

IN THE SUPREME COURT OF THE STATE OF NEVADA

TED MICHAEL DONKO,
Appellant(s),

vs.

THE STATE OF NEVADA,
Respondent(s),

Electronically Filed
Sep 14 2022 02:41 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: C-19-345584-1
Related Case A-22-852928-W
Docket No: 85261

RECORD ON APPEAL VOLUME 2

ATTORNEY FOR APPELLANT
TED DONKO # 1080899,
PROPER PERSON
1200 PRISON RD.
LOVELOCK, NV 89419

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89155-2212

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1 GROVER, BRADLEY – LVMPD P#4934 (or designee): CRIME SCENE ANALYST:
2 Expert in the identification, documentation, collection and preservation of evidence and is
3 expected to testify as an expert to the identification, documentation, collection and
4 preservation of the evidence in this case.

5 MCNICKLE, DR. ALLISON - UNIVERSITY MEDICAL CENTER: Will testify as a
6 medical expert and to her observations, treatment, diagnosis and prognosis of the injuries
7 sustained by the victim(s) in this case.

8 MORRISON, MAELEEN – LVMPD #16191 (or designee): CRIME SCENE
9 ANALYST: Expert in the identification, documentation, collection and preservation of
10 evidence and is expected to testify as an expert to the identification, documentation, collection
11 and preservation of the evidence in this case.

12 RUBINO, ALLISON – LVMPD P#14784 (or designee): Expert in the field of DNA
13 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to
14 testify thereto.

15 STRUMILLO, JENNIFER – LVMPD #16067 (or designee): CRIME SCENE
16 ANALYST: Expert in the identification, documentation, collection and preservation of
17 evidence and is expected to testify as an expert to the identification, documentation, collection
18 and preservation of the evidence in this case.

19 WRIGHT, AMANDA - LVMPD P#9974 (or designee): FIREARMS/TOOLMARKS
20 EXAMINER with the Las Vegas Metropolitan Police Department. He is an expert and is
21 expected to testify thereto, including, but not limited to, the forensic science underlying
22 firearms, ballistics, and toolmark comparison, analysis, interpretation, and methodology,
23 microscopic comparison tools, technology, and findings, National Integrated Ballistic
24 Information Network ("NIBIN") entry, analysis, interpretation, and results, firearms
25 identification, operation, trigger pull, failure, capacity, and capability, ammunition,
26 composition, trajectory, stippling and gunshot residue, cartridge composition, ejection pattern
27 analysis (cartridge cases), distance determination, suppressors/silencers (commercial and
28

1 homemade) examination, serial number restoration, and firearms modification or homemade
2 firearms examination).

3 The substance of each expert witness' testimony and copy of all reports made by or at
4 the direction of the expert witness has been provided in discovery.

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

6 These witnesses are in addition to those witnesses endorsed on the Information or
7 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
8 Witnesses has been filed.

9 STEVEN B. WOLFSON
10 Clark County District Attorney
Nevada Bar #001565

11
12 BY /s/ NICOLE J. CANNIZZARO
13 NICOLE J. CANNIZZARO
14 Chief Deputy District Attorney
Nevada Bar #011930

15
16 CERTIFICATE OF ELECTRONIC MAIL

17 I hereby certify that service of the foregoing, was made this 5th day of February, 2020,
18 by Electronic Mail to:

19 PUBLIC DEFENDER'S OFFICE
20 E-mail Address: pdclerk@ClarkCountyNV.gov

21 /s/ C. Bush
22 Secretary for the District Attorney's Office

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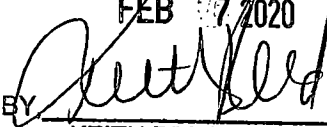
ORIGINAL

0042

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR NO. 5674
ROBSON M. HAUSER, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 13692
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
Robson.Hauser@clarkcountynv.gov
Attorneys for Defendant

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 7 2020

BY 
KEITH REED, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-19-345584-1
MOT
Motion
4895151



THE STATE OF NEVADA,

Plaintiff,

v.

TED MICHAEL DONKO,

Defendant,

CASE NO. C-19-345584-1

DEPT. NO. XXV

DATE: February 7, 2020
TIME: 8:30 a.m.

MOTION TO WITHDRAW DUE TO CONFLICT

COMES NOW, the Defendant, TED MICHAEL DONKO, by and through ROBSON M. HAUSER, Deputy Public Defender and respectfully moves this Honorable Court to allow the Public Defender to withdraw and to appoint independent counsel due to a conflict of interest.

This Motion is made and 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 February, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser
ROBSON M. HAUSER, #13692
Deputy Public Defender

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ROBSON M. HAUSER, 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.

2. That Mary Skelton, ID #1509461, is a witness noticed by the State in this case.

3. That Ms. Skelton has been previously represented by the Clark County Public Defender's Office in numerous cases, including C-16-318860-1, C-11-273013-1, and 10C266148-1.

4. That effective representation of the Defendant in the instant matter would necessarily prejudice the interests of any persons mentioned in this declaration.

5. Therefore, Defendant asks this Court to allow the Clark County Public Defender's Office to withdraw in this case due to conflict of interest and to appoint independent counsel to represent the Defendant.

6. The Defendant has been notified of the presentation of this motion.

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

EXECUTED on this 5th day of February, 2020.

/s/Robson M. Hauser
ROBSON M. HAUSER

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing MOTION TO WITHDRAW
DUE TO CONFLICT will be heard on 7th day of February, 2020, at 8:30 a.m., District Court,
Department X.

DATED this 5th day of February, 2020.

DARIN F. IMLAY
CLARK COUNTY PUBLIC DEFENDER

By: /s/Robson M. Hauser
ROBSON M. HAUSER, #13692
Deputy Public Defender

CERTIFICATE OF SERVICE

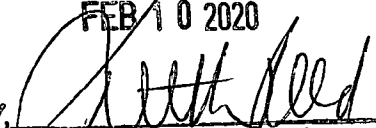
I hereby certify that service of the above and forgoing MOTION was served to the
Deputy District Attorney in open court on this 7th day of February, 2020.

By: /s/Robson M Hauser -PD
An employee of the
Clark County Public Defender's Office

ORIGINAL

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 10 2020
BY 
KEITH REED, DEPUTY

C-19-345584-1
AINF
Amended Information
4895122



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

TED MICHAEL DONKO,
#2668752
Defendant.

CASE NO: C-19-345584-1

DEPT NO: XXV

AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, 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 TED MICHAEL DONKO, the Defendant(s) above named, having committed the crimes of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442);**, on or about the 1st

//

//

1 day of October, 2019, within the County of Clark, State of Nevada, contrary to the form, force
2 and effect of statutes in such cases made and provided, and against the peace and dignity of
3 the State of Nevada,

4 COUNT 1 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
5 SUBSTANTIAL BODILY HARM

6 did willfully, unlawfully, and feloniously use force or violence upon the person of
7 another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by
8 shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial
9 bodily harm to JONATHAN SANCHEZ.

10 COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
11 SUBSTANTIAL BODILY HARM

12 did willfully, unlawfully, and feloniously use force or violence upon the person of
13 another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by
14 shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial
15 bodily harm to FERNANDO ESPINOZA.

16 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

17 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
18 JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
19 shooting at and into the body of the said JONATHAN SANCHEZ.

20 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

21 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
22 FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm, by
23 shooting at and into the body of the said FERNANDO ESPINOZA.

24 COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

25 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
26 DEANDRE WOODS, a human being, with use of a deadly weapon, to wit: a firearm, by
27 shooting at the said DEANDRE WOODS.

28 //

1 COUNT 6 - ASSAULT WITH A DEADLY WEAPON


2 did willfully, unlawfully, feloniously and intentionally place another person in
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
4 attempt to use physical force against another person, to wit: DEANDRE WOODS, with use of
5 a deadly weapon, to wit: a firearm, by pointing and/or shooting said firearm at the said
6 DEANDRE WOODS.

7 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

9 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
10 firearm at or into a structure, said structure, not having been abandoned, located at 56 Linn
11 Lane, Las Vegas, Clark County, Nevada.

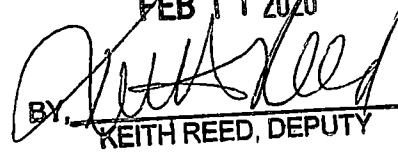
12 STEVEN B. WOLFSON
13 Clark County District Attorney
Nevada Bar #001565

14 BY


15 _____
16 NICOLE J. CANNIZZARO
17 Chief Deputy District Attorney
18 Nevada Bar #011930
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27 19F24531X/lm/GU/ckb/L4
28 LVMPD EV#191000002219
(TK9)

FEB 11 2020

BY. 
KEITH REED, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

Defendant(s).

TED MICHAEL DONKO

CASE NO. C345584-1

DEPT. NO. VI

JURY LIST

1. PATRICIA HILDRETH

8. ANTONIO MENA-LUVERA

2. DAISY ARIAS

9. ALEJANDRA BERMUDEZ

3. BRIANA BARIN

10. CHRISTINE SWEENEY

4. TIMOTHY USHER

11. CHEVELE WILKS

5. CHERYL KOVACS

12. MENDIS COOPER

6. YANDIA AROCHA RODRIGUEZ

13. SHELLEY BUSH

7. REBECCA RICU

14. TAMARA JACQUEZ

ALTERNATES

Secret from above

C-19-345584-1
JURL
Jury List
4896260

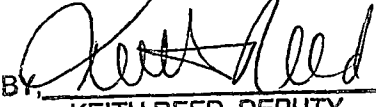


ORIGINAL

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 NICOLE J. CANNIZZARO
6 Chief Deputy District Attorney
7 Nevada Bar #011930
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 13 2020

BY: 
KEITH REED, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-19-345584-1

11 -vs-

DEPT NO: XXV

12 TED MICHAEL DONKO,
13 #2668752
14 Defendant.

SECOND AMENDED
INFORMATION

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

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That TED MICHAEL DONKO, the Defendant(s) above named, having committed the
20 crimes of **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON**
21 **(Category B Felony - NRS 202.360 - NOC 51460)**, on or about the 1st day of October, 2019,
22 within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes
23 in such cases made and provided, and against the peace and dignity of the State of Nevada, did
24 willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody
25 or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the Defendant
26 being a convicted felon, having in 2014, been convicted of Attempt Burglary, in Case No.
27 C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case No.

C-19-345584-1
AINF
Amended Information
4896219

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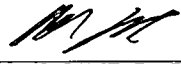


CX

C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of Nevada.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY


NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #011930

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

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
CUSTODIAN OF RECORDS	LVMPD RECORDS
ESPINOZA, FERNANDO	C/O DISTRICT ATTORNEY'S OFFICE
MARIN, J.	LVMPD P#15026
RAFALOVICH, MARCO or Designee	CCDA INVESTIGATOR
RAMOS-GRAJEDA, GENARO	C/O DISTRICT ATTORNEY'S OFFICE
SANCHEZ-LOZA, JONATHAN	C/O DISTRICT ATTORNEY'S OFFICE
STAFFOD, E.	LVMPD P#13642
WOODS, DEANDRE	C/O DISTRICT ATTORNEY'S OFFICE

19F24531X/lm/GU/ckb/L4
LVMPD EV#191000002219
(TK9)

FILED IN OPEN COURT

STEVEN D. GRIERSON

CLERK OF THE COURT

FEB 13 2020

BY: *Keith Reed* 6:20 PM
KEITH REED, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

TED MICHAEL DONKO,

Defendant.

CASE NO: C-19-345584-1

DEPT NO: 6

VERDICT

We, the jury in the above entitled case, find the Defendant TED DONKO, as follows:

COUNT 1 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
SUBSTANTIAL BODILY HARM (Jonathan Sanchez)

(Please check the appropriate box, select only one)

- ☒ Guilty of Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm
- ☐ Guilty of Battery with Use of a Deadly Weapon
- ☐ Guilty of Battery Resulting in Substantial Bodily Harm
- ☐ Guilty of Battery
- ☐ Not Guilty

C-19-345584-1

VER

Verdict

4896777



1 **COUNT 2** – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
2 SUBSTANTIAL BODILY HARM (Fernando Espinoza)

3 *(Please check the appropriate box, select only one)*

- 4 ☒ Guilty of Battery with Use of a Deadly Weapon Resulting in Substantial
5 Bodily Harm
6 ☐ Guilty of Battery with Use of a Deadly Weapon
7 ☐ Guilty of Battery Resulting in Substantial Bodily Harm
8 ☐ Guilty of Battery
9 ☐ Not Guilty

10 **COUNT 3** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Jonathan
11 Sanchez)

12 *(Please check the appropriate box, select only one)*

- 13 ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
14 ☐ Guilty of Attempt Murder
15 ☐ Not Guilty

16 **COUNT 4** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Fernando
17 Espinoza)

18 *(Please check the appropriate box, select only one)*

- 19 ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
20 ☐ Guilty of Attempt Murder
21 ☐ Not Guilty

22 **COUNT 5** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Deandre
23 Woods)

24 *(Please check the appropriate box, select only one)*

- 25 ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
26 ☐ Guilty of Attempt Murder
27 ☐ Not Guilty
28

1 **COUNT 6** – ASSAULT WITH A DEADLY WEAPON (Deandre Woods)

2 *(Please check the appropriate box, select only one)*

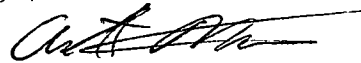
- 3 ☒ Guilty of Assault with a Deadly Weapon
4 ☐ Guilty of Assault
5 ☐ Not Guilty

6
7 **COUNT 7** – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
8 VEHICLE, AIRCRAFT, OR WATERCRAFT

9 *(Please check the appropriate box, select only one)*

- 10 ☒ Guilty of Discharging Firearm At or Into Occupied Structure, Vehicle,
11 Aircraft, or Watercraft
12 ☐ Not Guilty

13 DATED this 13 day of February, 2020

14 

15 FOREPERSON

FEB 13 2020

BY, Keith Reed 6:48
KEITH REED, DEPUTY

1 VER

2
3
4 DISTRICT COURT
CLARK COUNTY, NEVADA

5 THE STATE OF NEVADA,

6 Plaintiff,

7 -VS-

8 TED MICHAEL DONKO,

9 Defendant.

CASE NO: C-19-345584-1

DEPT NO: VI

10
11 VERDICT

12 We, the jury in the above entitled case, find the Defendant as follows:

13 **COUNT 1** – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED
14 PERSON

15 *(Please check the appropriate box, select only one)*



Guilty of Ownership or Possession of Firearm by Prohibited Person



18 Not Guilty

19 DATED this 13 day of February, 2020

20
21 [Signature]

FOREPERSON

22
23
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26 C-19-345584-1
VER
Verdict
4896773



FEB 13 2020

BY, 
KEITH REED, DEPUTY

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVDA

Plaintiff(s),

-vs-

Defendant(s).

TED MICHAEL DONKO

CASE NO. C345584-1

DEPT. NO. VI

AMENDED JURY LIST

- | | |
|----------------------------|------------------------|
| 1. PATRICIA HILDRETH | 8. ANTONIO MENA-LUVERA |
| 2. DAISY ARIAS | 9. ALEJANDRA BERMUDEZ |
| 3. BRIANA BARIN | 10. CHRISTINE SWEENEY |
| 4. TIMOTHY USHER | 11. CHEVELE WILKS |
| 5. CHERYL KOVACS | 12. MENDIS COOPER |
| 6. YANDIA AROCHA RODRIGUEZ | 13. ALTERNATE #1 |
| 7. REBECCA RICU | 14. ALTERNATE #2 |

ALTERNATES

1. SHELLEY BUSH
2. TAMARA JACQUEZ

C - 19 - 345584 - 1
AJUR
Amended Jury List
4896261



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C345584.doc

FEB 13 2020

BY,

KEITH REED, DEPUTY

6:20

DISTRICT COURT
CLARK COUNTY, NEVADA

1 INST

5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 TED MICHAEL DONKO,

9 Defendant.

CASE NO: C-19-345584-1

DEPT NO:

6

11 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

12 MEMBERS OF THE JURY:

13 It is now my duty as judge to instruct you in the law that applies to this case. It is
14 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
15 you find them from the evidence.

16 You must not be concerned with the wisdom of any rule of law stated in these
17 instructions. Regardless of any opinion you may have as to what the law ought to be, it
18 would be a violation of your oath to base a verdict upon any other view of the law than that
19 given in the instructions of the Court.

C-19-345584-1

J1

Jury Instructions
4896263



INSTRUCTION NO. 1

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

A Second Amended Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his/her guilt.

In this case, it is charged in an that TED MICHAEL DONKO, the Defendant above named, having committed the crimes of **BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); and DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442)** on or about the 1st day of October, 2019, 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 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: JONATHAN SANCHEZ, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said JONATHAN SANCHEZ, resulting in substantial bodily harm to JONATHAN SANCHEZ.

COUNT 2 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously use force or violence upon the person of another, to wit: FERNANDO ESPINOZA, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said FERNANDO ESPINOZA, resulting in substantial bodily harm to FERNANDO ESPINOZA.

///

///

1 COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
3 JONATHAN SANCHEZ, a human being, with use of a deadly weapon, to wit: a firearm, by
4 shooting at and into the body of the said JONATHAN SANCHEZ.

5 COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
7 FERNANDO ESPINOZA, a human being, with use of a deadly weapon, to wit: a firearm,
8 by shooting at and into the body of the said FERNANDO ESPINOZA.

9 COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
11 DEANDRE WOODS, a human being, with use of a deadly weapon, to wit: a firearm, by
12 shooting at the said DEANDRE WOODS.

13 COUNT 6 - ASSAULT WITH A DEADLY WEAPON

14 did willfully, unlawfully, feloniously and intentionally place another person in
15 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
16 attempt to use physical force against another person, to wit: DEANDRE WOODS, with use
17 of a deadly weapon, to wit: a firearm, by pointing and/or shooting said firearm at the said
18 DEANDRE WOODS.

19 COUNT 7 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
20 VEHICLE, AIRCRAFT, OR WATERCRAFT

21 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
22 firearm at or into a structure, said structure, not having been abandoned, located at 56 Linn
23 Lane, Las Vegas, Clark County, Nevada.

24 It is the duty of the jury to apply the rules of law contained in these instructions to the
25 facts of the case and determine whether or not the Defendants are guilty of one or more of
26 the offenses charged.

27 Each charge and the evidence pertaining to it should be considered separately. The
28 fact that you may find a defendant guilty or not guilty as to one of the offenses charged
should not control your verdict as to any other Defendant offense charged.

INSTRUCTION NO. 4

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 5

A defendant's state of mind does not require the presentation of direct evidence as it existed during the commission of a crime. The jury may infer the existence of a particular state of mind of a party from the circumstances disclosed by the evidence.

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 7

You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 9

The credibility or believability of a witness should be determined by his/her manner upon the stand, his/her relationship to the parties, his/her fears, motives, interests or feelings, his/her opportunity to have observed the matter to which he/she testified, the reasonableness of his/her statements and the strength or weakness of his/her recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his/her testimony which is not proved by other evidence.

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his/her opinion as to any matter in which he/she is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

The elements of an attempt to commit a crime are:

- 1) the intent to commit the crime;
- 2) performance of some act towards its commission; and
- 3) failure to consummate its commission.

INSTRUCTION NO. 12

Attempt Murder is the performance of an act or acts which tend, but fail, to kill a human being, when such acts are done with express malice, namely, with the deliberate intention unlawfully to kill.

It is not necessary to prove the elements of premeditation and deliberation in order to prove Attempt Murder.

INSTRUCTION NO. 13

The intention to kill may be ascertained or deduced from the facts and circumstances of the killing, such as the use of a weapon calculated to produce death, the manner of its use, and the attendant circumstances characterizing the act.

INSTRUCTION NO. 14

Express malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

INSTRUCTION NO. 15

You are instructed that if you find a defendant guilty of Attempt Murder, you must also determine whether or not a deadly weapon was used in the commission of this crime.

If a deadly weapon was used in the commission of the crime, the person is guilty of Attempt Murder with Use of a Deadly Weapon.

As used in these instructions, a "deadly weapon" means:

- (1) Any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death, or
- (2) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

INSTRUCTION NO. 17

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

INSTRUCTION NO. 18

In order to "use" a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime.

Battery means any willful and unlawful use of force or violence upon the person of another.

The force used by the defendant need not be violent or severe, and need not cause bodily pain or bodily harm. Any slight touching by the defendant upon the person of another suffices, as long as the touching was intentional and unwanted.

If that force is accomplished with the use of a deadly weapon, the person is guilty of Battery with a Deadly Weapon.

If that force results in substantial bodily harm to the victim, the person is guilty of Battery Resulting in Substantial Bodily Harm.

If that force is accomplished with the use of a deadly weapon and substantial bodily harm results to the victim, the person is guilty of Battery with a Deadly Weapon Resulting in Substantial Bodily Harm.

"Substantial Bodily Harm" means:

1. Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or

2. Prolonged physical pain.

"Prolonged physical pain" necessarily encompasses some physical suffering or injury that lasted longer than the pain immediately resulting from the wrongful act.

INSTRUCTION NO. 21

A person who unlawfully attempts to use physical force against the person of another or intentionally places another person in reasonable apprehension of immediate bodily harm is guilty of Assault.

To constitute an assault, it is not necessary that any actual injury be inflicted.

A person who commits an assault on another person by or through the use of a deadly weapon is guilty of Assault with a Deadly Weapon.

INSTRUCTION NO. 22

A person who willfully and maliciously discharges a firearm at or into any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, aircraft, vehicle, vehicle trailer, semitrailer or house trailer, railroad locomotive, car or tender that is occupied is guilty of Discharging a Firearm at or Into Occupied Structure, Vehicle, Aircraft, or Watercraft:

A general intent crime is one where an accused meant to do an act prohibited by law. Whether the defendant(s) intended the act's result is irrelevant.

A specific intent crime typically requires that the defendant(s) intentionally commit an act and intend to cause a particular result when committing that act.

Attempt Murder With Use of a Deadly Weapon, Assault with a Deadly Weapon, Discharging Firearm At or Into Occupied Structure are specific intent crimes.

Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm is a general intent crime.

1 The flight of a person immediately after the commission of a crime, is not sufficient in
2 itself to establish his or her guilt, but is a fact which, if proved, may be considered by you in
3 light of all other proved facts in deciding the question of his or her innocence. Whether or
4 not evidence of flight shows a consciousness of guilt and the significance to be attached to
5 such a circumstance are matters for your deliberation.
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Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 26

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case on your own.

When you retire to consider your verdict, you must select one of your member to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

1
2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed
4 by the foreperson. The officer will then return you to court where the information sought
5 will be given you in the presence of, and after notice to, the district attorney and the
6 Defendant and his/her counsel.

7 Play backs of testimony are time-consuming and are not encouraged unless you deem
8 it a necessity. Should you require a play back, you must carefully describe the testimony to
9 be played back so that the court recorder can arrange his/her notes. Remember, the court is
10 not at liberty to supplement the evidence.

INSTRUCTION NO. 30

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

FEB 13 2020

BY: 
KEITH REED, DEPUTY

PINU

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

CASE NO. C345584-1
DEPT. NO. 6

Defendant(s).

TED MICHAEL DONKO

DEFENDANT'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: February 13, 2020 .

Steven D. Grierson, Clerk of the Court

By: 

Keith A. Reed, Deputy Clerk

C-19-345584-1
PINU
Proposed Jury Instructions Not Used At Trial
4896268



Dne Proffered

INSTRUCTION NO. 1

A defendant in a criminal action is presumed to be innocent unless¹ the contrary is proved. This presumption places upon the state the burden of proving beyond a reasonable doubt every material element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

Dne proffered

State obj.

— not given —

C 345584

INSTRUCTION NO. 2

Dnse proffered

If the evidence in this case is susceptible to two constructions or interpretations, each of which appears to you to be reasonable, and one of which points to the guilt of the defendant, and the other to his innocence, it is your duty, under the law, to adopt that interpretation which will admit of the defendant's innocence, and reject that which points to his guilt.

- Dnse proffered

- State obj.

- Not given

C345584

INSTRUCTION NO. 3

Dnr Proffered

The reasonable doubt standard requires the jury to reach a subjective state of near certitude on the fact in issue.

- Dnr proffered

- State obj.

- Not given

DNE Proffered

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, and feloniously use force or violence upon the person of another, with use of a deadly weapon, resulting in substantial bodily harm, you must find him Not Guilty.

- DNE proffered

- State objected

- Not given

Dnr proffered

C 345584

INSTRUCTION NO. 5

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, feloniously and with malice aforethought attempt to kill a human being with use of a deadly weapon, you must find him Not Guilty.

- Dnr proffered
- State objected
- Not given

Dnr Proffered

C345584

INSTRUCTION NO. 6

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, feloniously, and intentionally place another person in reasonable apprehension of immediate bodily harm, you must find him Not Guilty.

- Dnr proffered

- State obj.

- Not given

Dnr proffered

C 345584

INSTRUCTION NO. 7

If the State fails to prove beyond a reasonable doubt that Mr. Donko did then and there willfully, unlawfully, maliciously, and feloniously discharge a firearm at or into a structure, said structure, not having been abandoned, you must find him Not Guilty.

- Dnr proffered
- State obj.
- Not given

Dnfe Proffered

If the State fails to prove beyond a reasonable doubt that Mr. Donko did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, you must find him Not Guilty.

- Dnfe proffered

- State obj.

- Not given

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 13 2020

BY

KEITH REED, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

1 INST

2
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4
5 THE STATE OF NEVADA,

6 Plaintiff,

7 -VS-

8 TED MICHAEL DONKO,

9 Defendant.
10

CASE NO: C-19-345584-1

DEPT NO: VI

11 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

12 MEMBERS OF THE JURY:

13 It is now my duty as judge to instruct you in the law that applies to this case. It is
14 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
15 you find them from the evidence.

16 You must not be concerned with the wisdom of any rule of law stated in these
17 instructions. Regardless of any opinion you may have as to what the law ought to be, it
18 would be a violation of your oath to base a verdict upon any other view of the law than that
19 given in the instructions of the Court.
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C-19-345584-1
JI
Jury Instructions
4896267



INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

INSTRUCTION NO. 3

A Third Amended Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

The Defendant above named, TED MICHAEL DONKO, having committed the crime of **OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460)**, on or about the 1st day of October, 2019, 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 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

did willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: an unknown .40 caliber semi-automatic firearm, the Defendant being a convicted felon, having in 2014, been convicted of Attempt Burglary, in Case No. C298636 and/or having in 2012, been convicted of Attempt Grand Larceny, in Case No. C274598, in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of Nevada.

It is the duty of the jury to apply the rules of law contained in these instructions to the facts of the case and determine whether or not the Defendants are guilty of one or more of the offenses charged.

Each charge and the evidence pertaining to it should be considered separately. The fact that you may find a defendant guilty or not guilty as to one of the offenses charged should not control your verdict as to any other Defendant offense charged.

INSTRUCTION NO. 4

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 5

The Defendant is presumed innocent unless the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 6

You are here to determine the guilt or innocence of the Defendant from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

INSTRUCTION NO. 7

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 8

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he or she testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 9

A person who has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall not own or have in his possession or under his custody or control any firearm.

A "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

The State is not required to have recovered the firearm or to produce the firearm in court at trial. Neither the concealment of the firearm nor the carrying of the weapon are necessary elements of the offense.

INSTRUCTION NO. 10

The law recognizes two kinds of possession: actual possession and constructive possession.

A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it.

A person who, although not in actual possession, knowingly has both the power and the intention, at a given time, to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

The law recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

You may find that the element of possession as that term is used in these instructions is present if you find beyond a reasonable doubt that a defendant had actual or constructive possession, either alone or jointly with others.

INSTRUCTION NO. 11

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 12

It is the constitutional right of a Defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the Defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

INSTRUCTION NO. 13

When you retire to consider your verdict, you must select one of your members to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

INSTRUCTION NO. 14

During the course of this trial, and your deliberations, you are not to:

- (1) communicate with anyone in any way regarding this case or its merits-either by phone, text, Internet, or other means;
- (2) read, watch, or listen to any news or media accounts or commentary about the case;
- (3) do any research, such as consulting dictionaries, using the Internet, or using reference materials;
- (4) make any investigation, experimentation at the scene, test a theory of the case, re-create any aspect of the case, or in any other way investigate or learn about the case or anyone involved with the case on your own.

You may, of course, during deliberations, communicate with other members of the jury while you are in the jury deliberation room, after the case has been submitted to you for deliberation.

INSTRUCTION NO. 15

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his counsel.

Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be read back so that the court reporter can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

INSTRUCTION NO. 16

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
315 - 328
WILL FOLLOW VIA
U.S. MAIL**



1 **NOAS**
2 DARIN F. IMLAY, PUBLIC DEFENDER
3 NEVADA BAR No. 5674
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,)
11)
12 Plaintiff,) CASE NO. C-19-345584-1
13 v.) DEPT. NO. VI
14 TED MICHAEL DONKO,)
15)
16 Defendant.)
17)

NOTICE OF APPEAL

18 TO: THE STATE OF NEVADA

19 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
20 NEVADA and DEPARTMENT NO. VI OF THE EIGHTH JUDICIAL
21 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
22 COUNTY OF CLARK.

23 NOTICE is hereby given that Defendant, Ted Michael
24 Donko, presently incarcerated in the Nevada State Prison, appeals
25 to the Supreme Court of the State of Nevada from the judgment
26 entered against said Defendant on the 20 day of April, 2020,
27 whereby he was convicted of Counts 1 & 2, Battery With Use of a
28 Deadly Weapon Resulting in Substantial Bodily Harm, Cts. 3, 4, & 5
- Attempt Murder With use of a Deadly Weapon, Ct. 6 - Assault with
a Deadly Weapon, Ct. 7 - Discharging a Firearm at or into Occupied
Structure Vehicle Aircraft or Watercraft and Ct. 8 - Ownership or
Possession of a Firearm by Prohibited Person and sentenced to \$25
Admin. Fee; \$150 DNA analysis fee waived, \$3 DNA collection fee;
\$250 Indigent Defense Civil Assessment fee; as to Ct. 1 - 24-60

1 months in prison; Ct. 2 - 24-60 months in prison concurrent with
2 Ct. 1; Ct. 3 - 36-96 months in prison plus a consecutive term of
3 12-30 months in prison consecutive to Cts. 1 & 2, Ct. 4 - 36-96
4 months in prison plus a consecutive term of 12-30 months
5 consecutive to Ct. 3; Ct. 5 - 36-96 months in prison plus a
6 consecutive term of 12-30 months in prison consecutive to Ct. 4,
7 Ct. 6 - 12-30 months in prison concurrent with Ct. 5; Ct. 7 - 12-
8 30 months in prison concurrent with Ct. 6; Ct. 8 - 12-30 months in
9 prison concurrent with Ct. 7; 150 days CTS; jurisdiction retained
10 as to restitution, aggregate including the deadly weapon
11 enhancement is 144 months with a maximum of 378 months. Aggregate
12 not including the deadly weapon enhancement of 108 months to 288
13 months. Following proceedings, court ordered sentenced Amended as
14 to Aggregate sentence.

15 DATED this 21 day of April, 2020.

16 DARIN F. IMLAY
17 CLARK COUNTY PUBLIC DEFENDER

18
19 By: /s/ Howard S. Brooks
20 HOWARD S. BROOKS, #3374
21 Deputy Public Defender
22 309 S. Third Street, Ste. 226
23 Las Vegas, Nevada 89155
24 (702) 455-4685
25
26
27
28

DECLARATION OF MAILING

Carrie Connolly, an employee with the Clark County Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 21 day of April, 2020, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. Ted Michael Donko, Case No. C-19-345584-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to Ted Michael Donko, c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. That there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 21 day of April, 2020.

/s/ Carrie M. Connolly
An employee of the Clark County
Public Defender's Office

1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that service of the above and foregoing
3 was made this 21 day of April, 2020, by Electronic Filing to:

4 District Attorneys Office
5 E-Mail Address:

6 PDMotions@clarkcountyda.com

7 Jennifer.Garcia@clarkcountyda.com

8 Eileen.Davis@clarkcountyda.com

9 /s/ Carrie M. Connolly

10 Secretary for the
11 Public Defender's Office



CAS

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR No. 5674
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,)	CASE NO. C-19-345584-1
)	
v.)	DEPT. NO. VI
)	
TED MICHAEL DONKO,)	
)	
Defendant.)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement: Ted Michael Donko.

2. Judge issuing the decision, judgment, or order appealed from: Honorable Jaqueline Bluth.

3. All parties to the proceedings in the district court (the use of et al. To denote parties is prohibited): The State of Nevada, Plaintiff; Ted Michael Donko, Defendant.

4. All parties involved in this appeal (the use of et. al. to denote parties is prohibited): Ted Michael Donko, Appellant; The State of Nevada, Respondent.

1 5. Name, law firm, address, and telephone number of
2 all counsel on appeal and party or parties whom they represent:

3 DARIN F. IMLAY
4 Clark County Public Defender
5 309 South Third Street, #226
Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

6 Attorney for Appellant

AARON D. FORD
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

9 Counsel for Respondent

10 6. Whether appellant was represented by appointed or
11 retained counsel in the district court: Appointed.

12 7. Whether appellant is represented by appointed or
13 retained counsel on appeal: Appointed.

14 8. Whether appellant was granted leave to proceed in
15 forma pauperis, and the date of entry of the district court
16 order granting such leave: N/A.

17 9. Date proceedings commenced in the district court
18 (e.g., date complaint, indictment, information, or petition was
19 filed): Information filed 12/19/19.

20 DATED this 21st day of April, 2020.

21 DARIN F. IMLAY
22 CLARK COUNTY PUBLIC DEFENDER

23
24 By: /s/Howard S. Brooks
25 HOWARD S. BROOKS, #3374
26 Deputy Public Defender
27 309 S. Third Street, Ste. 226
28 Las Vegas, Nevada 89155
 (702) 455-4685

1
2 **CERTIFICATE OF ELECTRONIC FILING**

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4 foregoing was made this 21st day of April, 2020, by Electronic
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6 District Attorneys Office
7 E-Mail Address:
8 PDMotions@ccdandv.com

9 Jennifer.Garcia@ccdandv.com

10 Eileen.Davis@ccdandv.com

11 /s/ Carrie M. Connolly
12 Secretary for the
13 Public Defender's Office



JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TED MICHAEL DONKO
#2668752

Defendant.

CASE NO. C-19-345584-1

DEPT. NO. VI

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 & 2 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481; COUNTS 3, 4, & 5 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 6 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT 7 – DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony) in violation of NRS 202.285; and Bifurcated COUNT 1, originally COUNT 8 – OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of NRS 202.360; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNTS 1 & 2 – BATTERY WITH USE

1 OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B
2 Felony) in violation of NRS 200.481; COUNTS 3, 4, & 5 – ATTEMPT MURDER WITH USE
3 OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330,
4 193.165; COUNT 6 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation
5 of NRS 200.471; COUNT 7 – DISCHARGING FIREARM AT OR INTO OCCUPIED
6 STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony) in violation of
7 NRS 202.285; and Bifurcated COUNT 1, originally COUNT 8 – OWNERSHIP OR
8 POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony) in violation of
9 NRS 202.360; thereafter, on the 20th day of April, 2020, the Defendant was present in court for
10 sentencing with counsel ROBSON HAUSER, Deputy Public Defender, and good cause
11 appearing,
12

13 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to
14 the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment Fee,
15 \$3.00 DNA Collection Fee, and Jurisdiction retained as to any Restitution, the Defendant is
16 sentenced to the Nevada Department of Corrections (NDC) as follows: **COUNT 1** - a
17 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24)
18 MONTHS; **COUNT 2** - a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole
19 eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with COUNT 1; **COUNT 3** - a
20 MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX
21 (36) MONTHS, plus a CONSECUTIVE term of THIRTY (30) MONTHS with a MINIMUM
22 parole eligibility of TWELVE (12) MONTHS for the Use of a Deadly Weapon, CONSECUTIVE
23 to COUNTS 1 & 2; **COUNT 4** - a MAXIMUM of NINETY-SIX (96) MONTHS with a MINIMUM
24 parole eligibility of THIRTY-SIX (36) MONTHS, plus a CONSECUTIVE term of THIRTY (30)
25 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS for the Use of a
26 Deadly Weapon, CONSECUTIVE to COUNT 3; **COUNT 5** - a MAXIMUM of NINETY-SIX (96)
27
28

1 MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS, plus a
2 CONSECUTIVE term of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE
3 (12) MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 4; **COUNT 6** - a
4 MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12)
5 MONTHS, CONCURRENT with COUNT 5; **COUNT 7** - a MAXIMUM of THIRTY (30)
6 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS, CONCURRENT with
7 COUNT 6; and **Bifurcated COUNT 1, originally COUNT 8** - a MAXIMUM of THIRTY (30)
8 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS, CONCURRENT with
9 COUNT 7; with ONE HUNDRED FIFTY (150) DAYS credit for time served. As the \$150.00
10 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in
11 the current case are WAIVED. The AGGREGATE TOTAL sentence INCLUDING the Deadly
12 Weapon Enhancement is THREE HUNDRED SEVENTY-EIGHT (378) MONTHS MAXIMUM
13 with a MINIMUM of ONE HUNDRED FORTY-FOUR (144) MONTHS. The AGGREGATE
14 TOTAL sentence NOT INCLUDING the Deadly Weapon Enhancement is TWO HUNDRED
15 EIGHTY-EIGHT (288) MONTHS MAXIMUM with a MINIMUM of ONE HUNDRED EIGHT
16 (108) MONTHS.

17
18
19 DATED this 22nd day of April, 2020.

20
21 
22 JACQUELINE M. BLUTH
23 DISTRICT COURT JUDGE
24
25
26
27
28

Steven D. Grierson

COSCC

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

CASE NO.: C-19-345584-1

VS

DEPARTMENT 6

TED DONKO

CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☐ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☐ Conviction
- ☒ Jury Trial
 - ☐ Dismissed (during trial)
 - ☐ Acquittal
 - ☐ Guilty Plea with Sentence (during trial)
 - ☒ Conviction

☐ Other Manner of Disposition

DATED this 24th day of April, 2020.

J. Bluth

JACQUELINE M. BLUTH
DISTRICT COURT JUDGE

J



REQT

DARIN F. IMLAY, PUBLIC DEFENDER
NEVADA BAR No. 5674
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,)	CASE NO. C-19-345584-1
)	
v.)	DEPT. NO. VI
)	
TED MICHAEL DONKO,)	
)	
Defendant.)	
_____)	

APPELLANT'S REQUEST FOR CERTIFIED TRANSCRIPT OF PROCEEDINGS

TO: Sharon Nichols
Court Recorder, Department AA

Robert Cangemi
Court Reporter, Department XXV

Victoria Boyd
Court Recorder, Department X

De'Awna Takas
Court Recorder, Department VI

Appellant requests preparation, at State expense, of a transcript of the proceedings before the District Court, as follows:

Judge or officer hearing the proceeding: Judge Jacqueline M. Bluth.

Date or dates of proceeding: 12/20/19, 02/03/20, 02/07/20, 02/10/20, 02/11/20, 02/12/20, 02/13/20, 04/01/20, 04/20/20.

1 **Portions of the transcript requested: (12/20/19 - Sharon**
2 **Nichols)** - Any and all proceedings, all transcripts to include
3 word index; **(02/03/20 - Robert Cangemi)** - Any and all proceedings,
4 all transcripts to include word index; **(02/07/20 - Kristine Santi)**
5 - Any and all proceedings, all transcripts to include word index;
6 **(02/10/20, 02/11/20, 02/12/20, 02/13/20 - De'Awna Takas)** - Trial
7 transcripts - All transcripts, include word index - Any and all
8 proceedings, ***jury voir dire, jury selection***, opening statements,
9 testimony, matters heard outside the presence of the jury,
10 settling of instructions, closing arguments, verdict, any and all
11 bench conferences; **(04/01/20, 04/20/20 - De'Awna Takas)** - Any and
12 all proceedings, all transcripts to include index.

13
14 **Number of copies required:** Two.

15
16 I hereby certify that on this date I ordered this
17 transcript from the court reporter named above. I further certify
18 that Appellant is indigent and exempt from paying the required
19 deposit.

20 EXECUTED on the 6 day of May, 2020.

21
22 DARIN F. IMLAY
23 CLARK COUNTY PUBLIC DEFENDER

24 By: /s/ Howard S. Brooks
25 HOWARD S. BROOKS, #3374
26 Deputy Public Defender
27 309 S. Third Street, Ste. 226
28 Las Vegas, Nevada 89155
 (702) 455-4685

1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that service of the above and foregoing
3 was made this 6 day of May, 2020, by Electronic Filing to:

4 District Attorneys Office
5 E-Mail Address:

6 PDMotions@clarkcountyda.com

7 Jennifer.Garcia@clarkcountyda.com

8 Eileen.Davis@clarkcountyda.com

9 nicholss@clarkcountycourts.us

10 CangemiRobert@yahoo.com

11 boydv@clarkcountycourts.us

12 takasd@clarkcountycourts.us

13
14
15 /s/ Carrie M. Connolly_____
16 Secretary for the
17 Public Defender's Office
18
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20
21
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28



TRAN

IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
 Plaintiff,)
)
 vs.) Case No.
) C-19-345584-1
TED DONKO,) Dept. No. 25
)
 Defendant.)

CALENDAR CALL

Before the Honorable Kathleen E. Delaney,
Monday, February 3, 2020, 9:00 a.m.

Reporter's Transcript of Proceedings

APPEARANCES:

For the State: Nicole Cannizzaro, Esq.
 Chief Deputy District
 Attorney

For the Defendant: Robson Hauser, Esq.
 Kambiz Shaygan-Fatemi,
 Esq.
 Deputy Public Defenders

REPORTED BY: ROBERT A. CANGEMI, CCR No. 888

1 Las Vegas, Nevada, Monday, February 3,
2 2020

3 * * * * *

4 THE COURT: State of Nevada versus Ted
5 Donko.

6 I had attempted to call this one earlier,
7 but Ms. Cannizzaro had stepped out.

8 Is this going over to Mr. Shaygan's team at
9 this time?

10 MR. SHAYGAN-FATEMI: No, Your Honor, I will
11 be trying the case with Mr. Hauser.

12 THE COURT: Okay.

13 What's our trial readiness?

14 MR. HAUSER: We are ready to go.

15 MS. CANNIZZARO: And the State is ready as
16 well.

17 I would like to make a record of just an
18 offer.

19 Defense counsel and myself have been talking
20 about negotiations this morning in an attempt to
21 resolve the case.

22 And, so, the final offer, which defense
23 counsel was able to get me to agree to on this case
24 was for a stipulated sentence of 3 to 10 years in
25 the Nevada Department of Corrections with a plea to

1 2 counts of battery with use of a deadly weapon
2 resulting in substantial bodily harm.

3 And ownership or possession of a firearm by
4 a prohibited person, the Defendant being an
5 ex-felon.

6 And there is also an additional Justice
7 Court case that is pending from around 25 counts, if
8 I remember correctly, of possession of identity of
9 another, and forgery lab.

10 That is Case 19F24796X, and the State would
11 be at this point willing to dismiss that case as
12 part of the negotiations, and that would run
13 concurrent, so it would be a concurrent 3 to 10.

14 But it is my understanding that at this
15 point the Defendant does not want to accept that
16 offer.

17 THE COURT: Okay.

18 So, any comments to that record that
19 Ms. Cannizzaro just made?

20 MR. HAUSER: Nope. That's correct. That was
21 the offer that was conveyed, and it was rejected.

22 THE COURT: Okay.

23 Here is the other issue, I am in the middle
24 of a med-mal trial which was supposed to end on
25 Friday, and it is now quite apparent that it will

1 continue over into your week of trial. It is not
2 going to finish this Friday.

3 Right now it is unknown to me how many days
4 it will carry over. Certainly Monday is out of
5 play, possibly Tuesday as well.

6 I would be shocked if it went past Tuesday,
7 although we are behind, I don't think that we are
8 that far behind, but I can't be sure.

9 So, how many days of trial do you think you
10 need?

11 MS. CANNIZZARO: Your Honor, I would need to
12 say 10 to 12 witnesses.

13 4 to 5 days.

14 THE COURT: I mean, I hate to do this to
15 you all, but I think I need to send you to overflow,
16 because we took an extra day in jury selection, and
17 we started with the witnesses Thursday and Friday,
18 and it is a med-mal case, and literally it is all
19 day long for one witness, whether it be the doctor
20 or the expert.

21 And even though we are only about a half a
22 day behind right now, God only knows what these next
23 few days will hold.

24 We only have half days for them until Friday
25 of this week, so I am going to send you to overflow.

1 If it resolves prior to that, no issue. And
2 if there is either no Judge, or you want to come
3 back, or, if we find out that our trial will only go
4 over Monday, and I can have you Tuesday, Wednesday,
5 Thursday and Friday, I am happy to do that.

6 I would rather keep it, but I don't know how
7 to be sure that that would be the case until we go
8 further in the week.

9 MS. CANNIZZARO: And that's fine, Your Honor.

10 MR. HAUSER: We are good.

11 THE COURT: Okay.

12 So we are going to send you over to the
13 overflow calendar on Friday.

14 But I promise you this, prior to that
15 appearance, if something changes in my calendar, and
16 I can take the case back, I will do so, and we will
17 keep it, and we will start you promptly on Tuesday.

18 But I won't know until we have another day
19 or 2 of this trial.

20 MS. CANNIZZARO: Of course.

21 THE CLERK: Department 10, 8:30, February 7.

22 THE COURT: Mr. Shaygan just left, but
23 apparently there is a discovery motion.

24 MR. HAUSER: Oh, there is.

25 Yes, Your Honor.

1 THE COURT: Well, that would have been good
2 for everyone to remind us as we were going through
3 the thing.

4 MR. HAUSER: I completely forgot.

5 THE COURT: Sorry about that.

6 So generally with these we know, and we
7 didn't see the opposition from the State, and I know
8 the State won't typically do a detailed opposition
9 when it appears to be a preserve for appellate
10 purposes.

11 This is Mr. Donko.

12 We are recalling Mr. Donko's matter.

13 Your counsel has filed a motion, as they
14 styled it, to compel production of discovery and
15 Brady material.

16 My understanding is that we are now at
17 calendar call is that the State has turned over all
18 of the evidence and discovery that it has, and that
19 there isn't anything in particular that we know is
20 outstanding.

21 But this a motion being filed, and for the
22 most part it is granted, although there is usually
23 some caveats to what's requested, and what is
24 appropriate to be granted.

25 And everybody is familiar with what this

1 final order looks like at the end of the day.

2 But is anything, Mr. Hauser or Mr. Shaygan,
3 that is of particular concern that you believe is
4 still outstanding that you are seeking to compel, or
5 is this just one of those preserve our rights for
6 appeal issues?

7 MR. HAUSER: At the time I drafted this there
8 was, but I have since gotten all of the evidence, so
9 the answer is no.

10 THE COURT: Okay.

11 Ms. Cannizzaro, is there anything that you
12 want to add?

13 MS. CANNIZZARO: Just briefly, Your Honor.

14 The discovery motion I had actually not
15 received a copy of, which is why I had not responded
16 to it.

17 I only saw it on this morning's calendar, so
18 I can't speak as to whether or not there is anything
19 else in particular that the State would object to.

20 Obviously we will comply with our discovery
21 obligations.

22 Everything that I have in my possession and
23 that I am aware of that was within the Metropolitan
24 Police Department's possession has been turned over
25 to the defense.

1 They should have everything that I have. I
2 am happy to make sure, if defense would like, to do
3 a file review.

4 But other than that, they should have copies
5 of everything in this case.

6 I can't think of anything that is
7 outstanding at this point.

8 MR. HAUSER: I agree.

9 THE COURT: Okay.

10 So what we are going to do, and just for the
11 record, the request number up through, including 37
12 requests; and again, as we indicated, for the most
13 part, these are granted, with the understanding that
14 the State has provided the information that it has,
15 that there isn't any belief that they believe that
16 there is still anything that is outstanding that
17 needs to be compelled, but it is sort of there in
18 the record to be sure that everybody is on the same
19 page and that that is the case.

20 Now, where we have a few caveats is as to
21 request number 1, 2 and 3, to the extent they can be
22 read as requiring any notes or work-product
23 disclosures, that that is not going to be granted.

24 But, otherwise, of course, to the extent
25 that the State is complying with NRS 174.235(A), and

1 handing over all witnesses and statements that it
2 intends to call in its case in chief, and other
3 information that would be implicated by those 3
4 requests, that would granted.

5 But the one area where it will be denied is
6 to the extent that there are any notes being
7 requested that might constitute work-product.

8 As far as the other requests, I am not sure
9 that we had any others where we had to carve out
10 some caveats.

11 Let me just make sure that I am not missing
12 something.

13 Otherwise, Mr. Hauser, I am going to direct
14 you to please prepare the order.

15 The one that is styled number 20, this is
16 the law enforcement impeachment information that is
17 styled as a Henthorn request, and a review of the
18 personnel files of the officers involved, I have in
19 the past done my grant and denied in part this way;
20 grant to the extent that the State is required to
21 reveal something that has to do with truthfulness,
22 but deny any independent review of all personnel
23 files.

24 If there is something in the personnel file,
25 or something that the defense is actually aware of

1 that should be investigated or looked into, I don't
2 see that referenced here.

3 But the Court would do an in camera review
4 of the personal file for that purpose.

5 But, otherwise, as a general request, it is
6 typically only granted to the extent that there is
7 something known in particular that needs to be
8 disclosed.

9 I think that covers them all.

10 If you have any questions about the order,
11 Mr. Hauser, just run it by us.

12 MR. HAUSER: Of course.

13 THE COURT: Thank you. Sorry for that
14 confusion.

15
16 (Proceedings concluded.)
17
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1 REPORTER'S CERTIFICATE

2
3 STATE OF NEVADA)

4) ss.

5 CLARK COUNTY)
6
7

8 I, Robert A. Cangemi, a certified court
9 reporter in and for the State of Nevada, hereby
10 certify that pursuant to NRS 239B.030 I have not
11 included the Social Security number of any person
12 within this document.

13 I further certify that I am not a relative
14 or employee of any party involved in said action,
15 nor a person financially interested in said action.
16
17

18 (signed) /s/ Robert A. Cangemi
19

20 -----
21 ROBERT A. CANGEMI, CCR NO. 888
22
23
24
25

1 C E R T I F I C A T E

2 STATE OF NEVADA)

3) ss.

4 CLARK COUNTY)

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8
9 I, Robert A. Cangemi, CCR 888, do hereby
10 certify that I reported the foregoing proceedings,
11 and that the same is true and accurate as reflected
12 by my original machine shorthand notes taken at said
13 time and place.

14
15
16 (signed) /s/ Robert A. Cangemi

17 -----
18 Robert A. Cangemi, CCR 888

19 Certified Court Reporter

20 Las Vegas, Nevada
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22
23
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/s/

extent

/	clark {1:3} (11:5) (12:4) clerk {5:21} come {5:2} comments {3:18} compel {6:14} (7:4) compelled {8:17} completely {6:4} comply {7:20} complying {8:25} concern {7:3} concluded {10:16} concurrent {3:13} confusion {10:14} constitute {9:7} continue {4:1} conveyed {3:21} copies {8:4} copy {7:15} correct {3:20} corrections {2:25} correctly {3:8} counsel {2:19} (2:23) (6:13) counts {3:1} (3:7) county {1:3} (11:5) (12:4) course {5:20} (8:24) (10:12) court {1:3} (2:4) (2:12) (3:7) (3:17) (3:22) (4:14) (5:11) (5:22) (6:1) (6:5) (7:10) (8:9) (10:3) (10:13) (11:8) (12:19) covers {10:9}
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
TED DONKO,
Defendant.

CASE NO. C-19-345584-1
DEPT. NO. XXV
Heard in Lower
Level Arraignment

BEFORE THE HONORABLE SHANNON WITTENBERGER,
HEARING MASTER

FRIDAY, DECEMBER 20, 2020

RECORDER'S TRANSCRIPT OF HEARING:
INITIAL ARRAIGNMENT

APPEARANCES:

For the State: EKATERINA DERJAVINA, ESQ.,
Deputy District Attorney

For the Defendant: DAREN B. RICHARDS, ESQ.,
Deputy Public Defender

RECORDED BY: KRISTEN BROWN, COURT RECORDER

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Las Vegas, Nevada; Friday, December 20, 2020

[Hearing commenced at 12:51 p.m.]

THE COURT: Page 66. Tedd Donko, C345584.

MR. RICHARDS: Daren Richards, 5103 on behalf of Mr. Donko, who's present, in custody, Judge –

THE DEFENDANT: Good afternoon, Your Honor.

MR. RICHARDS: -- this is a not guilty plea. We will be invoking time.

THE COURT: Thank you. Good morning or good afternoon, Mr. Donko. What is your true, full name, please?

THE DEFENDANT: Ted Michael Donko.

THE COURT: How old are you?

THE DEFENDANT: Thirty years old.

THE COURT: Did you receive a copy of the Information stating the charges against you?

THE DEFENDANT: Yes, ma'am.

THE COURT: Did you review it and understand it?

THE DEFENDANT: Yes, ma'am.

THE COURT: And are you waiving a formal reading of the charges?

THE DEFENDANT: Yes, ma'am.

THE COURT: How do you plead to the charges?

THE DEFENDANT: Not guilty.

THE COURT: You have a right to a speedy trial within 60

1 days. It's my understanding you're invoking that right, correct?

2 THE DEFENDANT: Yes, ma'am.

3 THE COURT: So your speedy trial date will be...

4 THE CLERK: Your calendar call is February 3rd at 9:30.

5 THE DEFENDANT: Thank you. Happy holidays.

6 THE COURT: Hold on.

7 THE DEFENDANT: Trial date is February 10th, 10:30,
8 Department 25.

9 THE COURT: And, Counsel, you have 21 days from today's
10 date or the filing of transcripts to file any writs and I'll order Discovery
11 and reciprocal to Discovery pursuant to statute and local rules.

12 MR. RICHARDS: Thanks, Judge.

13 THE COURT: Thank you. And then I show -- Let's see --

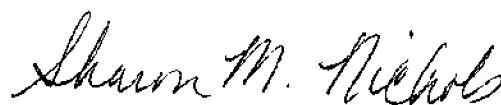
14 THE DEFENDANT: Thank you.

15 THE COURT: Thank you.

16 [Hearing concluded at 12:52 p.m.]

17 * * * * *

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19
20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio/video proceedings in the above-entitled case to the best of my ability.

22
23 

24 _____
25 Court Recorder/Transcriber



MOT
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #11930
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-

TED MICHAEL DONKO,
#2668752
Defendant.

CASE NO: C-19-345584-1

DEPT NO: VI

**STATE'S NOTICE OF MOTION
AND MOTION TO ADDRESS AGGREGATE SENTENCE CALCULATIONS**

DATE OF HEARING:
TIME OF HEARING:
HEARING REQUESTED

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through NICOLE J. CANNIZZARO, Chief Deputy District Attorney, and files this Notice Of Motion And Motion To Address Aggregate Sentence Calculations.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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DATED this 3rd day of June, 2020.

BY /s/ NICOLE J. CANNIZZARO
NICOLE J. CANNIZZARO
Chief Deputy District Attorney
Nevada Bar #11930

On or about May 20, 2020, the State of Nevada, by way of the District Attorney's Office, was sent a letter on behalf of the Nevada Department of Corrections seeking clarification on the aggregate sentence totals from the sentencing on the instant case. See, Letter from the State of Nevada Department of Corrections, dated May 20, 2020, attached hereto as "Exhibit 1". Pursuant to the Judgment of Conviction, the total aggregate sentence is a minimum of one hundred forty-four (144) months to a maximum of three hundred seventy-eight (378) months. However, the total aggregate sentence based upon the charges at sentencing reflect a total of a minimum of one hundred sixty-eight (168) months to a maximum of four hundred thirty-eight (438) months. The State calculated the same amount reflected by the Nevada Department of Corrections and is seeking clarification from this Court as to the

11

1 total aggregate sentence and a request to file an Amended Judgment of Conviction reflecting
2 the correct aggregate sentence.

3 DATED this 3rd day of June, 2020.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY /s/ NICOLE J. CANNIZZARO
8 NICOLE J. CANNIZZARO
9 Chief Deputy District Attorney
10 Nevada Bar #11930

11 CERTIFICATE OF ELECTRONIC MAIL

12 I hereby certify that service of the foregoing, was made this 3rd day of June, 2020, by
13 Electronic Mail to:

14 PUBLIC DEFENDER'S OFFICE
15 E-mail Address: pdclerk@ClarkCountyNV.gov

16 /s/ Laura Mullinax
17 Secretary for the District Attorney's Office
18
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28 NJC/lm/GU

EXHIBIT 1

Northern Administration
5500 Snyder Ave.
Carson City, NV 89701
(775) 887-3285

Southern Administration
3955 W. Russell Rd.
Las Vegas, NV 89118
(702) 486-9938



**State of Nevada
Department of Corrections**

Steve Sisolak
Governor

Charles Daniels
Director

Shannon Moyle
*Offender Management
Administrator*

May 20, 2020

Clark County District Attorney's Office
200 Lewis Avenue
Las Vegas, Nevada 89101

Re: **NDOC #1080899 DONKO, Ted**
Criminal Case # C-19-345584-1
Department: VI

Dear Sir/Madam:

The Nevada Department of Corrections has received a conflicting Judgment of Conviction in the above referenced case. We are unable to determine the proper sentence structure without additional or corrected information. Please review the information and advise us that the judgment will not be changed or forward a certified copy of the corrected judgment to:

Description of Discrepancy: The Judgment of Conviction reflects a possible error with the aggregated sentence totals. The JOC reflects the aggregate term of a minimum 144 months and a maximum of 378 months. The NDOC calculations reflects a minimum aggregate term of 168 months and a maximum aggregate term of 438 months. Please advise?
Thank you for your assistance in this matter.

Nevada Department of Corrections
Offender Management
P.O. Box 7011
Carson City, Nevada 89701
Attn: Michael G. Johnson

Thank you for your prompt attention in this matter.

Sincerely,

Michael G. Johnson / Administrative Assistant IV

(775) 977-5621

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
6/3/2020 11:07 AM
Steven D. Grierson
CLERK OF THE COURT



State of Nevada
vs
Ted Donko

Case No.: C-19-345584-1
Department 6

NOTICE OF HEARING

Please be advised that the State's Notice of Motion and Motion to Address Aggregate Sentence Calculations in the above-entitled matter is set for hearing as follows:

Date: June 15, 2020
Time: 10:15 AM
Location: RJC Courtroom 10C
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Kadir Beckom
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Kadir Beckom
Deputy Clerk of the Court



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff(s),

vs.

TED MICHAEL DONKO,

Defendant(s).

Case No. C-19-345584-1

Department VI

BEFORE THE HONORABLE JACQUELINE M. BLUTH,
DISTRICT COURT JUDGE

MONDAY, FEBRUARY 10, 2020

**TRANSCRIPT OF PROCEEDINGS RE:
JURY TRIAL – PART I – DAY 1 OF 4**

APPEARANCES:

For the Plaintiff(s):

CHAD N. LEXIS, ESQ.
LAURA ROSE GOODMAN, ESQ.
(Deputy District Attorneys)

For the Defendant(s):

ROBSON M. HAUSER, ESQ.
KAMBIZ SHAYGAN-FATEMI, ESQ.
(Deputy Public Defenders)

RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 **LAS VEGAS, NEVADA, MONDAY, FEBRUARY 10, 2020**

2 [Proceeding commenced at 1:58 p.m.]

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

5 THE COURT: All right. We are on the record in
6 C-345584-1, State of Nevada versus Ted Michael -- do I pronounce it
7 Donko?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Okay. He is present with both his attorneys,
10 Mr. Shaygan and Mr. Hauser, Ms. Rose Goodman and Mr. Lexis on
11 behalf of the State. The jury is outside lined up. And amended
12 information has been filed today.

13 Mr. Lexis, you had showed that previously to Mr. Hauser
14 and Mr. Shaygan; is that right?

15 MR. LEXIS: Yes, ma'am.

16 THE COURT: Okay. Is there anything we need to take
17 care outside the presence of the jury before I bring them in?

18 MR. LEXIS: No, ma'am.

19 MR. HAUSER: Nothing from the defense.

20 THE COURT: All right. Bring them in, please, Dean.

21 [Prospective jury panel convened at 1:59 p.m.]

22 THE COURT: Wonderful. Thank you.

23 Good afternoon, ladies and gentlemen. This is the time
24 set for trial in Case Number C-345584-1, State of Nevada versus Ted
25 Michael Donko. The record will reflect the defendant, Mr. Donko,

1 with both of his attorneys, Mr. Shaygan and Mr. Hauser, as well as
2 both deputy district attorneys, Mr. Lexis, as well as Ms. Rose
3 Goodman.

4 Both parties do stipulate to the prospective jury panel?

5 MR. HAUSER: Yes, Your Honor.

6 MS. GOODMAN: Yes, Your Honor.

7 MR. LEXIS: Yes.

8 THE COURT: All right. And the parties are ready to
9 proceed to trial?

10 MR. HAUSER: Yes.

11 MR. LEXIS: Yes, Judge.

12 THE COURT: All right. Ladies and gentlemen, you are in
13 Department 6 of the Eighth Judicial District Court. My name is
14 Jacqueline Bluth, I'm the presiding judge in this department.

15 You have been called upon today to serve as a juror in a
16 criminal case. The charges in this case are as follows:

17 Battery with use of a deadly weapon resulting in
18 substantial bodily harm;

19 Attempt murder with use of a deadly weapon;

20 Assault with a deadly weapon;

21 And discharging a firearm at or into an occupied structure
22 vehicle, aircraft, or watercraft.

23 We expect this trial to last five to six days at the longest,
24 which means it would carry us past the long weekend into the
25 Tuesday. Our trials generally start in the afternoons, Monday,

1 Tuesday, and Wednesday, and then on Thursdays and Fridays, they
2 begin at 9:00 a.m. I usually stop right at or near 5:00, because so
3 many people have childcare issues after 5:00. So I try to make sure
4 to conclude right at 5:00 to get you guys where you need to be.

5 Ultimately, 14 of you will be selected in going forward
6 with us as jurors and alternate jurors in this case.

7 As many of you know, in this country we place great faith
8 in our citizens as jurors to reach fair and objective decisions. Part of
9 what you're doing here is you are being good citizens for our
10 country and community. Juror duty is a civic responsibility, like
11 obeying laws, voting, and paying taxes. We appreciate the fact that
12 you responded to the jury summons and showed up, willing to do
13 this job. It's important what you are doing here, and I hope that
14 you enjoy the experience as a juror and find it rewarding.

15 Even with all of that, I know that many of you are sitting
16 here frustrated that you're here and that you have to be here,
17 answer these questions, because I know that you have jobs, family
18 members, other things that you need to be doing.

19 So I'd ask you to consider two things. Number one, think
20 if you were involved in a case and if it was going to go in front of a
21 jury, how important it would be to you to have 14 people of our
22 community that could be fair and impartial to both sides. It's
23 important to both sides that they find those individuals.

24 Second, you might get out of my jury in here, but that
25 could mean that you would go back down to jury services and be

1 assigned to a different jury panel. In the last year or two, we have
2 had juries selected for a year-long trial. So five or six days might
3 seem long, but in the way of trials go, it's actually a rather short
4 trial that we're going to be hearing in this case.

5 So we will not have a jury selected today. It will definitely
6 not be selected until tomorrow. So at the very minimum, you will
7 be here through tomorrow if you're not selected as a juror in this
8 case.

9 So I'd like to take this opportunity to introduce to you my
10 court staff. You have already met Officer O'Kelley, he's our
11 marshal. His job is to maintain order and security in the courtroom.
12 He's also my representative to the jury. Anything you need or any
13 problems that you have during the course of this trial should be
14 brought to his attention. However, please keep in mind that the
15 marshal cannot talk to you about the case or answer any questions
16 about your -- about this case.

17 So anything you -- if you need, if your pen runs out of ink
18 or you need to use the restroom, any type of issues that you're
19 having that you need to communicate to him or to me, just raise
20 your hand and tell the marshal, and the marshal will communicate
21 that to me. Just make sure you're not talking about the case,
22 because he can't talk about the case and he can't answer any
23 questions.

24 To my far left is my court recorder, Ms. Takas. She sees
25 that everything we are talking about in trial is recorded. You used

1 to see court reporters, or you sometimes see court reporters on TV
2 that sit in front of the judge and type out everything that you're
3 saying. In most courtrooms now, everything that we're saying is
4 recorded and then at a later time, it's transcribed and everything
5 that we say is written down -- typed out, rather.

6 You'll also see court cameras within my courtroom.
7 Please be aware that those are more for security measures and for
8 keeping a record. You will never -- your faces will never be on
9 camera or released to the public. So jurors are always serving -- I
10 don't want to say in secret, right? Because it's a public proceeding.
11 But your faces are never on any types of cameras.

12 On my immediate left is Keith Reed. He is my court clerk.
13 He swears in witnesses, marks exhibits, and keeps track of evidence
14 and prepares minutes of the court proceedings that are happening
15 and puts those into the record.

16 From time to time you may also see my judicial executive
17 assistant, Crystal Jacobs. She works in the back in our office and in
18 chambers. She comes to and from the courtroom helping us make
19 sure everything's running smoothly up front.

20 To my right is my intern, Ms. Huggins. She'll be here
21 watching court. And then you'll also see another individual,
22 another female who'll sit to my right by the name of Nicole. She is
23 my law clerk. And so they help me throughout my calendars in the
24 morning and watch and observe trial as well.

25 So now I'd like to take this opportunity for the State to

1 introduce to them -- introduce themselves. They are going to read
2 a list of witnesses and give you a synopsis of their case, which will
3 be very short. Also, please pay attention to the names on the list
4 that they are going to read out loud, because in a moment I'm
5 going to ask you if you recognize any of those names.

6 So with that, State?

7 MS. GOODMAN: Thank you, Your Honor.

8 Good afternoon. My name is Laura Goodman and this is
9 Chad Lexis, and we're the deputy district attorneys assigned to
10 prosecute the State of Nevada versus Ted Donko.

11 In this case, Mr. Donko is charged with three counts of
12 attempt murder with the use of deadly weapon, two counts of
13 battery with the use of deadly weapon resulting in substantial
14 bodily harm, one count of assault with a deadly weapon, and one
15 count of discharging into or at a structure.

16 In this case, the State's alleging on October 1st, 2019,
17 Mr. Donko went to the location of 56 Linn Lane, where he
18 discharged his firearm at the -- both the house and at three other
19 individuals, which -- ultimately striking two of them.

20 Please listen to the following names, as the State intends
21 to call some of these as witnesses.

22 Joseph Auilos; D. Alatorre, with the Las Vegas
23 Metropolitan Police Department; Joseph Alicastro; Cathryn All;
24 Randall All; Daniel Alvarado; Brian Artis; Officer C. Beal; Officer J.
25 Beatty; Nichola Bianco; Officer Brian Boxler; Officer W. Bridges;

1 Officer Buencamino; Officer D. Callen; Officer J. Casper; Officer M.
2 Casper; Officer Ceniza; Officer J. Close; Officer J. Corbett; Officer J.
3 Cortez; Officer Raymond Cruz; Rodney Dixon; Officer Kimberly
4 Dannenberger; Officer Keegan Doty; Fernando Espinoza; Eric
5 Fenrich; Officer Jordan Fox; Officer Gadea; Officer Godfrey; Officer
6 Grammas; Officer M. Hanning; Officer Casey Hausman; Officer
7 Allen Hennig; Officer E. Hervis; Officer T. Ivie; Officer B. Jackson;
8 Officer J. Jacobs; Officer Christina Jersey; Officer J. Jimenez;
9 Officer Hunter Junge; Officer J. Keen; Officer Bernstein Kommel;
10 Officer M. Krueger; Officer Alfredo Lara-Marquea; Gilbert, last name
11 unknown; Officer C. Luna; Officer Marlon Magsaysay; Officer J.
12 Marin; Edgar Miller; Officer M. Miramontes; Officer B. Moore;
13 Officer J. Moss; Officer S. Murphy; Officer V. Noriega-Perez; Mark
14 Patterson; Officer S. Perry, Officer Harrison Porter; Marco
15 Rafalovich; Genaro Ramos-Grajeda; Officer Kevin Randy; Officer B.
16 Rocha; Officer -- or I'm sorry -- Jonathan Sanchez-Loza; Mary
17 Skelton; Officer S. Sowers; Officer J. Spurling; Officer E. Stafford,
18 Officer Jeffrey Stuart; Officer Ashley Trail; Officer Christopher
19 Valdez; Officer Bradley Van Pamel; Officer B. Walford; DeAndre
20 Woods; Kathryn Aoyama; Stephanie Chen-Hunyh; Kellie Gauthier;
21 Bradley Grover; Dr. Allison McNickle; Maeleen Morrison; Allison
22 Rubino; Jennifer Strumillo; Amanda Wright.

23 And that is all from the State. Thank you.

24 THE COURT: Counsel for the defendant, will you please
25 introduce yourselves and any witnesses you wish to call.

1 MR. HAUSER: Absolutely, Judge. Thank you very much.
2 Good afternoon, ladies and gentlemen. My name is
3 Robson Hauser. This is my co-counsel, Kambi Shaygan. We
4 represent Mr. Ted Donko. We don't have a whole lot of witnesses
5 to call in this case. We look forward to establishing Ted Donko was
6 not the person who committed the shooting, because the person
7 who committed the shooting is a Mexican man with no tattoos, and
8 not Mr. Donko.

9 The only additional witnesses -- addition to any the State
10 might call would be Anna Nells [phonetic].

11 Thank you very much.

12 THE COURT: Thank you.

13 All right. So now ladies and gentlemen, I am going to do
14 a roll call. Please just answer present or here when I call your
15 name.

16 [Jury roll called.]

17 THE COURT: Is there anyone present whose name I did
18 not call? Showing no response. All right.

19 So, ladies and gentlemen, what we're about to do is called
20 voir dire. And this is the part of the case where the parties and their
21 lawyers have the opportunity to get to know a little bit about you in
22 order to help them come to their own conclusions about your
23 ability to be fair and impartial to both sides, so that they can decide
24 who they think would be the best jurors for this case. This process
25 is done under oath, so will you all please stand and raise your right

1 hand so the clerk can administer the oath, please.

2 [Prospective jury panel sworn.]

3 THE COURT: All right. So let me talk to you a little bit
4 about how the process goes. So first, I'll ask some general
5 questions while you are seated in the spots that you are in. These
6 questions will be directed to everyone in the jury box to my right,
7 as well as those of you out in the crowd.

8 After those general questions, the focus of the questions
9 will then turn just to the people, the 24 of you to my right. I will ask
10 individual questions of those of you seated in the jury box to my
11 right, and then each of the lawyers will have more specific
12 questions that they will ask you.

13 Please know that the questions that you will be asked
14 during this process are not intended to embarrass you or
15 unnecessarily pry into your personal affairs. But they are important
16 and it is important that the parties and their attorneys know enough
17 about you to make this important decision for their case.

18 There are no right or wrong answers to the questions that
19 will be asked of you. The only thing I ask if that you answer the
20 questions as honestly and as completely as you can. You will -- you
21 take an oath to answer all the questions truthfully and you must do
22 so. Remaining silent when you have information you should
23 disclose is a violation of the oath. If a juror violates this oath, it not
24 only may result in having to try the case all over again, but also can
25 result in penalties against the juror personally. So again, it is very

1 important that you be as honest and complete with your answers as
2 possible.

3 If you don't understand the question, please ask for an
4 explanation or clarification. At some point during the process of
5 selecting a jury, the attorneys for both sides will have the right to
6 ask that a particular person not serve as a juror. That is called a
7 challenge.

8 There are two types of challenge. The first type of
9 challenge is what's referred to as a challenge for cause. A
10 challenge for cause is a request to excuse a juror because the juror
11 might have a difficult time being fair and impartial in this particular
12 case.

13 The second type of challenge is what's referred to as a
14 peremptory challenge. A peremptory challenge means that a juror
15 can be excused from duty without counsel having to give a reason
16 for the excusal. In this case, each side will have five peremptory
17 challenges.

18 Please do not be offended should you be excused by
19 either of the challenging procedures. They are simply a part of the
20 procedures designed to assist the parties and their attorneys to
21 select a fair and impartial jury.

22 Once all of the challenges are exercised, we will have 14
23 qualified jurors remaining. Two of the 14 will be designated as
24 alternates, and the 12 remaining jurors will deliberate in the case.

25 I'm now going to ask you some questions of the entire

1 group. If you wish to respond to a question, please raise your
2 hand. When I get to you, please give your name and your badge
3 number, so the last three digits of your badge number that's on the
4 badge that you should be wearing.

5 Okay. So first question: Is there anyone who has a
6 disability or a medical issue that might impact their ability to serve
7 as a juror? A disability or a medical issue? Showing one hand.

8 Yes, ma'am?

9 PROSPECTIVE JUROR NO. 794: I'm currently pregnant.

10 THE COURT: And what's your badge number?

11 PROSPECTIVE JUROR NO. 794: 794.

12 THE COURT: All right. So 794, Ms. Amanda Miller. Okay.
13 And how does that affect your ability to serve, ma'am?

14 PROSPECTIVE JUROR NO. 794: I just don't know about
15 my ability to be able to sit for long periods of time and I'll need lots
16 of breaks. That's all.

17 THE COURT: Okay. And how far along are you?

18 PROSPECTIVE JUROR NO. 794: 27 weeks.

19 THE COURT: Perfect. Thank you.

20 Anyone else? One in the box, please.

21 And then if we could pass it to Juror Number 6, Badge
22 Number 709, Douglas Haynes.

23 PROSPECTIVE JUROR NO. 709: Yes.

24 THE COURT: Yes, Mr. Haynes.

25 PROSPECTIVE JUROR NO. 709: I'm pretty hard of

1 hearing.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 709: I couldn't hear hardly
4 anything during the -- when I was sitting out there. But if I had
5 some sort of device, I would be willing to serve.

6 THE COURT: Okay. All right.

7 Would you get him the hearing things?

8 THE MARSHAL: Yes, Your Honor.

9 THE COURT: Thank you.

10 Just one second.

11 THE MARSHAL: It's going to be up against the wall, Your
12 Honor.

13 THE COURT: Right.

14 THE MARSHAL: Yeah, as soon as we get up there, that's
15 getting out of the zone.

16 THE COURT: Let's see what we could do here. Why don't
17 we move a chair down to this front row and leave that one empty,
18 and I'll just -- we'll just -- that -- so I'm going to put a chair in the
19 front row at the very end, and then that will be Juror Number 6.

20 PROSPECTIVE JUROR NO. 709: Thank you, Your Honor.

21 THE COURT: How's that? Does that work a little bit
22 better?

23 PROSPECTIVE JUROR NO. 709: Yeah. Thank you very
24 much.

25 THE COURT: Perfect. You're welcome.

1 All right. Anybody else with a medical reason? Yes, sir.
2 Behind you, please, Marshal O'Kelley.
3 That would be Juror Number 3, Badge Number 596, Juan
4 Valenzuela-Cardenas.
5 Yes, sir?
6 PROSPECTIVE JUROR NO. 596: Excuse me. It's not a
7 medical problem. I don't understand everything in English. I just
8 speak around I think about 50 percent English. I don't
9 understand 100 percent.
10 THE COURT: What do you do for work?
11 PROSPECTIVE JUROR NO. 596: I have a little company for
12 tree trimmers, this is what they do.
13 THE COURT: What do they do?
14 PROSPECTIVE JUROR NO. 596: Tree trimmer.
15 THE COURT: Tree trimmer. Got it. Okay.
16 PROSPECTIVE JUROR NO. 596: Yes.
17 THE COURT: Thank you. Yes.
18 And how long have you been in the United States, sir?
19 PROSPECTIVE JUROR NO. 596: Oh, 14, 15 years.
20 THE COURT: Okay. And I think you already answered
21 this, but out of 100 percent, how much, generally, do you
22 understand in English? Do you understand 50 percent of what I'm
23 saying? 75? What would you say?
24 PROSPECTIVE JUROR NO. 596: I think around 60 percent.
25 THE COURT: 60 percent? 6-0?

1 PROSPECTIVE JUROR NO. 596: Yes.

2 THE COURT: Okay. Thank you.

3 Anyone else?

4 To your right.

5 PROSPECTIVE JUROR NO. 781: Taking medication for
6 high blood pressure and a heart condition.

7 THE COURT: Okay. What is your name and your badge
8 number?

9 PROSPECTIVE JUROR NO. 781: William Liu.

10 THE COURT: All right. William Liu is Juror Number 29,
11 Badge Number 781. 781. Tell me -- say it again, your heart
12 condition and what?

13 PROSPECTIVE JUROR NO. 781: I'm taking medication for
14 a heart condition and high blood pressure.

15 THE COURT: Okay. And does that medication affect you
16 in any way adversely?

17 PROSPECTIVE JUROR NO. 781: I'm not quite sure.

18 THE COURT: Okay. Well, how long have you been taking
19 it?

20 PROSPECTIVE JUROR NO. 781: For, like, six months.

21 THE COURT: Six months?

22 PROSPECTIVE JUROR NO. 781: Yeah.

23 THE COURT: Okay. Well, have you -- do you have
24 problems staying awake or understanding things?

25 PROSPECTIVE JUROR NO. 781: I'm okay.

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THE COURT: You're okay?

PROSPECTIVE JUROR NO. 781: Yeah.

THE COURT: Okay. Wonderful. Thank you.

PROSPECTIVE JUROR NO. 781: That's the only issue, I want to let you know, is I'm taking the medication for high blood pressure and the medication. Just want to make sure it's okay.

THE COURT: Yes. Thank you for letting me know. I appreciate that, sir.

Anyone else?

Next we're going to go to Badge Number 8 -- excuse me, Juror Number 8, Badge Number 718, Audreen Connors.

Yes, ma'am?

PROSPECTIVE JUROR NO. 718: Yes. I also have high blood pressure, diabetes, I have heart issues.

THE COURT: So the only reason -- so I guess I should say if you have a medical condition, the only reason I need to know about it is if you feel like it would affect you in being able to sit as a juror. Do you feel like any of those things would affect you?

PROSPECTIVE JUROR NO. 718: They will not affect me. Everything's under control and I really got a good advice from my doctor and he's taking care of me.

THE COURT: Okay. Wonderful. Thank you.

All right. Anyone else who has a medical condition that you feel like would affect you from being fair and impartial?

Yes, Mr. Trejo? Badge Number 245.

1 PROSPECTIVE JUROR NO. 245: I'm not sure if the -- I'm
2 getting sick right now, so I'm not sure.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 245: I'm not sure about that.
5 Sorry.

6 THE COURT: That's okay. Okay. Thank you.

7 All right. Okay. Is there anyone here who has been
8 convicted of a felony? By a showing of hands, if you've been
9 convicted of a felony. Okay.

10 Is that Mr. Razo?

11 PROSPECTIVE JUROR NO. 772: I'm not sure if it is,
12 domestic violence.

13 THE COURT: Well, was it a misdemeanor or was there jail
14 time or prison time associated with it?

15 PROSPECTIVE JUROR NO. 772: Prison time.

16 THE COURT: Did you go to prison for it? Okay. And what
17 year was that?

18 PROSPECTIVE JUROR NO. 772: 2006.

19 THE COURT: Okay. Do you know whether or not you've
20 had your civil rights restored?

21 PROSPECTIVE JUROR NO. 772: No.

22 THE COURT: You don't know whether you have?

23 PROSPECTIVE JUROR NO. 772: No, I don't.

24 THE COURT: Okay. All right. And I just want to make
25 sure it was prison. Do you know which prison it was? Where were

1 you housed?

2 PROSPECTIVE JUROR NO. 772: Here in Vegas.

3 THE COURT: At -- just at the Clark County Detention
4 Center?

5 PROSPECTIVE JUROR NO. 772: Yes.

6 THE COURT: Okay. All right. So did you ever -- sorry for
7 all these questions, I just have to make sure. How long were you
8 in -- at the Clark County Detention Center for?

9 PROSPECTIVE JUROR NO. 772: A week.

10 THE COURT: A week? Okay. And then after that, after
11 you were at -- it's called CCDC, after you were at CCDC, were you
12 at -- did you ever go somewhere else in Nevada, like a different
13 city?

14 PROSPECTIVE JUROR NO. 772: No.

15 THE COURT: Okay. So that was just -- that should just be
16 a misdemeanor. So did you -- did -- afterwards, did you either -- did
17 it get dismissed or did you have to plead and you had to do a bunch
18 of counseling and classes?

19 PROSPECTIVE JUROR NO. 772: I did counseling,
20 domestic, you know, violence. I had to talk to a counselor.

21 THE COURT: Okay. So that was just a misdemeanor,
22 then. Okay. But thank you for being honest, I appreciate that, sir.

23 Anyone else who's been convicted of a felony? Okay. All
24 right.

25 All right. So like I stated, we anticipate the case to actually

1 be done this week. But in case we run overboard, I always like to
2 give it an extra day. So Monday's a holiday, so that means we
3 would probably go into Tuesday if, in fact, we didn't finish this
4 week.

5 So I recognize that serving on a jury is almost always a
6 personal hardship. And for that reason, just so you know, it can be
7 a -- obviously, I recognize it can also be a financial hardship. But
8 the Eight Judicial District Court does not recognize financial
9 hardship as a reason to get out of jury duty.

10 So in a moment I'm going to ask you is there anyone who
11 has a hardship that feels they will not be able to serve? So let me
12 give you an example of hardships that usually are excusable. For
13 instance, if you are a full-time student; if you have a trip where you
14 either have a hotel or a plane ticket or a bus ticket to show me
15 where you're going and that you'll be out of town when this trial --
16 during this period of trial. So those are the types of things that are
17 hardships that would -- that you would be excused from jury duty.

18 So is there anyone who has some of those things? All
19 right. So let's start at top.

20 Mr. Lafia, Badge Number 438, yes, sir.

21 PROSPECTIVE JUROR NO. 438: Yes, Your Honor. I'm an
22 attorney and I have a deposition in Arizona that is noticed for
23 Wednesday. I've brought a copy of that with me.

24 THE COURT: Wednesday this week?

25 PROSPECTIVE JUROR NO. 438: Correct.

1 THE COURT: Okay. All right. And if you would just show
2 that to my marshal, I appreciate it.

3 And then if you could just pass the mic down, Dean.

4 Name and badge number?

5 PROSPECTIVE JUROR NO. 727: Glynese Peralta, 727.

6 THE COURT: Yes, ma'am.

7 PROSPECTIVE JUROR NO. 727: I'm a full-time nursing
8 student.

9 THE COURT: Okay. And what days do you go to class?

10 PROSPECTIVE JUROR NO. 727: Tuesday, Wednesday,
11 Thursdays --

12 THE COURT: And what are --

13 PROSPECTIVE JUROR NO. 727: -- at Arizona College of
14 Nursing.

15 THE COURT: What are the hours?

16 PROSPECTIVE JUROR NO. 727: 5:00 to 9:00, and
17 then 5:00 to 10:00 for lab.

18 THE COURT: Okay. Where is that at?

19 PROSPECTIVE JUROR NO. 727: Arizona College of
20 Nursing?

21 THE COURT: Yeah.

22 PROSPECTIVE JUROR NO. 727: It's by Chick-fil-A on
23 Sahara.

24 THE COURT: Okay. All right. And --

25 PROSPECTIVE JUROR NO. 724: I'm Jacqueline

1 Hernandez, Badge Number 724. I'm a full-time student at CSN.

2 THE COURT: And what days and times are your classes?

3 PROSPECTIVE JUROR NO. 724: I go Monday through
4 Thursday. Mondays from, like, 4:00 to 10:00, Tuesdays from 4:00
5 to 6:00, same with Thursdays, and then Wednesdays from 8:00
6 to 10:00.

7 THE COURT: Okay. Thank you.

8 Anybody else to my right raise their hand?

9 Front row, please. If you could pass the microphone to
10 her.

11 PROSPECTIVE JUROR NO. 763: Emily Pachner, Badge
12 Number 763. I work at a consulting firm and I actually have a client
13 trip scheduled tomorrow through Thursday. So I'm going to be in
14 Cincinnati.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 763: And I can show you the
17 ticket and everything.

18 THE COURT: Yeah, if you wouldn't mind.

19 PROSPECTIVE JUROR NO. 763: Sure.

20 THE COURT: You can just show it to my marshal, he can
21 confirm.

22 PROSPECTIVE JUROR NO. 763: Okay. Thank you.

23 THE COURT: Thank you.

24 Anyone else in that row?

25 And then back behind, I saw one hand.

1 PROSPECTIVE JUROR NO. 796: Yeah, I be out for -- out of
2 town for a month.

3 THE COURT: For a month?

4 PROSPECTIVE JUROR NO. 796: Yeah.

5 THE COURT: When are you leaving?

6 PROSPECTIVE JUROR NO. 796: I'm leaving on Thursday.

7 THE COURT: This Thursday?

8 PROSPECTIVE JUROR NO. 796: Yes.

9 THE COURT: And where are you going, sir?

10 PROSPECTIVE JUROR NO. 796: I'm not going to China.

11 THE COURT: You're not going to China?

12 PROSPECTIVE JUROR NO. 796: No. I'm going --

13 THE COURT: Yeah, I know, I --

14 PROSPECTIVE JUROR NO. 796: I'm going back home to
15 the Philippines.

16 THE COURT: That's the -- okay. Do you have proof of
17 your ticket so I -- can you just show my marshal so he can confirm
18 that?

19 PROSPECTIVE JUROR NO. 796: Here's my --

20 THE COURT: And I apologize, tell me your name and
21 badge number again?

22 PROSPECTIVE JUROR NO. 796: Rennee Abelon, 0796.

23 THE COURT: 0796. All right.

24 Anyone else that I missed? All right.

25 Attorneys meet me in the back, please. We'll be right

1 back.

2 [Off-record bench conference.]

3 THE COURT: All right. So if I call your name, if you could
4 please pack up your stuff and go back down to the third floor and
5 let them know you have been excused.

6 Badge Number 438, Michael Lafia; Badge Number 596,
7 Juan Valenzuela-Cardenas; Badge Number 724, Jacqueline
8 Hernandez; Badge Number 727, Glynese Peralta; Badge
9 Number 763, Emily Pachner; Badge Number 796, Rennee Abelon.

10 All right. And then Mr. Reed, if you could please fill the
11 seat, keeping in mind that Seat Number 6 we've actually -- we're
12 going to keep vacant. All right. And if you could fill those seats,
13 please.

14 THE CLERK: We're going to keep that one vacant?

15 THE COURT: Yeah.

16 THE CLERK: Meaning he's still there?

17 THE COURT: Yeah.

18 THE CLERK: Okay. Thank you.

19 Okay. Next in Seat Number 2 will be Badge Number 772,
20 Jose Razo; Seat Number 3, Badge Number 777, Dailey Arias; Seat
21 Number 11, Badge Number 778, Rafael Nevarez; Seat Number 12,
22 Badge Number 781, William Liu.

23 THE COURT: Oh, wait.

24 THE CLERK: Sorry?

25 THE COURT: We skipped somebody. Are you guys --

1 THE CLERK: We excused 779.
2 THE COURT: What's your name, ma'am?
3 PROSPECTIVE JUROR NO. 779: Yandia.
4 THE COURT: What's your last name?
5 PROSPECTIVE JUROR NO. 779: Arocha.
6 THE CLERK: 79. I'm sorry.
7 THE COURT: That's okay. All right.
8 So Yandia, you're next.
9 PROSPECTIVE JUROR NO. 779: All right.
10 THE COURT: And then Mr. Liu, right?
11 THE CLERK: Yes.
12 THE COURT: Okay. Go ahead, come on up, Mr. Liu.
13 You'll be right here in the front. All right.
14 All right. So I'm going to continue on with questions for
15 everybody.
16 Are any of you acquainted with me or of any of my court
17 staff? Showing your hands. All right.
18 Sherry, raise your hand.
19 All right. If we could have the microphone, please. We're
20 giving this to Ms. Tate, Badge Number 759.
21 PROSPECTIVE JUROR NO. 759: Yes. Used to work here.
22 THE COURT: Yes.
23 PROSPECTIVE JUROR NO. 759: Know you from court.
24 THE COURT: Yes. So Ms. Tate used to work for the
25 courts and many of us practiced in front of the judge she worked

1 for.

2 Am I the only one you know? Or do you know some of
3 the attorneys as well?

4 PROSPECTIVE JUROR NO. 759: Couple of people.

5 THE COURT: Okay. All right. So you know everybody?

6 PROSPECTIVE JUROR NO. 759: Yeah.

7 THE COURT: Knowing so many of us, any reason why
8 you can't be fair and impartial? Or for other reasons, do you feel
9 like you can't be fair and impartial?

10 PROSPECTIVE JUROR NO. 759: For other reasons.

11 THE COURT: All right. Everybody and Sherry approach.

12 [Bench conference transcribed as follows.]

13 THE COURT: All right. So we're always on the record up
14 here. We just have to -- especially since there's three males and, I
15 mean, when Laura is talking, we don't need to -- she doesn't need
16 to identify herself, but when one of the three of you is talking, make
17 sure.

18 So, Sherry, if you wouldn't mind switching with Laura.
19 And talk to me about what you feel.

20 PROSPECTIVE JUROR NO. 759: I just don't want to be
21 here. I've been here long enough. I'm retired. I will be here in the
22 court system no more.

23 THE COURT: But can you be fair?

24 PROSPECTIVE JUROR NO. 759: What's the --

25 THE COURT: Huh?

1 PROSPECTIVE JUROR NO. 759: What -- no.

2 THE COURT: No?

3 PROSPECTIVE JUROR NO. 759: No, I can't lie. I know I
4 could be fair if I had to.

5 THE COURT: You could be fair if you had to?

6 PROSPECTIVE JUROR NO. 759: Yes. God. I can't lie.

7 THE COURT: All right. Anybody have any feelings about
8 this? No? Okay. Great. Everybody go back to their seats then.

9 You're staying, ma'am.

10 PROSPECTIVE JUROR NO. 759: Oh, thanks.

11 [End of bench conference.]

12 THE COURT: Anybody else know myself or my court
13 staff? Showing no response.

14 Are any of you acquainted with one another? Do you
15 know each other? Showing no response.

16 Are any of you acquainted with Mr. Donko, the defendant,
17 or any of his attorneys?

18 PROSPECTIVE JUROR NO. 714: I have a question and it's
19 probably irrelevant, but I have been nonstop looking at him since
20 we got in here, because he looks so familiar, and I live off of Linn
21 Lane and I've worked at Dotty's for, like, over 10 years.

22 THE DEFENDANT: I'm always there at Dotty's.

23 PROSPECTIVE JUROR NO. 714: I knew I knew you. I think
24 I know him.

25 THE COURT: Okay. What is your name and badge

1 number?

2 PROSPECTIVE JUROR NO. 714: Gina Riendeau. It's -- I'm
3 sorry, 7681.

4 THE COURT: 714. That's your ID number, but badge
5 number --

6 PROSPECTIVE JUROR NO. 714: Oh, I'm sorry.

7 THE COURT: That's okay. All right.

8 So -- all right. So you, just through your place of
9 employment, you recognize the defendant; is that right?

10 PROSPECTIVE JUROR NO. 714: Yes. Yes.

11 THE COURT: Okay. And is there anything about that that
12 makes you feel like it would affect you on whether or not you could
13 be fair?

14 PROSPECTIVE JUROR NO. 714: I don't think so. We deal
15 with a lot of, I don't know how to say it, riffraff and we deal with a
16 lot of kind of criminal kind of stuff at work. So I don't know. I don't
17 think so, but I know I've met him more than once.

18 THE COURT: Okay. Now -- but simply because Mr. Donko
19 might frequent there, it doesn't mean in your mind you think he's
20 riffraff or a criminal, right?

21 PROSPECTIVE JUROR NO. 714: No. No.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 714: Absolutely not.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 714: No.

1 THE COURT: All right.

2 PROSPECTIVE JUROR NO. 714: No.

3 THE COURT: I just wanted to make sure. Okay. Thank
4 you, ma'am, for letting me know.

5 PROSPECTIVE JUROR NO. 714: Okay.

6 THE COURT: Anyone else who has an answer to that
7 question?

8 Do any of you know either of the deputy district
9 attorneys? Showing no response.

10 Do any of you know the district attorney, Steve Wolfson,
11 or any other individual that works at the district attorney's office?
12 Showing no response.

13 Are any of you acquainted with any of the witnesses that
14 were read by the State or by defense counsel? Showing no
15 response.

16 Have any of you or anyone close to you ever worked in
17 law enforcement? All right.

18 So let's start with Ms. Rinedeau again, please. Badge
19 number --

20 PROSPECTIVE JUROR NO. 714: My niece's boss, Vegas
21 Metro.

22 THE COURT: -- 714.

23 Okay. And what does she do?

24 PROSPECTIVE JUROR NO. 714: I mean, I don't know.
25 She's a police officer.

1 THE COURT: Okay. But you don't know, like, what
2 division or anything?

3 PROSPECTIVE JUROR NO. 714: No, I do not.

4 THE COURT: Okay. That's all right.

5 PROSPECTIVE JUROR NO. 714: All right.

6 THE COURT: How often would you say that you talk with
7 her, if at all, about her actual work?

8 PROSPECTIVE JUROR NO. 714: All the time. We're a very
9 close family and it's usually all we talk about on Thanksgiving and
10 stuff, Your Honor.

11 THE COURT: Okay. Is there anything about that
12 relationship that makes you feel like it would affect whether or not
13 you could be fair?

14 PROSPECTIVE JUROR NO. 714: I do not think so, no.

15 THE COURT: All right. Thank you so much.

16 Did I miss any other hands? All right. Let's go behind
17 first.

18 Badge number, ma'am?

19 PROSPECTIVE JUROR NO. 777: 777.

20 THE COURT: 777. All right. Ms. Arias, go ahead.

21 PROSPECTIVE JUROR NO. 777: I have a cousin named
22 Laura Perez. She's a parole officer. I'm not sure if that is involved.

23 THE COURT: Yeah, that's fine. Is that in Nevada?

24 PROSPECTIVE JUROR NO. 777: Yes.

25 THE COURT: All right. And how often do you talk to her

1 about her work?

2 PROSPECTIVE JUROR NO. 777: When I see her, maybe,
3 like, once a month.

4 THE COURT: Is there anything about anything she's told
5 you or about your relationship with her that makes you feel like you
6 can't be fair?

7 PROSPECTIVE JUROR NO. 777: No, I don't believe so.

8 THE COURT: All right. Thank you.

9 I saw another hand right up here. Oh.

10 THE MARSHAL: Did you raise your hand, ma'am?

11 PROSPECTIVE JUROR NO. 718: I did.

12 THE COURT: Oh, I'm sorry. Ms. Connors, right?

13 PROSPECTIVE JUROR NO. 718: Yes.

14 THE COURT: Yes, ma'am.

15 PROSPECTIVE JUROR NO. 718: My brother was a former
16 police officer for Oceanside, California, as well as served as a
17 sheriff's department for Vista, California.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 718: That was many years
20 ago.

21 THE COURT: Okay. Is there anything about anything your
22 brother told you or about your relationship with your brother that
23 makes you feel like you wouldn't be able to be fair?

24 PROSPECTIVE JUROR NO. 718: No, we're good. He
25 doesn't talk about his -- what he does at work. He never did.

1 THE COURT: Okay.
2 PROSPECTIVE JUROR NO. 718: Yeah.
3 THE COURT: Thank you.
4 PROSPECTIVE JUROR NO. 718: Okay.
5 UNIDENTIFIED PROSPECTIVE JUROR: My sister-in-law's
6 father was a chief of detectives. But I -- he's retired and we don't
7 talk about that.
8 THE COURT: And you're Ms. Howell --
9 PROSPECTIVE JUROR NO. 719: Yes.
10 THE COURT: -- Badge Number 719?
11 PROSPECTIVE JUROR NO. 719: Yes, sorry.
12 THE COURT: All right. Tell me again your -- tell me the
13 relationship again? Your --
14 PROSPECTIVE JUROR NO. 719: My sister-in-law's father.
15 THE COURT: Sister-in-law's father.
16 PROSPECTIVE JUROR NO. 719: John Sullivan.
17 THE COURT: Okay. And where was that at?
18 PROSPECTIVE JUROR NO. 719: Here in Las Vegas.
19 THE COURT: All right. And was it Metro?
20 PROSPECTIVE JUROR NO. 719: Yes.
21 THE COURT: Anything about that relationship that you
22 feel like may infect you in any way?
23 PROSPECTIVE JUROR NO. 719: No.
24 THE COURT: All right. Thank you.
25 And then if you could pass that --

1 PROSPECTIVE JUROR NO. 755: 755.
2 THE COURT: All right. Mr. Wilks?
3 PROSPECTIVE JUROR NO. 755: Yes.
4 THE COURT: All right. Talk to me about that.
5 PROSPECTIVE JUROR NO. 755: My brother's in
6 corrections in California.
7 THE COURT: Okay. As a CO?
8 PROSPECTIVE JUROR NO. 755: Yes.
9 THE COURT: Anything about things that he's told you or
10 about your relationship with your brother that makes you feel like
11 you wouldn't be able to be fair?
12 PROSPECTIVE JUROR NO. 755: No.
13 THE COURT: Okay. Thank you.
14 Any other hands I missed to my right? Oh.
15 Yes, sir?
16 PROSPECTIVE JUROR NO. 756: Badge Number 756. I
17 have an uncle who's a retired Metro detective. I also have three
18 neighbors who were in law enforcement, one highway patrol, two
19 with Metro. And I also work with the sergeant in my area on a
20 regular basis through work.
21 THE COURT: In what way? Can you tell me about that?
22 PROSPECTIVE JUROR NO. 756: He -- I work with him on
23 the emergency preparedness in our area.
24 THE COURT: Oh, okay. And emergency preparedness, is
25 that through a church or through just general public safety?

1 PROSPECTIVE JUROR NO. 756: No, he's the officer in
2 command of emergencies in our area.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 756: Which coincides with my
5 job.

6 THE COURT: Which is?

7 PROSPECTIVE JUROR NO. 756: I work for a power
8 company.

9 THE COURT: Oh, wonderful. Okay. Thank you so much.

10 Anything about those relationships or the working
11 relationship that makes you feel like you wouldn't be able to be
12 fair?

13 PROSPECTIVE JUROR NO. 756: No.

14 THE COURT: Thank you. If you wouldn't mind passing it
15 all the way back.

16 PROSPECTIVE JUROR NO. 729: Badge 729, Rebecca Ricu.
17 So just my uncle. He's a retired detective in Columbus, Ohio.

18 THE COURT: All right. Anything about your relationship
19 that makes you feel like you wouldn't be fair?

20 PROSPECTIVE JUROR NO. 729: No.

21 THE COURT: All right. Thank you.

22 Anyone else to my right?

23 Anybody back there? Yes, one hand? Okay. Thank you.

24 Is that Mr. Borbhatti?

25 PROSPECTIVE JUROR NO. 811: Badge Number 811.

1 THE COURT: Yes, sir.

2 PROSPECTIVE JUROR NO. 811: My father is a New York
3 City police officer, retired. And my brother-in-law is a captain, he's
4 got 26 years.

5 THE COURT: I'm sorry, he's a captain what?

6 PROSPECTIVE JUROR NO. 811: Scotch Plains, New
7 Jersey.

8 THE COURT: All right. Anything about those
9 relationships that makes you feel like you would not be able to be
10 fair?

11 PROSPECTIVE JUROR NO. 811: No.

12 THE COURT: Okay. Thank you.

13 Any hands that I missed? All right.

14 I know you were given such little information about the
15 case. So this question sometimes is hard to answer with such little
16 information, but that's all we can really give you at this point in
17 time. But is there anybody who thinks that they may know
18 something about this case, have heard something about this case
19 before coming here today? Showing no response.

20 All right. Does anyone have any philosophical, religious,
21 or other beliefs that prevent them from serving as an impartial
22 juror? Any types of beliefs that makes you feel like you cannot
23 serve as a juror? Showing no response.

24 Oh, I'm sorry, sir.

25 PROSPECTIVE JUROR NO. 760: I filled --

1 THE COURT: Just one second. Let me wait for the mic.

2 PROSPECTIVE JUROR NO. 760: Oh, I'm sorry.

3 THE COURT: That's okay. And give me your name and
4 badge number, please.

5 PROSPECTIVE JUROR NO. 760: Gazmir Markja, 060760.

6 THE COURT: All right. Give me the last three of your
7 badge.

8 PROSPECTIVE JUROR NO. 760: 760.

9 THE COURT: 760?

10 PROSPECTIVE JUROR NO. 760: Yes.

11 THE COURT: Okay. Sorry. All right. Go ahead.

12 PROSPECTIVE JUROR NO. 760: Yeah, I feel personally in
13 my heart, like, I don't want to be somebody to put somebody else
14 on the line on that critical case or any reason, just because depend
15 on wherever information we get from witness from both parties --

16 THE COURT: Uh-huh.

17 PROSPECTIVE JUROR NO. 760: -- I feel like I do have
18 three kids, and I kind of -- I feel, like, unfair to make that judgment
19 to make that decision. Because since we talking right now, I know
20 people, they are innocent and they are locked up in jail for their life.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 760: And I feel like I'm not -- I
23 don't trust much human. I do trust more electronics, camera stuff,
24 than human being.

25 THE COURT: Okay. So let me ask you a few follow-up

1 questions, okay?

2 PROSPECTIVE JUROR NO. 760: Correct.

3 THE COURT: So as a juror, sometimes it helps individuals
4 who express what you're saying right now to know that it's not just
5 you by yourself when you get back there, right? It's you and 11
6 other people. So you're making that decision collectively. So that's
7 one thing that I want to talk about.

8 And the second thing is, and this is important for
9 everybody, is that a juror's job only deals with, Hey, has the State
10 proven to you beyond a reasonable doubt that the defendant
11 committed these crimes? If they have, then the jury comes back
12 with a guilty verdict. But the jury never deals with sentencing, what
13 the punishment should be; that's always up to the judge. So I want
14 to make sure that that's clear, as well.

15 Do either of those two things make you feel any better or
16 you still feel the same?

17 PROSPECTIVE JUROR NO. 760: I feel the same. I just
18 don't trust -- I don't feel like based on information we'll get here, it
19 will be everything correct. So I just don't feel correct, don't feel --
20 don't -- I don't feel that person to make that decision, somebody
21 else life, on information we get in here.

22 THE COURT: Okay. So, basically, what you're saying is, is
23 it doesn't really matter what the State brought in, you would have
24 feel uncomfortable and you --

25 PROSPECTIVE JUROR NO. 760: Correct.

1 THE COURT: -- wouldn't be able to --
2 PROSPECTIVE JUROR NO. 760: Correct.
3 THE COURT: -- to render a decision.
4 PROSPECTIVE JUROR NO. 760: Correct. I can -- I'm not
5 going to be able to make decision based on information that are
6 here.
7 THE COURT: So I guess what does -- what information
8 would you need, then?
9 PROSPECTIVE JUROR NO. 760: So, like, I don't trust
10 human. Just like I said, it's now people locked up all their life on
11 their own on the prison, and they are innocent.
12 THE COURT: So --
13 PROSPECTIVE JUROR NO. 760: And we know. So I kind
14 of -- based on that, I don't feel right I to make that decision based
15 on circumstances, whatever information we got in here.
16 THE COURT: So what -- and I'm not talking about this
17 case, but let's take it out of this case.
18 PROSPECTIVE JUROR NO. 760: In general.
19 THE COURT: Like, in a case, if there were cameras and it
20 was caught on camera and you had DNA and things like that, are
21 you still saying that you can't be a juror?
22 PROSPECTIVE JUROR NO. 760: If everything -- yes.
23 Everything in camera. I believe more, I trust more in camera than
24 human.
25 THE COURT: So unless the case is -- someone is caught

1 doing something on camera, you would never find them guilty?

2 PROSPECTIVE JUROR NO. 760: If -- I believe more on
3 that.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 760: Than on human. Yes.

6 THE COURT: All right. Thank you for your answers.

7 PROSPECTIVE JUROR NO. 760: Yep.

8 THE COURT: Anybody else? Any other types of religious,
9 philosophical, any of those types of beliefs that make you feel that
10 you cannot be fair and impartial or you cannot sit in judgment of
11 another? Showing no response. All right.

12 Have you ever been in a situation where you felt like -- we
13 call them negative contacts with law enforcement. So have you
14 ever been in a situation where you felt like you weren't treated with
15 the dignity and respect in which you deserve to be treated? So let's
16 say you get pulled over for a traffic ticket and you felt like you
17 weren't treated the way you should have been treated by a police
18 officer? Or maybe you were in a store and you weren't doing
19 anything wrong and you were stopped by security, and they
20 thought you were stealing something? Something like that,
21 basically, where you have interactions with a law enforcement
22 officer where you feel like you weren't treated the way that you
23 should have been treated as a citizen within our community?
24 Anybody have any answers to that?

25 Yes, sir.

1 This is Mr. Cooper, Badge Number 756.
2 PROSPECTIVE JUROR NO. 756: 756.
3 THE COURT: Yes, sir.
4 PROSPECTIVE JUROR NO. 756: I have a brother that was
5 shot and killed by the highway patrol. And I was very unhappy with
6 the process that occurred and the follow-up to that. But I have no
7 problems with the law enforcement people that I know now or the
8 process. It's just that one situation.
9 THE COURT: How long ago was that?
10 PROSPECTIVE JUROR NO. 756: About 10 years ago.
11 THE COURT: I'm sorry. Was that here locally?
12 PROSPECTIVE JUROR NO. 756: It was in Overton.
13 THE COURT: In Overton. Okay. Did that change your
14 way you viewed law enforcement globally?
15 PROSPECTIVE JUROR NO. 756: No.
16 THE COURT: Is there anything about that situation you
17 feel may impact you here?
18 PROSPECTIVE JUROR NO. 756: No.
19 THE COURT: All right. Thank you, sir.
20 Any other answers to that question in regards to feeling
21 like you -- yes, ma'am?
22 To your right.
23 PROSPECTIVE JUROR NO. 794: I used to work as an
24 investigator for the public defender in D.C.
25 THE COURT: And, sorry, what's your name and badge

1 number?

2 PROSPECTIVE JUROR NO. 794: Oh, sorry.

3 THE COURT: That's okay.

4 PROSPECTIVE JUROR NO. 794: Amanda Miller, it's 794.

5 THE COURT: 794.

6 PROSPECTIVE JUROR NO. 794: And there were a couple
7 of instances during that experience in which, because of my role
8 as -- with the public defender's office, there were instances where
9 cops would not share public information with me for any other
10 things, not available --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 794: -- that should have been.

13 THE COURT: And how long did you work in that position?

14 PROSPECTIVE JUROR NO. 794: It was a summer position,
15 so it was about three or four months of 2010, 2011, something like
16 that.

17 THE COURT: Okay. Did that change the way you viewed
18 law enforcement globally?

19 PROSPECTIVE JUROR NO. 794: It made me aware that
20 there could be some issues with certain officers, but I would say it
21 didn't change my overall respect for officers in general.

22 THE COURT: Okay. Do you recall like officers are like any
23 other profession where we have good apples and bad apples?

24 PROSPECTIVE JUROR NO. 794: Yes.

25 THE COURT: Do you feel like that may affect you in any

1 way in being a juror on this case?

2 PROSPECTIVE JUROR NO. 794: No, I don't think so.

3 THE COURT: Okay. Thank you.

4 Any other answers in regards to that? Negative contacts
5 with law enforcement where you felt you weren't treated fairly. All
6 right. Showing no response -- no further response.

7 Okay. Are there -- State and Defense, are there any
8 witnesses that would require a Spanish interpreter in this case?

9 MS. GOODMAN: No, Your Honor.

10 THE COURT: Okay. All right. So the next set of questions
11 are going to be just to those of you on my right, but I can guarantee
12 you some of you sitting back there will be the next to come up here,
13 so I would definitely be listening so we don't have to go from the
14 very beginning with all these. All right?

15 So in my department and in most departments within the
16 Eighth Judicial District Court, jurors are actually allowed to ask
17 questions of the witnesses. So how it happens is the attorneys will
18 ask questions first, and then once they are done asking questions,
19 I'll turn to the ladies and gentlemen of the jury and I'll ask if you
20 have any questions for this witness.

21 The trick to it is, is you'll each have a notepad and a pen.
22 And so let's say you write out a question. You will write out your
23 question, you need to sign it and give your juror badge number,
24 and then my marshal will bring it to me and the attorneys will
25 approach.

1 The interesting thing about juror questions is that they are
2 subject to the same types of rules as other lawyers' questions. So
3 some of those questions, because of the rules of evidence, I may
4 not be able to ask the witness. And it's not anything that you did
5 wrong, I mean, you shouldn't know the rules of evidence, right?
6 But let's say there's a hearsay objection or something like that, I
7 cannot ask the question and so the question will not be asked of the
8 witness.

9 So what I need to make sure it that when you guys ask
10 these questions and they can't be asked, I don't want you to hold it
11 against one party or the other party because you think they're
12 hiding something from you. It's simply because the rules do not
13 allow it.

14 Is there anybody who would have a hard time
15 understanding that or trusting that in the process? Showing no
16 response.

17 Under our system, certain principles apply in every
18 criminal trial. They are, number one, that the charging document
19 filed in this case is merely an accusation and is not in evidence of
20 any way of guilt; that the defendant is presumed innocent; and that
21 the State must prove that the defendant is guilty beyond a
22 reasonable doubt.

23 Does anyone have any issues with those three principles
24 of our criminal justice system? Okay.

25 Is there anyone who would have trouble following the

1 instructions on the law that I give you regardless of whether or not
2 you agree with that law? As jurors, you will take an oath to follow
3 the law, even if you disagree with the law. Is there anyone who
4 would have issues following the law even if they disagreed with it?
5 Showing no response. All right.

6 So now we are going to go to -- I'm going to have some
7 individual questions to ask you. So let's start with Mr. Trejo,
8 please.

9 The marshal's going to bring you the mic.

10 How long have you lived in Clark County, sir?

11 PROSPECTIVE JUROR NO. 245: Since I was born.

12 THE COURT: Okay. And how long ago was that?

13 PROSPECTIVE JUROR NO. 245: 1999.

14 THE COURT: All right. And how far did you go in school?

15 PROSPECTIVE JUROR NO. 245: To high school.

16 THE COURT: Are you employed?

17 PROSPECTIVE JUROR NO. 245: Yeah.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR NO. 245: Desert Plastering, when I
20 clean outside of the house, when the cements are dried on the roof,
21 on the age of it.

22 THE COURT: Okay. And are you married, in a significant
23 relationship, or single?

24 PROSPECTIVE JUROR NO. 245: Single.

25 THE COURT: Do you have any children?

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PROSPECTIVE JUROR NO. 245: No.

THE COURT: Have you or anyone close to you ever been the victim of a crime?

PROSPECTIVE JUROR NO. 245: No.

THE COURT: You or anyone close to you ever been accused of a crime?

PROSPECTIVE JUROR NO. 245: No.

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

PROSPECTIVE JUROR NO. 245: No.

THE COURT: Is there anything about the nature of this case that you've heard already that makes you feel like you would not be able to be fair and impartial on both sides?

PROSPECTIVE JUROR NO. 245: No.

THE COURT: Can you base your verdict solely on the evidence that's presented during the trial and wait in forming an opinion until the matter is given to you?

PROSPECTIVE JUROR NO. 245: Yes, I think.

THE COURT: Okay. When you -- do you have reservations about that?

PROSPECTIVE JUROR NO. 245: Like you're saying, but only on shows on proof, that's what I'm saying. Only --

THE COURT: I'm sorry, say it again?

PROSPECTIVE JUROR NO. 245: It's only shows as proof and evidence that he or -- he's committed?

THE COURT: Yeah. So, basically, you can't -- let's say

1 you hear something about this case outside of the courtroom. So,
2 number one, you'd have to report that to the marshal, and number
3 two, you can't consider it. So the only things that you can consider
4 as evidence in this case is things that actually happen in here. So
5 witnesses who testify, evidence that is received, things like that.
6 You have to base your verdict solely on those things; do you
7 understand that?

8 PROSPECTIVE JUROR NO. 245: Yes.

9 THE COURT: And do you feel comfortable with that?

10 PROSPECTIVE JUROR NO. 245: Yes.

11 THE COURT: And then can you wait in forming your
12 ultimate decision until the end of the case, and you're back with
13 your fellow jurors and discussing it?

14 PROSPECTIVE JUROR NO. 245: Yes.

15 THE COURT: Okay. Wonderful. Thank you.

16 And, lastly, can you be fair to both sides?

17 PROSPECTIVE JUROR NO. 245: Yes.

18 THE COURT: All right. Wonderful. Thank you so much.

19 Would you mind passing it, please, to Mr. Razo?

20 All right. Mr. Razo, tell me your badge number again.

21 PROSPECTIVE JUROR NO. 772: 772.

22 THE COURT: 772, wonderful. Thank you.

23 How long have you been in Clark County, sir?

24 PROSPECTIVE JUROR NO. 772: 34 years.

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

1 PROSPECTIVE JUROR NO. 772: Before bachelor's degree,
2 what is the other one?

3 THE COURT: Associate's?

4 PROSPECTIVE JUROR NO. 772: Yes.

5 THE COURT: All right. And what was your associate's in?

6 PROSPECTIVE JUROR NO. 772: Hotel and casino
7 management.

8 THE COURT: Okay. And are you employed?

9 PROSPECTIVE JUROR NO. 772: Yes.

10 THE COURT: What is it that you do?

11 PROSPECTIVE JUROR NO. 772: I'm a bartender.

12 THE COURT: All right. And how long have you been
13 bartending?

14 PROSPECTIVE JUROR NO. 772: 14 years.

15 THE COURT: Are you married, single, or in a significant --

16 PROSPECTIVE JUROR NO. 772: Married.

17 THE COURT: Married? And what does your spouse do?

18 PROSPECTIVE JUROR NO. 772: She's a cashier in the
19 cage.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 772: At a casino.

22 THE COURT: And do the two of you have any children?

23 PROSPECTIVE JUROR NO. 772: We are in the process of
24 adopting her granddaughter.

25 THE COURT: Okay. And how old is the granddaughter?

1 PROSPECTIVE JUROR NO. 772: Two years.

2 THE COURT: You and anyone close to you, have you ever
3 been a victim of a crime?

4 PROSPECTIVE JUROR NO. 772: Myself.

5 THE COURT: All right. Can you tell me a little bit about
6 that?

7 PROSPECTIVE JUROR NO. 772: More than a year ago, I
8 got beat up by three guys inside my garage. I'm still waiting to go
9 to the court.

10 THE COURT: Did you know them?

11 PROSPECTIVE JUROR NO. 772: No, I did not.

12 THE COURT: All right. So it was completely random?

13 PROSPECTIVE JUROR NO. 772: No. I do believe my
14 niece, who was very mad at me, because she's involved with the
15 gangs and drugs and I found out she was doing all that stuff while
16 she was living with me.

17 THE COURT: Oh, okay.

18 PROSPECTIVE JUROR NO. 772: So I ask her to leave the
19 house. She got mad at me, and one day these three guys showed
20 up, they tried to open the front door, but I changed the locks. And I
21 usually go see my sister on Sundays around 12:00 noon or 1:00,
22 and that's when they showed up.

23 THE COURT: How bad were your injuries?

24 PROSPECTIVE JUROR NO. 772: I had a few stitches on
25 my head. This scar. Since then I don't feel right, I feel dizzy at

1 times. I think my chemical balance is out of sync.

2 THE COURT: Did you call the police immediately?

3 PROSPECTIVE JUROR NO. 772: Yes, I did.

4 THE COURT: All right. And did they respond?

5 PROSPECTIVE JUROR NO. 772: They did.

6 THE COURT: How do you feel like they dealt with the
7 situation?

8 PROSPECTIVE JUROR NO. 772: They did good.

9 THE COURT: And you said that it's currently awaiting
10 trial.

11 PROSPECTIVE JUROR NO. 772: Yes.

12 THE COURT: Is that here in the Clark County District
13 Attorney's Office?

14 PROSPECTIVE JUROR NO. 772: Yes, it is.

15 THE COURT: Now, obviously, these attorneys right here
16 work for the Clark County District Attorney's Office. Because they
17 work for the DA's office, are you going to automatically side with
18 them just because other attorneys are helping you?

19 PROSPECTIVE JUROR NO. 772: I think so.

20 THE COURT: Okay. And why do you think that?

21 PROSPECTIVE JUROR NO. 772: Because I am extremely
22 angry of what happened to me and they caught one of the guys.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 772: And I know the guy. He
25 should -- they should not be a trial, but they are -- the State is trying

1 to help him. Help him to get out of jail with all this stuff. I know he
2 did it.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 772: Okay. And he should not
5 be trial. He should just be put in jail.

6 THE COURT: Sure. But you understand that that's a
7 completely different case than what we're here for today, right?

8 PROSPECTIVE JUROR NO. 772: Yes.

9 THE COURT: So I guess what I'm trying to clarify is are
10 you -- you're going to automatically side with what the State does
11 just because of your case?

12 PROSPECTIVE JUROR NO. 772: I believe so.

13 THE COURT: Okay. All right. Thank you very much.
14 And then if you could pass that onto Ms. Arias, right?

15 PROSPECTIVE JUROR NO. 777: Uh-huh.

16 THE COURT: Badge Number 777. All right, ma'am. So
17 let's go back with you.

18 How long have you been in Clark County?

19 PROSPECTIVE JUROR NO. 777: Ever since I was born.

20 THE COURT: Okay. And how far did you go in school?

21 PROSPECTIVE JUROR NO. 777: I'm currently in college.

22 THE COURT: All right. And are you a full-time student?

23 PROSPECTIVE JUROR NO. 777: I mean, I don't -- not -- I
24 only go to class, like, in person twice a week.

25 THE COURT: What days are those?

1 PROSPECTIVE JUROR NO. 777: Monday and Wednesday.
2 THE COURT: And what times?
3 PROSPECTIVE JUROR NO. 777: 2:00 to 3:30.
4 THE COURT: Okay. And what are you studying?
5 PROSPECTIVE JUROR NO. 777: I'm studying criminal
6 justice.
7 THE COURT: Okay. And what do you -- what would you
8 like to do with that degree?
9 PROSPECTIVE JUROR NO. 777: I plan on being an
10 investigator.
11 THE COURT: In what way?
12 PROSPECTIVE JUROR NO. 777: I'm not 100 percent sure
13 yet.
14 THE COURT: Okay. Like, when you say investigator, like a
15 police officer?
16 PROSPECTIVE JUROR NO. 777: Uh-huh.
17 THE COURT: Is that a yes?
18 PROSPECTIVE JUROR NO. 777: Yes.
19 THE COURT: All right. Now, are you married or in a
20 significant relationship?
21 PROSPECTIVE JUROR NO. 777: No, I'm currently single.
22 THE COURT: And do you have any children?
23 PROSPECTIVE JUROR NO. 777: No.
24 THE COURT: Have you or anyone close to you ever been
25 the victim of a crime?

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PROSPECTIVE JUROR NO. 777: No.

THE COURT: You or anyone close to you ever been charged or accused with a crime?

PROSPECTIVE JUROR NO. 777: I've only had a family member accused of domestic violence.

THE COURT: Okay. When was that?

PROSPECTIVE JUROR NO. 777: Two years ago.

THE COURT: Was that here in Las Vegas?

PROSPECTIVE JUROR NO. 777: Yes.

THE COURT: And were the police called?

PROSPECTIVE JUROR NO. 777: I believe so.

THE COURT: And do you have personal knowledge of what happened or you just know that someone was arrested?

PROSPECTIVE JUROR NO. 777: I just know someone was arrested.

THE COURT: Is there anything about that situation that you feel may affect you whether or not you could be fair here?

PROSPECTIVE JUROR NO. 777: No.

THE COURT: Do you have any thoughts one way or the other about how the police did in that investigation, how the prosecutors treated it?

PROSPECTIVE JUROR NO. 777: No.

THE COURT: Okay. Anybody else who's been accused of a crime that you're close to?

PROSPECTIVE JUROR NO. 777: No.

1 THE COURT: Have you ever been a juror before?

2 PROSPECTIVE JUROR NO. 777: No.

3 THE COURT: Is there anything about the nature of this
4 case and anything you've heard thus far that makes you feel like
5 you would not be able to be fair and impartial to both sides?

6 PROSPECTIVE JUROR NO. 777: No.

7 THE COURT: And can you base your verdict solely on the
8 evidence that's presented in this case and wait in forming your final
9 opinion until the case is submitted to you to deliberate with your --
10 submitted to you to deliberate with your fellow jurors?

11 PROSPECTIVE JUROR NO. 777: Yes.

12 THE COURT: And can you be fair and impartial to both
13 sides?

14 PROSPECTIVE JUROR NO. 777: Yes.

15 THE COURT: All right. Thank you, I appreciate that.

16 If you could pass the microphone.

17 Ma'am, give me your name and badge number again,
18 please.

19 PROSPECTIVE JUROR NO. 691: Briana Barin, and Badge
20 Number 0691.

21 THE COURT: Thank you. All right. Ms. Barin, how long
22 have you been in Clark County?

23 PROSPECTIVE JUROR NO. 691: About 11, 12 years.

24 THE COURT: All right. And where were you before Las
25 Vegas?

1 PROSPECTIVE JUROR NO. 691: Long Beach, California.
2 THE COURT: And how long were you in Long Beach for?
3 PROSPECTIVE JUROR NO. 691: About 12 years.
4 THE COURT: Okay. And how far did you go in school?
5 PROSPECTIVE JUROR NO. 691: Bachelor's degree.
6 THE COURT: And what did you study?
7 PROSPECTIVE JUROR NO. 691: Biological sciences.
8 THE COURT: Are you employed?
9 PROSPECTIVE JUROR NO. 691: I have a paid internship at
10 UMC.
11 THE COURT: Okay. And what -- tell me about what you
12 do there.
13 PROSPECTIVE JUROR NO. 691: It's in the pediatric
14 department. Basically, just, like, comfort them, kind of shadow
15 doctors, stuff like that.
16 THE COURT: And the internship is through what
17 program? Like, are you in school or?
18 PROSPECTIVE JUROR NO. 691: It's kind of by UMC. It's,
19 like, five minutes away. It's through One Stop Career Center.
20 THE COURT: Okay. Great. Are you married or in a
21 significant relationship?
22 PROSPECTIVE JUROR NO. 691: No.
23 THE COURT: And do you have any children?
24 PROSPECTIVE JUROR NO. 691: No.
25 THE COURT: Have you or anyone close to you ever been

1 the victim of a crime?

2 PROSPECTIVE JUROR NO. 691: No.

3 THE COURT: You or any close to you ever been accused
4 of a crime?

5 PROSPECTIVE JUROR NO. 691: No.

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

7 PROSPECTIVE JUROR NO. 691: No.

8 THE COURT: Is there anything about the nature of this
9 case or anything you've heard thus far that makes you feel like you
10 would not be able to be fair to both sides in this case?

11 PROSPECTIVE JUROR NO. 691: No.

12 THE COURT: Okay. Can you base your verdict solely on
13 the evidence that you see and hear in the courtroom and wait in
14 forming your opinion until this matter is submitted to you to
15 discuss with your fellow jurors?

16 PROSPECTIVE JUROR NO. 691: Yeah.

17 THE COURT: And can you be fair to both sides of this
18 case?

19 PROSPECTIVE JUROR NO. 691: Yeah.

20 THE COURT: All right. Thank you. I appreciate that.

21 Name and badge number, sir?

22 PROSPECTIVE JUROR NO. 702: Tim Usher, 702.

23 THE COURT: All right. Mr. Usher, how long have you
24 been in Clark County?

25 PROSPECTIVE JUROR NO. 702: Coming up on five years.

1 THE COURT: Okay. Where were you before Las Vegas?
2 PROSPECTIVE JUROR NO. 702: Tampa, Florida.
3 THE COURT: And how long were you in Tampa, Florida,
4 for?
5 PROSPECTIVE JUROR NO. 702: Three years.
6 THE COURT: Okay. And then before that?
7 PROSPECTIVE JUROR NO. 702: North Carolina.
8 THE COURT: And how long there?
9 PROSPECTIVE JUROR NO. 702: Four years.
10 THE COURT: All right. So I'm supposed to establish
11 about 10 years, so I think we're there. Why do you move around so
12 much?
13 PROSPECTIVE JUROR NO. 702: I went to college in North
14 Carolina, then got a job in Florida.
15 THE COURT: Okay. And the moved to Vegas why?
16 PROSPECTIVE JUROR NO. 702: For work.
17 THE COURT: All right.
18 PROSPECTIVE JUROR NO. 702: Got another job.
19 THE COURT: And how far did you go in school?
20 PROSPECTIVE JUROR NO. 702: Bachelor's degree.
21 THE COURT: And what was your degree in?
22 PROSPECTIVE JUROR NO. 702: Geology.
23 THE COURT: And tell me what you do for work?
24 PROSPECTIVE JUROR NO. 702: I am a construction
25 inspector.

1 THE COURT: Okay. Are you married or in a significant
2 relationship?

3 PROSPECTIVE JUROR NO. 702: I will be getting married
4 in two months.

5 THE COURT: Okay. Congratulations.

6 PROSPECTIVE JUROR NO. 702: Thank you.

7 THE COURT: Do you have any children?

8 PROSPECTIVE JUROR NO. 702: No.

9 THE COURT: Are you -- you or anyone close to you ever
10 been the victim of a serious crime?

11 PROSPECTIVE JUROR NO. 702: No.

12 THE COURT: You or anyone close to you ever been
13 charged or accused with a crime?

14 PROSPECTIVE JUROR NO. 702: No.

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

16 PROSPECTIVE JUROR NO. 702: Yes.

17 THE COURT: Can you tell me what year and where that
18 was?

19 PROSPECTIVE JUROR NO. 702: That was summer of 2005
20 in --

21 THE COURT: So where were you then?

22 PROSPECTIVE JUROR NO. 702: California.

23 THE COURT: Was it a criminal or civil trial? Were the
24 fighting over money or --

25 PROSPECTIVE JUROR NO. 702: It was -- I believe it was a

1 criminal trial.

2 THE COURT: All right. And without telling me what the
3 verdict was, did you guys reach a verdict?

4 PROSPECTIVE JUROR NO. 702: Yes.

5 THE COURT: And were you the foreperson?

6 PROSPECTIVE JUROR NO. 702: No.

7 THE COURT: Any other times or just that once?

8 PROSPECTIVE JUROR NO. 702: Just that once.

9 THE COURT: All right. Anything about that jury --
10 previous juror service that you feel, like, would affect you here in
11 any way?

12 PROSPECTIVE JUROR NO. 702: No.

13 THE COURT: Okay. Is there anything about the nature of
14 the case or anything you've heard thus far that makes you feel like
15 you wouldn't be able to be fair in this case?

16 PROSPECTIVE JUROR NO. 702: No.

17 THE COURT: And can you base your verdict solely on the
18 evidence presented during this trial and wait in forming your final
19 opinion until the case is submitted to you and you have opportunity
20 to discuss it with your other fellow jurors?

21 PROSPECTIVE JUROR NO. 702: Yes.

22 THE COURT: And you believe you can be fair and
23 impartial to both sides?

24 PROSPECTIVE JUROR NO. 702: Yes.

25 THE COURT: All right. Thank you, sir. I appreciate that.

1 All right. Let me find -- all right. Ms. Riendeau, Badge
2 Number 714. No? Where's the -- oh, yeah, you're right. Sorry, I
3 forgot about you.

4 PROSPECTIVE JUROR NO. 709: Doug Haynes, 709.

5 THE COURT: Thank you. Good thing my marshal --

6 PROSPECTIVE JUROR NO. 709: Thanks for the
7 headphones.

8 THE COURT: Good thing my marshal knows what's going
9 on. Okay.

10 All right. Sir, how long have you lived in Clark County?

11 PROSPECTIVE JUROR NO. 709: 15 years.

12 THE COURT: All right. And how far did you go in school?

13 PROSPECTIVE JUROR NO. 709: Three semesters of
14 college.

15 THE COURT: And what were you studying?

16 PROSPECTIVE JUROR NO. 709: Building construction and
17 technology.

18 THE COURT: Are you employed?

19 PROSPECTIVE JUROR NO. 709: No.

20 THE COURT: All right.

21 PROSPECTIVE JUROR NO. 709: I'm retired 10 years.

22 THE COURT: Okay. And what are you retired from?

23 PROSPECTIVE JUROR NO. 709: The carpenters union.

24 THE COURT: Wonderful. Are you married or in a
25 significant relationship?

1 PROSPECTIVE JUROR NO. 709: I'm in a significant
2 relationship.

3 THE COURT: And do you have any children?

4 PROSPECTIVE JUROR NO. 709: I have three children,
5 eight grandchildren, two great-grandchildren.

6 THE COURT: Oh, wow. The --

7 PROSPECTIVE JUROR NO. 709: I'm bragging.

8 THE COURT: The three children, I'm assuming that
9 they're adults.

10 PROSPECTIVE JUROR NO. 709: Yes.

11 THE COURT: What do they do for work?

12 PROSPECTIVE JUROR NO. 709: My son works for the
13 Department of Defense. My daughter is a nurse in northern
14 California. And my youngest daughter is a banker in Milwaukee.

15 THE COURT: Okay. Great. And the individual that you're
16 in a significant relationship, does that person work?

17 PROSPECTIVE JUROR NO. 709: No, she's retired as well.

18 THE COURT: And what did she do when she wasn't
19 retired?

20 PROSPECTIVE JUROR NO. 709: She worked for the
21 school system in California.

22 THE COURT: Okay. You or anyone close to you ever been
23 the victim of a crime?

24 PROSPECTIVE JUROR NO. 709: I'm been very fortunate.
25 No.

1 THE COURT: Good. You or anyone close to you ever
2 been accused or charged with a crime?

3 PROSPECTIVE JUROR NO. 709: No.

4 THE COURT: Have you ever been a juror before?

5 PROSPECTIVE JUROR NO. 709: No.

6 THE COURT: Is there anything about the nature of this
7 case or anything you've heard thus far that makes you feel like you
8 would not be able to be fair and impartial to both sides?

9 PROSPECTIVE JUROR NO. 709: No.

10 THE COURT: Can you wait in forming your opinion until
11 the matter is ultimately given to you and your fellow jurors to
12 discuss?

13 PROSPECTIVE JUROR NO. 709: Yes.

14 THE COURT: And can you base your verdict solely on the
15 evidence that's presented here in the courtroom?

16 PROSPECTIVE JUROR NO. 709: Yes.

17 THE COURT: And you can be fair and impartial to both
18 sides?

19 PROSPECTIVE JUROR NO. 709: Yes.

20 THE COURT: All right. Thank you, sir. I appreciate that.

21 All right. Ms. Riendeau, okay, here we are.

22 How long have you been in Clark County, ma'am?

23 PROSPECTIVE JUROR NO. 714: About 29 years.

24 THE COURT: Okay. And how far did you go in school?

25 PROSPECTIVE JUROR NO. 714: I did not graduate. I was

1 on my own when I was 14.

2 THE COURT: Okay. And then you've stated that you're
3 employed at Dotty's; is that right?

4 PROSPECTIVE JUROR NO. 714: I am, yes.

5 THE COURT: And how long have you been doing that?

6 PROSPECTIVE JUROR NO. 714: Over 10 years.

7 THE COURT: And are you married or in a significant
8 relationship?

9 PROSPECTIVE JUROR NO. 714: I am divorced.

10 THE COURT: And what did your spouse do when you
11 were married?

12 PROSPECTIVE JUROR NO. 714: He's in the Air Force.

13 THE COURT: Okay. Any children?

14 PROSPECTIVE JUROR NO. 714: I have two adult
15 daughters, they're both in the military and full-time students.

16 THE COURT: Okay. In regards to the question about
17 being a victim, you or anyone close to you?

18 PROSPECTIVE JUROR NO. 714: I was a victim of domestic
19 violence. Not my ex-husband, but the father of my daughters. I did
20 put him in jail.

21 THE COURT: The domestic violence, was that a one-time
22 occurrence or something that happened quite often -- not often, but
23 more than once, I guess I should say?

24 PROSPECTIVE JUROR NO. 714: It only happened once.
25 Once is too many.

1 THE COURT: Yeah, I agree. Did you -- you, obviously,
2 called the police, then?

3 PROSPECTIVE JUROR NO. 714: Yes.

4 THE COURT: And how did you feel they handled that
5 situation?

6 PROSPECTIVE JUROR NO. 714: I mean, I was just glad
7 they took him away, then I left him, so.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 714: Yeah.

10 THE COURT: But did it work its way through the system?
11 Like, did you have to go to court?

12 PROSPECTIVE JUROR NO. 714: I did not.

13 THE COURT: Did he?

14 PROSPECTIVE JUROR NO. 714: No, he did a very short
15 jail stay.

16 THE COURT: Do you feel like that was handled properly
17 by the prosecutors, if you have any opinions one way or the other?

18 PROSPECTIVE JUROR NO. 714: Oh, no. Everything
19 worked out fine, you know. Yeah.

20 THE COURT: Anything about that situation that you feel
21 may affect you or impact you here?

22 PROSPECTIVE JUROR NO. 714: Absolutely not.

23 THE COURT: All right. Any other incidents where you or
24 anyone close to you has been the victim of a crime?

25 PROSPECTIVE JUROR NO. 714: No.

1 THE COURT: Okay. In regards to -- you've stated that
2 you'd been on your own since you were 14?

3 PROSPECTIVE JUROR NO. 714: Yes.

4 THE COURT: Was that as a result of being victimized in
5 any way or?

6 PROSPECTIVE JUROR NO. 714: No. It's a very long story
7 that, you know, clearly we don't have time for.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 714: But my parents left us
10 when I was 14.

11 THE COURT: Were you the oldest?

12 PROSPECTIVE JUROR NO. 714: No.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 714: The youngest.

15 THE COURT: You were the youngest? Okay. So then
16 your siblings kind of took over?

17 PROSPECTIVE JUROR NO. 714: No.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 714: I had my own apartment
20 and a full-time job in a casino when I was 15.

21 THE COURT: Okay. You or anyone close to you ever been
22 charged with a crime?

23 PROSPECTIVE JUROR NO. 714: No one in my side of the
24 family. Sorry, I don't mean to be emotional, because I never talk
25 about it.

1 THE COURT: No, I'm sorry.

2 PROSPECTIVE JUROR NO. 714: It's okay. Nobody in my
3 side of the family, but -- I'm sorry.

4 THE COURT: That's okay.

5 Dean, could we have some tissues, please?

6 PROSPECTIVE JUROR NO. 714: Sorry. It's just a sore
7 subject, but --

8 THE COURT: Don't say -- don't say you're sorry.

9 PROSPECTIVE JUROR NO. 714: We never really talk
10 about -- okay.

11 There's no criminals on my side of the family, but the
12 father of my daughters, his family's just full of criminals. Like, they
13 were in the Dirty Dozen and all kinds -- I've seen a lot of crimes.

14 THE COURT: Okay. Anything about them or some of the
15 things that you saw make you feel like it would impact you here in
16 any way?

17 PROSPECTIVE JUROR NO. 714: I do not think so. I do
18 have a lot of empathy for people, for sure.

19 THE COURT: Okay. And did you hear what I was saying
20 in regards to the gentleman earlier about, you know, it's not just on
21 your -- it's not just you, it's a collective decision by you and your
22 fellow jurors and not if the defendant were found guilty, sentencing
23 is always up to the judge. The jury has nothing to do with that. So
24 does that make you feel a little bit more comfortable about the role
25 of a juror?

1 PROSPECTIVE JUROR NO. 714: I feel comfortable with it,
2 I believe.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 714: I am okay with it.

5 THE COURT: All right.

6 PROSPECTIVE JUROR NO. 714: Okay.

7 THE COURT: Thank you. All right.

8 Let's turn the -- actually, no. You know what, I'm sorry.
9 There's a few other things that I --

10 PROSPECTIVE JUROR NO. 714: Oh. Okay.

11 THE COURT: I can't let you off the hook yet.

12 PROSPECTIVE JUROR NO. 714: Okay.

13 THE COURT: Have you ever been a juror before?

14 PROSPECTIVE JUROR NO. 714: I was called for jury duty
15 once, but I did not serve.

16 THE COURT: All right. And anything about the nature of
17 this case or anything we've talked about so far or that you've heard
18 so far that makes you feel like you wouldn't be able to be fair?

19 PROSPECTIVE JUROR NO. 714: I do not believe so. This
20 happened, like, right down the street from my house.

21 THE COURT: Oh, okay.

22 PROSPECTIVE JUROR NO. 714: But no.

23 THE COURT: Can you base your verdict solely upon the
24 evidence that is presented today -- or, sorry, solely on the evidence
25 that's presented throughout the trial and wait in forming your

1 opinion until the matter is submitted?

2 PROSPECTIVE JUROR NO. 714: Yes.

3 THE COURT: Okay. And you can be fair to both sides?

4 PROSPECTIVE JUROR NO. 714: Absolutely, yes.

5 THE COURT: All right. Thank you.

6 Let's pass it to Ms. Connors, Badge Number 718.

7 PROSPECTIVE JUROR NO. 718: Yes, Your Honor.

8 THE COURT: Hi, ma'am. How are you?

9 PROSPECTIVE JUROR NO. 718: Okay.

10 THE COURT: How long have you been in Clark County?

11 PROSPECTIVE JUROR NO. 718: 12 years.

12 THE COURT: All right. And how far did you go in school?

13 PROSPECTIVE JUROR NO. 718: Graduated high school.

14 THE COURT: And are you employed?

15 PROSPECTIVE JUROR NO. 718: I am retired, six months
16 now.

17 THE COURT: And what are you retired from?

18 PROSPECTIVE JUROR NO. 718: I worked in the
19 warehouse as a stock pick trainer. And as a union representative
20 for my union.

21 THE COURT: And I'm -- what union was that?

22 PROSPECTIVE JUROR NO. 718: SCIU, local 7-Eleven
23 manufacturing.

24 THE COURT: All right. Thank you.

25 And are you married or in a significant relationship?

1 PROSPECTIVE JUROR NO. 718: Married going on 21
2 years.

3 THE COURT: Congratulations.

4 PROSPECTIVE JUROR NO. 718: Thank you.

5 THE COURT: What did your spouse do, if they worked or
6 when they worked?

7 PROSPECTIVE JUROR NO. 718: My husband is currently a
8 general engineer with Palace Station. Prior to us coming here, he
9 worked for the San Diego local county union plumber-pipefitter
10 union.

11 THE COURT: Okay. And do you have any children?

12 PROSPECTIVE JUROR NO. 718: I have three grown
13 children.

14 THE COURT: And what do they do?

15 PROSPECTIVE JUROR NO. 718: Well, two are
16 housewives, and one -- I believe she's, like, a -- what do they call
17 those people that come after you because your credit's bad? Well,
18 anyway, that's what she does.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 718: That's what she does.

21 THE COURT: Okay. That's good. All right.

22 So you or anyone close to you been the victim of a crime?

23 PROSPECTIVE JUROR NO. 718: Yes.

24 THE COURT: Tell me about that.

25 PROSPECTIVE JUROR NO. 718: I myself was a victim of a

1 crime.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 718: In the first marriage.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 718: So it was in the '70s, to
6 give you respect -- project the setting for that, was that this is a time
7 where abuse was not a thing that women -- you know, they had
8 very little for women and children. So the -- I was just fortunate
9 that it was, you know, it went through and the courts believed me,
10 but not before, through the course of the abuse and the violence,
11 that him and I were brought up on charges of I want to say
12 defrauding the welfare government, because we were on welfare at
13 the time.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 718: So at that time you have
16 to sign certain things if you're on aid. I don't know what it is today,
17 but back then, that's what you had to do. So it required his
18 signature and mine, and he would beat me to force me to sign to
19 fraud the government.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 718: Because he was working
22 on the side and you're supposed to report all that.

23 THE COURT: Got it.

24 PROSPECTIVE JUROR NO. 718: So, yeah.

25 THE COURT: Okay. Is there anything about that situation

1 that you feel like would impact you in any way here?

2 PROSPECTIVE JUROR NO. 718: Oh, no. That is the
3 reason why I advocate for domestic women, I was homeless behind
4 it with two kids. So I advocate -- I am an advocate for shelters, so I
5 could -- I am very much involved with all of that, so it doesn't
6 happen to anybody else.

7 THE COURT: Okay. Perfect. Thank you.

8 Anyone else that's close to you that's been a victim in any
9 way?

10 PROSPECTIVE JUROR NO. 718: No. But my uncle was
11 charged with -- I want to say assault. He did something that was
12 really bad. He spent eight years in a state Oahu prison.

13 THE COURT: Okay. Do you know anything about that?
14 Or it would -- would it affect you in any way?

15 PROSPECTIVE JUROR NO. 718: No.

16 THE COURT: All right. Have you ever been a juror
17 before?

18 PROSPECTIVE JUROR NO. 718: I was called but never
19 served.

20 THE COURT: All right. And is there anything about the
21 nature of this case or anything you've heard thus far that makes
22 you feel like you wouldn't be able to be fair?

23 PROSPECTIVE JUROR NO. 718: No, I would absolutely be
24 fair.

25 THE COURT: All right. And can you base your verdict

1 solely on the evidence that is presented here in the courtroom and
2 wait in forming your opinion until the matter is submitted to you to
3 discuss with your fellow jurors?

4 PROSPECTIVE JUROR NO. 718: I absolutely would.

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

6 PROSPECTIVE JUROR NO. 718: I'm sorry?

7 THE COURT: You can be fair to both sides?

8 PROSPECTIVE JUROR NO. 718: Yes.

9 THE COURT: All right. Thank you. I appreciate that.

10 Ms. Howell, Badge Number 719. How long have you been
11 in Clark County, ma'am?

12 PROSPECTIVE JUROR NO. 719: I'm from here. I went
13 away to graduate school, and I've been back about 30 years.

14 THE COURT: All right. And so you went to graduate
15 school?

16 PROSPECTIVE JUROR NO. 719: Yes.

17 THE COURT: And what was that in?

18 PROSPECTIVE JUROR NO. 719: Sculpture and drawing.

19 THE COURT: All right. And are you employed?

20 PROSPECTIVE JUROR NO. 719: Yes.

21 THE COURT: What do you do?

22 PROSPECTIVE JUROR NO. 719: I'm a cultural
23 programmer for Nevada Humanities.

24 THE COURT: And are you married, in a serious
25 relationship?

1 PROSPECTIVE JUROR NO. 719: Single.
2 THE COURT: And do you have any children?
3 PROSPECTIVE JUROR NO. 719: No.
4 THE COURT: You or anyone close to you ever been the
5 victim of a crime?
6 PROSPECTIVE JUROR NO. 719: Just house burglaries.
7 THE COURT: And were -- was that here in Las Vegas?
8 PROSPECTIVE JUROR NO. 719: Yes.
9 THE COURT: And when you -- you said burglaries, so
10 how many times would you say?
11 PROSPECTIVE JUROR NO. 719: Oh, a couple of times
12 over the course of, you know, long -- many years.
13 THE COURT: Have -- each time, have you reported it to
14 police?
15 PROSPECTIVE JUROR NO. 719: Yes.
16 THE COURT: How do you feel like that was handled?
17 PROSPECTIVE JUROR NO. 719: Well, the last time we
18 never actually saw a policeman, so --
19 THE COURT: They didn't come at all?
20 PROSPECTIVE JUROR NO. 719: No, they sent -- just sent
21 someone with a paper that we filled out.
22 THE COURT: Okay. How do you feel like those were
23 handled?
24 PROSPECTIVE JUROR NO. 719: Okay. When it didn't --
25 we didn't have anything the burglars wanted, so we lucked out.

1 THE COURT: Do you feel like that affected, though, your
2 view of how police conduct investigations, the fact that they just
3 sent someone with the paperwork, or anything like that?

4 PROSPECTIVE JUROR NO. 719: I think it made -- I think
5 regular -- feel like maybe regular citizens might be a little more
6 vulnerable. Just didn't -- because of our city's -- so much demand
7 on our law enforcement.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 719: I mean, it wasn't -- and
10 we didn't pursue it because it wasn't, you know, bad. Just had to
11 fix the door and pick up some boxes.

12 THE COURT: Okay. All right. You or anyone close to you
13 ever been accused of a crime?

14 PROSPECTIVE JUROR NO. 719: I have a nephew right
15 now with a case pending.

16 THE COURT: Is that here?

17 PROSPECTIVE JUROR NO. 719: Yes.

18 THE COURT: All right. And what type of case it is?

19 PROSPECTIVE JUROR NO. 719: I know it's a felony case,
20 but I don't know the circumstances --

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 719: -- totally.

23 THE COURT: Okay. Is there anything about that -- do you
24 have any feelings about how the police handled it, how the
25 prosecutors are handling it, how the defense attorneys are handling

1 it; anything like that?

2 PROSPECTIVE JUROR NO. 719: I don't know any of those
3 particulars. It just kind of happened. So I don't know anything.

4 THE COURT: Okay. Have you ever been a juror before?

5 PROSPECTIVE JUROR NO. 719: I've been called, but not
6 selected.

7 THE COURT: And is there anything about this case that
8 you've heard thus far or the nature of this case that makes you feel
9 like it -- you wouldn't be able to be fair to either side or both sides?

10 PROSPECTIVE JUROR NO. 719: No.

11 THE COURT: All right. And can you base your verdict
12 solely on the evidence that is presented in the courtroom and wait
13 in forming your opinion until the case is submitted to you to
14 discuss with your fellow jurors?

15 PROSPECTIVE JUROR NO. 719: Yes.

16 THE COURT: And you believe you can be fair and
17 impartial to both sides?

18 PROSPECTIVE JUROR NO. 719: Yes.

19 THE COURT: All right. Thank you. I appreciate that.

20 All right. Ma'am, your name and badge number?

21 PROSPECTIVE JUROR NO. 723: Cheryl Kovacs, 723.

22 THE COURT: Thank you. How long have you been in
23 Clark County?

24 PROSPECTIVE JUROR NO. 723: 28 years.

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

1 PROSPECTIVE JUROR NO. 723: Bachelor of science
2 degree in medical technology.

3 THE COURT: Are you employed?

4 PROSPECTIVE JUROR NO. 723: Yes.

5 THE COURT: And what do you do?

6 PROSPECTIVE JUROR NO. 723: I work in molecular
7 pathology at Aurora Diagnostics LMC Pathology.

8 THE COURT: Okay. Are you married, single, significant
9 relationship?

10 PROSPECTIVE JUROR NO. 723: Married.

11 THE COURT: And what does your spouse do?

12 PROSPECTIVE JUROR NO. 723: Currently, he's training to
13 be a pilot.

14 THE COURT: Okay. What did he do before he --

15 PROSPECTIVE JUROR NO. 723: He was a medical
16 technologist also, and he worked for about a year at our church in
17 building maintenance.

18 THE COURT: Okay. Any children?

19 PROSPECTIVE JUROR NO. 723: One.

20 THE COURT: And is that child an adult or a minor?

21 PROSPECTIVE JUROR NO. 723: Minor.

22 THE COURT: You or anyone close to you ever been the
23 victim of a crime?

24 PROSPECTIVE JUROR NO. 723: No.

25 THE COURT: You or anyone close to you ever been

1 charged with a crime?

2 PROSPECTIVE JUROR NO. 723: No.

3 THE COURT: Have you ever been a juror before?

4 PROSPECTIVE JUROR NO. 723: Yes.

5 THE COURT: Tell me when and where?

6 PROSPECTIVE JUROR NO. 723: Here in Clark County, I
7 don't remember how long ago it was.

8 THE COURT: All right. Are we talking, like, older than a
9 decade ago?

10 PROSPECTIVE JUROR NO. 723: I believe so, yeah.

11 THE COURT: All right. Was it a criminal or civil trial?

12 PROSPECTIVE JUROR NO. 723: Criminal.

13 THE COURT: Without telling me the verdict, was a verdict
14 reached?

15 PROSPECTIVE JUROR NO. 723: No.

16 THE COURT: All right. Was there a mistrial or the parties
17 negotiated?

18 PROSPECTIVE JUROR NO. 723: Mistrial.

19 THE COURT: And how far into the process were you
20 before the mistrial was granted?

21 PROSPECTIVE JUROR NO. 723: It was a hung jury.

22 THE COURT: Okay. So it was a hung jury at the end of it?

23 PROSPECTIVE JUROR NO. 723: Yeah.

24 THE COURT: Got it. Were you the foreperson?

25 PROSPECTIVE JUROR NO. 723: No.

1 THE COURT: Is there anything about that process that
2 would affect you in any way here?

3 PROSPECTIVE JUROR NO. 723: No.

4 THE COURT: Anything about the nature of the case or is
5 there anything you've heard this far that makes you feel like you
6 wouldn't be able to be fair in this case?

7 PROSPECTIVE JUROR NO. 723: No.

8 THE COURT: And can you wait in forming your opinion
9 and only base that opinion on the evidence that's presented in this
10 case?

11 PROSPECTIVE JUROR NO. 723: Yes.

12 THE COURT: All right. And you can be fair and impartial
13 to both sides?

14 PROSPECTIVE JUROR NO. 723: Yes.

15 THE COURT: Thank you.

16 Name and badge number, sir?

17 PROSPECTIVE JUROR NO. 778: 778, Rafael Nevarez.

18 THE COURT: All right. Mr. Nevarez.

19 PROSPECTIVE JUROR NO. 778: [Indiscernible].

20 THE COURT: Tilt it towards your mouth.

21 PROSPECTIVE JUROR NO. 778: Okay.

22 THE COURT: Now try.

23 PROSPECTIVE JUROR NO. 778: Can you hear me? Fine
24 so far?

25 THE COURT: No. Did you hit -- did he -- is the light on?

1 PROSPECTIVE JUROR NO. 778: I think it might have died.
2 THE COURT: You think it might have died?
3 PROSPECTIVE JUROR NO. 778: Here we go.
4 THE COURT: There you go.
5 PROSPECTIVE JUROR NO. 778: It's 778. I don't know
6 what's up with it.
7 THE COURT: Will you look at it for a second, Dean?
8 [Pause in proceedings.]
9 THE COURT: Let's give that a try. Nope. All right.
10 THE MARSHAL: Need a new battery.
11 THE COURT: All right. That's okay. So, you know what, I
12 was going to take a recess right after Ms. -- what's your --
13 PROSPECTIVE JUROR NO. 779: Arocha?
14 THE COURT: Arocha. So we will just take that now.
15 So during the recess, you're admonished not to talk or
16 converse among yourselves with -- or with anyone -- sorry.
17 Among yourselves or with anyone else on any subject
18 connected to this trial, or read, watch, or listen to any report of or
19 commentary on the trial of any person connected with this trial by
20 any medium of information, including, without limitation, to
21 newspapers, television, the Internet, and radio, or form or express
22 any opinion on any subject connected with the trial until the case is
23 finally submitted to you.
24 So you could just be out of these doors at 3:40, please.
25 [Prospective jury panel recessed at 3:26 p.m.]

1 THE COURT: Okay. Is there anybody you guys want to
2 talk about thus far?

3 I don't know how Mr. -- let me get to him.

4 MR. LEXIS: Number 760, Judge.

5 THE COURT: Yeah. How -- Mr. Gazmir. I was trying to
6 kind of understand where he was coming from, but --

7 MR. SHAYGAN-FATEMI: Is he the one that doesn't trust
8 humans, Your Honor?

9 MR. HAUSER: Yes.

10 MR. LEXIS: Yes.

11 THE COURT: He doesn't trust humans. That's a good
12 way --

13 MR. LEXIS: I'd ask to kick him, Judge.

14 THE COURT: What's your position?

15 MR. SHAYGAN-FATEMI: We'll submit it, Your Honor.

16 THE COURT: All right. I think he laid a pretty thorough
17 record in regards to first he felt it was unfair -- personally can't
18 judge unfair to make judgment, people, he knows a lot of people
19 that are innocent and are locked away, and he doesn't trust
20 humans. So I'm going to grant the State's motion in regards to
21 Badge Number 760. And we'll need to fill in that seat.

22 Was there anyone else that missed?

23 MS. GOODMAN: And, Your Honor, the only other one
24 that the State's a little concerned about is 714, Ms. Riendeau. The
25 fact that she knows the -- she recognizes the defendant, she lives in

1 the neighborhood, I believe would possibly potentially impair her
2 ability. I understand she hasn't vocally raised that, but I haven't
3 been -- and, Your Honor, and to be honest, I have no clue how that
4 works, when you recognize and you know the defendant, whether
5 or not they're able to serve on the jury.

6 THE COURT: I mean, I think as long as they can be fair
7 and impartial, that's fine. The only thing I worry about a little bit is
8 things that she might spurt out. She makes me a little -- I'm happy
9 to do whatever you guys want me to do. But --

10 MR. SHAYGAN-FATEMI: We -- Your Honor, I don't see a
11 reason for kicking her at this point. There is one that we do have a
12 concern with.

13 THE COURT: All right. So I'll let both sides talk to
14 Ms. Riendeau.

15 And who are you talking -- who was your issue?

16 MR. SHAYGAN-FATEMI: Your Honor, it's Badge
17 Number 772, Jose Razo. He's sitting at the top there in Seat
18 Number 2. He said that no one should have a trial and that he's
19 going to side with the DA.

20 THE COURT: Yeah, I think that's pretty -- what he said.

21 MR. LEXIS: I was going to ask him some questions,
22 Judge.

23 THE COURT: Yeah, I mean, always allow the opportunity
24 for a traverse. I'll allow both sides. So I'll let him go, but I do think
25 he laid a pretty good record in regards to that the would

1 automatically vote with you guys. But I'm happy to have you ask
2 him a few questions.

3 MR. LEXIS: Okay.

4 MR. SHAYGAN-FATEMI: That's fine, Your Honor. Thank
5 you.

6 THE COURT: All right. Sounds good. So I'll see you guys
7 in about 10 minutes. Okay?

8 MR. SHAYGAN-FATEMI: Thank you.

9 MR. LEXIS: Thanks, Judge.

10 MS. GOODMAN: Thanks, Your Honor.

11 THE COURT: Yeah.

12 [Court recessed at 3:30 p.m., until 3:43 p.m.]

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

14 THE COURT: All right. You guys, we are back on the
15 record in C-345584-1, State of Nevada versus Ted Michael Donko,
16 seeing parties and attorneys present. Marshal O'Kelley is just -- I
17 believe they're lined up. It looked like he was coming in, so sorry.

18 [Pause in proceedings.]

19 [Prospective jury panel reconvened at 3:44 p.m.]

20 THE COURT: Do the parties stipulate to the presence of
21 the prospective jury?

22 MR. LEXIS: Yes, Your Honor.

23 MR. SHAYGAN-FATEMI: Yes.

24 MR. HAUSER: Yes, Your Honor.

25 THE COURT: Thank you. All right.

1 So we were at you, I think, Mr. Nevarez, right? Badge
2 Number 778?

3 PROSPECTIVE JUROR NO. 778: Yes.

4 THE COURT: Do you have the mic yet? Nope. All right.
5 I think we've got the situation under control. Good. All
6 right.

7 Mr. Nevarez, how long have you lived in Clark County, sir?

8 PROSPECTIVE JUROR NO. 778: Since 1999, so 29 years.

9 THE COURT: Okay. Hold it just a little bit further. Now
10 we've got a lot going on. That's all right. It's a happy medium.

11 Okay. How far did you go in school?

12 PROSPECTIVE JUROR NO. 778: I have an associate's.

13 THE COURT: What's your associate's in?

14 PROSPECTIVE JUROR NO. 778: Automotive technology
15 and sheet metal fabrication.

16 THE COURT: Okay. Are you currently employed?

17 PROSPECTIVE JUROR NO. 778: Yes.

18 THE COURT: What do you do?

19 PROSPECTIVE JUROR NO. 778: I'm a tattooer now.

20 THE COURT: A tattoo artist?

21 PROSPECTIVE JUROR NO. 778: Yes.

22 THE COURT: All right. How long have you been doing
23 that?

24 PROSPECTIVE JUROR NO. 778: I've been in it for five
25 years.

1 THE COURT: Okay. Are you in a significant relationship
2 or married?

3 PROSPECTIVE JUROR NO. 778: Yes, seven years.

4 THE COURT: For which one?

5 PROSPECTIVE JUROR NO. 778: Significant relationship.

6 THE COURT: All right. And what does that person do for
7 work?

8 PROSPECTIVE JUROR NO. 778: We're both tattooers.

9 THE COURT: All right. Any children?

10 PROSPECTIVE JUROR NO. 778: No. Three dogs.

11 THE COURT: Three dogs? Have you ever been the victim
12 of a crime or anyone close to you been the victim of a crime?

13 PROSPECTIVE JUROR NO. 778: Yes.

14 THE COURT: Tell me about that.

15 PROSPECTIVE JUROR NO. 778: It's been multiple
16 occasions. I just --

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 778: It's -- I mean, what do you
19 really consider a crime?

20 THE COURT: I guess anything against the law.

21 PROSPECTIVE JUROR NO. 778: I've been jumped before,
22 I've been shot at, lot of stuff. I mean --

23 THE COURT: Okay. So just start with the most recent and
24 we'll just work backwards.

25 PROSPECTIVE JUROR NO. 778: I've been jumped.

1 THE COURT: All right. Tell me when was that?
2 PROSPECTIVE JUROR NO. 778: It was around, I
3 think, 2011.
4 THE COURT: And that was here?
5 PROSPECTIVE JUROR NO. 778: Yes, it was here.
6 THE COURT: And was it random?
7 PROSPECTIVE JUROR NO. 778: Yeah, I got jumped for
8 my money out of Bank of America.
9 THE COURT: Oh, all right. So you were -- were you
10 robbed, then?
11 PROSPECTIVE JUROR NO. 778: Yeah.
12 THE COURT: All right. Were there any weapons?
13 PROSPECTIVE JUROR NO. 778: Hands.
14 THE COURT: Were -- was anyone caught?
15 PROSPECTIVE JUROR NO. 778: No.
16 THE COURT: Did you call 911?
17 PROSPECTIVE JUROR NO. 778: No.
18 THE COURT: You didn't? Why didn't you call 911?
19 PROSPECTIVE JUROR NO. 778: It's part of the show,
20 being alive, I guess.
21 THE COURT: Just -- say it again?
22 PROSPECTIVE JUROR NO. 778: It's just part of being
23 alive. Stuff happens.
24 THE COURT: Okay. All right. What about the time you
25 were shot at?

1 PROSPECTIVE JUROR NO. 778: I think that was just a
2 random thing at a skate park.

3 THE COURT: Okay. When was that?

4 PROSPECTIVE JUROR NO. 778: Maybe 2008.

5 THE COURT: And were there other people there and, like,
6 the gun went off? Or tell me a little bit about it.

7 PROSPECTIVE JUROR NO. 778: It was a drive-by at a
8 skate park.

9 THE COURT: Okay. Were you the only one there or were
10 there a bunch of kids around?

11 PROSPECTIVE JUROR NO. 778: There was a bunch of
12 people.

13 THE COURT: Were the police called that time that you
14 know of?

15 PROSPECTIVE JUROR NO. 778: I don't know.

16 THE COURT: What -- any other things come to mind?

17 PROSPECTIVE JUROR NO. 778: [No audible response.]

18 THE COURT: Were you ever the victim of a crime and
19 police were called that you remember?

20 PROSPECTIVE JUROR NO. 778: Not that I can think of.

21 THE COURT: Okay. Are there any other incidents that
22 come to your mind that I should know about in regards to you
23 being a victim or anyone close to you?

24 PROSPECTIVE JUROR NO. 778: Not that I think would
25 be -- make me impartial to anything or beneficial to you or to

1 anyone else.

2 THE COURT: Okay. What about being accused of a
3 crime?

4 PROSPECTIVE JUROR NO. 778: When I was younger, I
5 got pulled over for being accused of doing graffiti. But that was --
6 nothing happened.

7 THE COURT: Okay. Once the police pulled you over, do
8 you feel like they treated you fairly or not?

9 PROSPECTIVE JUROR NO. 778: I think that's a matter of
10 perspective.

11 THE COURT: Well, what's your perspective?

12 PROSPECTIVE JUROR NO. 778: No.

13 THE COURT: That they didn't treat you fairly?

14 PROSPECTIVE JUROR NO. 778: Yeah.

15 THE COURT: Okay. Why do you feel that way?

16 PROSPECTIVE JUROR NO. 778: Because I was walking
17 down the street.

18 THE COURT: Uh-huh. And how did that situation end?
19 Like did --

20 PROSPECTIVE JUROR NO. 778: It ended fine. They
21 patted me down and I left. They just kind of left me more confused
22 than anything. I was a young kid.

23 THE COURT: Like, why was I stopped?

24 PROSPECTIVE JUROR NO. 778: Yeah.

25 THE COURT: Okay. Any other situations you can think of?

1 You or anyone close to you?

2 PROSPECTIVE JUROR NO. 778: I got a lot of stuff in my
3 family, but nothing -- more or less, my brother's been in and out of
4 trouble his whole life, so I kind of seen it through his problems.

5 THE COURT: Okay. Are his problems more drug-related?

6 PROSPECTIVE JUROR NO. 778: Yeah.

7 THE COURT: And is he older or younger?

8 PROSPECTIVE JUROR NO. 778: He's my older brother.

9 THE COURT: And would you -- do you feel like you know
10 a lot about the situations where he has gotten in trouble or you just
11 know, hey, he got in trouble?

12 PROSPECTIVE JUROR NO. 778: I don't know that I would
13 say that I know too much about each particular situation. It's just a
14 culmination of things that he went through.

15 THE COURT: In general, how would you feel like the court
16 systems have treated -- the court system has treated him or law
17 enforcement has treated him?

18 PROSPECTIVE JUROR NO. 778: Fairly. At the end of it all,
19 I guess, I would say fairly.

20 THE COURT: Is there anything about what you've seen
21 your brother go through that makes you feel like it would affect you
22 here?

23 PROSPECTIVE JUROR NO. 778: No.

24 THE COURT: Anything else you feel like the parties
25 should know in regards to those issues?

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PROSPECTIVE JUROR NO. 778: No.

THE COURT: All right. Have you ever been a juror before?

PROSPECTIVE JUROR NO. 778: No.

THE COURT: Anything about the facts of this case or that nature of this case that you've heard thus far that makes you feel like you wouldn't be able to be fair?

PROSPECTIVE JUROR NO. 778: No.

THE COURT: And can you wait in forming your opinion until the case is finally submitted to you and your fellow jurors after the case is done?

PROSPECTIVE JUROR NO. 778: Yes.

THE COURT: And can you base your opinion solely on the evidence and testimony that's presented in this case?

PROSPECTIVE JUROR NO. 778: Yes.

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

PROSPECTIVE JUROR NO. 778: Of course.

THE COURT: All right. Thank you, Mr. Nevarez. I appreciate that.

All right. Ms. Arocha, Badge Number 779.

PROSPECTIVE JUROR NO. 779: Yes. Good afternoon, Your Honor.

THE COURT: Good afternoon. How long have you been in Clark County?

1 PROSPECTIVE JUROR NO. 779: I've been here for close to
2 two and a half years.

3 THE COURT: Where were you before?

4 PROSPECTIVE JUROR NO. 779: I was in Miami.

5 THE COURT: And how long in Miami?

6 PROSPECTIVE JUROR NO. 779: Three years.

7 THE COURT: And before Miami?

8 PROSPECTIVE JUROR NO. 779: In Cuba.

9 THE COURT: All right. And what brought you from Miami
10 to Las Vegas?

11 PROSPECTIVE JUROR NO. 779: The hospitality industry.

12 THE COURT: Did -- how far did you go in school?

13 PROSPECTIVE JUROR NO. 779: I went to complete
14 college in Cuba for hospitality industry for four years.

15 THE COURT: All right. And are you employed now?

16 PROSPECTIVE JUROR NO. 779: Yes.

17 THE COURT: What do you do?

18 PROSPECTIVE JUROR NO. 779: I work front desk agent
19 lead at the Palazzo Hotel.

20 THE COURT: And are you in a married, serious
21 relationship, single?

22 PROSPECTIVE JUROR NO. 779: Significant relationship.

23 THE COURT: What does that person do for work?

24 PROSPECTIVE JUROR NO. 779: He works also in
25 hospitality industry at the Mirage.

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THE COURT: Do you have any children?

PROSPECTIVE JUROR NO. 779: No children.

THE COURT: Have you ever been the victim of a crime or anyone close to you been the victim of a crime?

PROSPECTIVE JUROR NO. 779: Myself.

THE COURT: Okay. Can you tell me about that?

PROSPECTIVE JUROR NO. 779: I was sexually abused when I was 12 years old.

THE COURT: And was that a one-time thing or reoccurring thing?

PROSPECTIVE JUROR NO. 779: It was, like, twice.

THE COURT: And was that by a family member?

PROSPECTIVE JUROR NO. 779: It was by my neighbor.

THE COURT: And how did it end up stopping?

PROSPECTIVE JUROR NO. 779: Because I guess that I got [indiscernible]. He start, like emotional blackmailing me that he will harm my family, my dad, my mom. And then one day I say, You will not do none of that. So I told my mom what was going on. And we went to the police, we report it. And they took him away until the trial happened. And he took literally two weeks, they gave him 20 years in prison, because I was not the only kid that he was abusing.

THE COURT: Okay.

PROSPECTIVE JUROR NO. 779: He was also abusing other kids in the same neighborhood.

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THE COURT: Okay.

PROSPECTIVE JUROR NO. 779: Yeah.

THE COURT: How do you feel that that matter was handled by both law enforcement as well as the criminal justice system in Cuba?

PROSPECTIVE JUROR NO. 779: It was well handled, it was well investigated. They took their time. But they did what they had to do. And they put him on the place that he had to be.

THE COURT: Do you feel like there's anything about that that would affect you here in this trial?

PROSPECTIVE JUROR NO. 779: Not at all.

THE COURT: All right. Any other situations where you or anyone close to you has been a victim?

PROSPECTIVE JUROR NO. 779: No.

THE COURT: What about accused of a crime, you or anyone close to you?

PROSPECTIVE JUROR NO. 779: No.

THE COURT: Have you ever been a juror before?

PROSPECTIVE JUROR NO. 779: Never.

THE COURT: Can you base your verdict solely on the things that you hear and see in the courtroom as part of this case?

PROSPECTIVE JUROR NO. 779: Yes.

THE COURT: And can you wait in forming your opinion until the case is over and submitted to you to discuss with your fellow jurors?

1 PROSPECTIVE JUROR NO. 779: Absolutely.
2 THE COURT: And you can be fair and impartial to both
3 sides?
4 PROSPECTIVE JUROR NO. 779: Of course.
5 THE COURT: All right. Thank you. I appreciate that.
6 PROSPECTIVE JUROR NO. 729: Badge 729, Rebecca Ricu.
7 THE COURT: Thank you. How long have you been in
8 Clark County?
9 PROSPECTIVE JUROR NO. 729: Since '04.
10 THE COURT: All right. And are you employed?
11 PROSPECTIVE JUROR NO. 729: Yes.
12 THE COURT: What do you do?
13 PROSPECTIVE JUROR NO. 729: I'm a homeowners claims
14 adjuster.
15 THE COURT: And married, significant relationship,
16 single?
17 PROSPECTIVE JUROR NO. 729: Married.
18 THE COURT: What does your spouse do?
19 PROSPECTIVE JUROR NO. 729: He works for a company
20 that decontaminates water at the casinos and hospitals.
21 THE COURT: Okay. Any children?
22 PROSPECTIVE JUROR NO. 729: No.
23 THE COURT: And you or anyone close to you ever been
24 the victim of a crime?
25 PROSPECTIVE JUROR NO. 729: No.

1 THE COURT: Oh, same question, but in regards to
2 accused or charged with a crime?

3 PROSPECTIVE JUROR NO. 729: No.

4 THE COURT: Have you ever been a juror before?

5 PROSPECTIVE JUROR NO. 729: Yes.

6 THE COURT: Tell me about that; what year and when?

7 PROSPECTIVE JUROR NO. 729: That was a long time ago.
8 It was in the '90s when I lived in Florida in Osceola County. It was
9 child abuse.

10 THE COURT: And without telling me what the verdict
11 was, was a verdict reached?

12 PROSPECTIVE JUROR NO. 729: Yes.

13 THE COURT: And were you the foreperson?

14 PROSPECTIVE JUROR NO. 729: No.

15 THE COURT: Is there anything about your previous jury
16 service that makes you feel like it would affect you here?

17 PROSPECTIVE JUROR NO. 729: No.

18 THE COURT: Anything that you've heard thus far or
19 anything about the nature of this case that makes you feel like you
20 would not be able to be fair and impartial to both sides?

21 PROSPECTIVE JUROR NO. 729: No.

22 THE COURT: Can you base your verdict solely on the
23 evidence that is presented in this case and wait in forming your
24 decision until the matter is ultimately submitted to you to discuss
25 with your fellow jurors?

1 PROSPECTIVE JUROR NO. 729: Yes.
2 THE COURT: All right. And you could be fair to both
3 sides?
4 PROSPECTIVE JUROR NO. 729: Yes.
5 THE COURT: Thank you. Appreciate that.
6 Is it Mr. Luvera?
7 PROSPECTIVE JUROR NO. 733: Mr. Mena-Luvera.
8 THE COURT: Mr. Mena --
9 PROSPECTIVE JUROR NO. 733: Badge Number 733.
10 THE COURT: Thank you.
11 How long have you been in Clark County, sir?
12 PROSPECTIVE JUROR NO. 733: I have been here since I
13 was 5. And I'm 29 now.
14 THE COURT: All right.
15 PROSPECTIVE JUROR NO. 733: So 24 years.
16 THE COURT: Okay. And how far did you go in school?
17 PROSPECTIVE JUROR NO. 733: I have a Bachelor's of
18 Science in computer science.
19 THE COURT: Are you employed?
20 PROSPECTIVE JUROR NO. 733: Yes.
21 THE COURT: What do you do?
22 PROSPECTIVE JUROR NO. 733: I am a programmer
23 analyst for Caesar's Entertainment.
24 THE COURT: Married, significant relationship, single?
25 PROSPECTIVE JUROR NO. 733: Married as of November.

1 THE COURT: Congratulations. Any children?
2 PROSPECTIVE JUROR NO. 733: No.
3 THE COURT: You or anyone close to you ever been the
4 victim of a crime?
5 PROSPECTIVE JUROR NO. 733: No.
6 THE COURT: You or anyone close to you ever been
7 charged with a crime?
8 PROSPECTIVE JUROR NO. 733: No.
9 THE COURT: Have you ever been a juror before?
10 PROSPECTIVE JUROR NO. 733: I have been called for
11 service, but not selected.
12 THE COURT: Is there anything about the nature of this
13 case or anything you've heard this far that makes you feel like you
14 would not be able to be fair to both sides?
15 PROSPECTIVE JUROR NO. 733: I can be fair to both sides.
16 THE COURT: And can you wait in forming your opinion
17 and only base your verdict solely on the things that you hear and
18 see in this courtroom?
19 PROSPECTIVE JUROR NO. 733: Yes.
20 THE COURT: You can be fair, like you stated?
21 PROSPECTIVE JUROR NO. 733: Yes.
22 THE COURT: All right. Thank you.
23 Can you pass that onto -- is it Ms. Bermudez?
24 PROSPECTIVE JUROR NO. 747: Yes.
25 THE COURT: All right. How long have you been -- lived in

1 Clark County, ma'am?

2 PROSPECTIVE JUROR NO. 747: About 20 years.

3 THE COURT: And are you employed?

4 PROSPECTIVE JUROR NO. 747: Yes.

5 THE COURT: Well, first I should ask you how far you went
6 in school?

7 PROSPECTIVE JUROR NO. 747: Bachelor's degree.

8 THE COURT: And what was that in?

9 PROSPECTIVE JUROR NO. 747: Interior design.

10 THE COURT: And you are employed, what do you do?

11 PROSPECTIVE JUROR NO. 747: Project engineer for
12 construction company.

13 THE COURT: And are you married, in a significant
14 relationship, or single?

15 PROSPECTIVE JUROR NO. 747: Significant relationship.

16 THE COURT: And what does that person do?

17 PROSPECTIVE JUROR NO. 747: Photographer.

18 THE COURT: Any children?

19 PROSPECTIVE JUROR NO. 747: No.

20 THE COURT: Have you ever been the victim of a crime or
21 has anyone close to you ever been the victim of a crime?

22 PROSPECTIVE JUROR NO. 747: No.

23 THE COURT: Same type of question, but in regards to
24 accused of a crime.

25 PROSPECTIVE JUROR NO. 747: No.

1 THE COURT: Have you ever been a juror before?
2 PROSPECTIVE JUROR NO. 747: No.
3 THE COURT: Can you wait in basing your opinion until
4 the matter is ultimately submitted to you to discuss with your
5 fellow jurors?
6 PROSPECTIVE JUROR NO. 747: Yes.
7 THE COURT: And can you only base your verdict solely
8 on the things that you hear and see as evidence and witnesses in
9 this case?
10 PROSPECTIVE JUROR NO. 747: Yes.
11 THE COURT: And you believe you can be fair to both
12 sides?
13 PROSPECTIVE JUROR NO. 747: Yes.
14 THE COURT: All right. Thank you. I appreciate that.
15 And if you could pass that to -- is it Ms. Sweeney?
16 PROSPECTIVE JUROR NO. 752: Yes.
17 THE COURT: All right. Good afternoon, ma'am.
18 How long have you lived in Clark County?
19 PROSPECTIVE JUROR NO. 752: 23 years.
20 THE COURT: How far did you go in school?
21 PROSPECTIVE JUROR NO. 752: Associate's.
22 THE COURT: And what was your associate's in?
23 PROSPECTIVE JUROR NO. 752: Ultrasound.
24 THE COURT: And are you employed?
25 PROSPECTIVE JUROR NO. 752: Yes.

1 THE COURT: What is it that you do?
2 PROSPECTIVE JUROR NO. 752: I'm an echocardiographer
3 at St. Rose.
4 THE COURT: And married or in a significant relationship?
5 PROSPECTIVE JUROR NO. 752: Relationship.
6 THE COURT: And what does that individual do?
7 PROSPECTIVE JUROR NO. 752: CPA.
8 THE COURT: Any children?
9 PROSPECTIVE JUROR NO. 752: No.
10 THE COURT: Ever been the victim of a crime or anyone
11 close to you ever been the victim of a crime?
12 PROSPECTIVE JUROR NO. 752: No.
13 THE COURT: What about accused of a crime?
14 PROSPECTIVE JUROR NO. 752: No.
15 THE COURT: Ever been a juror before?
16 PROSPECTIVE JUROR NO. 752: No.
17 THE COURT: Is there anything about the nature of this
18 case or anything you've heard this far that makes you feel like you
19 wouldn't be able to be fair?
20 PROSPECTIVE JUROR NO. 752: No.
21 THE COURT: And can you wait in forming your opinion
22 until the case is ultimately submitted to you to discuss with your
23 fellow jurors?
24 PROSPECTIVE JUROR NO. 752: Yes.
25 THE COURT: And can you base your verdict solely on the

1 things that you hear and see as evidence through either exhibits or
2 trial testimony, et cetera, and base your verdict solely on those
3 things?

4 PROSPECTIVE JUROR NO. 752: Yes.

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

6 PROSPECTIVE JUROR NO. 752: Yes.

7 THE COURT: All right. Thank you.

8 Mr. Wilks?

9 PROSPECTIVE JUROR NO. 755: Yes.

10 THE COURT: All right. How long have you been in Clark
11 County, sir?

12 PROSPECTIVE JUROR NO. 755: 14 years.

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

14 PROSPECTIVE JUROR NO. 755: High school graduate.

15 THE COURT: And are you employed?

16 PROSPECTIVE JUROR NO. 755: Yes, gaming --

17 THE COURT: What --

18 PROSPECTIVE JUROR NO. 755: Gaming industry.

19 THE COURT: Gaming industry? Married, significant
20 relationship, or single?

21 PROSPECTIVE JUROR NO. 755: Married.

22 THE COURT: And what does your spouse do?

23 PROSPECTIVE JUROR NO. 755: Gaming industry.

24 THE COURT: Any children?

25 PROSPECTIVE JUROR NO. 755: Three.

1 THE COURT: And are they minors or adults?
2 PROSPECTIVE JUROR NO. 755: One adult. And she's a
3 pharmacy tech.
4 THE COURT: You or anyone close to you ever been the
5 victim of a crime?
6 PROSPECTIVE JUROR NO. 755: Yes.
7 THE COURT: Can you tell me about that, please?
8 PROSPECTIVE JUROR NO. 755: Yeah. Without going into
9 detail, it doesn't affect my judgment on anything.
10 THE COURT: Okay. All right. Would you do me a favor,
11 would you approach, please? Would you come to me with the
12 attorneys.
13 PROSPECTIVE JUROR NO. 755: Yep.
14 [Bench conference transcribed as follows.]
15 THE COURT: All right. Let me just ask you a few
16 follow-up. When you were -- when this happened, how old were
17 you?
18 PROSPECTIVE JUROR NO. 755: 30.
19 THE COURT: Oh, 30? Oh. Okay.
20 PROSPECTIVE JUROR NO. 755: And it didn't happen to
21 me. Happened to my brother.
22 THE COURT: Your brother. Is the [indiscernible]?
23 PROSPECTIVE JUROR NO. 755: Uh-huh.
24 THE COURT: Is he alive?
25 PROSPECTIVE JUROR NO. 755: Yes.

1 THE COURT: Okay. I didn't know if he was --

2 PROSPECTIVE JUROR NO. 755: Yeah, so it was multiple.
3 My brother and my cousin. My cousin's not alive and my brother
4 is.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 755: And it was in California.

7 THE COURT: All right. So it was, like, a murder and
8 attempt murder?

9 PROSPECTIVE JUROR NO. 755: Uh-huh. Two different
10 occasions.

11 THE COURT: Two different? And then your cousin was
12 murdered?

13 PROSPECTIVE JUROR NO. 755: Uh-huh.

14 THE COURT: And then your brother survived?

15 PROSPECTIVE JUROR NO. 755: He was paralyzed.

16 THE COURT: Is paralyzed. Okay. Were these random or
17 is there -- were they living in a bad part of town? Was it gang
18 activity? Like, how --

19 PROSPECTIVE JUROR NO. 755: I believe my brother's is
20 random and my cousin's was gang activity.

21 THE COURT: Okay. Were you a part of either of those
22 trials, anything like that?

23 PROSPECTIVE JUROR NO. 755: [No audible response.]

24 THE COURT: Do you feel like it was investigated fairly by
25 law enforcement?

1 PROSPECTIVE JUROR NO. 755: Yes.

2 THE COURT: Do you feel like the prosecutors involved,
3 the defense attorneys acted very appropriately and did what they
4 were supposed to do?

5 PROSPECTIVE JUROR NO. 755: Yes.

6 THE COURT: All right. Anything about it -- I know you
7 stated already that you didn't feel like it would impact you, but it's
8 important that I understand that it won't. And it's okay if it does, I
9 just need to know what your -- do you feel like it would impact you
10 in any way?

11 PROSPECTIVE JUROR NO. 755: No.

12 THE COURT: All right. Does anybody have any follow-up
13 questions in regard to that? Because I don't want him to have to
14 talk about it in front of the group.

15 MR. LEXIS: Chad Lexis for the State. No.

16 THE COURT: Nothing from the defense?

17 Thank you, I appreciate it.

18 PROSPECTIVE JUROR NO. 755: Absolutely. Thank you,
19 Judge.

20 [End of bench conference.]

21 THE COURT: Mr. Wilks, anyone close to you or yourself
22 ever been accused of a crime, sir?

23 PROSPECTIVE JUROR NO. 755: Yes, myself. Domestic
24 violence.

25 THE COURT: All right. And when was that?

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PROSPECTIVE JUROR NO. 755: 2000.

THE COURT: And -- sorry, in 2000 were you living here
or -- no --

PROSPECTIVE JUROR NO. 755: It was California.

THE COURT: California. All right.
How do you feel like the law enforcement treated you
throughout that process?

PROSPECTIVE JUROR NO. 755: It was unfair.

THE COURT: Unfair?

PROSPECTIVE JUROR NO. 755: I don't think that I should
have been arrested. I was in the confines of my own apartment and
just due to the fact that she was the one who made the phone call, I
was the one arrested. I think overall it made me a better person.
You know, I went to domestic violence classes and I learned that I
had decision-making issues, not anger management issues. So it
was unfair initially just due to the fact that I was arrested. But
ultimately it taught me a lesson.

THE COURT: Okay. Anything about that situation you feel
like would affect you here?

PROSPECTIVE JUROR NO. 755: No.

THE COURT: Did it change the way you viewed law
enforcement globally, since you felt like, hey, that wasn't really that
fair, how I was treated?

PROSPECTIVE JUROR NO. 755: No.

THE COURT: Okay. Any other incidents where you or

1 anyone close to you has been accused?

2 PROSPECTIVE JUROR NO. 755: No.

3 THE COURT: Okay. Have you ever been a juror before?

4 PROSPECTIVE JUROR NO. 755: No.

5 THE COURT: Is there anything about the facts of this case
6 or anything you've heard this far that makes you feel like you
7 wouldn't be able to be fair?

8 PROSPECTIVE JUROR NO. 755: No.

9 THE COURT: And can you base your verdict solely on the
10 evidence that's presented in this case and wait in forming your
11 opinion until the case goes to you and your fellow jurors to decide?

12 PROSPECTIVE JUROR NO. 755: Yes.

13 THE COURT: Feel like you can be fair to both sides?

14 PROSPECTIVE JUROR NO. 755: Yes.

15 THE COURT: All right. Thank you, Mr. Wilks. I appreciate
16 that.

17 If you could pass it to Mr. Cooper, Badge Number 756.

18 Good afternoon, sir. How long have you been in Clark
19 County?

20 PROSPECTIVE JUROR NO. 756: I've lived in Clark County
21 my whole life, 60 years. I've been away for just two short instances.

22 THE COURT: Okay. And how far did you go in school?

23 PROSPECTIVE JUROR NO. 756: Fifth year senior in
24 college.

25 THE COURT: All right. And what were you studying?

1 PROSPECTIVE JUROR NO. 756: Engineering. I started off
2 in criminal justice and then finished up in engineering.

3 THE COURT: All right. And we talked a little bit about
4 your employment. But tell me again, give me just a --

5 PROSPECTIVE JUROR NO. 756: I'm the general manager,
6 CEO of a power company.

7 THE COURT: Okay. Are you married, significant
8 relationship, or single?

9 PROSPECTIVE JUROR NO. 756: Married 37 years.

10 THE COURT: Congratulations. Any children?

11 PROSPECTIVE JUROR NO. 756: Four adult children.

12 THE COURT: And can you tell me what they do for a
13 living, please.

14 PROSPECTIVE JUROR NO. 756: One's a schoolteacher,
15 one is a administrative assistant, I have a son that's an attorney that
16 works in tax and business law, and then I have a son that's also an
17 account, CPA.

18 THE COURT: Your son that's is -- he -- that is an attorney,
19 is he an attorney locally here?

20 PROSPECTIVE JUROR NO. 756: Yes.

21 THE COURT: Okay. You or anyone close to you ever been
22 the victim of a crime?

23 PROSPECTIVE JUROR NO. 756: Yes.

24 THE COURT: Can you tell me about that, please.

25 PROSPECTIVE JUROR NO. 756: When I was younger, a

1 man from Las Vegas came out to our valley and tried to force his
2 way into our home.

3 THE COURT: Out in Overton?

4 PROSPECTIVE JUROR NO. 756: Yes.

5 THE COURT: And what -- well, you said tried. So what
6 prevented --

7 PROSPECTIVE JUROR NO. 756: My dad intercepted him.

8 THE COURT: Okay. Were the police called?

9 PROSPECTIVE JUROR NO. 756: Yes, they were. They got
10 there just in time to save the guy.

11 THE COURT: Okay. And do you feel like that was handled
12 appropriately by law enforcement?

13 PROSPECTIVE JUROR NO. 756: Yes, it was.

14 THE COURT: And what about -- was there a law -- I mean,
15 excuse me, was there a case? Was he arrested and --

16 PROSPECTIVE JUROR NO. 756: He was arrested. I
17 don't -- I was in, you know, middle school at the time, so I'm not
18 aware of if there was a case that my parents had to go to.

19 THE COURT: Okay. Anything about that that you feel
20 would impact you here?

21 PROSPECTIVE JUROR NO. 756: No.

22 THE COURT: Any other incidents where you've been a
23 victim or anyone close to you has been the victim of a crime?

24 PROSPECTIVE JUROR NO. 756: You know, at work I
25 encounter a lot of different things. Things like power theft, copper

1 theft. We've had trucks stolen from where I work. But other than
2 that, nothing.

3 THE COURT: Okay. What about accused of a crime? You
4 or anyone close to you?

5 PROSPECTIVE JUROR NO. 756: No. I talked about my
6 brother earlier. He was accused of a crime as well, before the
7 incident. But that's it.

8 THE COURT: All right. Do you feel like your brother,
9 through his situation, was treated fairly?

10 PROSPECTIVE JUROR NO. 756: Yes.

11 THE COURT: Anything about that that you feel would
12 affect you in any way?

13 PROSPECTIVE JUROR NO. 756: No.

14 THE COURT: Have you ever been a juror before?

15 PROSPECTIVE JUROR NO. 756: No.

16 THE COURT: Is there anything about the case or anything
17 that you've heard thus far that makes you feel like you would not be
18 able to be fair to both sides?

19 PROSPECTIVE JUROR NO. 756: I've heard nothing about
20 it, so I could be fair.

21 THE COURT: Okay. And can you base your verdict solely
22 on the evidence that is presented to you here in the courtroom and
23 then wait in forming your opinion until the case is given to you and
24 your fellow jurors to deliberate?

25 PROSPECTIVE JUROR NO. 756: Yes.

1 THE COURT: And you believe you can be fair to both
2 sides?

3 PROSPECTIVE JUROR NO. 756: Yes.

4 THE COURT: All right. Thank you very much. Appreciate
5 it.

6 All right. Ms. Tate, Badge Number 759. How long have
7 you been in Clark County?

8 PROSPECTIVE JUROR NO. 756: 36 years.

9 THE COURT: All right. And retired, correct?

10 PROSPECTIVE JUROR NO. 759: Yes.

11 THE COURT: And I just want everyone to know, Ms. Tate,
12 when I was a baby attorney, would yell at me all of the time. All of
13 the time. But she taught me to be a better lawyer, so.

14 So I know what you did for a living. Are you married,
15 significant --

16 PROSPECTIVE JUROR NO. 759: Yes.

17 THE COURT: What does your spouse to?

18 PROSPECTIVE JUROR NO. 759: Medical assistant.

19 THE COURT: Any children?

20 PROSPECTIVE JUROR NO. 759: Stepchildren.

21 THE COURT: Okay. What -- if any of them are adults,
22 what are their jobs?

23 PROSPECTIVE JUROR NO. 759: Oh, they're in California.

24 THE COURT: Okay. All right. And in regards to -- how far
25 did you go in school?

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PROSPECTIVE JUROR NO. 759: 13.

THE COURT: You or anyone close to you ever been the victim of a crime?

PROSPECTIVE JUROR NO. 759: No.

THE COURT: You or anyone close to you ever been accused of a crime?

PROSPECTIVE JUROR NO. 759: No.

THE COURT: Every been a juror before?

PROSPECTIVE JUROR NO. 759: I want to say yes, but it was so long ago, and if it was, it was a civil trial.

THE COURT: All right. But not sure really?

PROSPECTIVE JUROR NO. 759: No, I'm not. It was so long ago.

THE COURT: Anything about the nature of this case or anything you've heard thus far that you feel would make it difficult for you to sit as a juror or be fair?

PROSPECTIVE JUROR NO. 759: No.

THE COURT: And can you wait in forming your opinion until the case is submitted to you to discuss with the other jurors?

PROSPECTIVE JUROR NO. 759: Yes.

THE COURT: And can you base your verdict solely on the evidence and testimony that's presented during the trial?

PROSPECTIVE JUROR NO. 759: Yes.

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

PROSPECTIVE JUROR NO. 759: Yes.

1 THE COURT: All right. Okay. Mr. -- if you could pass it to
2 Mr. Marshal.

3 All right. So if you wouldn't mind passing that to --
4 passing it onto the person next to you, please.

5 And that's you, Mr. Liu, correct?

6 PROSPECTIVE JUROR NO. 781: Yeah.

7 THE COURT: All right. Mr. Liu, are you -- how long have
8 you been in Clark County?

9 PROSPECTIVE JUROR NO. 781: Six years.

10 THE COURT: And where were you before that?

11 PROSPECTIVE JUROR NO. 781: Dallas, Texas.

12 THE COURT: And how long were you in Dallas?

13 PROSPECTIVE JUROR NO. 781: 20 years.

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

15 PROSPECTIVE JUROR NO. 781: College courses.

16 THE COURT: And what did you study in college?

17 PROSPECTIVE JUROR NO. 781: Languages and literature.

18 THE COURT: Are you employed? Oh, we talked --

19 PROSPECTIVE JUROR NO. 781: Self-employ.

20 THE COURT: Self-employed. What do you do?

21 PROSPECTIVE JUROR NO. 781: I own a company.

22 THE COURT: What type of --

23 PROSPECTIVE JUROR NO. 781: A publication company.

24 THE COURT: All right. Are you married, in a significant
25 relationship, or single?

1 PROSPECTIVE JUROR NO. 781: Single.
2 THE COURT: Any children?
3 PROSPECTIVE JUROR NO. 781: Daughter and
4 granddaughter.
5 THE COURT: All right. And your daughter, what does she
6 do for a living?
7 PROSPECTIVE JUROR NO. 781: CPA.
8 THE COURT: Have you ever been the victim of a crime or
9 anyone close to you been the victim of a crime?
10 PROSPECTIVE JUROR NO. 781: I, myself.
11 THE COURT: Okay. Tell me about that.
12 PROSPECTIVE JUROR NO. 781: About 20 years ago, I was
13 battery, assaulted, and robbed.
14 THE COURT: Robbed?
15 PROSPECTIVE JUROR NO. 781: Robbed and assaulted.
16 THE COURT: Okay. And where was that?
17 PROSPECTIVE JUROR NO. 781: In California.
18 THE COURT: In California?
19 PROSPECTIVE JUROR NO. 781: Yeah.
20 THE COURT: Was the -- were the suspects caught? Or the
21 suspect, were they caught?
22 PROSPECTIVE JUROR NO. 781: I call the police. The
23 police officer just give me a case number.
24 THE COURT: Okay.
25 PROSPECTIVE JUROR NO. 781: Then after that

1 [indiscernible].

2 THE COURT: So how do you feel like that handled by law
3 enforcement?

4 PROSPECTIVE JUROR NO. 781: They handled nothing.
5 They just give me a case number.

6 THE COURT: Okay. In regards to -- did that change the
7 way that you felt about law enforcement? Did it change your
8 views?

9 PROSPECTIVE JUROR NO. 781: No, it didn't have -- more
10 than 20 years, too long time already. If you did ask me, I almost
11 have forgotten about it.

12 THE COURT: Okay. Any other instances where you or
13 anyone close to you has been the victim?

14 PROSPECTIVE JUROR NO. 781: No.

15 THE COURT: What about accused of a crime, you or
16 anyone close to you?

17 PROSPECTIVE JUROR NO. 781: No.

18 THE COURT: Have you ever been a juror before?

19 PROSPECTIVE JUROR NO. 781: No.

20 THE COURT: Is there anything that you've heard thus far
21 about the case?

22 PROSPECTIVE JUROR NO. 781: Nothing I don't.

23 THE COURT: That makes you feel like you wouldn't be
24 able to be fair?

25 PROSPECTIVE JUROR NO. 781: I'll be fair.

1 THE COURT: Okay. And can you base your verdict solely
2 on the evidence and testimony that you hear in this trial?

3 PROSPECTIVE JUROR NO. 781: Yeah.

4 THE COURT: And can you wait in forming your ultimate
5 opinion until the case is given to you at the end of the case and
6 your fellow jurors?

7 PROSPECTIVE JUROR NO. 781: Of course.

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

9 PROSPECTIVE JUROR NO. 781: Sure.

10 THE COURT: All right. Thank you, Mr. Liu. I appreciate
11 that.

12 If you wouldn't mind passing the microphone. Thank you.
13 Name and badge number?

14 PROSPECTIVE JUROR NO. 767: Tamara Jacquez, 767.

15 THE COURT: Thank you.

16 All right. Ms. Jacquez, how long have you been in Clark
17 County?

18 PROSPECTIVE JUROR NO. 767: For about four years.

19 THE COURT: Where were you before that?

20 PROSPECTIVE JUROR NO. 767: In California.

21 THE COURT: For how long?

22 PROSPECTIVE JUROR NO. 767: Since I was born.

23 THE COURT: All right. How far did you go in school?

24 PROSPECTIVE JUROR NO. 767: Some college.

25 THE COURT: What were you studying when you were in

1 college?

2 PROSPECTIVE JUROR NO. 767: Just general courses.

3 THE COURT: And are you employed?

4 PROSPECTIVE JUROR NO. 767: Yes.

5 THE COURT: What is it that you do?

6 PROSPECTIVE JUROR NO. 767: I work for Amazon for the
7 last two months.

8 THE COURT: And you -- in what capacity?

9 PROSPECTIVE JUROR NO. 767: Warehouse.

10 THE COURT: All right. Single, married?

11 PROSPECTIVE JUROR NO. 767: Married, 25 years.

12 THE COURT: And what does your spouse do for a living?

13 PROSPECTIVE JUROR NO. 767: He works for Wyndham
14 Worldwide, maintenance technician.

15 THE COURT: Any children?

16 PROSPECTIVE JUROR NO. 767: No.

17 THE COURT: You or anyone close to you ever been a
18 victim before?

19 PROSPECTIVE JUROR NO. 767: No.

20 THE COURT: You or anyone close to you ever been
21 accused of a crime?

22 PROSPECTIVE JUROR NO. 767: No.

23 THE COURT: Have you ever been a juror before?

24 PROSPECTIVE JUROR NO. 767: Just called, but never
25 served.

1 THE COURT: Is there anything that you heard this far or
2 anything that's been presented that makes you feel like you
3 wouldn't be able to be fair to both sides?

4 PROSPECTIVE JUROR NO. 767: No.

5 THE COURT: Can you wait in forming your opinion until
6 the case is submitted to you and your fellow jurors to discuss?

7 PROSPECTIVE JUROR NO. 767: Yes.

8 THE COURT: And can you base your verdict solely on the
9 evidence and testimony that you hear in this case?

10 PROSPECTIVE JUROR NO. 767: Yes.

11 THE COURT: And you believe you can be fair to both
12 sides?

13 PROSPECTIVE JUROR NO. 767: Yes.

14 THE COURT: All right. Thank you. I appreciate that.
15 Can you pass that?

16 Name and badge number, please.

17 PROSPECTIVE JUROR NO. 768: Lanai Cross, 768.

18 THE COURT: Thank you, Ms. Cross.

19 How long have you been in Clark County?

20 PROSPECTIVE JUROR NO. 768: 15 years.

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

22 PROSPECTIVE JUROR NO. 768: Graduate. High school
23 graduate.

24 THE COURT: All right. And are you employed?

25 PROSPECTIVE JUROR NO. 768: Yes.

1 THE COURT: What do you do, ma'am?
2 PROSPECTIVE JUROR NO. 768: I work for the school
3 district?
4 THE COURT: And what do you do with the school district?
5 PROSPECTIVE JUROR NO. 768: Work for the
6 transportation department.
7 THE COURT: Okay. Married, single --
8 PROSPECTIVE JUROR NO. 768: Single.
9 THE COURT: Any children?
10 PROSPECTIVE JUROR NO. 768: Two minors.
11 THE COURT: All right. And their ages, please?
12 PROSPECTIVE JUROR NO. 768: 13 and 8.
13 THE COURT: Okay. You or anyone close to you ever been
14 the victim of a crime?
15 PROSPECTIVE JUROR NO. 768: No.
16 THE COURT: Same question, but in regards to accused of
17 a crime?
18 PROSPECTIVE JUROR NO. 768: Yes.
19 THE COURT: Can you tell me about that?
20 PROSPECTIVE JUROR NO. 768: I have a cousin on trial for
21 murder.
22 THE COURT: And is that locally?
23 PROSPECTIVE JUROR NO. 768: Arizona.
24 THE COURT: And is the trial happening right now?
25 PROSPECTIVE JUROR NO. 768: Yes.

1 THE COURT: Like, they're in court right now?
2 PROSPECTIVE JUROR NO. 768: Not this second, but yes.
3 THE COURT: Okay. How would you say your relationship
4 is with that cousin?
5 PROSPECTIVE JUROR NO. 768: He called me every day.
6 THE COURT: And do you know a lot about the facts of
7 that case?
8 PROSPECTIVE JUROR NO. 768: Yes.
9 THE COURT: Do you feel -- how do you feel like he's been
10 treated by law enforcement as well as the criminal justice system in
11 regards to his case?
12 PROSPECTIVE JUROR NO. 768: Unfairly.
13 THE COURT: And why do you say that?
14 PROSPECTIVE JUROR NO. 768: Because he's been
15 charged for something he didn't commit.
16 THE COURT: Do you think that that would affect you
17 here?
18 PROSPECTIVE JUROR NO. 768: Yes.
19 THE COURT: In what way?
20 PROSPECTIVE JUROR NO. 768: I see him being innocent.
21 THE COURT: I'm sorry, say it again?
22 PROSPECTIVE JUROR NO. 768: I see him being innocent.
23 I picture my cousin sitting in the chair.
24 THE COURT: Okay. Any other instances?
25 PROSPECTIVE JUROR NO. 768: No.

**PLEADING
CONTINUES
IN NEXT
VOLUME**