Anyone else?
15 Second row.

16 PROSPECTIVE JUROR NO. 167: My brother and my
17 daughter both have gotten mugged.

18 THE COURT: This is Mr. Cooper?

19 PROSPECTIVE JUROR NO. 167: Yes.

20 THE COURT: 167. Both your --

21 PROSPECTIVE JUROR NO. 167: My brother and my
22 daughter have both been mugged.

23 THE COURT: Here in Nevada or elsewhere?

24 PROSPECTIVE JUROR NO. 167: Here.

25 THE COURT: Anything about the nature of those

1 situations that might affect your ability to sit as a fair and
2 impartial juror?

3 PROSPECTIVE JUROR NO. 167: I don't think so.

4 THE COURT: Thank you, sir. Anyone else? Yes,
5 ma'am.

6 PROSPECTIVE JUROR NO. 166: Number 166. When I was
7 growing up, I was molested.

8 THE COURT: You were molested by -- was it a family
9 member?

10 PROSPECTIVE JUROR NO. 166: It was a guy, I don't
11 even know his name.

12 THE COURT: Anything about that life experience that
13 might affect your ability to be fair and impartial in this
14 case?

15 PROSPECTIVE JUROR NO. 166: It will because I still
16 remember things and it affects me, so.

17 THE COURT: So you do -- as a consequence, you
18 believe that that personal experience might affect your ability
19 to sit as a fair and impartial juror. State?

20 PROSPECTIVE JUROR NO. 166: Yes.

21 THE COURT: Mr. Scow and Mr. Hendricks, you want to
22 inquire?

23 MR. HENDRICKS: Yes, thanks, Judge. Ms. Farfan?

24 PROSPECTIVE JUROR NO. 166: Yes.

25 MR. HENDRICKS: You said this was some time ago;

1 right?

2 PROSPECTIVE JUROR NO. 166: Yes, I was eight years
3 old.

4 MR. HENDRICKS: And did you know the person?

5 PROSPECTIVE JUROR NO. 166: No.

6 MR. HENDRICKS: Was the person ever apprehended?

7 PROSPECTIVE JUROR NO. 166: No.

8 MR. HENDRICKS: And so I assume he was never
9 prosecuted or anything; right?

10 PROSPECTIVE JUROR NO. 166: No.

11 MR. HENDRICKS: Okay. Thank you. Well, based upon
12 that, do you think that you can set that aside and still be
13 fair to both the State and the defense in regards to this case?

14 PROSPECTIVE JUROR NO. 166: Probably not, just
15 because thinking about it, remembering hurts me so.

16 MR. HENDRICKS: Understand.

17 PROSPECTIVE JUROR NO. 166: Um-hum.

18 MR. HENDRICKS: Okay. Thank you.

19 THE COURT: Mr. Maningo, any questions?

20 MR. MANINGO: No, Judge. And no objection to
21 excusing Ms. Farfan.

22 THE COURT: Ms. Farfan, based upon -- I appreciate
23 your disclosure. I'm going to let you go to the third floor
24 now. It doesn't mean -- frankly, it's Monday morning. There's
25 lots of juries going out. They're going to put you on another

1 panel this afternoon and send you out.

2 PROSPECTIVE JUROR NO. 166: Okay.

3 THE COURT: I just -- I appreciate your honesty and
4 disclosure here. I'm going to send you back to the third
5 floor. Please don't leave the building.

6 PROSPECTIVE JUROR NO. 166: Okay.

7 THE COURT: Okay. Just leave that microphone.

8 Actually, we're moving down the row here. You are excused, but
9 I tell you what. We're going to call another name to fill seat
10 number 22.

11 THE CLERK: That's number 191, Megan Loveless,
12 please.

13 THE COURT: Ms. Loveless, come on up. And you're --
14 and thank you, again, Ms. Farfan, you're excused. Ms.
15 Loveless, I'm going to catch you up here since we just -- on
16 the first series of questions. I'll get you in just a second,
17 Mr. Stein. If you can hand that microphone to Ms. Loveless,
18 number -- badge number 90 -- 191. Just hand it to her.

19 Ms. Loveless, how long have you been here in Nevada?

20 PROSPECTIVE JUROR NO. 191: Seven years.

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

22 PROSPECTIVE JUROR NO. 191: A bartender.

23 THE COURT: For who?

24 PROSPECTIVE JUROR NO. 191: For Encore.

25 THE COURT: Encore. Married, single, kids?

1 PROSPECTIVE JUROR NO. 191: Single, no kids.

2 THE COURT: Any prior jury service?

3 PROSPECTIVE JUROR NO. 191: No.

4 THE COURT: Have you ever had a close family member
5 or friend the victim of a crime?

6 PROSPECTIVE JUROR NO. 191: No.

7 THE COURT: Person -- all right. Yes.

8 PROSPECTIVE JUROR NO. 159: Juror 159. I actually
9 have two family members who were victims of sexual abuse.

10 THE COURT: Okay. Here in Nevada or elsewhere?

11 PROSPECTIVE JUROR NO. 159: Elsewhere.

12 THE COURT: Anything about that situation with you
13 that might affect your ability to sit as a fair and impartial
14 juror?

15 PROSPECTIVE JUROR NO. 159: Possibly.

16 THE COURT: Why?

17 PROSPECTIVE JUROR NO. 159: I'm not sure I can
18 objectively judge, given --

19 THE COURT: How long ago was -- were those?

20 PROSPECTIVE JUROR NO. 159: One was about 20 years
21 ago. The other one was about 8 years ago.

22 THE COURT: And who were -- and these relatives, who
23 were they?

24 PROSPECTIVE JUROR NO. 159: One was a brother and
25 another is my fiancée.

1 THE COURT: Okay. Are you angry at the authorities
2 for the way they handled or they didn't handle it? Or angry --
3 tell me why you don't believe you can set that aside. I mean,
4 you're a professor of English. You understand that those life
5 events happen.

6 PROSPECTIVE JUROR NO. 159: I'm not sure I can give
7 the person the benefit of the doubt completely.

8 THE COURT: Well, it's about being fair and impartial
9 to both sides.

10 PROSPECTIVE JUROR NO. 159: Right.

11 THE COURT: Why can't -- again.

12 PROSPECTIVE JUROR NO. 159: I'm not sure that I can
13 and I'm not sure that I can't either. I think there's --
14 because the one that affected my brother was never caught, I
15 think there's some residual anger towards the fact that that
16 person wasn't caught that could affect me.

17 THE COURT: Okay. I appreciate that disclosure.
18 We'll see where we go. Anyone else in that row? Mr. Stein,
19 why don't you just -- move that microphone up, Mr. Stein had
20 his hand up. And it's okay to raise your hand, even after we
21 have passed you in the row, folks, because I -- all I want is
22 full disclosure. Yes, sir.

23 PROSPECTIVE JUROR NO. 186: Approximately 40 years
24 ago, our apartment was burglarized.

25 THE COURT: Anything about the nature --

1 PROSPECTIVE JUROR NO. 186: Not at all.

2 THE COURT: Thank you very much. That's exactly what
3 I want to hear. Can we hand the microphone down to Ms.
4 Alberts there. Yes, ma'am.

5 PROSPECTIVE JUROR NO. 174: About 20 years ago, my
6 sister was sexually assaulted.

7 THE COURT: Here in Nevada or elsewhere?

8 PROSPECTIVE JUROR NO. 174: State of Oregon.

9 THE COURT: Anything about that situation with your
10 sister that might affect your ability to sit as a fair and
11 impartial juror?

12 PROSPECTIVE JUROR NO. 174: The person who was
13 guilty, the Eugene police never prosecuted and nothing ever
14 happened. It's very difficult for me to put that aside.

15 THE COURT: Okay. Do you believe you can -- as
16 difficult as it is, do you believe you can set it aside and be
17 fair and impartial?

18 PROSPECTIVE JUROR NO. 174: Possibly, yes.

19 THE COURT: Okay. We'll see where we go. Anyone
20 else? Ms. Clayton?

21 PROSPECTIVE JUROR NO. 194: I was a -- I had a car
22 stolen in the 1980s and my mom was a victim of sexual assault
23 when she was younger. But I don't think either of those two
24 things would affect my ability to be fair.

25 THE COURT: Thank you very much. Anyone else in that

1 row? Yes, sir.

2 PROSPECTIVE JUROR NO. 158: I had a long term
3 girlfriend who was raped in high school.

4 THE COURT: Mr. McKenzie.

5 PROSPECTIVE JUROR NO. 158: Yes.

6 THE COURT: Anything about that situation that might
7 affect your ability to sit as a fair and impartial juror?

8 PROSPECTIVE JUROR NO. 158: I don't believe so.

9 THE COURT: Thank you, sir. Anyone else? Mr.
10 Parker?

11 PROSPECTIVE JUROR NO. 154: Yeah. I'm -- I've had my
12 house broken into before. I've been a victim of, you know,
13 assaults or shootings and also I have plenty of friends and
14 family who have been victims of violent crimes.

15 THE COURT: And can you set those difficulties aside
16 and judge this case based upon what you hear in the witness
17 stand?

18 PROSPECTIVE JUROR NO. 154: Sure, yeah.

19 THE COURT: Thank you very much. Anyone else?
20 Second row. Third row back. Actually, Mr. Johnson, you had
21 your hand up?

22 PROSPECTIVE JUROR NO. 176: Yes, sir.

23 THE COURT: I just need you to grab the microphone.

24 PROSPECTIVE JUROR NO. 176: Yeah, I've been the
25 victim of many assaults.

1 THE COURT: Okay. Okay. Anything about that
2 experiences that might affect your ability to be fair and
3 impartial here?

4 PROSPECTIVE JUROR NO. 176: I assume so.

5 THE COURT: So you don't believe you can be fair?

6 PROSPECTIVE JUROR NO. 176: No, I don't.

7 THE COURT: Okay. State, do you have any inquiry as
8 to Mr. Johnson?

9 MR. HENDRICKS: No, thank you, Judge.

10 THE COURT: Mr. Maningo, any?

11 MR. MANINGO: No, sir.

12 THE COURT: All right. Mr. Johnson, based upon the
13 totality of the answers to questions posed so far, I'm going to
14 send you back to jury services, third floor.

15 PROSPECTIVE JUROR NO. 176: Yes, sir.

16 THE COURT: They'll probably send you out this
17 afternoon, probably on a civil case. Hopefully it's not a
18 three week med mal. But we'll send you back in that direction.

19 PROSPECTIVE JUROR NO. 176: Third floor?

20 THE COURT: Third floor.

21 PROSPECTIVE JUROR NO. 176: Yes, sir. Thank you.

22 THE COURT: Call another name to fill seat number 27.

23 THE CLERK: That would be 192, Suzanne Byrkit,
24 please.

25 THE COURT: Ms. Byrkit. Is it -- can we get that

1 microphone to you, Ms. Byrkit. Is it Byrkit?

2 PROSPECTIVE JUROR NO. 192: Byrkit.

3 THE COURT: How long have you been here in Nevada?

4 PROSPECTIVE JUROR NO. 192: Ten years.

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

6 PROSPECTIVE JUROR NO. 192: I'm a banquet server at

7 the Four Seasons Hotel.

8 THE COURT: Okay. Married, single, kids?

9 PROSPECTIVE JUROR NO. 192: Married, no kids.

10 THE COURT: Any prior jury service?

11 PROSPECTIVE JUROR NO. 192: No.

12 THE COURT: Any prior life experience personally or
13 close family member or friend victim of a crime?

14 PROSPECTIVE JUROR NO. 192: My cousin was attacked or
15 raped by her boyfriend at the time.

16 THE COURT: How long ago?

17 PROSPECTIVE JUROR NO. 192: Seven years.

18 THE COURT: Anything about that experience that might
19 affect your ability to sit as a fair and impartial juror?

20 PROSPECTIVE JUROR NO. 192: No.

21 THE COURT: Thank you. All right. We were on the
22 second row heading for the third row, I believe. Anybody in
23 that row, close family member or friend, personally a victim of
24 a crime? Yes, ma'am.

25 PROSPECTIVE JUROR NO. 133: My mother and all six of

1 her siblings were physically and sexually abused by their
2 grandfather, my great grandfather.

3 THE COURT: This is 133?

4 PROSPECTIVE JUROR NO. 133: Um-hum.

5 THE COURT: Anything about that experience in your
6 family that might affect your ability to sit as a fair and
7 impartial --

8 PROSPECTIVE JUROR NO. 133: I don't think so.

9 THE COURT: Thank you very much. Anyone else? All
10 right. All the way at the end, Mr. Beirne.

11 PROSPECTIVE JUROR NO. 141: My daughter was raped
12 about five years ago.

13 THE COURT: Anything about that experience that might
14 affect your ability to sit as a fair and impartial juror?

15 PROSPECTIVE JUROR NO. 141: I don't think so.

16 THE COURT: Thank you very much. Mr. Scott.

17 PROSPECTIVE JUROR NO. 152: 152.

18 THE COURT: Yes, sir.

19 PROSPECTIVE JUROR NO. 152: And my wife was assaulted
20 as a teenager and I don't feel I could be impartial.

21 THE COURT: Okay. You believe based upon what
22 happened to your wife, that would affect your ability to sit as
23 a fair and impartial juror?

24 PROSPECTIVE JUROR NO. 152: Yes.

25 THE COURT: Was it here in Nevada or elsewhere?

1 PROSPECTIVE JUROR NO. 152: No, it was in another
2 state.

3 THE COURT: In terms of how do you feel? Are you
4 angry at the system for not handling it appropriately? Or
5 angry at the individual who did it and that might transfer into
6 this --

7 PROSPECTIVE JUROR NO. 152: In this case, the crime
8 went unreported, but I've lived with this woman over the years
9 and helped her recover her self-esteem and build her life back
10 up and it's left me -- I'm not sure of the right word, but I
11 just don't think --

12 THE COURT: And so --

13 PROSPECTIVE JUROR NO. 152: -- I could be impartial
14 to the --

15 THE COURT: And as a consequence of that experience,
16 you've had to help your wife deal with that issue?

17 PROSPECTIVE JUROR NO. 152: Yes.

18 THE COURT: And you don't believe you can set the
19 fact that that is a completely separate and independent thing
20 that, terrible thing as it was that happened, set it aside and
21 judge this case fairly?

22 PROSPECTIVE JUROR NO. 152: No. I'll be honest, I'm
23 sitting here trembling just at the thought of it. It's --

24 THE COURT: That's what I want, honesty. State, any
25 inquiry?

1 MR. HENDRICKS: No, thank you, Judge.

2 THE COURT: All right. Mr. Maningo, any?

3 MR. MANINGO: No, Judge.

4 THE COURT: All right. Mr. Scott, based upon what
5 you've described as your wife's situation, I'm going to thank
6 and excuse you and send you back to Jury Services for further
7 assignment. Just leave that microphone in your chair. We'll
8 call another name to fill seat number 16.

9 THE CLERK: And that would be 194, Risa Clayton,
10 please.

11 THE COURT: Come on up, ma'am. You know, about six
12 months ago, while Ms. Clayton's working her way, I had -- I
13 went through a jury selection on a case, very similar to you
14 Ladies and Gentlemen, and we got all the way to the jury and we
15 found out that two of the jurors knew each other. In fact that
16 they were married and they never talked about it because we
17 kind of go around these questions. And so I see Ms. Clayton
18 here, the new young lady, Ms. Clayton in seat number and I see
19 Ms. Clayton in seat number 19, so I ask now. Do you know each
20 other? Are you related at all?

21 PROSPECTIVE JUROR NO. 194: No, not that I know of.

22 PROSPECTIVE JUROR NO. 156: No.

23 THE COURT: Okay. Anybody know anybody else on the
24 jury? See, see, I get the hand up. Let's get the microphone
25 to Mr. Cooper.

1 PROSPECTIVE JUROR NO. 167: That's my Union rep right
2 here.

3 PROSPECTIVE JUROR NO. 172: I represent him and the
4 young lady back here.

5 THE COURT: Okay. Anything about --

6 PROSPECTIVE JUROR NO. 172: And this young lady here.

7 THE COURT: So you have three people that you rep.

8 PROSPECTIVE JUROR NO. 172: Yes.

9 THE COURT: Does that -- let's get the microphone up
10 here to Mr. Cianci. Mr. Cianci.

11 PROSPECTIVE JUROR NO. 172: Yes, sir.

12 THE COURT: You've indicated that three other people
13 on the prospective panel that you represent in -- as a Union
14 rep.

15 PROSPECTIVE JUROR NO. 172: Correct.

16 THE COURT: Anything about that relationship that
17 might affect your ability to sit as a fair and impartial juror?

18 PROSPECTIVE JUROR NO. 172: I don't believe so.

19 THE COURT: So you can judge the case, this case
20 needs to be judged by everybody, independently. Relationships
21 are not important. You have your own vision or your own
22 determination of what the facts are. Can you make that
23 independent determination here?

24 PROSPECTIVE JUROR NO. 172: I believe so. Also,
25 these two gentlemen to my left, I don't know why, but I do a

1 lot of political functions and everything. They also look very
2 familiar to me. I don't know if you agree with that or not,
3 but I don't know. That also does not matter to me, but just
4 wanted to make that clear.

5 THE COURT: All right. I need the hands up again for
6 everybody who's in the Union or rep'd here. If we can get that
7 microphone back to Loveless. Ms. Loveless, anything about the
8 nature of your participation in that Union, in the Union that
9 might affect your ability to sit as a fair and impartial juror
10 if you all went in that room together and talked about this
11 case?

12 PROSPECTIVE JUROR NO. 191: No, sir.

13 THE COURT: You wouldn't feel obligated to vote one
14 way or the other as a consequence?

15 PROSPECTIVE JUROR NO. 191: No.

16 THE COURT: All right. What about you, Mr. Cooper?

17 PROSPECTIVE JUROR NO. 167: No, not at all.

18 THE COURT: Okay. You can be fair and impartial?

19 PROSPECTIVE JUROR NO. 167: Absolutely.

20 THE COURT: Who else? Ms. Winterbottom. How about
21 you? How do you feel? The fact that you're in this Union have
22 anything to do with making a decision in this case?

23 PROSPECTIVE JUROR NO. 133: No, no. It wouldn't
24 affect me.

25 THE COURT: Okay, good. Thank you very much. See,

1 I'm glad I asked that question. All right. We're still
2 talking about close family member, friends or personally a
3 victim of a crime. Third row back, anybody in that row? Back
4 row.

5 All right. The other side of that question. Is
6 anybody have a close family member or friend or personally
7 accused of a crime? Anybody? All right. Let's move the
8 microphone, anybody that's got their hands up, let's head that
9 microphone that way. Ms. Loveless. You're 191.

10 PROSPECTIVE JUROR NO. 191: Yeah, 191.

11 THE COURT: Yes.

12 PROSPECTIVE JUROR NO. 191: My godbrother was accused
13 of robbing a bank.

14 THE COURT: Okay. Here in Nevada or elsewhere?

15 PROSPECTIVE JUROR NO. 191: In California.

16 THE COURT: Anything about the nature of his
17 difficulty that might affect your ability to sit as a fair and
18 impartial juror?

19 PROSPECTIVE JUROR NO. 191: Not really.

20 THE COURT: Okay. I take that as a no.

21 PROSPECTIVE JUROR NO. 191: Yeah.

22 THE COURT: Okay. Anyone else? Hand that microphone
23 down to Mr. Parker, please. Yes, sir.

24 PROSPECTIVE JUROR NO. 154: Yeah, I've been accused
25 of a crime. I know several people who have been accused of

1 crimes.

2 THE COURT: Okay. Anything about -- here in Nevada
3 or elsewhere?

4 PROSPECTIVE JUROR NO. 154: California.

5 THE COURT: Okay. Anything about the nature of those
6 difficulties that might affect your ability to sit as a fair
7 and impartial juror?

8 PROSPECTIVE JUROR NO. 154: No.

9 THE COURT: All right. Thank you very much. Can we
10 get the microphone in the back, I saw Mr. Beirne's hand up.
11 Anybody in the middle of there, that will be fine.

12 PROSPECTIVE JUROR NO. 141: Yeah. My son was
13 convicted of attacking police officers.

14 THE COURT: Here in Nevada or elsewhere?

15 PROSPECTIVE JUROR NO. 141: Here.

16 THE COURT: How long ago?

17 PROSPECTIVE JUROR NO. 141: About a year ago.

18 THE COURT: Anything about the nature of your son's
19 difficulties that might effect your ability to sit as a fair
20 and impartial juror?

21 PROSPECTIVE JUROR NO. 141: No.

22 THE COURT: Angry with the authorities for what they
23 did or didn't do?

24 PROSPECTIVE JUROR NO. 141: No.

25 THE COURT: All right. Thank you very much. Anyone

1 else? Ms. Clayton, yes, ma'am.

2 PROSPECTIVE JUROR NO. 194: My mother was in a
3 physically abusive relationship with my stepfather, but no, I
4 don't think that would --

5 THE COURT: How long have you lived here in Nevada?

6 PROSPECTIVE JUROR NO. 194: Nineteen years.

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

8 PROSPECTIVE JUROR NO. 194: I'm a teacher.

9 THE COURT: Okay. Married, single, kids?

10 PROSPECTIVE JUROR NO. 194: Married, one son.

11 THE COURT: Any prior jury service?

12 PROSPECTIVE JUROR NO. 194: No.

13 THE COURT: It's like I got so in front of myself
14 that I didn't even ask you those questions.

15 PROSPECTIVE JUROR NO. 194: That's okay.

16 THE COURT: So I apologize, trying to catch up.
17 Anything about the victim of crime question, because we're on
18 the other side of that. I don't know if you were already up
19 here talking about it.

20 PROSPECTIVE JUROR NO. 194: Right, no.

21 THE COURT: And you've heard all the questions I've
22 asked so far. Anything that you need to add about your life
23 experience you think either side might want to know about you
24 so far?

25 PROSPECTIVE JUROR NO. 194: Just what I said with my

1 mother.

2 THE COURT: Anything about your mother's situation
3 involving, you said your stepfather?

4 PROSPECTIVE JUROR NO. 194: Yes.

5 THE COURT: That might affect your ability to sit as
6 a fair and impartial juror here?

7 PROSPECTIVE JUROR NO. 194: No.

8 THE COURT: Thank you very much. All right. Is that
9 everybody in terms of the victim of or accused of a crime that
10 has something that they're thinking about?

11 All right. Understanding that police officers have
12 been identified as potential witnesses. Would anybody have a
13 tendency to give more or less credence, that means believe them
14 less or believe them more simply because a witness is employed
15 as a police officer? Anybody -- understanding that a police
16 officer needs to be treated just like every other witness and
17 their testimony judged just like every other witness.

18 Is somebody so upset with authorities, with the
19 police in a general sense or like them so much that, you know,
20 just because he's a police officer, you're automatically going
21 to believe him or her? Anybody of that kind of mind set? This
22 is just the top 32.

23 Okay. Can everybody up here wait in forming your
24 opinion, in this case, until you've heard all the evidence?
25 What you're going to see, Ladies and Gentlemen, if you're

1 selected to be a member of this jury is a jury trial in real
2 life is a very formal process. It goes step by step by step
3 intentionally so. And it's important for you to understand
4 that you wait in forming your opinion as to the guilt or
5 innocence of the defendant until you've heard all of the
6 evidence, I've instructed you on the law and you've had the
7 opportunity to listen to the attorneys tell how that law on
8 those facts interact.

9 It's at that point that you start making your
10 decisions. Up to that point, you've got to keep an open mind.
11 Can everybody pledge to me that you'll keep an open mind,
12 listen to all the evidence, listen -- be instructed on the law,
13 consider the law and listen to arguments of counsel and then
14 make your decision? All right.

15 Does anybody know, this is kind of my catchall
16 question for the top 32. Anybody know of any reason that you
17 don't believe you can sit as a fair and impartial juror?
18 Something in the back of your mind that you think either side
19 might want to know about you, but based upon the kind of the
20 general nature of the questions that I've asked so far that,
21 you know, I've just kind of been on the edge of that you
22 haven't already talked about? Okay, a uniform negative
23 response.

24 All right. State, you can go first.

25 MR. HENDRICKS: Thanks, Judge. Good afternoon or

1 morning. Almost there. Ms. Laba.

2 PROSPECTIVE JUROR NO. 180: Yes.

3 MR. HENDRICKS: You said you've been a juror
4 approximately ten times or more?

5 PROSPECTIVE JUROR NO. 180: Yes.

6 MR. HENDRICKS: What makes you so desired by all the
7 attorneys to have you on their panel?

8 PROSPECTIVE JUROR NO. 180: Do I need the mic?

9 THE COURT: Yes, you do. Thank you.

10 MR. HENDRICKS: Or shout. One of the other.

11 THE COURT: No shouting.

12 PROSPECTIVE JUROR NO. 180: I really don't know. I
13 just get picked every time or almost every time. Maybe because
14 I've been through jury duty and I know the routine.

15 MR. HENDRICKS: So we just keep picking you over and
16 over?

17 PROSPECTIVE JUROR NO. 180: Well, I don't know. I
18 can keep an open mind. I understand that what we hear in court
19 really cannot be decided on until the Judge gives us the
20 details of what we can use and when we get in that room, it has
21 to be what we hear in court. It's not a innocent or guilty.
22 It's not guilty or guilty. It's based on the evidence that we
23 were given. But I think it's the luck of the draw.

24 MR. HENDRICKS: Do you feel lucky?

25 PROSPECTIVE JUROR NO. 180: Sometimes.

1 MR. HENDRICKS: Okay.

2 PROSPECTIVE JUROR NO. 180: I think it's an
3 interesting, to be here.

4 MR. HENDRICKS: Based upon all your experience, do
5 you want to be the foreperson?

6 PROSPECTIVE JUROR NO. 180: I can be, but not
7 necessarily.

8 MR. HENDRICKS: Would you like to be?

9 PROSPECTIVE JUROR NO. 180: Not really.

10 MR. HENDRICKS: Okay. Just letting everyone else
11 know.

12 PROSPECTIVE JUROR NO. 180: Thank you.

13 MR. HENDRICKS: Thank you. If you could pass that on
14 to Mr. Grassian? I find you. Hate to touch on this, but you
15 said that you had two family members that were abused?

16 PROSPECTIVE JUROR NO. 159: Right.

17 MR. HENDRICKS: Okay. Now, were they abused by a
18 family member, or was it a stranger?

19 PROSPECTIVE JUROR NO. 159: Stranger, both cases.

20 MR. HENDRICKS: And was someone apprehended?

21 PROSPECTIVE JUROR NO. 159: No, no, in neither case.

22 MR. HENDRICKS: In neither instance.

23 PROSPECTIVE JUROR NO. 159: No.

24 MR. HENDRICKS: Okay. Did that cause any frustration
25 among your family members?

1 PROSPECTIVE JUROR NO. 159: Absolutely.

2 MR. HENDRICKS: Or with you?

3 PROSPECTIVE JUROR NO. 159: Absolutely.

4 MR. HENDRICKS: Okay. Still, to this day, is it
5 frustrating?

6 PROSPECTIVE JUROR NO. 159: Yes.

7 MR. HENDRICKS: Now are you going to be able to be
8 fair to both sides based upon that prior knowledge of those
9 things?

10 PROSPECTIVE JUROR NO. 159: I'm not sure that I can.
11 I'd like to think so, but I'm not positive.

12 MR. HENDRICKS: You know it's something completely
13 separate. And you said it happened several years ago, right?

14 PROSPECTIVE JUROR NO. 159: Yes.

15 MR. HENDRICKS: Okay. And this is something
16 completely different. Different set of facts.

17 PROSPECTIVE JUROR NO. 159: Different set of facts.

18 MR. HENDRICKS: Different individual sitting before
19 you here today; right?

20 PROSPECTIVE JUROR NO. 159: Right.

21 MR. HENDRICKS: Do you think you can withhold
22 judgment until after you've heard everything that we present to
23 you?

24 PROSPECTIVE JUROR NO. 159: I'd like to think so, but
25 I'm not completely sure.

1 MR. HENDRICKS: Now, the Judge is going to ask,
2 you're going to have to make a decision on whether you think
3 you can be fair or you can't be fair.

4 PROSPECTIVE JUROR NO. 159: I would have to say no,
5 then.

6 MR. HENDRICKS: Is there anything that we can ask you
7 that would change your mind in regards to being fair or not
8 fair?

9 PROSPECTIVE JUROR NO. 159: I'm just concerned that
10 when it comes to the time of actually evaluating the evidence
11 that I might have a bias that I might not even be completely
12 aware of that could affect me.

13 MR. HENDRICKS: Okay.

14 THE COURT: Professor, I'm going to thank and excuse
15 you.

16 PROSPECTIVE JUROR NO. 159: Okay.

17 THE COURT: And that's kind of the look I got. It's
18 important that -- you're telling me that you don't, based upon
19 your very limited, intentionally so, limited understanding of
20 the facts of this case, you don't believe you can be fair just
21 upon the nature of the charge. And everybody, you know,
22 everybody's got to start off equal and you're telling me that's
23 not your mind set at this point.

24 PROSPECTIVE JUROR NO. 159: I would have to say
25 that's correct.

1 THE COURT: I'm going to sent you back to the third
2 floor, Jury Services and have you head out on a different panel
3 this afternoon, different type of charge.

4 PROSPECTIVE JUROR NO. 159: Okay.

5 THE COURT: Thank you very much. Call another name
6 to fill seat number 21.

7 THE CLERK: Again, that would be 195, Dustin Payne,
8 please.

9 THE COURT: Mr. Payne, come on up. Mr. Payne, how
10 long have you been here in Nevada?

11 PROSPECTIVE JUROR NO. 195: Been here all my life,
12 about 26 years.

13 THE COURT: Okay. And what do you do for a living?

14 PROSPECTIVE JUROR NO. 195: I was a civil engineer.
15 I got laid off in January.

16 THE COURT: Okay. And you're looking for work. You
17 have your appointment as I recall.

18 PROSPECTIVE JUROR NO. 195: Yes.

19 THE COURT: But we probably can work through that if
20 you can make that appointment with the, did you say the State?

21 PROSPECTIVE JUROR NO. 195: It's, yes, Department of
22 Transportation.

23 THE COURT: Okay. Married, single, kids?

24 PROSPECTIVE JUROR NO. 195: Single and no kids.

25 THE COURT: Any prior jury service?

1 PROSPECTIVE JUROR NO. 195: No.

2 THE COURT: And ever had a close family member,
3 friend or personally accused of or victim of a crime?

4 PROSPECTIVE JUROR NO. 195: No.

5 THE COURT: Okay. Would you have a tendency to give
6 more or less credence or weight to the testimony of a witness
7 simply because they're employed as a police officer?

8 PROSPECTIVE JUROR NO. 195: No.

9 THE COURT: Okay. You can judge them just like every
10 other witness?

11 PROSPECTIVE JUROR NO. 195: Yes.

12 THE COURT: Can you wait in forming your opinion in
13 this case until after you've heard all the evidence and I've
14 instructed you on the law and you've retired with your fellow
15 jurors to consider the evidence?

16 PROSPECTIVE JUROR NO. 195: Yes.

17 THE COURT: All right. Anything -- you've been
18 sitting here patiently listening. Anything about the questions
19 that have been asked so far that you think either side might
20 want to know about you, but really hasn't been asked directly?

21 PROSPECTIVE JUROR NO. 195: No.

22 THE COURT: All right. State, you have the entire
23 panel for cause.

24 MR. HENDRICKS: Thanks. If you could pass that back
25 to Mr. Marvin, 147. We haven't heard much from you yet. Got a

1 question though. The Judge told you you have to tell the truth
2 and answer every question that he poses to you truthfully;
3 right?

4 PROSPECTIVE JUROR NO. 147: Correct.

5 MR. HENDRICKS: Now, when you first got your jury
6 summons, what was the first word that came to mind?

7 PROSPECTIVE JUROR NO. 147: Crap.

8 MR. HENDRICKS: Crap? Now, I said you have to tell
9 the truth; right?

10 PROSPECTIVE JUROR NO. 147: Um-hum.

11 MR. HENDRICKS: Okay. Was it really crap?

12 PROSPECTIVE JUROR NO. 147: Yes.

13 MR. HENDRICKS: Okay. Now, do you want to serve on
14 this panel?

15 PROSPECTIVE JUROR NO. 147: I understand the
16 obligation. I don't have any issues with it.

17 MR. HENDRICKS: Do you think it's a duty or a
18 privilege?

19 PROSPECTIVE JUROR NO. 147: I would say more of a
20 duty.

21 MR. HENDRICKS: Would you feel comfortable being the
22 foreperson of this jury?

23 PROSPECTIVE JUROR NO. 147: If my fellow jurors saw
24 fit, I wouldn't have any issues with it.

25 MR. HENDRICKS: Thank you. If you could pass it over

1 to Ms. Aguas.

2 PROSPECTIVE JUROR NO. 149: Yes, yes.

3 MR. HENDRICKS: Hi.

4 PROSPECTIVE JUROR NO. 149: Hi.

5 MR. HENDRICKS: You said you had three kids; right?

6 PROSPECTIVE JUROR NO. 149: Yes.

7 MR. HENDRICKS: Six, eight and ten.

8 PROSPECTIVE JUROR NO. 149: Yes.

9 MR. HENDRICKS: Boys or girls?

10 PROSPECTIVE JUROR NO. 149: Two boys, one girl.

11 MR. HENDRICKS: Which one's the girl?

12 PROSPECTIVE JUROR NO. 149: The middle, the eight-
13 year-old.

14 MR. HENDRICKS: Do kids always get along?

15 PROSPECTIVE JUROR NO. 149: Not all the time.

16 MR. HENDRICKS: Really?

17 PROSPECTIVE JUROR NO. 149: Yeah.

18 MR. HENDRICKS: Okay. What happens when something
19 goes wrong with your kids and you're trying to determine which
20 one's telling the truth. How do you figure that out?

21 PROSPECTIVE JUROR NO. 149: I just ask them what the
22 issue was and whoever, for me, whoever speaks the loud is the
23 one who's guilty. I mean, who gives a lot of excuses is the
24 one who's guilty.

25 MR. HENDRICKS: So would it be fair to say, you can

1 tell when your children are being dishonest with you?

2 PROSPECTIVE JUROR NO. 149: I can tell.

3 MR. HENDRICKS: You can tell?

4 PROSPECTIVE JUROR NO. 149: Yeah.

5 MR. HENDRICKS: Would that be fair to say with your
6 six, eight and ten-year-old? With all of them, you can tell?

7 PROSPECTIVE JUROR NO. 149: I can tell.

8 MR. HENDRICKS: Pretty easy?

9 PROSPECTIVE JUROR NO. 149: Yes.

10 MR. HENDRICKS: Because you know your kids; right?

11 PROSPECTIVE JUROR NO. 149: Yeah.

12 MR. HENDRICKS: If you could pass that back to Mr.
13 Wheeler behind you. Thank you.

14 You said you're an attorney; right?

15 PROSPECTIVE JUROR NO. 137: Yes.

16 MR. HENDRICKS: Okay. Now civil stuff's a little bit
17 different than criminal; right?

18 PROSPECTIVE JUROR NO. 137: Correct.

19 MR. HENDRICKS: You understand the burden on the
20 State is beyond a reasonable doubt; correct?

21 PROSPECTIVE JUROR NO. 137: Correct.

22 MR. HENDRICKS: Now, you're not going to hold us to
23 an even higher burden of no doubt, are you?

24 PROSPECTIVE JUROR NO. 137: I would hold it to what
25 the standard is.

1 MR. HENDRICKS: Okay. Do you feel as an attorney
2 serving on a jury, on the jury here?

3 PROSPECTIVE JUROR NO. 137: Yes.

4 MR. HENDRICKS: Why?

5 PROSPECTIVE JUROR NO. 137: The type of work that I
6 do does not lend itself to me being in court. In fact, I, for
7 all intents and purposes, have never appeared in court as part
8 of my professional obligations. My work's primarily in
9 transaction.

10 MR. HENDRICKS: So you were the smart guy coming out
11 of law school. You didn't get stuck in the courtroom; right?

12 PROSPECTIVE JUROR NO. 137: I think the jury's out on
13 that.

14 MR. HENDRICKS: Okay. Trust me on that. What if you
15 were to serve with another attorney? Would that cause any
16 problems?

17 PROSPECTIVE JUROR NO. 137: No.

18 MR. HENDRICKS: None whatsoever?

19 PROSPECTIVE JUROR NO. 137: Not for me.

20 MR. HENDRICKS: Now, are you going to go back there
21 and -- what if you're the only person holding out for one
22 particular side, are you going to fight as much as you can? Or
23 are you going to express your views to the others or try and
24 convince them of how you feel?

25 PROSPECTIVE JUROR NO. 137: I don't -- I don't know

1 yet, but I don't think that the answer is dependent upon my
2 occupation. I think it would be more of personality.

3 MR. HENDRICKS: Do you get along with others?

4 PROSPECTIVE JUROR NO. 137: Yes.

5 MR. HENDRICKS: Thank you. If you could pass it down
6 two rows, in front.

7 PROSPECTIVE JUROR NO. 137: In front?

8 MR. HENDRICKS: In front. Down to Ms. Clayton, 156.
9 Hello.

10 PROSPECTIVE JUROR NO. 156: Hi.

11 MR. HENDRICKS: You said you worked in the Attorney
12 General's office?

13 PROSPECTIVE JUROR NO. 156: Yes, I did, in the 1990's
14 as a Deputy Attorney General.

15 MR. HENDRICKS: Did you enjoy that?

16 PROSPECTIVE JUROR NO. 156: Very much so, yes.

17 MR. HENDRICKS: Why?

18 PROSPECTIVE JUROR NO. 156: You know, when you come
19 right out of law school, as you know, you're pretty optimistic
20 about your future as an attorney and I was very excited about
21 the opportunities there.

22 MR. HENDRICKS: And you no longer do that; correct?

23 PROSPECTIVE JUROR NO. 156: No, I teach criminal law
24 instead.

25 MR. HENDRICKS: All right. Is that enjoyable?

1 PROSPECTIVE JUROR NO. 156: Very much so, yes.

2 MR. HENDRICKS: Why did you choose criminal law?

3 PROSPECTIVE JUROR NO. 156: That actually was the
4 slot that was open.

5 MR. HENDRICKS: Okay. Would you have preferred to
6 teach that?

7 PROSPECTIVE JUROR NO. 156: Now, I'm thrilled because
8 it's, of course, much more interesting than transactional work.

9 MR. HENDRICKS: See, now that's what I was talking
10 about. You two attorneys, you think you can get along?

11 PROSPECTIVE JUROR NO. 156: Of course.

12 MR. HENDRICKS: Okay. He's shaking his head also.
13 You said you had a teenage daughter?

14 PROSPECTIVE JUROR NO. 156: Yes.

15 MR. HENDRICKS: How old?

16 PROSPECTIVE JUROR NO. 156: She's 14.

17 MR. HENDRICKS: Now, Ms. Aguas, juror number 149,
18 stated that she can tell when her kids are telling the truth or
19 when they're lying. Can you?

20 PROSPECTIVE JUROR NO. 156: Yes, absolutely.

21 MR. HENDRICKS: Absolutely.

22 PROSPECTIVE JUROR NO. 156: With my daughter, it's
23 pretty obvious, yes. She's not a very good liar.

24 MR. HENDRICKS: Okay. Now, I have -- well, let me
25 ask you this. As she was growing up, did you have discussions

1 with her about sex and female type things? I hate to be
2 personal, but --

3 PROSPECTIVE JUROR NO. 156: Pretty limited actually.
4 I was pretty uncomfortable about that, but yeah, of course.
5 She's 14, so, yeah, we've had the discussions, yes.

6 MR. HENDRICKS: Now, you said that you teach criminal
7 law.

8 PROSPECTIVE JUROR NO. 156: Yes.

9 MR. HENDRICKS: Is that going to affect you at all in
10 here in regards to your understanding? In regards to what
11 takes place and what you communicate to fellow jurors in
12 regards to here's how the law is, here's how the criminal cases
13 are suppose to proceed?

14 PROSPECTIVE JUROR NO. 156: I don't think so. I
15 mean, I'm pretty familiar with Chapter 200 and those elements.
16 I teach both at the regular community college and I teach at
17 the regional, the Southern Nevada Regional Law Enforcement
18 Academy as well. So I teach both, police officers and regular
19 community college students. So, the Nevada criminal law
20 material. So I know the NRS pretty, especially Chapter 200
21 pretty well.

22 MR. HENDRICKS: Okay.

23 PROSPECTIVE JUROR NO. 156: But that wouldn't affect
24 -- I mean, I'm not going to be teaching a class to the jurors.

25 MR. HENDRICKS: Okay.

1 PROSPECTIVE JUROR NO. 156: The instructions are what
2 the Judge is going to give.

3 MR. HENDRICKS: Would you be comfortable as the
4 foreperson?

5 PROSPECTIVE JUROR NO. 156: Probably not, no.

6 MR. HENDRICKS: Why not?

7 PROSPECTIVE JUROR NO. 156: Because I'd rather not
8 have that role.

9 MR. HENDRICKS: Okay. What if you're that lone
10 holdout on one side or the other, what action are you going to
11 take?

12 PROSPECTIVE JUROR NO. 156: I'm going to stick with
13 whatever my convictions are and what I believe to be the
14 correct verdict based on the evidence presented.

15 MR. HENDRICKS: Would you be able to listen to the
16 others?

17 PROSPECTIVE JUROR NO. 156: Yes.

18 MR. HENDRICKS: Do you get along well with others?

19 PROSPECTIVE JUROR NO. 156: Of course, yes.

20 MR. HENDRICKS: Okay. Thank you.

21 PROSPECTIVE JUROR NO. 156: You wouldn't be a teacher
22 if you don't.

23 MR. HENDRICKS: Right. One last question. You said
24 that you were familiar with Judge Barker and his wife.

25 PROSPECTIVE JUROR NO. 156: Yes, yes.

1 MR. HENDRICKS: Is that going to affect you in any
2 way in being able to make a just decision in regards to both
3 defense and the State?

4 PROSPECTIVE JUROR NO. 156: No.

5 MR. HENDRICKS: Thank you. If you could pass it down
6 to Mr. Parker, this way. Good afternoon.

7 PROSPECTIVE JUROR NO. 154: Good afternoon.

8 MR. HENDRICKS: You said you've got four kids; right?

9 PROSPECTIVE JUROR NO. 154: Yes, four kids.

10 MR. HENDRICKS: What ages?

11 PROSPECTIVE JUROR NO. 154: I have a five-year-old
12 daughter, four-year-old son, excuse me, and two twin, about,
13 one and a half year olds.

14 MR. HENDRICKS: Okay. So still little kids; right?

15 PROSPECTIVE JUROR NO. 154: All little kids, yes.

16 MR. HENDRICKS: And you can tell when they're being
17 truthful or lying to you; right?

18 PROSPECTIVE JUROR NO. 154: Yeah, most of the time.

19 MR. HENDRICKS: I hate to touch on this, but you said
20 that you had been charged with something before; right?

21 PROSPECTIVE JUROR NO. 154: Yes, sir.

22 MR. HENDRICKS: Was it anything similar to this?

23 PROSPECTIVE JUROR NO. 154: No.

24 MR. HENDRICKS: Okay. Is that going to affect your
25 opinion sitting here as a juror in regards to this case? Can

1 you be fair to both the State and to the defense?

2 PROSPECTIVE JUROR NO. 154: Yeah, I think so.

3 MR. HENDRICKS: How come?

4 PROSPECTIVE JUROR NO. 154: Well, I've been on both
5 sides. I've been a victim and I've been charged with a crime.

6 MR. HENDRICKS: Were you properly charged, or was it
7 something that you shouldn't have been charged with?

8 PROSPECTIVE JUROR NO. 154: Well, of course, I
9 believe I shouldn't have been charged with it, but, I mean,
10 what do you mean by properly though? I mean, I don't --

11 MR. HENDRICKS: Well, you said you didn't do it;
12 right?

13 PROSPECTIVE JUROR NO. 154: Well, eh.

14 MR. HENDRICKS: Eh.

15 PROSPECTIVE JUROR NO. 154: I did it, but I don't
16 think I should have been charged for it. I mean, what I did --
17 basically I got charged with having an unregistered, unloaded
18 firearm. And the case got thrown out, so did I do it? Yes,
19 but --

20 MR. HENDRICKS: Okay. So was that the proper result?
21 It got thrown out.

22 PROSPECTIVE JUROR NO. 154: Yes, it was the proper
23 result.

24 MR. HENDRICKS: Okay. And were you happy with that?

25 PROSPECTIVE JUROR NO. 154: Of course.

1 MR. HENDRICKS: Okay. Okay, Ms. Alberts. Thank you,
2 Mr. Parker. Good afternoon.

3 PROSPECTIVE JUROR NO. 174: Good afternoon.

4 MR. HENDRICKS: You said that you had a sister --

5 PROSPECTIVE JUROR NO. 174: Yes.

6 MR. HENDRICKS: -- that was a victim; right?

7 PROSPECTIVE JUROR NO. 174: Yes, one of my older
8 sisters.

9 MR. HENDRICKS: How long ago was that?

10 PROSPECTIVE JUROR NO. 174: About 20 years ago.

11 MR. HENDRICKS: Was that person ever apprehended?

12 PROSPECTIVE JUROR NO. 174: No, they were not.

13 MR. HENDRICKS: Was -- I'm assuming that's a
14 stranger, then; right?

15 PROSPECTIVE JUROR NO. 174: It was an acquaintance,
16 somebody she barely knew.

17 MR. HENDRICKS: And so why wasn't the person arrested
18 or prosecuted, or do you know?

19 PROSPECTIVE JUROR NO. 174: I do not know.

20 MR. HENDRICKS: Is that something that you guys
21 discussed amongst the family members?

22 PROSPECTIVE JUROR NO. 174: It was very difficult for
23 my sister to discuss it, so it didn't really get brought up
24 that much.

25 MR. HENDRICKS: Did you ask her why it was difficult?

1 PROSPECTIVE JUROR NO. 174: That's a fairly obvious
2 question.

3 MR. HENDRICKS: Right.

4 PROSPECTIVE JUROR NO. 174: It's emotionally very
5 draining to talk about that experience.

6 MR. HENDRICKS: Did she ever tell you -- you said she
7 had a tough time talking about it. Did she tell you what had
8 happened?

9 PROSPECTIVE JUROR NO. 174: Yes. She was date raped.

10 MR. HENDRICKS: And how did she react emotionally in
11 regards to that?

12 PROSPECTIVE JUROR NO. 174: I remember being very
13 young and I remember her being very depressed and very -- and
14 crying a lot. That's -- and being very upset. She's also had
15 issues with being touched by men. It's been something that
16 she's had to work through.

17 MR. HENDRICKS: Okay, understandable. Are you going
18 to be able to be fair to both the State and also to the defense
19 based upon that experience?

20 PROSPECTIVE JUROR NO. 174: I'm not sure. It depends
21 upon the evidence which is presented.

22 MR. HENDRICKS: Well, I can't comment on that. But
23 can you sit with an open mind, like the Judge said, and wait
24 until you see all the evidence that's presented and then make a
25 decision?

1 PROSPECTIVE JUROR NO. 174: It's honestly going to be
2 difficult, but I believe I can, I can do it.

3 MR. HENDRICKS: You can do it. Okay.

4 PROSPECTIVE JUROR NO. 174: I believe so.

5 MR. HENDRICKS: Okay. Thank you. Ms. Byrkit. Is
6 that right? Byrkit and Bricket?

7 PROSPECTIVE JUROR NO. 192: Byrkit.

8 MR. HENDRICKS: Okay. How are you?

9 PROSPECTIVE JUROR NO. 192: Fine.

10 MR. HENDRICKS: You also said that you had a family
11 member or relative or knew someone that had been victimized?

12 PROSPECTIVE JUROR NO. 192: It was my cousin. She
13 was raped by her boyfriend. This is like -- this is out-of-
14 state.

15 MR. HENDRICKS: Did you speak with her about it?

16 PROSPECTIVE JUROR NO. 192: No.

17 MR. HENDRICKS: Not at all?

18 PROSPECTIVE JUROR NO. 192: No. I just heard it
19 through my aunt, through my mother.

20 MR. HENDRICKS: How did they communicate that to you?

21 PROSPECTIVE JUROR NO. 192: It was just in
22 conversation. She's had a troubled -- I mean, she's been
23 pregnant and abortions and, I mean, she's heavy into drugs,
24 she's just a mess. So it always -- she always is the topic of
25 conversation a lot.

1 MR. HENDRICKS: Okay. How old was she?

2 PROSPECTIVE JUROR NO. 192: Let's see. I don't want
3 to divulge my age. She was probably like 29.

4 MR. HENDRICKS: Was that individual prosecuted?

5 PROSPECTIVE JUROR NO. 192: Not that I believe so,
6 no.

7 MR. HENDRICKS: Is that going to effect your opinion
8 one way or another how you're going to rule on this case?

9 PROSPECTIVE JUROR NO. 192: No.

10 MR. HENDRICKS: Thank you. Mr. Cooper, 167.

11 PROSPECTIVE JUROR NO. 167: Yes, sir.

12 MR. HENDRICKS: Hi.

13 PROSPECTIVE JUROR NO. 167: How you doing.

14 MR. HENDRICKS: Good. You said that your daughter
15 was mugged?

16 PROSPECTIVE JUROR NO. 167: Yeah. Yeah, she was
17 walking home from school and a couple kids jumped out of a car
18 and just grabbed her Ipod and they didn't rough her up or
19 anything, but it was very scary for her.

20 MR. HENDRICKS: Okay. Did she fight them?

21 PROSPECTIVE JUROR NO. 167: No. No, I told her just,
22 you know, if something like that happened, you just give it up
23 and, you know, make sure that you're okay.

24 MR. HENDRICKS: Okay. Was she okay when she got
25 home?

1 PROSPECTIVE JUROR NO. 167: Yeah. A little shaken
2 up.

3 MR. HENDRICKS: But she didn't fight them?

4 PROSPECTIVE JUROR NO. 167: No.

5 MR. HENDRICKS: But the property -- she was robbed
6 essentially; right?

7 PROSPECTIVE JUROR NO. 167: Yes, yes.

8 MR. HENDRICKS: Did she report it?

9 PROSPECTIVE JUROR NO. 167: No.

10 MR. HENDRICKS: Why not?

11 PROSPECTIVE JUROR NO. 167: We figured nothing would
12 get done anyhow.

13 MR. HENDRICKS: Why not?

14 PROSPECTIVE JUROR NO. 167: Because they were gone.

15 MR. HENDRICKS: Did she know who they were?

16 PROSPECTIVE JUROR NO. 167: No.

17 MR. HENDRICKS: Was she able to describe them?

18 PROSPECTIVE JUROR NO. 167: Not well enough.

19 MR. HENDRICKS: How did she describe them to you?

20 PROSPECTIVE JUROR NO. 167: Just a -- about 5'6",
21 dark hair, no real -- anything descriptive.

22 MR. HENDRICKS: Now, because they weren't
23 apprehended, did that cause you frustration?

24 PROSPECTIVE JUROR NO. 167: No.

25 MR. HENDRICKS: You went out and bought her a new

1 Ipod; right?

2 . PROSPECTIVE JUROR NO. 167: Yeah.

3 MR. HENDRICKS: Okay. Good dad; right?

4 PROSPECTIVE JUROR NO. 167: Yeah.

5 MR. HENDRICKS: Good. Okay, thank you. If you could
6 pass it to Mr. Beirne, up top, please. How are you?

7 PROSPECTIVE JUROR NO. 141: Good, how you doing?

8 MR. HENDRICKS: Good. You said that you had a
9 daughter that was victimized; correct?

10 PROSPECTIVE JUROR NO. 141: Yeah, she was 21, it was
11 about five years ago. She was date raped at the Beach Night
12 Club.

13 MR. HENDRICKS: And when you say -- so it was someone
14 that she knew?

15 PROSPECTIVE JUROR NO. 141: No.

16 MR. HENDRICKS: Not at all?

17 PROSPECTIVE JUROR NO. 141: No.

18 MR. HENDRICKS: What were the circumstances
19 surrounding that?

20 PROSPECTIVE JUROR NO. 141: She and some of her
21 girlfriends went out drinking one night and apparently they
22 slipped something in her drink. And then they got her off in
23 another room and raped her. One person.

24 MR. HENDRICKS: Did they find out who that was?

25 PROSPECTIVE JUROR NO. 141: No.

1 MR. HENDRICKS: Was she able to even remember any of
2 it?

3 PROSPECTIVE JUROR NO. 141: Yeah.

4 MR. HENDRICKS: What did she tell you about that?

5 PROSPECTIVE JUROR NO. 141: Basically that's about
6 all she wanted to talk about. She didn't want to talk about
7 it. She kept it inside pretty much.

8 MR. HENDRICKS: Were the police ever called?

9 PROSPECTIVE JUROR NO. 141: Yeah.

10 MR. HENDRICKS: Did they investigate it?

11 PROSPECTIVE JUROR NO. 141: Yeah, they investigated,
12 but nothing happened.

13 MR. HENDRICKS: Did that cause you frustration?

14 PROSPECTIVE JUROR NO. 141: Of course.

15 MR. HENDRICKS: Did it change her?

16 PROSPECTIVE JUROR NO. 141: Yeah.

17 MR. HENDRICKS: How so?

18 PROSPECTIVE JUROR NO. 141: I think it -- she didn't
19 trust people as much as she did previously.

20 MR. HENDRICKS: Did she come home all bruised and
21 battered and beaten or --

22 PROSPECTIVE JUROR NO. 141: No. No, we ended up
23 meeting her over at UMC.

24 MR. HENDRICKS: And did she fight the guy?

25 PROSPECTIVE JUROR NO. 141: No, apparently not.

1 MR. HENDRICKS: Now, did you believe her when she
2 told you what had happened to her?

3 PROSPECTIVE JUROR NO. 141: Of course.

4 MR. HENDRICKS: Can you tell when your daughter is
5 being honest and dishonest?

6 PROSPECTIVE JUROR NO. 141: Pretty much.

7 MR. HENDRICKS: Does it become tougher as they get
8 older?

9 PROSPECTIVE JUROR NO. 141: No, I don't think so.
10 She's a really good person.

11 MR. HENDRICKS: So you know your daughter, don't you?

12 PROSPECTIVE JUROR NO. 141: Yeah.

13 MR. HENDRICKS: You also said that your son had been
14 convicted for getting in a fight with a cop; right?

15 PROSPECTIVE JUROR NO. 141: Right.

16 MR. HENDRICKS: Was he rightly convicted or wrongly
17 convicted?

18 PROSPECTIVE JUROR NO. 141: I don't really know.

19 MR. HENDRICKS: Did he explain the circumstances to
20 you?

21 PROSPECTIVE JUROR NO. 141: Yeah. I honestly don't
22 know which side to believe really.

23 MR. HENDRICKS: Can you tell when he's being honest
24 and dishonest?

25 PROSPECTIVE JUROR NO. 141: It's a lot tougher with

1 him than my daughter.

2 MR. HENDRICKS: Okay. Were you frustrated with the
3 police officers or District Attorney's office or the City
4 Attorney's office, whoever handled it?

5 PROSPECTIVE JUROR NO. 141: No.

6 MR. HENDRICKS: No hard feelings?

7 PROSPECTIVE JUROR NO. 141: No.

8 MR. HENDRICKS: What's your general impression of
9 police officers?

10 PROSPECTIVE JUROR NO. 141: I respect them. I mean,
11 they've got a really tough job. I wouldn't want to do it.

12 MR. HENDRICKS: But you wouldn't give them anymore
13 credit than the average citizen, you know --

14 PROSPECTIVE JUROR NO. 141: No.

15 MR. HENDRICKS: -- in case they come in to testify;
16 right?

17 PROSPECTIVE JUROR NO. 141: No, it's just like
18 everything else, there's good ones, there's bad ones.

19 MR. HENDRICKS: Okay. That's fair. Thank you.
20 Could you pass it to Mr. Oyamoto. Good afternoon.

21 PROSPECTIVE JUROR NO. 150: Good afternoon.

22 MR. HENDRICKS: Do you want to serve on this jury?

23 PROSPECTIVE JUROR NO. 150: Sure.

24 MR. HENDRICKS: Why?

25 PROSPECTIVE JUROR NO. 150: It seems interesting.

1 MR. HENDRICKS: You say you have three kids; right?

2 PROSPECTIVE JUROR NO. 150: Yeah, three girls.

3 MR. HENDRICKS: What age?

4 PROSPECTIVE JUROR NO. 150: A newborn, 13 months and
5 a seven-year old.

6 MR. HENDRICKS: So let's talk about your seven-
7 year-old. Can you tell when she's telling the truth or not?

8 PROSPECTIVE JUROR NO. 150: Oh, yes.

9 MR. HENDRICKS: Easy?

10 PROSPECTIVE JUROR NO. 150: Uh-huh.

11 MR. HENDRICKS: Why is that?

12 PROSPECTIVE JUROR NO. 150: I don't think she's got
13 it in her to be dishonest. She tries, but --

14 MR. HENDRICKS: Do you think your seven-year-old
15 could fool a stranger, someone who does not know her?

16 PROSPECTIVE JUROR NO. 150: Probably not.

17 MR. HENDRICKS: Probably not? Why not?

18 PROSPECTIVE JUROR NO. 150: She's just bad at it.
19 She can't look you in the eye, you know. So that's how I can
20 tell.

21 MR. HENDRICKS: So you look at her and do some Jedi
22 mind trick --

23 PROSPECTIVE JUROR NO. 150: Yeah, yeah.

24 MR. HENDRICKS: -- even when she's telling the truth?

25 PROSPECTIVE JUROR NO. 150: Oh, yeah.

1 MR. HENDRICKS: Okay. So it's easy for you; right?

2 PROSPECTIVE JUROR NO. 150: Yeah.

3 MR. HENDRICKS: Would you want to be the foreperson
4 on this jury?

5 PROSPECTIVE JUROR NO. 150: Sure.

6 MR. HENDRICKS: Thank you. If you could pass it down
7 this way. Ms. Lisy-Miekle.

8 PROSPECTIVE JUROR NO. 146: Yes.

9 MR. HENDRICKS: Okay. You've -- I know you've got a
10 very, very young infant at home; right? One?

11 PROSPECTIVE JUROR NO. 146: She's 14 months.

12 MR. HENDRICKS: Fourteen months. Now you said that
13 you applied to be a school teacher?

14 PROSPECTIVE JUROR NO. 146: Yes.

15 MR. HENDRICKS: Have you been a school teacher
16 before?

17 PROSPECTIVE JUROR NO. 146: No.

18 MR. HENDRICKS: You just got out of college not too
19 long ago?

20 PROSPECTIVE JUROR NO. 146: I got out of college
21 three years ago. I originally applied with the School District
22 right when I moved out here two years ago. They messed up my
23 file pretty badly. I turned to Sylvan Learning Center, that's
24 been my job, hours have decreased quite a bit because of the
25 economy. So I turned to the School District again. I had my

1 daughter last year. So, I'm fully credentialed but I still
2 have one more test that I have to take in order to make me
3 considered highly qualified and hireable in the database.

4 MR. HENDRICKS: What age group are you going to
5 teach?

6 PROSPECTIVE JUROR NO. 146: Elementary.

7 MR. HENDRICKS: Any specific grade?

8 PROSPECTIVE JUROR NO. 146: It's preschool through
9 second grade.

10 MR. HENDRICKS: The young ones.

11 PROSPECTIVE JUROR NO. 146: Yes.

12 MR. HENDRICKS: Why?

13 PROSPECTIVE JUROR NO. 146: A lot of energy. I just
14 really like being around them and, you know, they have lots of
15 questions all the time and, I don't know, it's just a lot of
16 fun to work with them. They're creative.

17 MR. HENDRICKS: Even if there's 30 of them?

18 PROSPECTIVE JUROR NO. 146: Yes.

19 MR. HENDRICKS: Okay. Wish I could ask you that same
20 question a year from now. Thank you. If you could pass it
21 down -- if you could, pass it up to Mr. Schiffman back in the
22 corner. You said you're a gambler; right?

23 PROSPECTIVE JUROR NO. 104: Something like that,
24 yeah.

25 MR. HENDRICKS: Okay. Why?

1 PROSPECTIVE JUROR NO. 104: Well, I just play poker
2 actually, no table games.

3 MR. HENDRICKS: What is it about poker that excites
4 you?

5 PROSPECTIVE JUROR NO. 104: How much time you got.
6 Well, there's a never-ending learning curve, right. It's a
7 game of skill in the long run, luck in the short term. You get
8 financially rewarded for your, you know, your good decisions.

9 MR. HENDRICKS: So you think it's skill and luck?

10 PROSPECTIVE JUROR NO. 104: Absolutely.

11 MR. HENDRICKS: Do you think you're skilled at it?

12 PROSPECTIVE JUROR NO. 104: My results have seemed
13 to, you know, agree with that statement, yeah.

14 MR. HENDRICKS: Okay. And what is it that you do
15 other than play poker?

16 PROSPECTIVE JUROR NO. 104: Computer security for
17 probably the last 15 years. Computer stuff. I've done
18 everything. Currently I own the research role for Cisco
19 Systems. I work out of my house. Computer security related
20 research and development. You want more details, I can --

21 MR. HENDRICKS: I don't even know how to turn my
22 computer on. So, yeah, that wouldn't be helpful to me. But is
23 that something you enjoy?

24 PROSPECTIVE JUROR NO. 104: Yeah, absolutely.

25 MR. HENDRICKS: How come?

1 PROSPECTIVE JUROR NO. 104: Again, I mean, there's a
2 lot to learn. Originally, it started off as, you know, there
3 was like a wide open playing field. There wasn't really much
4 in the industry around it, it was more of a hobby. And I grew
5 up around the industry and learned a lot. There's a lot of,
6 you know, balanced (indiscernible) that kind of thing.

7 MR. HENDRICKS: Do you want to serve on this jury?

8 PROSPECTIVE JUROR NO. 104: Well, it's my civic duty,
9 I suppose. That's not the answer you're looking for.

10 MR. HENDRICKS: Not really.

11 PROSPECTIVE JUROR NO. 104: Let me answer that in a
12 different way. If I have to serve on a jury, then I would
13 serve on this one. This seems interesting.

14 MR. HENDRICKS: What if it wasn't interesting?

15 PROSPECTIVE JUROR NO. 104: Well, then it has -- if
16 it's not interesting to me, it has a -- you know, it's hard for
17 me to hold my attention. I'd have the, you know, the whole
18 commercial-length attention span thing. If it's not
19 challenging, I get bored.

20 MR. HENDRICKS: So, are we going to be able to hold
21 your attention for a while week?

22 PROSPECTIVE JUROR NO. 104: A whole week? You know,
23 I mean, do I have a choice?

24 MR. HENDRICKS: (Indiscernible).

25 PROSPECTIVE JUROR NO. 104: Yeah. I mean, like I

1 said, this -- I've been rolling it over in my head since I
2 walked in here. If I had to be on a jury, this one seems to
3 be, you know, a compelling case. More so than a civil trial.

4 MR. HENDRICKS: Could you pass it in front of you
5 please. And you're -- thank you. You're missing out on
6 patients; right?

7 PROSPECTIVE JUROR NO. 143: Um-hum.

8 MR. HENDRICKS: Is that yes?

9 PROSPECTIVE JUROR NO. 143: Yes, sir.

10 MR. HENDRICKS: Okay. And your dentist doesn't pay
11 you a salary or --

12 PROSPECTIVE JUROR NO. 143: No, I'm hourly.

13 MR. HENDRICKS: Is he going to reimburse -- he or she
14 going to reimburse you, or?

15 PROSPECTIVE JUROR NO. 143: I can ask.

16 MR. HENDRICKS: Okay. Do you want to serve?

17 PROSPECTIVE JUROR NO. 143: In regards to work, no.
18 But, again, if I have to, then I will.

19 MR. HENDRICKS: Is that the only thing that's holding
20 you back, the thought of not getting paid?

21 PROSPECTIVE JUROR NO. 143: Yes.

22 MR. HENDRICKS: You hesitated a little bit. What
23 else is there?

24 PROSPECTIVE JUROR NO. 143: Honestly, it's an
25 interesting case. So, I'd like to serve and hopefully be open

1 minded and see if I can hear this case and decide.

2 MR. HENDRICKS: Now, just looking around, you appear
3 as though you're one of the youngest individuals up there. How
4 is that going to affect you if you're a juror?

5 PROSPECTIVE JUROR NO. 143: Not at all. I don't --
6 my age?

7 MR. HENDRICKS: Yes.

8 PROSPECTIVE JUROR NO. 143: It doesn't -- I don't
9 think anything of it.

10 MR. HENDRICKS: Okay. If you're back there with
11 people that are a little bit older than you or have a little
12 bit more experience, are you going to be intimidated by that?

13 PROSPECTIVE JUROR NO. 143: No.

14 MR. HENDRICKS: Why not?

15 PROSPECTIVE JUROR NO. 143: I'm a pretty strong
16 individual and I'll listen to what they have to say in hopes
17 that they have -- what I have to say, they'll listen to it
18 also.

19 MR. HENDRICKS: Do you, in your life, do you judge
20 people?

21 PROSPECTIVE JUROR NO. 143: Geez, I -- not, no. Not
22 at -- no. Automatically, without knowing anything, no.

23 MR. HENDRICKS: Well, do you judge people based upon
24 their actions that you can see?

25 PROSPECTIVE JUROR NO. 143: (No audible response)

1 MR. HENDRICKS: Do you have any ideas in your mind,
2 you know, once you see a person or get to know a person, do you
3 make judgments upon what you think that person would be like?

4 PROSPECTIVE JUROR NO. 143: After they act in a
5 certain way?

6 MR. HENDRICKS: Yes.

7 PROSPECTIVE JUROR NO. 143: Probably, yes.

8 MR. HENDRICKS: That's only human; right?

9 PROSPECTIVE JUROR NO. 143: After I -- after they've
10 already acted that way, yes.

11 MR. HENDRICKS: Okay. And that's something we
12 probably all do; agree?

13 PROSPECTIVE JUROR NO. 143: I'm not sure.

14 MR. HENDRICKS: Do you have girlfriends?

15 PROSPECTIVE JUROR NO. 143: Yes.

16 MR. HENDRICKS: And do you have boyfriends?

17 PROSPECTIVE JUROR NO. 143: Yes.

18 MR. HENDRICKS: Do you judge both of them?

19 PROSPECTIVE JUROR NO. 143: No.

20 MR. HENDRICKS: Why not?

21 PROSPECTIVE JUROR NO. 143: Judge them how?

22 MR. HENDRICKS: Based upon their actions.

23 PROSPECTIVE JUROR NO. 143: I'm pretty ethical, so I
24 would judge them if they're doing something wrong.

25 MR. HENDRICKS: Okay.

1 PROSPECTIVE JUROR NO. 143: Not judge them, but --

2 MR. HENDRICKS: What if they're doing something
3 right?

4 PROSPECTIVE JUROR NO. 143: Well, right on.

5 MR. HENDRICKS: Is that difficult for you to do
6 though?

7 PROSPECTIVE JUROR NO. 143: To judge them or not
8 judge them?

9 MR. HENDRICKS: Is it difficult for you to pass
10 judgment on another person?

11 PROSPECTIVE JUROR NO. 143: No. I'm usually nicer to
12 people, I think. I usually judge them better than they might
13 be probably.

14 MR. HENDRICKS: Okay. All right. Thank you. If you
15 could pass it right next door. Mr. Harris, right?

16 PROSPECTIVE JUROR NO. 145: Yes.

17 MR. HENDRICKS: Now, if Mr. Scow and I do our job,
18 okay, and we convince you beyond a reasonable doubt of this
19 man's guilt, are you going to have any problem coming back into
20 this courtroom, looking at that man and saying guilty?

21 PROSPECTIVE JUROR NO. 145: I will do what the facts
22 show.

23 MR. HENDRICKS: Okay. You can withhold judgment?

24 PROSPECTIVE JUROR NO. 145: (No audible response)

25 MR. HENDRICKS: Would you want to be the foreperson?

1 PROSPECTIVE JUROR NO. 145: No.

2 MR. HENDRICKS: Why not?

3 PROSPECTIVE JUROR NO. 145: I'm not built for that.

4 MR. HENDRICKS: What is it about your personality
5 that doesn't make you built for it?

6 PROSPECTIVE JUROR NO. 145: Because I like to feel
7 that everybody is nice, equal, there aren't any bad people. So
8 this individual here, as far as I'm concerned, there's no bad
9 people. But the facts, that's what you judge by.

10 MR. HENDRICKS: Just to clarify, you said there's no
11 bad people; right?

12 PROSPECTIVE JUROR NO. 145: In my mind.

13 MR. HENDRICKS: We're all the same?

14 PROSPECTIVE JUROR NO. 145: Correct.

15 MR. HENDRICKS: But someone's acts can differentiate
16 between another person and that person?

17 PROSPECTIVE JUROR NO. 145: There's an old saying,
18 your actions speak so loud, I can't hear a thing you're saying.
19 So you can talk a whole lot, but your actions show who you are
20 and what you are.

21 MR. HENDRICKS: Okay. Thank you. Appreciate that.
22 If you could pass it up forward. Mr. Parker, if you could grab
23 that and pass it in front of you to Mr. Cianci. Did I get that
24 right?

25 PROSPECTIVE JUROR NO. 172: Close enough.

1 MR. HENDRICKS: Okay. Now, you said that you're a
2 Union rep for a number of different individuals here; right?

3 PROSPECTIVE JUROR NO. 172: Correct.

4 MR. HENDRICKS: You don't have any personal
5 relationship with anyone of them; do you?

6 PROSPECTIVE JUROR NO. 172: To be honest, the only
7 one, I actually did work side-by-side with Dion Cooper for a
8 few years at the Flamingo as a bartender there also.

9 MR. HENDRICKS: Did you guys get along?

10 PROSPECTIVE JUROR NO. 172: As far as I know. What
11 do you think? Yeah.

12 PROSPECTIVE JUROR NO. 167: Yeah.

13 PROSPECTIVE JUROR NO. 172: Okay, yeah, we did.

14 MR. HENDRICKS: Positive response from Mr. --

15 PROSPECTIVE JUROR NO. 172: Yeah. And they dealt
16 with Dion also.

17 MR. HENDRICKS: Okay. So, does that mean that if you
18 go back in the jury room, you guys are going to be on the same
19 page no matter what?

20 PROSPECTIVE JUROR NO. 172: Absolutely not.

21 MR. HENDRICKS: Okay. What if you disagree with him?

22 PROSPECTIVE JUROR NO. 172: I disagree with a lot of
23 people.

24 MR. HENDRICKS: That's why you're an effective Union
25 rep; right?

1 PROSPECTIVE JUROR NO. 172: I hope so.

2 MR. HENDRICKS: Okay. Would you like to be the
3 foreperson?

4 PROSPECTIVE JUROR NO. 172: I have no problems with
5 that at all.

6 MR. HENDRICKS: Is there anything in your background,
7 and I know the Judge touched on this, anything religiously or
8 morally that would prevent you from passing judgment on this
9 man's actions?

10 PROSPECTIVE JUROR NO. 172: No.

11 MR. HENDRICKS: Nothing at all?

12 PROSPECTIVE JUROR NO. 172: No. My religion is my
13 personal beliefs and that has nothing to do with this. And
14 morally, I tell people, you ask the question can you tell
15 somebody to their face guilty or not guilty. I do that daily.
16 Not guilty or not guilty, but tell somebody that they do not
17 have a case because the offense that you did warrants the
18 effect of it.

19 MR. HENDRICKS: And you have no problem with that?

20 PROSPECTIVE JUROR NO. 172: No.

21 MR. HENDRICKS: Thank you.

22 PROSPECTIVE JUROR NO. 172: You're welcome.

23 MR. HENDRICKS: I pass, Judge.

24 THE COURT: Pass for cause? All right. Ladies and
25 Gentlemen, we're going to take our luncheon recess at this

1 time. Before I let you go, any jury as a matter of fact, I
2 have to read an admonition.

3 That admonition is, it is your duty not to converse
4 amongst yourselves nor with anyone else on any subject
5 connected with this trial. Further, you may not read, watch or
6 listen to any report of or commentary on this trial by any
7 medium of information including, without limitation, newspaper,
8 television, radio. And you may not form or express any opinion
9 on any subject connected with this case until it's finally
10 submitted to you.

11 Again, if you're picked to be a member of this jury,
12 you're going to hear me say that every time. So let's have
13 some words of explanation for you. As I've stated earlier,
14 it's important for you to wait, if you're selected to be a
15 member of this jury, in talking about the case among
16 yourselves, until you've heard all the evidence and I've
17 instructed you on the law and you've listened to the arguments.

18 That said, it's okay to have a conversation with
19 members of your -- other members of your jury, fellow jurors
20 about your life experience, your frustrations with the
21 elevators, what you've experienced in terms of parking,
22 whatever it might be. Life experiences that you bring or might
23 come up in casual conversation. You just can't speak about
24 this case, any aspect of this case, as a matter of fact, until
25 it's finally submitted to you.

1 So that's the most important thing for you to
2 understand. When you go out those doors and you head out for
3 lunch, again, if you want to have lunch, you've just barely met
4 each other now, if you want to go out and have lunch, sit down
5 and have lunch, that's fine. Talk about your life, your
6 family. It's all -- anything you want as long as it has
7 nothing whatsoever to do with this case. That's the rule.

8 Now, when you step out the doors, we usually take an
9 hour and 15 minutes for lunch. It's usually a lunch hour
10 because I recognize the fact that we have six elevators and
11 sometimes some of them don't even work and it's difficult for
12 people to move up and down those elevators. I do an hour and
13 minutes. Again, those elevators are notoriously slow.

14 We're going to reconvene at, say, it's 12:05 now. So
15 that will bring us back at 1:20 -- 1:20 is when I'm going to
16 need you back here. Give yourself five minutes or so at the
17 bottom of the elevators to get here to the 11th floor to where
18 we need you to stage outside.

19 I also need you to look to your left and look to your
20 right, see the face next to you, know where you're seated
21 because I'm going to need you back in exactly the same seat
22 after lunch, okay. Understanding -- don't go yet -- understand
23 that until everybody's here, that means everybody that's in
24 this room now is here, we can't start again. So one person
25 running a little late, what you're going to find is walking in

1 those doors and everybody's going to be staring at you.

2 So I just appreciate the consideration. All the
3 fellow members of the jury, everybody here, that includes the
4 parties, everybody needs to be here at 1:20.

5 Now, you -- downstairs, there's a cafe, on the north
6 side, you can go there. Out the doors, it's probably a fairly
7 nice day outside. You might want to take a walk around the
8 courthouse or whatever. There's a caf, directly across the
9 street. There's a Quizno's two -- or one block down as you go
10 out those same doors towards Main Street. There's a Starbucks
11 in the Bank of America building, all very close, very easy to
12 get to. Again, you can go anywhere you want as long as you're
13 back here at 1:20.

14 If you would like to bring water, coffee, soda with
15 you, that makes you comfortable in this process, I sit up here,
16 I drink my water, I have my coffee in the morning, I won't deny
17 you that same comfort. Bring that with you, as long as it's
18 not disruptive of the process, you don't spill it
19 unintentionally on the floor, bring it with you, I will not
20 deny you that.

21 If you're suffering from diabetes or any type of
22 physical condition that requires you to eat on a routine basis,
23 bring that with you, same rule, as long as it's not disruptive
24 of the process, I won't deny you that basic comfort. I usually
25 run about 90 minutes to two hours in terms -- it's about how

1 long I'm going have people sit there without getting too
2 uncomfortable in those chairs. So kind of judge that
3 accordingly. We run about 90 minutes to two hours before your
4 next break.

5 If you have a need to take a break that's
6 unanticipated, just look me a go -- and give me the universal
7 sign for break, that's this, Judge, I need a break and I'll
8 give you a break immediately. All you got to do is give me
9 that sign.

10 All right. Those are the instructions I have. Oh,
11 one other. If you happen to see any of the parties in the
12 hallway as you're moving to and from the courtroom and they do
13 not recognize you, they don't say, good afternoon, how was your
14 lunch, isn't it a beautiful day outside, it's not because
15 they're rude, it's not because they're being antisocial. It's
16 because they're under my direct orders not to have that type of
17 verbal or non-verbal communication with you.

18 Decisions made in this case or any case, it's not a
19 popularity contest, it's not about who you like or don't like.
20 It's about the evidence. So they're not allowed to talk to
21 you. They're not even allowed to have eye contact with you.
22 So should you see them walk past you and they don't even act
23 like you're there, again, it's not because they're being rude
24 or anti-social. It's because they're under my direct orders to
25 not to have that type of conduct with you.

1 Those are my instructions. We'll see you at 1:20,
2 Ladies and Gentlemen. We'll stand in recess. Officer
3 Reichert, where do you want them staged? Right outside the
4 door, Ladies and Gentlemen. Have a good lunch.

5 (Outside the presence of prospective jurors)

6 THE COURT: The record shall reflect we're outside
7 the presence of the jury. Any additional record need to be
8 made as a consequence of the jury selection so far? Mr.
9 Maningo, you have the panel after lunch.

10 MR. MANINGO: Yes, sir, Judge. And the only thing
11 I'd like to add right now quickly for the record is our
12 appellate team has asked that we make a record somewhat of the
13 makeup of the veneer.

14 THE COURT: Okay.

15 MR. MANINGO: I spoke with Mr. Scow and these are
16 estimates because we don't know the actual, obviously, ethnic
17 backgrounds, but it looks like I've got a count of four
18 African-Americans, 23 women and approximately 15 people of
19 color. And we had a total of, I think, what was it, 45?

20 THE COURT: Forty-five at count.

21 MR. MANINGO: Out of 45.

22 THE COURT: Is that a fair estimation, Mr. Scow and
23 Mr. Hendricks, on your side of the room? It's kind -- it seems
24 fair in just the broad strokes.

25 MR. SCOW: I think it's close. I did check with

1 Dorothy, I was able to semi confirm, as to me, it looked like
2 either three or four African-American, I -- you know, it's hard
3 to tell.

4 MR. MANINGO: Right. So I went with the -- you know,
5 I gave the jury the benefit and went with four.

6 THE COURT: Sounds good. All right.

7 MR. MANINGO: Okay. Thanks, Judge.

8 THE COURT: Anything else?

9 MR. HENDRICKS: Nope. Thank you, Judge.

10 THE COURT: All right. See you at 1:20.

11 (Recess from 12:06 p.m. to 1:20 p.m.)

12 (In the presence of the prospective jurors)

13 THE MARSHAL: The panel appears to be present, Your
14 Honor.

15 THE COURT: This is C-241003, State of Nevada v.
16 Edward Michael Adams. Let the record reflect the presence of
17 representatives of the State, defendant, all members of the
18 jury panel appear to be present.

19 Do the parties stipulate to the presence of the
20 entire panel? State?

21 MR. SCOW: Yes, Judge.

22 THE COURT: Defense?

23 MR. MANINGO: Yes, sir.

24 THE COURT: Our record should reflect we're in
25 challenge for cause jury selection. Mr. Maningo, you have the

1 panel.

2 MR. MANINGO: Thanks, Judge. Good afternoon.

3 ALL PROSPECTIVE JURORS: Good afternoon.

4 MR. MANINGO: Thank you for coming back after lunch.

5 It's good to see everyone made it.

6 Most likely I will not get to each and every one of
7 you individually about everyone of these issues because if I
8 did, we'd be here all week long. So if there are any red
9 flags, if I'm asking somebody on this side of the room and
10 someone over here, if it rings a bell like something that you
11 feel you need to tell me, please, raise your hand, shout it
12 out. There's no particular order to any of this. Can we agree
13 to that? Okay, good.

14 Where's the mic these days.

15 MR. KANGAS: Right here.

16 MR. MANINGO: Ah, there we go. Thank you, Richard.

17 Let's start with -- up in that far corner, the one least
18 convenient for you. That's Mr. Beirni.

19 PROSPECTIVE JUROR NO. 141: Berney (phonetic).

20 MR. MANINGO: Beirni. You stated that you're from --
21 you spent some time in Colorado. Is that where you're from?

22 PROSPECTIVE JUROR NO. 141: Yeah. Well, I mean, I
23 lived there for ten years in Denver.

24 MR. MANINGO: Oh, okay. Bronco fan?

25 PROSPECTIVE JUROR NO. 141: Big time.

1 MR. MANINGO: All right. Now, you have three kids;
2 correct?

3 PROSPECTIVE JUROR NO. 141: Correct.

4 MR. MANINGO: What ages are they?

5 PROSPECTIVE JUROR NO. 141: The oldest is 35, 26 and
6 23.

7 MR. MANINGO: Okay. Now, I don't remember. Were you
8 asked by Mr. Hendricks if you were one of the people who can
9 tell when your kids are telling the truth and whatnot?

10 PROSPECTIVE JUROR NO. 141: Yeah.

11 MR. MANINGO: Okay. Okay. And you said that you
12 feel that you could for the most --

13 PROSPECTIVE JUROR NO. 141: I can tell more with my
14 daughter than I can with my son.

15 MR. MANINGO: Okay. Do you think that you would be
16 able to tell whether or not Ms., is it Aguas?

17 PROSPECTIVE JUROR NO. 149: Aguas.

18 MR. MANINGO: Aguas. Do you think you would be able
19 to tell if her children were telling the truth or not?

20 PROSPECTIVE JUROR NO. 141: I couldn't really say. I
21 mean, I'd just have to listen to them.

22 MR. MANINGO: Okay. So it's obviously different,
23 though, when it's your own kids.

24 PROSPECTIVE JUROR NO. 141: Yeah.

25 MR. MANINGO: Would you agree with that?

1 PROSPECTIVE JUROR NO. 141: Yes.

2 MR. MANINGO: You know your kids better than you do a
3 stranger?

4 PROSPECTIVE JUROR NO. 141: Definitely.

5 MR. MANINGO: Okay. I heard a lot of people say
6 earlier today that they feel confident that they can tell when
7 their kids are telling the truth or not. Would you agree, sir,
8 that it would be different, though, if it's someone you've
9 never met before?

10 PROSPECTIVE JUROR NO. 141: Yeah.

11 MR. MANINGO: Okay. This has been brought up a few
12 times, but your daughter was sexually assaulted?

13 PROSPECTIVE JUROR NO. 141: Correct.

14 MR. MANINGO: Okay. These cases can become very
15 emotional at times. These types of cases that you're here for
16 today. Will you be able to separate the emotional content of
17 what happened to your own family with what happened with your
18 daughter?

19 PROSPECTIVE JUROR NO. 141: Yeah, I think so.

20 MR. MANINGO: Okay. Is there any -- should there be
21 any concern for anyone involved in this trial that you would
22 have a hard time with that? That you might start thinking or
23 placing your daughter in that situation and thinking about what
24 happened?

25 PROSPECTIVE JUROR NO. 141: I -- well, I mean, I'm

1 sure I would probably think about it some, but I think, I think
2 I can judge fairly.

3 MR. MANINGO: Okay. You feel that you can keep it
4 separate?

5 PROSPECTIVE JUROR NO. 141: Yeah.

6 MR. MANINGO: Okay. Why don't you go ahead and just
7 pass it to your left for now and we'll speak with Miss Alvarez.

8 Hi, Miss Alvarez.

9 PROSPECTIVE JUROR NO. 138: Hi.

10 MR. MANINGO: Okay. You said earlier that you might
11 have some problems with the language.

12 PROSPECTIVE JUROR NO. 138: Yeah.

13 MR. MANINGO: Okay. Have you been able to understand
14 everything so far?

15 PROSPECTIVE JUROR NO. 138: Yeah, I understand, but I
16 can explain to, like -- to me, I can -- I understand a little,
17 but I can explain very well.

18 MR. MANINGO: Okay. You feel like you can speak
19 English better than you understand it?

20 PROSPECTIVE JUROR NO. 138: Yeah.

21 MR. MANINGO: Okay. Did you understand the Judge
22 when he was talking about following the rules of law?

23 PROSPECTIVE JUROR NO. 138: Yeah, a little bit, I
24 understand it.

25 MR. MANINGO: Are you --

1 PROSPECTIVE JUROR NO. 138: But I don't know, I don't
2 know too much about the laws, why.

3 MR. MANINGO: Okay. Are you able to read English?

4 PROSPECTIVE JUROR NO. 138: Yeah, I read a little
5 bit.

6 MR. MANINGO: Okay. Because you're going to get a
7 packet at the end of the trial --

8 PROSPECTIVE JUROR NO. 138: Okay.

9 MR. MANINGO: -- with a whole bunch of instructions
10 telling you this is the law, this is how you're suppose to, you
11 know, do things in this case. Do you feel like you're going to
12 be able to -- you know, do you feel confident about being able
13 to do that and being able to participate in this?

14 PROSPECTIVE JUROR NO. 138: No. Is the first time to
15 me, so I'm not feel comfortable.

16 MR. MANINGO: Do you think -- and you think your
17 difficulty with language will affect --

18 PROSPECTIVE JUROR NO. 138: Yeah.

19 MR. MANINGO: -- whether or not --

20 PROSPECTIVE JUROR NO. 138: So I -- I'm scared
21 because I don't want to -- I don't want to say, okay, this is
22 later and when it's not (indiscernible) I don't understand very
23 good.

24 MR. MANINGO: Okay. And some of what you're going to
25 get today is going to be, or during this trial will be written.

1 And will that be a problem?

2 PROSPECTIVE JUROR NO. 138: No.

3 MR. MANINGO: Maybe?

4 PROSPECTIVE JUROR NO. 138: Yeah, maybe.

5 MR. MANINGO: Okay. While we're in the neighborhood,
6 why don't you just hand it to Mr. Wheeler.

7 Hi, Mr. Wheeler.

8 PROSPECTIVE JUROR NO. 137: Good afternoon.

9 MR. MANINGO: You are a lawyer; correct?

10 PROSPECTIVE JUROR NO. 137: Correct.

11 MR. MANINGO: Okay. And you said that you didn't
12 really do much that would bring you into court; correct?

13 PROSPECTIVE JUROR NO. 137: That's correct.

14 MR. MANINGO: Okay. And you've never -- so then I'm
15 guessing you didn't do any trial work or anything like that?

16 PROSPECTIVE JUROR NO. 137: That's correct, I have
17 not.

18 MR. MANINGO: Okay. And this will go for anybody.
19 I'm sure many of you have seen television shows with lawyers in
20 courtroom dramas and that kind of thing. But especially for
21 you Mr. Wheeler, will you be able to just sit there as an
22 observer and listen to the facts, or do you think that you're
23 going to judge either myself or Mr. Scow or Mr. Hendricks on
24 our performance as attorneys?

25 PROSPECTIVE JUROR NO. 137: Based on my lack of

1 experience in court, I would say that I'm predisposed to being
2 just judging on the facts. I don't have any interaction with
3 litigation or litigators.

4 MR. MANINGO: Okay. And so you think that you can
5 just sort of be, be neutral as far as even though we're all
6 members of the same profession?

7 PROSPECTIVE JUROR NO. 137: Yes, that's correct.

8 MR. MANINGO: Okay. Let's go ahead and since we're
9 on the topic, skip on down to Ms. Clayton.

10 PROSPECTIVE JUROR NO. 156: Yes.

11 MR. MANINGO: If we can just pass that down a little
12 bit. Ms. Clayton, now you worked in the AG's office?

13 PROSPECTIVE JUROR NO. 156: Yes.

14 MR. MANINGO: Okay. So did you participate in some
15 trials while you were there?

16 PROSPECTIVE JUROR NO. 156: No. The only criminal
17 matters we did, where I was, was some habeas cases. So I wrote
18 some briefs. But it was all appellate. It was nothing at the
19 trial level.

20 MR. MANINGO: Okay. Have you ever been able or had
21 the opportunity to observe trials or anything like that?

22 PROSPECTIVE JUROR NO. 156: Sure, yes.

23 MR. MANINGO: Okay. And as a teacher, you have some
24 experience in what's going on as far as the criminal justice
25 system?

1 PROSPECTIVE JUROR NO. 156: Yes.

2 MR. MANINGO: Okay. So, I guess, two questions.
3 Number one, the same as Mr. Wheeler, will you be able to just
4 judge the facts in this case, or do you think it will be a
5 distraction in judging our performance? Or if Mr. Hendricks
6 shows up in a better looking tie than me or they've got a --
7 they're going to use PowerPoint which could be very flashy,
8 okay. Is that going to affect how you look at it?

9 PROSPECTIVE JUROR NO. 156: No.

10 MR. MANINGO: Okay. The second question, I guess,
11 because of your experience is, are you willing to listen to the
12 facts and the evidence as they come out in this trial without
13 trying to, I don't know, I guess peek behind the curtains.
14 Think about what's going on at a bench conference or something
15 like that, or what laws are being applied. Do you think that
16 will be a distraction for you or can you put that aside?

17 PROSPECTIVE JUROR NO. 156: Well, I think I would be
18 thinking about that, but I don't think it would be -- it's not
19 a distraction. I think I can focus on just being a juror
20 rather than, you know, leaving my attorney hat at home which
21 I'm happy to do.

22 MR. MANINGO: Okay. You think this will be a good
23 experience for you for your teaching?

24 PROSPECTIVE JUROR NO. 156: Oh, very much so. I told
25 my class, I hope to get on a jury.

1 MR. MANINGO: Okay. Terrific. Let's send it up to
2 far corner, Mr. Schiffman. Hello.

3 PROSPECTIVE JUROR NO. 104: What's up?

4 MR. MANINGO: Poker player.

5 PROSPECTIVE JUROR NO. 104: Um-hum.

6 MR. MANINGO: Part -- is it fair to say that part of
7 being a poker player is reading other people?

8 PROSPECTIVE JUROR NO. 104: Correct.

9 MR. MANINGO: Okay. I've heard -- now, I'm not a big
10 poker player, but I've heard the phrase that you play the
11 person, not the cards?

12 PROSPECTIVE JUROR NO. 104: Sometimes, yeah.

13 MR. MANINGO: Something like that?

14 PROSPECTIVE JUROR NO. 104: Sure.

15 MR. MANINGO: Okay. And there's bluffing in poker.

16 PROSPECTIVE JUROR NO. 104: There is.

17 MR. MANINGO: Okay. What kind of things do you look
18 at when you're trying to judge someone's credibility, when
19 you're trying to tell if someone's telling the truth or if
20 they're hiding something, what do you look at?

21 PROSPECTIVE JUROR NO. 104: Well, I suppose for me
22 it's, you know, more subjective than objective. I just, you
23 know, you got a feel for a type of person and, you know, you
24 try not to let your previous experiences, you know, interfere
25 with your judgment.

1 MR. MANINGO: Okay. One of the things that you'll be
2 asked to do as a juror, if you're selected, is to make those
3 kinds of reads and those judgments on witnesses as they come up
4 and take the stand. Do you feel confident that you'd be able
5 to do that?

6 PROSPECTIVE JUROR NO. 104: Well, yeah. My point is
7 is as an effective juror, you need to do that objectively and
8 not subjectively, right.

9 MR. MANINGO: Okay. Well --

10 PROSPECTIVE JUROR NO. 104: You need to be objective
11 in terms of listening to what everyone has to say without
12 having any sort of predisposed opinion or --

13 MR. MANINGO: Sure. It's some -- to a point. But
14 we're not asking for 12 robots.

15 PROSPECTIVE JUROR NO. 104: Right.

16 MR. MANINGO: We want people to come in, you've all
17 got different life experiences. You've all got different
18 backgrounds. You've all got different things that form your
19 commonsense. And we want you all to individually use those.

20 PROSPECTIVE JUROR NO. 104: Um-hum.

21 MR. MANINGO: So we're certainly not going to ask you
22 to shut any of that off. Do you just -- I guess what I'm
23 asking is do you feel confident in being able to tell if
24 someone's telling the truth or if they're not telling the
25 truth, or to get a feel for someone like that if they're on the

1 witness stand?

2 PROSPECTIVE JUROR NO. 104: Yeah, I suppose. Sure.

3 MR. MANINGO: Okay. You had -- you brought up the
4 issue earlier about your girlfriend and --

5 PROSPECTIVE JUROR NO. 104: Um-hum.

6 MR. MANINGO: -- that she had been assaulted in the
7 past.

8 PROSPECTIVE JUROR NO. 104: Correct.

9 MR. MANINGO: Do you think that's going to affect the
10 way you sit as a juror? The way you see this case?

11 PROSPECTIVE JUROR NO. 104: Yeah, you know, I've
12 thought a lot about it because I've heard a lot of people talk
13 about similar experiences and whatnot. And me personally, you
14 know, I just -- I just don't know for sure. You know, it was
15 an incident that happened about five years ago out-of-state and
16 I'm the kind of guy that it makes me real angry.

17 You know, nobody was ever caught, prosecuted,
18 anything like that, you know. I mean, she's, you know, a 98
19 pound defenseless girl, the way I look at it. It makes me real
20 angry, couldn't do anything to help. You know, it's long gone,
21 over with, you know, except for the mental scars and the
22 emotional scars.

23 MR. MANINGO: Right.

24 PROSPECTIVE JUROR NO. 104: To me personally, it's
25 extremely frustrating. Would I bring that experience into a

1 situation like this? Again, I mean, the professor who was
2 dismissed earlier, you know, I -- a lot of what he said sort of
3 rang true with me in terms of he just wasn't sure if he could,
4 you know, if it was or was not going to play in.

5 MR. MANINGO: Um-hum. And that's all we're asking
6 you for.

7 PROSPECTIVE JUROR NO. 104: Right.

8 MR. MANINGO: We're just -- I mean, we're just asking
9 for honest answers.

10 PROSPECTIVE JUROR NO. 104: Yeah.

11 MR. MANINGO: We want to make sure that when we pick,
12 you know, our 12 individuals, that both sides are going to get
13 a fair shake.

14 PROSPECTIVE JUROR NO. 104: Yeah.

15 MR. MANINGO: So I guess my question is, if for
16 whatever reason, you were the person sitting over here at this
17 table with me, would you be concerned about a juror such as
18 yourself?

19 PROSPECTIVE JUROR NO. 104: Absolutely.

20 MR. MANINGO: Okay. And I do appreciate your honesty
21 in talking about that. If you could please pass it all the way
22 to the front here so we can speak with Ms. Alberts. And you
23 can probably guess what this is about, Ms. Alberts.

24 How are you?

25 PROSPECTIVE JUROR NO. 174: Good. How are you?

1 MR. MANINGO: I'm good, thank you. You had mentioned
2 earlier about your sister.

3 PROSPECTIVE JUROR NO. 174: Yes.

4 MR. MANINGO: Okay. And that situation was very
5 difficult.

6 PROSPECTIVE JUROR NO. 174: Yes.

7 MR. MANINGO: And you had talked about how it was
8 very difficult to put that aside?

9 PROSPECTIVE JUROR NO. 174: Yes.

10 MR. MANINGO: Okay. And I think you used the words
11 emotionally draining.

12 PROSPECTIVE JUROR NO. 174: Yes.

13 MR. MANINGO: Okay. Well, for everyone here, if
14 you're selected, this is a trial that you've already heard the
15 charges. You already know that at least one young person is
16 involved in this case. And these kinds of trials can be very
17 emotionally draining, these kinds of situations. And what
18 we're going to be asking you to do as a juror is to have logic
19 sort of guide your way and not get emotionally carried away
20 with it.

21 Now, we're not saying shut down, you know, but let
22 logic be your guide. And so I guess my question to you, Ms.
23 Alberts, is do you feel like -- because of the emotional
24 content of this kind of a trial and what has happened in your
25 family, that it will cause some problems as far as being able

1 to look at it unbiased or -- you know?

2 PROSPECTIVE JUROR NO. 174: As far as looking at it
3 fairly or unbiased, it's going to be difficult. It's something
4 that will always probably, I mean throughout the trial, will
5 sit in the back of my mind thinking, well, is that how my
6 sister felt, is that what happened to her, and thinking about
7 the emotional consequences that had on her that, to this day.
8 I mean, it's been 20 years. I mean, it's obviously gotten a
9 lot easier for her, but she's still has some residual issues.

10 MR. MANINGO: Okay. And it's affected you and your
11 entire family.

12 PROSPECTIVE JUROR NO. 174: Yes.

13 MR. MANINGO: Okay.

14 PROSPECTIVE JUROR NO. 174: Pretty much so.

15 MR. MANINGO: And I sense in you a little bit that
16 you feel a little bit emotional already.

17 PROSPECTIVE JUROR NO. 174: A little bit, yes, sir.

18 MR. MANINGO: Okay. And I don't -- I'm not trying to
19 upset you or anything. We're just trying to figure this all
20 out.

21 PROSPECTIVE JUROR NO. 174: I understand.

22 MR. MANINGO: I guess my question would be, do you
23 feel like maybe you would be a great juror on a trial where
24 there was, maybe, a burglary or a car theft or a civil case.
25 But just this kind of trial, because of its nature, is probably

1 not the right fit for you?

2 PROSPECTIVE JUROR NO. 174: I think -- I would say
3 that's accurate, yes. That it would be easier to sit on a
4 different kind of a jury.

5 MR. MANINGO: If we could slide directly to your
6 right to Mr. Stein.

7 PROSPECTIVE JUROR NO. 186: Yes.

8 MR. MANINGO: How are you, sir? Okay?

9 PROSPECTIVE JUROR NO. 186: Okay.

10 MR. MANINGO: You had also mentioned a situation --
11 well, I guess you had said that because of the type of case it
12 is and because of the fact that you have kids and grandkids,
13 that you felt like you would be biased in this sort of a case?

14 PROSPECTIVE JUROR NO. 186: Well, I don't know if
15 biased is the right thing. After sitting here for a while, I
16 think because of helping raise two young ladies, my daughter
17 and also my granddaughter, that I would be extremely careful
18 about weighing the evidence because of the severity of the
19 crime.

20 MR. MANINGO: And that's what we would want you to
21 do. We want everyone to be very careful about how they look at
22 the evidence because it is very serious. And this is no TV
23 show.

24 PROSPECTIVE JUROR NO. 186: No.

25 MR. MANINGO: There will be real people taking the

1 stand. Mr. Adams is a real individual who stands trial. So,
2 we definitely want you to be careful.

3 We just want to make sure that even though you have
4 family and you love them very much, you're very close to them,
5 that you can separate your personal with what's going on in
6 this court.

7 PROSPECTIVE JUROR NO. 186: I think I would be extra
8 careful because of that.

9 MR. MANINGO: Okay. Extra careful -- I mean, that
10 sounds like a good thing, am I right?

11 PROSPECTIVE JUROR NO. 186: What I'm driving at is
12 that to try to separate myself from, like I said, raising
13 daughters and just deal with the facts.

14 MR. MANINGO: Okay. Very good, okay. That's what we
15 would ask of you. If we could slide it up to Mr. Harris, all
16 the way up here in the second row, towards the end.

17 PROSPECTIVE JUROR NO. 145: Hi.

18 MR. MANINGO: Hi, Mr. Harris. You're retired and you
19 enjoy watching TV.

20 PROSPECTIVE JUROR NO. 145: Fishing, too.

21 MR. MANINGO: And fishing, okay. As far as watching
22 TV, what kind of TV programs do you like to watch?

23 PROSPECTIVE JUROR NO. 145: Space ships.

24 MR. MANINGO: Science fiction type stuff?

25 PROSPECTIVE JUROR NO. 145: Si-Fi, right.

1 MR. MANINGO: Okay. Do you ever come across any of
2 the lawyer stuff?

3 PROSPECTIVE JUROR NO. 145: No.

4 MR. MANINGO: Okay.

5 PROSPECTIVE JUROR NO. 145: I don't like to watch
6 that.

7 MR. MANINGO: Me neither.

8 PROSPECTIVE JUROR NO. 145: It's all the same thing.

9 MR. MANINGO: Okay. Is this the kind of situation
10 that you would feel comfortable in, sitting on this kind of a
11 jury with this sort of a case?

12 PROSPECTIVE JUROR NO. 145: I think that this kind of
13 situation that's happening is extremely sensitive, extremely.
14 So everybody here has to have that feeling of what am I going
15 to do. So that's why we have to look at the facts.

16 MR. MANINGO: Okay. Who here's -- just raise your
17 hand, who here's nervous about being on a jury? Anyone? Quite
18 a few. And that's okay, it's perfectly natural. That's
19 perfectly natural. Pass it back to Ms. Winterbottom, please.
20 Hi.

21 PROSPECTIVE JUROR NO. 133: Hello.

22 MR. MANINGO: You work at the Excaliber?

23 PROSPECTIVE JUROR NO. 133: Um-hum. Yes.

24 MR. MANINGO: Have you attended the tournament show?

25 PROSPECTIVE JUROR NO. 133: No.

1 MR. MANINGO: No? Never checked it out?

2 PROSPECTIVE JUROR NO. 133: Um-um.

3 MR. MANINGO: Oh. You raised your hand when you said
4 you'd be a little bit nervous.

5 PROSPECTIVE JUROR NO. 133: Yeah.

6 MR. MANINGO: Okay. And why would that be? Why
7 would you --

8 PROSPECTIVE JUROR NO. 133: It's a sensitive subject
9 matter and I would try to look at the facts, but, you know, I
10 have a family history of abuse. Not me personally, but my
11 mother and all of her siblings. And it's, you know, sometimes
12 it's hard to put yourself outside of that.

13 MR. MANINGO: Right. And you said there was quite a
14 large number of them; right?

15 PROSPECTIVE JUROR NO. 133: Yeah. My mom was one of
16 seven children and they were abandoned by their parents and
17 then put -- given to their grandparents. Then their
18 grandfather abused them for about ten years before Services
19 came and took them away.

20 MR. MANINGO: Okay. And was anything done with
21 the --

22 PROSPECTIVE JUROR NO. 133: No.

23 MR. MANINGO: -- with the Criminal Justice
24 Department? I mean --

25 PROSPECTIVE JUROR NO. 133: No. Their grandfather

1 never stood trial.

2 MR. MANINGO: Never arrested or anything?

3 PROSPECTIVE JUROR NO. 133: Um-um.

4 MR. MANINGO: Okay. And that, has it had an effect
5 on your entire family then?

6 PROSPECTIVE JUROR NO. 133: For the most part. I
7 mean, everyone was placed in foster care. My mother was
8 emancipated when she was 15-years-old and raised herself. And
9 I mean, they managed to know each other and, you know, I had
10 known all my cousins and everything, but it's put a strain.
11 Everyone has kind of dealt with it in their own way. Like, my
12 one uncle is now a heroin addict. My other uncle eventually
13 abused one of my cousins because of his abuse. So it's just
14 kind of a chain of events.

15 MR. MANINGO: Okay. Now, do you think, well, if you
16 were to remain on this jury and you were sitting there, would
17 you feel like you'd be able to separate that if you saw a
18 teenage girl get up here on the stand? Or do you -- would you
19 feel like you were afraid of maybe substituting in your mom in
20 that situation or thinking about that? Or I guess what our
21 biggest concern is holding, maybe, Mr. Adams responsible for
22 something that happened, you know, a long time ago?

23 PROSPECTIVE JUROR NO. 133: I honestly don't know.
24 It's a situation I've never been put in before.

25 MR. MANINGO: Okay. Are you worried that that's a

1 possibility?

2 PROSPECTIVE JUROR NO. 133: Kind of. And, you know,
3 and that's not fair to him. It should be a fair trial.

4 MR. MANINGO: And that's exactly what we're getting
5 at. I mean, if it's going to be a concern, I mean, that's what
6 we need to know now.

7 PROSPECTIVE JUROR NO. 133: Um-hum.

8 MR. MANINGO: We don't want to get halfway through a
9 trail and then have someone say, you know what, I can't
10 separate this.

11 PROSPECTIVE JUROR NO. 133: Yeah.

12 MR. MANINGO: And so I appreciate your honesty about
13 it.

14 PROSPECTIVE JUROR NO. 133: Yeah, no problem.

15 MR. MANINGO: Okay. Mr. Washington. Let's hand it
16 over there. You've been quiet.

17 PROSPECTIVE JUROR NO. 135: Yeah.

18 MR. MANINGO: You've been lucky; right?

19 PROSPECTIVE JUROR NO. 135: Yep.

20 MR. MANINGO: Okay. Now, you're in the hot seat.

21 PROSPECTIVE JUROR NO. 135: All right.

22 MR. MANINGO: Okay. Do you have any kids?

23 PROSPECTIVE JUROR NO. 135: No.

24 MR. MANINGO: Okay. And for some reason I missed.

25 What do you do?

1 PROSPECTIVE JUROR NO. 135: Maintenance engineering.

2 MR. MANINGO: Oh, that's right. At which --

3 PROSPECTIVE JUROR NO. 135: South Point.

4 MR. MANINGO: South Point.

5 PROSPECTIVE JUROR NO. 135: Yeah.

6 MR. MANINGO: Okay. Do you feel like you would be
7 comfortable judging whether or not people are telling the
8 truth?

9 PROSPECTIVE JUROR NO. 135: Depending on what they --
10 yeah. Depending on what they say and how they act, I guess so.

11 MR. MANINGO: Okay. Well, that's sort of my next
12 question. What things would you look at in determining whether
13 or not you think they're being truthful or not?

14 PROSPECTIVE JUROR NO. 135: Just the facts, the way
15 they answer questions and their body language.

16 MR. MANINGO: Body language?

17 PROSPECTIVE JUROR NO. 135: Yeah.

18 MR. MANINGO: Okay. What about consistency? If they
19 told the same story or if the stories changed?

20 PROSPECTIVE JUROR NO. 135: Yeah.

21 MR. MANINGO: Would that make a difference to you?

22 PROSPECTIVE JUROR NO. 135: Yeah, jumping around in
23 their story and stuff.

24 MR. MANINGO: Okay. Let's send that mike down to Ms.
25 Clayton over here on this end. Hi, Ms. Clayton. Heard a lot

1 earlier about parents being able to tell whether or not their
2 own kids are telling the truth, you've heard all that; right?

3 PROSPECTIVE JUROR NO. 194: Yes.

4 MR. MANINGO: Okay. Now, you're teacher.

5 PROSPECTIVE JUROR NO. 194: Yes.

6 MR. MANINGO: Okay. So you deal with a large number
7 of kids?

8 PROSPECTIVE JUROR NO. 194: Yes.

9 MR. MANINGO: Is it fair to say you have your fair
10 share of conflict resolution?

11 PROSPECTIVE JUROR NO. 194: Yes.

12 MR. MANINGO: Okay. What do you look at when dealing
13 with kids to tell, you know -- I mean, if you've got, you've
14 got two kids in the classroom and there's a broken vase behind
15 them and they're both doing one of these.

16 PROSPECTIVE JUROR NO. 194: I talk to them
17 separately.

18 MR. MANINGO: Okay. And when you talk to them, what
19 are the kind of things that you look at --

20 PROSPECTIVE JUROR NO. 194: Their behavior.

21 MR. MANINGO: Okay. Such as?

22 PROSPECTIVE JUROR NO. 194: Going on the defense,
23 crying, blaming it on someone else.

24 MR. MANINGO: Okay.

25 PROSPECTIVE JUROR NO. 194: These are things that

1 third graders do.

2 MR. MANINGO: Right, right. Okay. And I guess that
3 kind of leads into the question, do you think that children are
4 capable of lying?

5 PROSPECTIVE JUROR NO. 194: Yes.

6 MR. MANINGO: Okay. I've got the -- I've got a
7 single father here who I saw laughing. Mr. Cooper. Let's do
8 it this way. Raise your hand if you don't think kids are
9 capable of lying. Okay. That's what I --

10 Let's go straight down to Ms. Ramsey. Ms. Ramsey,
11 hi.

12 PROSPECTIVE JUROR NO. 190: Hello.

13 MR. MANINGO: You're also a teacher?

14 PROSPECTIVE JUROR NO. 190: Yes.

15 MR. MANINGO: Okay. And what age?

16 PROSPECTIVE JUROR NO. 190: Second grade.

17 MR. MANINGO: Second grade.

18 PROSPECTIVE JUROR NO. 190: Seven, eight years old.

19 MR. MANINGO: Right, okay. Same question for you.

20 Do you have to sometimes tell between different --

21 PROSPECTIVE JUROR NO. 190: Most definitely, all the
22 time.

23 MR. MANINGO: Okay. All the time?

24 PROSPECTIVE JUROR NO. 190: All the time.

25 MR. MANINGO: Okay. And what are the things that you

1 look at when you make those judgments?

2 PROSPECTIVE JUROR NO. 190: There's a lot of things.
3 You know, body language, behavior, how they talk, the way their
4 eyes look at you. And then, I also, you know, if you have a
5 student who's a repeat offender, then I always have to try to
6 ask students, well, who saw the situation. And I have the kids
7 tell me their side and then I base my, you know, my punishment,
8 so to speak, to that regards.

9 MR. MANINGO: Okay. Okay. So, so as far as being a
10 juror, you would do a lot of the same types of things?

11 PROSPECTIVE JUROR NO. 190: Correct.

12 MR. MANINGO: Any kind of punishment, that's all a
13 non-issue. That's all for the Judge, okay.

14 PROSPECTIVE JUROR NO. 190: Right.

15 MR. MANINGO: But as far as being able to decide
16 whether or not someone's telling the truth or lying or they're
17 sort of fudging it a little bit --

18 PROSPECTIVE JUROR NO. 190: Yes.

19 MR. MANINGO: -- that's something that you feel
20 comfortable doing?

21 PROSPECTIVE JUROR NO. 190: Yes.

22 MR. MANINGO: Okay. Now, what we're talking about
23 here are with second graders. What about with teenagers?

24 PROSPECTIVE JUROR NO. 190: I have a teenage
25 daughter, 15.

1 MR. MANINGO: Okay. What do you think is more
2 difficult, second graders or teenagers?

3 PROSPECTIVE JUROR NO. 190: Teenagers.

4 MR. MANINGO: Teenagers?

5 PROSPECTIVE JUROR NO. 190: Yes.

6 MR. MANINGO: Okay. Mr. Carter?

7 PROSPECTIVE JUROR NO. 188: Sir.

8 MR. MANINGO: You have two stepsons?

9 PROSPECTIVE JUROR NO. 188: Yes.

10 MR. MANINGO: Okay. How old are they?

11 PROSPECTIVE JUROR NO. 188: Thirty-five and thirty-
12 three.

13 MR. MANINGO: Okay. Were you around when they were
14 younger, when they were teenagers?

15 PROSPECTIVE JUROR NO. 188: Yes.

16 MR. MANINGO: Okay. Okay. And would you agree or
17 disagree with Ms. Ramsey, that teenagers are more difficult
18 than younger, let's say second grade, third grade.

19 PROSPECTIVE JUROR NO. 188: Yes, I do.

20 MR. MANINGO: Okay. Why do you think that is?

21 PROSPECTIVE JUROR NO. 188: Well, I couldn't give you
22 a specific reason why, but it just seems about that age, they
23 -- all teenagers start acting out a little bit, trying to
24 become themselves and getting their own minds the way they want
25 to do things.

1 MR. MANINGO: Something kicks in and obviously, at
2 that point, they all become smarter than their parents.

3 PROSPECTIVE JUROR NO. 188: Exactly.

4 MR. MANINGO: Okay. If we have teenage witnesses in
5 this case, do you feel like you would be able to be a good
6 judge of their credibility and whether or not they're telling
7 the truth or they're hiding anything or?

8 PROSPECTIVE JUROR NO. 188: Sure.

9 MR. MANINGO: Let's go over to Mr. McKenzie. Oop,
10 this way, there you go. Hi, how you doing?

11 PROSPECTIVE JUROR NO. 158: Good.

12 MR. MANINGO: Okay. You mentioned a situation with
13 your girlfriend.

14 PROSPECTIVE JUROR NO. 158: Former girlfriend, yes.

15 MR. MANINGO: Former girlfriend, okay. Will that
16 impact, I don't know, I guess how you would sit and look at
17 this case?

18 PROSPECTIVE JUROR NO. 158: I don't believe so, no.

19 MR. MANINGO: Okay. You'd be able to keep that
20 separate?

21 PROSPECTIVE JUROR NO. 158: Yes.

22 MR. MANINGO: You wouldn't start thinking about her
23 when someone else is on the witness stand or anything like
24 that?

25 PROSPECTIVE JUROR NO. 158: No, I don't believe so.

1 MR. MANINGO: Okay. Okay. You know, let me ask you,
2 Mr. McKenzie. This is a question I asked for the other
3 attorneys, but it really applies to everybody else.

4 Despite whether or not you like a certain
5 presentation or a certain set of questions or anything else
6 from the attorneys, that aside, will you be able to just based
7 the case on the facts?

8 PROSPECTIVE JUROR NO. 158: Yes.

9 MR. MANINGO: Okay. There's no worry of this
10 becoming some kind of a popularity contest or anything like
11 that?

12 PROSPECTIVE JUROR NO. 158: No.

13 MR. MANINGO: Okay. Let's speak with Mr. Marvin for
14 a moment. Hi, Mr. Marvin.

15 PROSPECTIVE JUROR NO. 147: Hello.

16 MR. MANINGO: I think Mr. Hendricks asked you if
17 you'd want to be on this jury?

18 PROSPECTIVE JUROR NO. 147: I recall the question
19 about what was my reaction.

20 MR. MANINGO: Oh, yeah. Well, let me just ask you.
21 Would you want to be on this jury?

22 PROSPECTIVE JUROR NO. 147: If I'm selected, I'm okay
23 with that. If I'm not, I can live with that as well.

24 MR. MANINGO: Okay. Do you feel -- do you feel like
25 you'd be okay with following all the rules that the Judge sets