

IN THE SUPREME COURT OF THE STATE OF NEVADA

CALVIN ELAM,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 85421

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Clerk of Supreme Court

**APPELLANT'S APPENDIX
Volume I**

Monique McNeill, Esq.
Nevada Bar No. 9862
P.O. Box 2451
Las Vegas, Nevada 89125
Phone: (702) 497-9734
Email: Monique.mcneill@yahoo.com
Attorney for Appellant Elam

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27th day of March, 2023. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT

MONIQUE MCNEILL


STEVEN WOLFSON

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Calvin Elam

By: /S/ Monique McNeill
MONIQUE MCNEILL
State Bar # 9862

1 **IND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 SONIA V. JIMENEZ
6 Chief Deputy District Attorney
7 Nevada Bar #8818
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

CASE NO: C-15-305949-1

11 -vs-

DEPT NO: XXI

12 CALVIN THOMAS ELAM,
13 #2502165
14 Defendant(s).

INDICTMENT

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

17 The Defendant(s) above named, CALVIN THOMAS ELAM, accused by the Clark
18 County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT KIDNAPPING (Category
19 B Felony - NRS 200.310, 200.320, 199.480 - NOC 50087); FIRST DEGREE KIDNAPPING
20 WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165
21 - NOC 50055); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471
22 - NOC 50201); UNLAWFUL USE OF AN ELECTRONIC STUN DEVICE (Category B
23 Felony - NRS 202.357 - NOC 51508); BATTERY WITH INTENT TO COMMIT SEXUAL
24 ASSAULT (Category A Felony - NRS 200.400.4 - NOC 50157); SEXUAL ASSAULT WITH
25 USE OF A DEADLY WEAPON (Category A Felony - NRS 200.364, 200.366, 193.165 -
26 NOC 50097); ATTEMPT SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON
27 (Category B Felony - NRS 200.364, 200.366, 193.330, 193.165 - NOC 50121); and
28 OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B

1 Felony - NRS 202.360 - NOC 51460), committed at and within the County of Clark, State of
2 Nevada, on or about the 10th day of March, 2015, as follows:

3 COUNT 1 - CONSPIRACY TO COMMIT KIDNAPPING

4 did then and wilfully, unlawfully, and feloniously conspire with an unidentified co-
5 conspirator to commit a kidnapping.

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

7 did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
8 abduct, conceal, kidnap, or carry away ARRIE WEBSTER, a human being, with the intent to
9 hold or detain the said ARRIE WEBSTER against her will, and without her consent, for the
10 purpose of committing substantial bodily harm against her and/or for the purpose of
11 committing a sexual assault and/or to kill the said ARRIE WEBSTER, with use of a deadly
12 weapon, to-wit: a shotgun and/or stun gun and/or broomstick or other unknown object and/or
13 leather belt, Defendant being criminally liable under one or more of the following principles
14 of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or
15 abetting in the commission of this crime, with the intent that this crime be committed, by
16 providing counsel and/or encouragement and by entering into a course of conduct whereby
17 Defendant restrained the said ARRIE WEBSTER and Defendant and/or an unidentified co-
18 conspirator beat the said ARRIE WEBSTER with a broomstick or other unknown object
19 and/or leather belt, and/or pointed a shotgun at her and/or used a stun gun on her and/or used
20 the broomstick to sexually assault or attempt to sexually assault ARRIE WEBSTER, and/or
21 (3) pursuant to a conspiracy to commit this crime.

22 COUNT 3 - ASSAULT WITH A DEADLY WEAPON

23 did wilfully, unlawfully, feloniously and intentionally place another person in
24 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
25 attempt to use physical force against another person, to-wit: ARRIE WEBSTER, with use of
26 a deadly weapon, to-wit: a shotgun, by pointing said shotgun at the said ARRIE WEBSTER
27 and/or placing the shotgun in her mouth, Defendant being criminally liable under one or more
28 of the following principles of criminal liability, to-wit: (1) by directly committing this crime;

1 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
2 be committed, by providing counsel and/or encouragement and by entering into a course of
3 conduct whereby Defendant restrained the said ARRIE WEBSTER and Defendant and/or an
4 unidentified co-conspirator pointed a shotgun at the said ARRIE WEBSTER and/or placed the
5 shotgun in her mouth, and/or (3) pursuant to a conspiracy to commit this crime.

6 COUNT 4 - UNLAWFUL USE OF AN ELECTRONIC STUN DEVICE

7 did then and there wilfully, unlawfully and feloniously use an electronic stun device on
8 another person, to-wit: ARRIE WEBSTER, for any purpose other than self-defense, the
9 Defendant being criminally liable under one or more of the following principles of criminal
10 liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the
11 commission of this crime, with the intent that this crime be committed, by providing counsel
12 and/or encouragement and by entering into a course of conduct whereby Defendant restrained
13 the said ARRIE WEBSTER and Defendant and/or an unidentified co-conspirator used a stun
14 device about her body; and/or (3) pursuant to a conspiracy to commit this crime.

15 COUNT 5 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT

16 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
17 person of another, to-wit: ARRIE WEBSTER, with intent to commit sexual assault, by beating
18 her with a broomstick or other unknown object and/or beating her with a leather strap and/or
19 by using a stun gun on the said ARRIE WEBSTER, the Defendant being criminally liable
20 under one or more of the following principles of criminal liability, to-wit: (1) by directly
21 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
22 the intent that this crime be committed, by providing counsel and/or encouragement and by
23 entering into a course of conduct whereby Defendant and/or an unknown co-conspirator
24 pointed a shotgun at ARRIE WEBSTER and/or beat her with a broomstick or other unknown
25 object and/or beat her with a leather strap and/or used a stun gun on her, during the course of
26 which Defendant and/or an unidentified co-conspirator used a broom stick and/or other
27 unknown object to penetrate or attempt to penetrate the anus of the said ARRIE WEBSTER;
28 and/or (3) pursuant to a conspiracy to commit this crime.

1 COUNT 6 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

2 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
3 ARRIE WEBSTER, to sexual penetration, to-wit: by inserting a broomstick or other unknown
4 object in the anus of the said ARRIE WEBSTER, against her will, or under conditions in which
5 Defendant knew, or should have known, that ARRIE WEBSTER was mentally or physically
6 incapable of resisting or understanding the nature of Defendant's conduct, with use of a deadly
7 weapon, to-wit: a broomstick or other unknown object and/or a leather belt and/or a shotgun
8 and/or a stun gun, the Defendant being criminally liable under one or more of the following
9 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by
10 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
11 by providing counsel and/or encouragement and by entering into a course of conduct whereby
12 Defendant restrained the said ARRIE WEBSTER, Defendant and/or an unknown co-
13 conspirator pointed a shotgun at ARRIE WEBSTER and/or beat her with a broomstick or other
14 unknown object and/or beat her with a leather strap and/or used a stun gun on her, during the
15 course of which Defendant and/or an unidentified co-conspirator used a broomstick and/or
16 other unknown object to penetrate the anus of the said ARRIE WEBSTER; and/or (3) pursuant
17 to a conspiracy to commit this crime.

18 COUNT 7 - ATTEMPT SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

19 did then and there wilfully, unlawfully, and feloniously attempt to sexually assault and
20 subject ARRIE WEBSTER, a female person, to sexual penetration, to-wit: by pulling down
21 the pants of the said ARRIE WEBSTER and/or forcing her to pull down her pants, and
22 attempting to insert a broom stick or other unknown object into her anus against her will, or
23 under conditions in which Defendant knew, or should have known, that ARRIE WEBSTER
24 was mentally or physically incapable of resisting or understanding the nature of Defendant's
25 conduct, with use of a deadly weapon, to-wit: a broomstick or other unknown object and/or a
26 leather belt and/or a shotgun and/or a stun gun, the Defendant being criminally liable under
27 one or more of the following principles of criminal liability, to-wit: (1) by directly committing
28 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that

1 this crime be committed, by providing counsel and/or encouragement and by entering into a
2 course of conduct whereby Defendant restrained the said ARRIE WEBSTER, Defendant
3 and/or an unknown co-conspirator pointed a shotgun at ARRIE WEBSTER and/or beat her
4 with a broomstick or other unknown object and/or beat her with a leather strap and/or used a
5 stun gun on her, during the course of which Defendant and/or an unidentified co-conspirator
6 used a broomstick to attempt to penetrate the anus of the said ARRIE WEBSTER; and/or (3)
7 pursuant to a conspiracy to commit this crime.


8 COUNT 8 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

9 did wilfully, unlawfully, and feloniously own, or have in his possession and/or under
10 his custody or control, a firearm, to-wit: a shotgun, the defendant being a convicted felon,
11 having in 2006, been convicted of Possession of Controlled Substance with Intent to Sell, in
12 Case No. C217256, in the Eighth Judicial District Court, Clark County, a felony under the
13 laws of the State of Nevada.

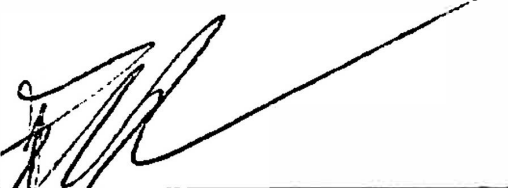
14 DATED this 16th day of April, 2015.

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

17
18 BY


19 SONIA V. JIMENEZ
20 Chief Deputy District Attorney
Nevada Bar #8818

21
22
23 ENDORSEMENT: A True Bill

24 
25
26 Foreperson, Clark County Grand Jury

Names of witnesses testifying before the Grand Jury:

DEMANELIAN, JERI, SANE

GENTILE, ELIZABETH, 1116 N. JONES, LVN

NELSON, JASON, LVMPD P#6825

WEBSTER, ARRIE, c/o CCDA/VWAC, 200 LEWIS AVE., LVN

Additional witnesses known to the District Attorney at time of filing the Indictment:

CARDENAS, ELIAS, LVMPD P#6826

COLLINS, MAURICE, LVMPD P#4719

COR-LV ANIMAL CONTROL, 3300 STEWART AVE., LVN

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD DISPATCH

CUSTODIAN OF RECORDS, LVMPD RECORDS

FOX, DEBRA, 1421 N. JONES, LVN

GROVER, BRADLEY, LVMPD P#4934

KROENING, BRIAN, LVMPD P#9660

LONG, KRISTEN, LVMPD P#6845

MATLOCK, RONALD, LVMPD P#6708

TAYLOR, CARL, 1204 N. JONES, LVN

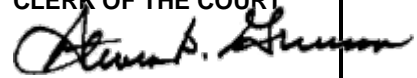
WEIRAUCH, THEODORE, LVMPD P#7465

WHITE, ANTHONY, 900 N. JONES, LVN

14BGJ062X/15F03797X/dd-GJ

LVMPD EV#150310-3372

(TK12)



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,
Plaintiff,

vs.

CALVIN THOMAS ELAM,
Defendant.

CASE NO. C305949-1
DEPT NO. XXI

**TRANSCRIPT OF
PROCEEDINGS**

BEFORE THE HONORABLE VALERIE P. ADAIR, DISTRICT COURT JUDGE

MONDAY, JUNE 19, 2017

JURY TRIAL - DAY 1

APPEARANCES:

FOR THE STATE: ELISSA LUZAICH, ESQ.
Chief Deputy District Attorney

FOR THE DEFENSE: THOMAS A. ERICSSON, ESQ.

RECORDED BY: SUSIE SCHOFIELD, COURT RECORDER
TRANSCRIBED BY: JD REPORTING, INC.

00007

1 **LAS VEGAS, CLARK COUNTY, NEVADA, JUNE 21, 2017, 9:27 A.M.**

2 * * * * *

3 (Outside the presence of the panel of prospective jurors.)

4 THE COURT: I like to do it the old-fashioned way,
5 not the new way. So what that means is I seat -- we'll have
6 two alternates. Seat 14 in the box. I question. State
7 questions. You question. Once they're passed for cause, the
8 peremptorys are exercised publicly. So, like, State would thank
9 and excuse Chair 3. The next in --

10 MR. ERICSSON: Oh, they're done publicly. Okay.

11 THE COURT: Right.

12 -- next in order takes Chair 3, and then I question.
13 State questions. You question. Obviously you'll have nine
14 challenges. One and only one must be used on the alternate
15 chairs, which are 6 and 7. I don't tell them there's even
16 alternates until the very, very end --

17 MR. ERICSSON: I --

18 THE COURT: -- I don't care in which order you do it.

19 MR. ERICSSON: Okay.

20 THE COURT: So say you want to use your third
21 challenge on an alternate chair, you challenge let's say No.
22 6 -- that's the first alternate -- that -- then next in order
23 in the audience takes the alternate chair. Does that make
24 sense?

25 MR. ERICSSON: So just the number -- the alternates

1 are in chairs 6 and 7?

2 THE COURT: Yeah. And No. 1 is the bottom corner.
3 So 1, 2, 3, 4, 5, 6, 7 --

4 MR. ERICSSON: Okay.

5 THE COURT: -- are the chairs. And then if you --

6 MS. LUZAICH: And 8 on top? That one?

7 THE COURT: Yeah.

8 -- if you waive a challenge, it's not a waiver of
9 your subsequent challenges. So we go through all of them.

10 MR. ERICSSON: Okay.

11 THE COURT: So say you waive 6. I'll say challenge
12 7. Are you fine with that method of selection?

13 MR. ERICSSON: Yes.

14 THE COURT: Okay. State, any objections to that
15 method of jury selection?

16 MS. LUZAICH: No.

17 THE COURT: All right. I do kind of the general
18 questions -- you ever been accused of a crime; the victim of a
19 crime, what they do for a living, that kind of thing. Does
20 either side want me to ask any particular questions? Of course
21 you folks will also have the opportunity to question. So.

22 MR. ERICSSON: No, nothing.

23 THE COURT: Okay. Does either side not want that
24 information? If they've been victims of crime?

25 MS. LUZAICH: Yes. No, we do.

1 THE COURT: Okay. Because if you don't want it, I
2 don't need it.

3 MS. LUZAICH: No. I do.

4 THE COURT: Also, what else? Oh, yes. So no other
5 questions or no objections to the method of jury selection?

6 MR. ERICSSON: What was I going to -- I was going to
7 ask you something. Oh. Do we have the rolls yet on who's
8 coming up, or are they bringing that up?

9 THE COURT: No, he brings those up.

10 MR. ERICSSON: Okay.

11 THE COURT: And then there apparently was a recent
12 offer of negotiation. So would you state the offer,
13 Mr. Ericsson.

14 MR. ERICSSON: Yes, Your Honor. This morning
15 Ms. Luzaich offered that the defendant could plead pursuant to
16 the Alford decision to one count of first-degree kidnapping --
17 which carries a sentence of either 5 to 15 years, or a 5 to
18 life sentence -- plus one count of ex-felon in possession of
19 firearm, which carries a 1 to 6 sentence with the State
20 retaining the right to argue. And as of this morning, Mr. Elam
21 has rejected that offer.

22 THE COURT: And that's the best offer that's been
23 made in this case; is that right?

24 MR. ERICSSON: Yes, Your Honor.

25 THE COURT: Mr. Elam, you heard your lawyer,

1 Mr. Ericsson, just state what the most recent offer was.

2 THE DEFENDANT: Yes.

3 THE COURT: Is that right?

4 THE DEFENDANT: Yes.

5 THE COURT: And did you have an opportunity to
6 discuss that offer with your lawyer Mr. Ericsson?

7 THE DEFENDANT: Yes.

8 THE COURT: And is it your desire to reject that
9 offer and proceed to trial?

10 THE DEFENDANT: Yes.

11 THE COURT: And do you understand that once we start
12 selecting the jury, if you change your mind, the State doesn't
13 have to reoffer that?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: Okay. Do you have any questions for me?

18 THE DEFENDANT: No.

19 THE COURT: Before I proceed. So just to be clear on
20 the record, it's your desire to reject that offer?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. Anything else we need to put on
23 the record before Kenny brings the jury up?

24 MS. LUZAICH: No.

25 MR. ERICSSON: No, Your Honor.

1 THE COURT: Okay. I'll be back out in a minute, as
2 soon as he's got somebody here.

3 (Proceedings recessed 9:33 a.m. to 9:46 a.m.)

4 (Outside the presence of the panel of prospective jurors.)

5 THE COURT: All right. So, Ms. Luzaich, it's
6 probably going to be closer to 11:00 when we take our break.
7 Is that okay? Just because --

8 MS. LUZAICH: Can somebody just let District Court 6
9 know?

10 THE COURT: Sure. Are you going to send an e-mail?

11 MS. LUZAICH: Thank you.

12 THE COURT: She's e-mailing the clerk.

13 All right. Good enough. Let's get going.

14 (Pause in the proceedings.)

15 (Panel of prospective jurors entering 9:54 a.m.)

16 THE COURT: I think we need one more chair.

17 All right. Everyone can be seated.

18 All right. Court is now in session. This is the
19 time for Case No. C305949, plaintiff, State of Nevada, versus
20 Calvin Thomas Elam, defendant. Let the record reflect the
21 presence of the State through the deputy district attorney,
22 Elissa Luzaich, the presence of the defendant Calvin Elam,
23 along with his counsel Tom Ericsson, the officers of the court,
24 and the ladies and gentlemen of the prospective jury panel.

25 Good morning, ladies and gentlemen. You are in

1 Department 21 of the Eighth Judicial District Court for the
2 State of Nevada. My name is Valerie Adair, and I am the
3 presiding Judge. You have been summoned here today to serve as
4 jurors in a criminal jury trial.

5 In a moment, counsel for the State will introduce
6 herself to you. She will tell you briefly the nature of the
7 State's case, and she will give you the names of any witnesses
8 who may be called to testify in this matter. Please listen
9 very carefully to the names of the witnesses as they are read
10 to you.

11 Ms. Luzaich.

12 MS. LUZAICH: Good morning, ladies and gentlemen. My
13 name is Lisa Luzaich. I represent the State of Nevada. Over
14 the next few days, if you are chosen, you're going to hear
15 about an incident that occurred on March 10 of 2015, in the
16 area of Jones and Owens, specifically at an apartment at 1108
17 North Jones.

18 On that date, the defendant brought Arrie Webster
19 into his apartment, accused her of stealing his dogs, and then
20 hogtied her and along with another unknown individual hit her
21 over the course of time with a belt, with a stun gun, tied
22 up -- tied her up with twine and a hose, hit her with a broom
23 and potentially sexually assaulted her with a broom as well.

24 You're going to hear from some but not all of the
25 following witnesses. I'm going to read to you a long list of

1 witnesses, and while I promise you you won't hear from all of
2 them, if you don't hear from them, you will hear about them.
3 So in no real order, from the Las Vegas Metropolitan Police
4 Department Detective Elias Cardenas; Detective Sergeant Maurice
5 Collins; Heather Gouldthorpe of Metro's crime lab; Bradley
6 Grover, also of Metro's crime lab, a crime scene analyst;
7 Officer Brian Kroening; Detective Kristen Long; Detective
8 Ronald Matlock; Detective Jason Nelson; Cassandra Robertson
9 from Metro's crime lab; and Detective Theodore Weirauch.

10 Not from the Las Vegas Metropolitan Police
11 Department, you may hear from somebody from animal control.
12 You'll hear from Jeri Dermanelian, who is a Sexual Assault
13 Nurse Examiner and works with UMC hospital; Kunta Patterson;
14 Debra Fox; Elizabeth Gentile, who also you'll hear her referred
15 to as Annie; Joanique Mack; Amanda Magro [phonetic]; Carl
16 Taylor; Arrie Webster, who I mentioned; Anthony White; and
17 Jessica Williams.

18 Thank you.

19 THE COURT: All right. Thank you, Ms. Luzaich.

20 Ladies and gentlemen, in a moment, counsel for the
21 defense will introduce himself to you, along with his client.
22 An accused in a criminal case is never required to call any
23 witnesses or to present any evidence; however, if there are any
24 witnesses who may be called, those names will be given to you
25 at this time.

1 Mr. Ericsson.

2 MR. ERICSSON: Thank you, Your Honor.

3 Good morning, ladies and gentlemen. My name is Tom
4 Ericsson. I represent Calvin Elam. He has pled not guilty to
5 the charges that the State has brought against him.

6 In addition to the witnesses that Ms. Luzaich has
7 identified, there are two additional witnesses that may be
8 called. They are Gina Lucio [phonetic] -- she's with AMR, the
9 ambulance service -- and Zachary King. He's a paramedic with
10 AMR medical services.

11 Thank you.

12 THE COURT: All right. Thank you, Mr. Ericsson.

13 Ladies and gentlemen, in a moment, the court clerk,
14 Ms. Jill Chambers, is going to call the role of the panel of
15 prospective jurors. When your name is called, please answer
16 present or here.

17 Please be aware that everything that is said during
18 these proceedings is recorded. You'll see these little black
19 boxes on the banisters throughout the courtroom. I tell you
20 that because when you're speaking, please make sure you speak
21 up loudly and clearly so that everything you say can be
22 accurately recorded.

23 The lady here in the orange sweater is Ms. Susie
24 Schofield. She is our official court recorder. It is her job
25 to make sure that everything that is said during these

1 proceedings is recorded and an accurate transcript is prepared
2 thereafter. So please make sure you're speaking up loudly and
3 clearly so that Ms. Schofield can do her job.

4 Ms. Chambers, if you would please call the roll.

5 (Roll called.)

6 THE COURT: All right. Is there anyone whose name
7 was not called?

8 (No response.)

9 THE COURT: Ladies and gentlemen, the questioning of
10 the jury at the beginning of the case is done under oath. If
11 all of the ladies and gentlemen from the prospective jury panel
12 would please rise, the clerk is now going to administer the
13 oath to you.

14 (Panel of prospective jurors sworn.)

15 THE CLERK: Thank you.

16 THE COURT: All right. Please be seated.

17 Ladies and gentlemen, we are about to commence
18 examination of prospective jurors in this case. During this
19 process, you will be asked questions bearing on your ability to
20 sit as fair and impartial jurors. The Court, the lawyers and
21 everyone involved in this case are all deeply interested in
22 having this matter tried by a jury composed of 14 open-minded
23 people who are completely neutral and who have no bias or
24 prejudice toward or against either side. In order for us to
25 accomplish this, it is necessary for me to ask you some

1 questions. The attorneys will also be given the opportunity to
2 ask you some questions.

3 Please understand that it is not our desire to pry
4 unnecessarily into your personal lives, although the
5 questioning can at times become quite personal. Our only
6 objective is to ascertain whether there is any reason why any
7 of you cannot serve as completely fair and impartial jurors if
8 you are selected to serve in this matter.

9 It is important that you understand the significance
10 of full, complete and honest answers to all of the questions we
11 are about to ask you. I caution you not to try to hide or
12 withhold anything touching upon your qualifications to serve as
13 a juror in this matter, as that fact could tend to contaminate
14 your verdict and subject you to further inquiry even after you
15 have been discharged as a juror.

16 Your decision if you are selected to serve in this
17 case should be based upon all of the evidence presented during
18 the trial and not upon any preconceived bias or prejudice.

19 I'm going to conduct a general examination of all of
20 you. That's the ladies and gentlemen seated in the jury box,
21 as well as the ladies and gentlemen seated in the audience.
22 Following my preliminary questions, I'll be asking more
23 specific questions of the ladies and gentlemen seated in the
24 jury box, and that will be followed by questions from the
25 attorneys.

1 If you wish to respond to any of my preliminary
2 questions in the affirmative, please raise your hand, and when
3 I call on you, please state your name and your badge number for
4 the record. If you are seated in the audience when I call on
5 you, please stand up so that we make sure we can hear you.

6 Is there anyone who is acquainted with the deputy
7 district attorney prosecuting this case? Is anyone acquainted
8 with Ms. Lisa Luzaich? Does anyone think they know
9 Ms. Luzaich?

10 All right. I see no hands.

11 Does anyone believe they may know the defendant in
12 this matter, Calvin Elam? Does anyone think they may know
13 Mr. Elam?

14 I see no hands.

15 Does anyone believe they may know defense counsel Tom
16 Ericsson? Does anyone think they may know Mr. Ericsson?

17 Does any --

18 Yes, sir.

19 PROSPECTIVE JUROR NO. 166: I think I know --

20 THE COURT: Sir.

21 PROSPECTIVE JUROR NO. 166: I might --

22 THE COURT: Your name and badge number, please.

23 PROSPECTIVE JUROR NO. 166: Donald Warren.

24 THE COURT: And your badge number, sir.

25 PROSPECTIVE JUROR NO. 166: Donald Warren, zero --

1 0166.

2 THE COURT: All right. And you think you may know
3 Mr. Ericsson.

4 PROSPECTIVE JUROR NO. 166: I may know him from
5 church.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 166: Or might have seen him
8 there.

9 THE COURT: All right. So you think you might
10 recognize him, but you don't know him personally --

11 PROSPECTIVE JUROR NO. 166: Yeah.

12 THE COURT: -- is that correct?

13 Okay. And you're not on any church committees with
14 him --

15 PROSPECTIVE JUROR NO. 166: No.

16 THE COURT: -- or anything of that nature?

17 PROSPECTIVE JUROR NO. 166: No.

18 THE COURT: All right. Thank you, sir. Have a seat.

19 Does anyone else think they may know Mr. Ericsson?

20 All right. I see no other hands.

21 All right. Does anyone think they may know or know
22 of any of the witnesses who may be testifying in this matter?
23 Did anyone recognize the names of any of the witnesses whose
24 names were read by either Ms. Luzaich or Mr. Ericsson? Does
25 anyone think they may know one of the witnesses in this case?

1 All right. I see no hands.

2 This case is expected to last through the end of this
3 week, meaning through Friday. We normally break around
4 5:00 p.m., and it's expected to go into next week. We would be
5 off for the weekend, but we should be finishing up Tuesday of
6 next week. We anticipate finishing up by Tuesday. It could go
7 a little bit later, or we could end a little bit earlier -- by
8 Monday -- but we anticipate finishing up by Tuesday.

9 I understand that that's an inconvenience for people.
10 Obviously we live in a community where many people work in the
11 casino industry or the service industry or the construction
12 industry. They may not be making their full wages. They may
13 not be making their tip income if they serve as jurors. I
14 simply cannot excuse people from jury service because they're
15 going to be missing work or because they won't be making their
16 full income, their full wages.

17 Having said that, is there anyone for whom serving as
18 a juror would constitute an extreme or an undue hardship? Is
19 there anyone for whom service would constitute an extreme or
20 undue hardship?

21 Are you raising your hand?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: All right. Did you raise your hand as
24 well in Chair 1?

25 PROSPECTIVE JUROR NO. 145: Yeah, I was just -- I

1 have a question.

2 THE COURT: All right. And you are Ms. Herbert?

3 PROSPECTIVE JUROR NO. 145: Yes.

4 THE COURT: And what was your question?

5 PROSPECTIVE JUROR NO. 145: I pick up my kids every
6 day at 5:00 o'clock. So --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 145: -- that would be kind of
9 (inaudible).

10 THE COURT: How old are your kids?

11 PROSPECTIVE JUROR NO. 145: 5 and 7.

12 THE COURT: All right. And where do you pick them
13 up?

14 PROSPECTIVE JUROR NO. 145: South end of Las Vegas.

15 THE COURT: Okay. Meaning are they with a babysitter
16 or --

17 PROSPECTIVE JUROR NO. 145: They're at day care, and
18 (inaudible).

19 THE COURT: Okay. You are --

20 PROSPECTIVE JUROR NO. 145: So I have to pick them up
21 by a certain time.

22 THE COURT: Okay. Do you -- is the father of the
23 children in the picture or --

24 PROSPECTIVE JUROR NO. 145: Yeah, he is.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 145: He works his one. He
2 gets off later, and then he goes to school after. So.

3 THE COURT: Okay. Where's your -- where does your
4 husband work or the father?

5 PROSPECTIVE JUROR NO. 145: RE/MAX.

6 THE COURT: Okay. RE/MAX the realty company?

7 PROSPECTIVE JUROR NO. 145: Uh-huh.

8 THE COURT: Is he a realtor?

9 PROSPECTIVE JUROR NO. 145: No, he's a property
10 manager.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 145: And he gets off after
13 (inaudible).

14 THE COURT: Do you have other family, like your
15 mother? The kids' grandparents?

16 PROSPECTIVE JUROR NO. 145: I do, but they all work,
17 too, and it's just me and him pretty much with the kids
18 (inaudible).

19 THE COURT: Okay. All right. And you said they're
20 what? In Safekey?

21 PROSPECTIVE JUROR NO. 145: Yeah. It's, like, after
22 school, like a summer camp -- my daughter -- and my son's at
23 day care.

24 THE COURT: Okay. A commercial day care center?

25 PROSPECTIVE JUROR NO. 145: Uh-huh.

1 THE COURT: What time does that commercial day care
2 center close?

3 PROSPECTIVE JUROR NO. 145: At 6:00.

4 THE COURT: At 6:00. Okay.

5 And then, sir, you raised your hand in the back?

6 PROSPECTIVE JUROR NO. 161: I have mediation for a
7 relocation of my kids on Monday.

8 THE COURT: Okay. And your name and badge number,
9 sir?

10 PROSPECTIVE JUROR NO. 161: Robert Nelson, badge
11 number is 161.

12 THE COURT: All right. Is that a mediation through
13 family court here?

14 PROSPECTIVE JUROR NO. 161: Yes.

15 THE COURT: Okay. And what time is the mediation on
16 Monday?

17 PROSPECTIVE JUROR NO. 161: 9:00 a.m.

18 THE COURT: All right. And obviously you don't know
19 how long that's going to take?

20 PROSPECTIVE JUROR NO. 161: No.

21 THE COURT: All right. Anyone else in the box?

22 All right. I see no other hands.

23 I saw a couple of hands on this side of the room.

24 Yes, the gentleman in the plaid shirt.

25 PROSPECTIVE JUROR NO. 170: Hi.

1 THE COURT: Your name and badge number, please.

2 PROSPECTIVE JUROR NO. 170: It's Matthew Brown, 0170.
3 I run a small business, a tour business, and I do have kayak
4 tours on the river where people have booked -- families -- a
5 month in advance, and I'm on a budget, and I -- I'm the guide.
6 So they've already booked them out. I've got five tours lined
7 up for the week, and that's, like, \$2,000. That would be just
8 devastating if I didn't have that -- that income.

9 THE COURT: All right. And are you -- do you have
10 any employees who also give the tours or --

11 PROSPECTIVE JUROR NO. 170: Not at the moment. I
12 have drivers on the full day, but I -- I execute all the guides
13 with the national park.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 170: I'm the guide, yeah.
16 Yeah.

17 THE COURT: So you're the person in the boat?

18 PROSPECTIVE JUROR NO. 170: I'm the person in the
19 kayak, on the paddleboard. So I'm the instructor.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 170: I'm the guide.

22 THE COURT: And the drivers, what do they -- they
23 just drive?

24 PROSPECTIVE JUROR NO. 170: Well, when they have full
25 days. I have five half-day tours this week where I pick them

1 up from the hotels, take them out to the river, to the national
2 park or Willow Beach, and then take them back, and they've paid
3 me and already booked -- some of these three weeks out.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 170: You know, from England.

6 THE COURT: Thank you, sir.

7 PROSPECTIVE JUROR NO. 170: Thank you.

8 THE COURT: Have a seat. And I saw another couple of
9 hands.

10 Yes, ma'am, your name and badge number.

11 PROSPECTIVE JUROR NO. 189: Your Honor, Dr. Sharon
12 Jones-Forrester, Badge 189.

13 THE COURT: All right. And what is your hardship?

14 PROSPECTIVE JUROR NO. 189: I have a conflict. I
15 have a Nevada State Bar hearing scheduled. They're scheduled
16 every six months, and it's for all day Tuesday of this week,
17 half day Wednesday of this week.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 189: And I'm also a clinical
20 neuropsychologist that does both clinical and civil forensic
21 work.

22 THE COURT: Okay. Now, the State Bar hearing, are
23 you a witness or are you --

24 PROSPECTIVE JUROR NO. 189: Ma'am, I'm actually --
25 oh, I'm sorry, Your Honor. I'm on the accommodations

1 committee. So I'm part of the hearing committee.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 189: And we will not
4 unfortunately have quorum if I'm not there.

5 THE COURT: Okay. And so you're -- obviously I'm not
6 going to ask you too many details, but so you're one of the --

7 PROSPECTIVE JUROR NO. 189: I'm one of the -- I'm one
8 of the hearers.

9 THE COURT: Right. Exactly. So this would be a
10 disciplinary proceeding or a disbarment proceeding for a
11 particular attorney --

12 PROSPECTIVE JUROR NO. 189: It's actually an --

13 THE COURT: -- is that correct?

14 PROSPECTIVE JUROR NO. 189: -- accommodations
15 committee hearing for the State Bar.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 189: So they have several
18 potential State Bar applicants who have requested academic
19 accommodations.

20 THE COURT: I see.

21 PROSPECTIVE JUROR NO. 189: And those hearings are
22 scheduled. We have 14 applicants scheduled, so full day
23 Tuesday, half day to potentially full day on Wednesday.

24 THE COURT: These are applicants who haven't taken
25 their bar exam yet?

1 PROSPECTIVE JUROR NO. 189: That's correct. They're
2 pending the bar. So --

3 THE COURT: Okay. And those would be people with
4 attention disorders and things of that nature that might need
5 to be in a private room. Is that the kind of thing?

6 PROSPECTIVE JUROR NO. 189: Yes, Your Honor, both
7 academic accommodations for physical and psychiatric
8 disabilities.

9 THE COURT: All right. Thank you, ma'am. Have a
10 seat.

11 PROSPECTIVE JUROR NO. 189: Thank you.

12 THE COURT: And please give the microphone to the
13 lady next to you who also raised her hand.

14 Yes, ma'am. Your name and badge number.

15 PROSPECTIVE JUROR NO. 192: Hi, Your Honor. My name
16 Cynthia Kozmary.

17 THE COURT: Yes.

18 PROSPECTIVE JUROR NO. 192: My badge number is 0192.
19 It doesn't sound as pressing as these, but I do have prepaid
20 airline tickets for a vacation on Friday to Tuesday.

21 THE COURT: All right. And do you have a copy of
22 those tickets?

23 PROSPECTIVE JUROR NO. 192: I do.

24 THE COURT: Okay. Can you just show that to the
25 bailiff.

1 PROSPECTIVE JUROR NO. 192: Yes.

2 THE COURT: All right. Thank you. Have a seat.

3 And did I see any other hands on that side of the
4 room? I think there's one other hand.

5 PROSPECTIVE JUROR NO. 326: Your Honor, my name is
6 Sandra Pierre-Louis, and my badge number is 13-0326. I am a
7 nurse practitioner, now currently working for Care Mall
8 [phonetic], and right now I'm the manager there. We do not
9 have any staff this morning, pretty much had to cancel all my
10 patients, and we don't have any staff right now at the moment
11 to hold, and we do the geriatric populations. So they need
12 wound care and all of that. So right now I'm pretty much
13 holding everybody behind.

14 THE COURT: Okay. And you work where?

15 PROSPECTIVE JUROR NO. 326: Care Mall.

16 THE COURT: Okay. So do you go around to patient's
17 homes or --

18 PROSPECTIVE JUROR NO. 326: No. They come to us in
19 the clinics.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 326: Yeah.

22 THE COURT: And then do you work under a physician,
23 I'm assuming?

24 PROSPECTIVE JUROR NO. 326: No. No, right now I'm
25 not the State of Nevada. So pretty much we run the clinic.

1 The nurse practitioner run the clinics.

2 THE COURT: Okay. And I'm assuming there are other
3 nurse practitioners who also --

4 PROSPECTIVE JUROR NO. 326: They --

5 THE COURT: -- who also work at the clinic --

6 PROSPECTIVE JUROR NO. 326: Yeah, they're --

7 THE COURT: -- is that correct?

8 PROSPECTIVE JUROR NO. 326: They're all -- we have --
9 it's, like, four of us right now.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 326: And then so we have three
12 clinics each in one clinic. So my clinic is at Tenaya by
13 Mountain View.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 326: And I don't have anybody
16 right now.

17 THE COURT: You're the only nurse practitioner at
18 that clinic?

19 PROSPECTIVE JUROR NO. 326: At the -- that clinic,
20 that facility. We have another one that comes for two days,
21 but schedule's already filled out.

22 THE COURT: Okay. All right. Thank you. Have a
23 seat.

24 Oh, and I'm sorry, the lady next to you.

25 Yes, ma'am. Your name and badge number.

1 PROSPECTIVE JUROR NO. 329: Karin Backlund.
2 THE COURT: Yes.
3 PROSPECTIVE JUROR NO. 329: 0329. I have prepaid
4 vacations leaving Saturday.
5 THE COURT: Okay.
6 PROSPECTIVE JUROR NO. 329: One week.
7 THE COURT: And is that on -- do you have an airline
8 ticket?
9 PROSPECTIVE JUROR NO. 329: I have the confirmation
10 with me, yes.
11 THE COURT: Okay. If you would just have a seat and
12 then show that to the bailiff, please.
13 PROSPECTIVE JUROR NO. 329: Thank you.
14 THE COURT: All right. Thank you.
15 And I think I saw a hand or two on this side of the
16 room.
17 And the gentleman right there. Yes, sir. Your name
18 and badge number.
19 PROSPECTIVE JUROR NO. 376: My name's Eric Glenn,
20 Badge No. 376. I start a new job this Thursday, and I do not
21 have rent money. I'm a bartender. I rely on tips.
22 THE COURT: Okay. And where do you work as a
23 bartender?
24 PROSPECTIVE JUROR NO. 376: I'm between jobs. I
25 start at Miller's Alehouse on Thursday.

1 THE COURT: Okay. And I don't mean to pry, but how
2 long have you been out of work?

3 PROSPECTIVE JUROR NO. 376: About a week and a half.

4 THE COURT: Okay. And where were you working prior
5 to --

6 PROSPECTIVE JUROR NO. 376: I was at Benihana's on
7 The Strip at Fashion Show.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 376: I recently did an event
10 at the EDC. I've actually been up for about 22 hours. I don't
11 get paid from there for about three weeks.

12 THE COURT: Okay. All right. Thank you, sir. And
13 you said you start your job at Miller's Alehouse on Thursday?

14 PROSPECTIVE JUROR NO. 376: The 22nd, yeah.

15 THE COURT: Okay. Thank you. Have a seat.

16 And the gentleman --

17 Yes, sir. Your name and badge number.

18 PROSPECTIVE JUROR NO. 345: Anthony Ivester, Badge
19 No. 0345.

20 THE COURT: Yes.

21 PROSPECTIVE JUROR NO. 345: I got a prepared airline
22 ticket for work that I'm leaving on Thursday morning.

23 THE COURT: Okay. And when are you coming back?

24 PROSPECTIVE JUROR NO. 345: Probably the same day.

25 THE COURT: Okay. And what kind of work do you do?

1 PROSPECTIVE JUROR NO. 345: We are negotiating the
2 contract with the bricklayers local union here.

3 THE COURT: Okay. So are you like a business manager
4 for the bricklayers or --

5 PROSPECTIVE JUROR NO. 345: Yeah. I'm
6 secretary-treasurer.

7 THE COURT: Okay. And you have a negotiation where?

8 PROSPECTIVE JUROR NO. 345: In Arizona, Phoenix.

9 THE COURT: All right. Sir, and do you have
10 confirmation of your flight?

11 PROSPECTIVE JUROR NO. 345: Yes, I do.

12 THE COURT: All right. If you'd get that and please
13 show it to the bailiff. Sir, have a seat.

14 And I saw another hand on that side of the room.

15 All right. Yes, ma'am. Your name and badge number.

16 PROSPECTIVE JUROR NO. 401: My name is Alvar Rubio,
17 and I -- I'm sorry. I'm so nervous. 0401. Me and my husband,
18 we both work. We have three little boys, and I'm the one that
19 dropped them off at 7:00 o'clock in the morning. Right now
20 they're on a all year round, which I hate it. I'm sorry.

21 THE COURT: Year-round school?

22 PROSPECTIVE JUROR NO. 401: Yeah. And I have to drop
23 them off at 7:00 o'clock.

24 THE COURT: Okay. We don't start at 7:00.

25 PROSPECTIVE JUROR NO. 401: I know. I have to pick

1 them up from the bus stop. The bus stop is like two blocks
2 away from my house.

3 THE COURT: Okay. What time are they finished?

4 PROSPECTIVE JUROR NO. 401: The bus stop stops at
5 3:00 o'clock.

6 THE COURT: All right. And what kind of work do you
7 do?

8 PROSPECTIVE JUROR NO. 401: I do cocktails.

9 THE COURT: All right. And where do you work?

10 PROSPECTIVE JUROR NO. 401: At the Link.

11 THE COURT: All right. And what shift do you work?

12 PROSPECTIVE JUROR NO. 401: 8:00 to 4:00.

13 THE COURT: How do you pick your kids up at the bus
14 stop if you're working at 4:00?

15 PROSPECTIVE JUROR NO. 401: Well, they stay at my
16 neighbor's sometimes, or sometimes they go home, and they just
17 wait.

18 THE COURT: Okay. So sometimes they have to stay
19 with the neighbor?

20 PROSPECTIVE JUROR NO. 401: Yeah, like, I put --

21 THE COURT: -- until you get --

22 PROSPECTIVE JUROR NO. 401: -- early out.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 401: Or, like, this morning,
25 my husband, he was late for work to get the kids ready.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 401: And if the neighbor --
3 the neighbor works, too. If she's around, she'll, like, pick
4 them up. Otherwise, my kids, they have to walk home.

5 THE COURT: Okay. And how old are the kids?

6 PROSPECTIVE JUROR NO. 401: 7 and 10.

7 THE COURT: Okay. And what kind of work does your
8 husband do?

9 PROSPECTIVE JUROR NO. 401: He works at the Station
10 Casinos. He's a manager.

11 THE COURT: A manager.

12 PROSPECTIVE JUROR NO. 401: Uh-huh.

13 THE COURT: In what division?

14 PROSPECTIVE JUROR NO. 401: Engineer department.

15 THE COURT: Okay. All right. Thank you, ma'am.
16 Have a seat.

17 PROSPECTIVE JUROR NO. 401: Thank you.

18 THE COURT: And I think I saw another lady who raised
19 her hand.

20 Yes, ma'am. Your name and badge number.

21 PROSPECTIVE JUROR NO. 396: Yes, my name is Rosemarie
22 Quiroga, Badge No. 3096.

23 THE COURT: Yes.

24 PROSPECTIVE JUROR NO. 396: My work week ends on
25 Monday, and I'm off on Tuesday and Wednesday.

1 THE COURT: Okay. What --

2 PROSPECTIVE JUROR NO. 396: So --

3 THE COURT: What work do you do, ma'am?

4 PROSPECTIVE JUROR NO. 396: PBX operator for the
5 Stratosphere.

6 THE COURT: And are you married? Domestic partner
7 or --

8 PROSPECTIVE JUROR NO. 396: No.

9 THE COURT: Just single?

10 PROSPECTIVE JUROR NO. 396: Yes.

11 THE COURT: All right. So your normal days off are
12 Tuesday and Wednesday?

13 PROSPECTIVE JUROR NO. 396: And Wednesday, yes.

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

15 And I saw another hand.

16 Have a seat.

17 PROSPECTIVE JUROR NO. 381: Good morning, Your Honor.
18 My name is Yolanda Edwards, Badge No. 0381.

19 THE COURT: Yes.

20 PROSPECTIVE JUROR NO. 381: I have two things. I
21 have a doctor's appointment on the 23rd, and I might be
22 summonsed to court in Chicago, Illinois, for my dad's property.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 381: I will have an answer for
25 the summons by Wednesday I was told from the lawyer.

1 THE COURT: Okay. So is the probate case in Chicago?

2 PROSPECTIVE JUROR NO. 381: We didn't go through
3 probate. I have a so-called sibling, who's a squatter. The
4 property sold but the people who are buying it didn't put all
5 the money down until she's out.

6 THE COURT: Okay. Do you have any legal papers that
7 you brought with you from the case in Chicago?

8 PROSPECTIVE JUROR NO. 381: I didn't, but I'll be
9 more than happy when --

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 381: -- to bring those.

12 THE COURT: And then you said you have a doctor's
13 appointment?

14 PROSPECTIVE JUROR NO. 381: Yes, ma'am.

15 THE COURT: And I don't mean to pry, but what type of
16 a physician?

17 PROSPECTIVE JUROR NO. 381: PMS.

18 THE COURT: Okay. All right. And that's scheduled
19 for when?

20 PROSPECTIVE JUROR NO. 381: The 23rd.

21 THE COURT: What time?

22 PROSPECTIVE JUROR NO. 381: I think it's at 3:00, if
23 I'm not mistaken. It's late in the afternoon I do know.

24 THE COURT: Okay. Thank you, ma'am.

25 And I didn't see any other hands on that side of the

1 room I don't believe.

2 All right. Thank you. If you'd just return the
3 microphone to the bailiff.

4 PROSPECTIVE JUROR NO. 160: Your Honor.

5 THE COURT: Yes, sir.

6 THE MARSHAL: You don't need the microphone. You
7 can --

8 PROSPECTIVE JUROR NO. 160: Oh, okay. All right.

9 THE COURT: And you can stay seated.

10 PROSPECTIVE JUROR NO. 160: Sorry.

11 THE COURT: But your name and badge number, sir.

12 PROSPECTIVE JUROR NO. 160: Irvin Guerrero, and it's
13 0160, and I have -- I'm taking online graduate courses.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 160: So will I get to use the
16 Internet if I was picked as a juror to --

17 THE COURT: I'm sorry. What was your badge number?

18 PROSPECTIVE JUROR NO. 160: 0160.

19 THE COURT: All right. And you're Mr. Guerrero?

20 PROSPECTIVE JUROR NO. 160: Uh-huh.

21 THE COURT: All right. And you said you're taking
22 Internet classes.

23 PROSPECTIVE JUROR NO. 160: Yeah.

24 THE COURT: And so you want to be able to access the
25 Internet --

1 PROSPECTIVE JUROR NO. 160: (Inaudible.)
2 THE COURT: -- during your service as a juror?
3 PROSPECTIVE JUROR NO. 160: Uh-huh.
4 THE COURT: Okay. All right. Thank you.
5 PROSPECTIVE JUROR NO. 160: And I also start a new
6 job tomorrow.
7 THE COURT: Okay.
8 PROSPECTIVE JUROR NO. 160: And I have orientation
9 tomorrow.
10 THE COURT: What's your new job?
11 PROSPECTIVE JUROR NO. 160: I'm a teacher. I'll be
12 starting teaching adults who -- international students
13 (inaudible).
14 THE COURT: Okay. Where are you teaching?
15 PROSPECTIVE JUROR NO. 160: At Uceda school. It's on
16 Desert Inn and Eastern.
17 THE COURT: Okay. And you're teaching --
18 PROSPECTIVE JUROR NO. 160: International students.
19 THE COURT: Okay.
20 PROSPECTIVE JUROR NO. 160: Foreign exchange.
21 THE COURT: Are you teaching English as a second
22 language?
23 PROSPECTIVE JUROR NO. 160: Yes, I do.
24 THE COURT: Okay. And you said your orientation for
25 that job is tomorrow?

1 PROSPECTIVE JUROR NO. 150: Uh-huh.

2 THE COURT: And all right. Thank you.

3 All right. I don't see any other hands.

4 And, everyone, I'm happy to listen to -- I don't want
5 to say I'm happy to listen to your hardships, but I don't mind
6 listening to everyone's difficulties; however, just so people
7 know, everyone who has raised their hand will not be excused.

8 And, sir, in the front row, your name and badge
9 number.

10 PROSPECTIVE JUROR NO. 150: Corey Abiva, Badge No.
11 0150.

12 THE COURT: All right. Yes.

13 PROSPECTIVE JUROR NO. 150: I have -- this my last
14 week of summer school. It's the final week, and I have -- I go
15 to school Monday to Friday, 8:00 to 12:00.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 150: And I'm just trying to
18 finish it.

19 THE COURT: Okay. And where do you go to school?

20 PROSPECTIVE JUROR NO. 150: Nevada State -- Nevada
21 State College.

22 THE COURT: All right. And what are you studying?

23 PROSPECTIVE JUROR NO. 150: Kinesiology. I go to
24 UNLV, but I'm just taking summer classes there.

25 THE COURT: Okay. And you said your exams are this

1 week?

2 PROSPECTIVE JUROR NO. 150: Yes. So it's tomorrow
3 and Thursday.

4 THE COURT: All right. How many classes are you
5 taking?

6 PROSPECTIVE JUROR NO. 150: I'm just taking one.

7 THE COURT: And they're giving you two exams?

8 PROSPECTIVE JUROR NO. 150: Yes.

9 THE COURT: For one class?

10 PROSPECTIVE JUROR NO. 150: Yes. Because it's six
11 weeks for a 16-week course.

12 THE COURT: Okay. Two written exams?

13 PROSPECTIVE JUROR NO. 150: No, not two written. One
14 physical -- one clinical and one a written exam.

15 THE COURT: When is the written exam?

16 PROSPECTIVE JUROR NO. 150: Thursday.

17 THE COURT: And the one tomorrow?

18 PROSPECTIVE JUROR NO. 150: It's the clinical one.

19 THE COURT: All right. All right. Is there anyone
20 who is not a United States citizen? Anyone who is not a United
21 States citizen?

22 (No response.)

23 THE COURT: Anyone who has been previously convicted
24 of a felony crime? Anyone who has been previously convicted of
25 a felony crime?

1 All right. Ladies and gentlemen, from time to
2 time --

3 THE MARSHAL: Judge, we have one, Judge.

4 THE COURT: Oh, yes, sir.

5 PROSPECTIVE JUROR NO. 333: Yeah.

6 THE COURT: Your name and badge number.

7 PROSPECTIVE JUROR NO. 333: Stevie Love, and my badge
8 number is 0333.

9 THE COURT: And, Mr. Love, you said you've been
10 convicted of a felony?

11 PROSPECTIVE JUROR NO. 333: Yes, in 1987.

12 THE COURT: And where was that?

13 PROSPECTIVE JUROR NO. 333: In Nevada.

14 THE COURT: All right. And the felony for which you
15 were convicted?

16 PROSPECTIVE JUROR NO. 333: Possession of a
17 controlled substance.

18 THE COURT: Okay. And have you had your rights
19 restored or --

20 PROSPECTIVE JUROR NO. 333: That I don't know.

21 THE COURT: All right. Were you on probation for
22 that?

23 PROSPECTIVE JUROR NO. 333: Yes, three years
24 probation.

25 THE COURT: Okay. And were you honorably discharged,

1 or do you know?

2 PROSPECTIVE JUROR NO. 333: Yes, I did the three
3 years. Yes.

4 THE COURT: Okay. And then you were discharged, and
5 that's the extent of your knowledge about that?

6 PROSPECTIVE JUROR NO. 333: Yeah, that's it. Yeah.
7 Uh-huh.

8 THE COURT: All right. Thank you, sir. Have a seat.
9 All right. I see --

10 THE MARSHAL: We have another hand, Judge.

11 THE COURT: Oh, I'm sorry.

12 Yes, ma'am. Your name and badge number, please.

13 PROSPECTIVE JUROR NO. 350: Shasta Rogers, 350.

14 THE COURT: Yes, ma'am.

15 PROSPECTIVE JUROR NO. 350: So convicted of a felony.

16 THE COURT: Felony.

17 PROSPECTIVE JUROR NO. 350: 1999.

18 THE COURT: Okay. And I don't mean to pry, but what
19 felony were you --

20 PROSPECTIVE JUROR NO. 350: It was forgery and theft.

21 THE COURT: All right.

22 PROSPECTIVE JUROR NO. 350: Here in Las Vegas.

23 THE COURT: And did you serve a term of probation?

24 PROSPECTIVE JUROR NO. 350: Three years probation.

25 THE COURT: Okay. And were you discharged from the

1 probation --

2 PROSPECTIVE JUROR NO. 350: I was honorably.

3 THE COURT: -- honorably?

4 PROSPECTIVE JUROR NO. 350: Yes.

5 THE COURT: Okay. And have you done anything to seal
6 your record or have your rights restored --

7 PROSPECTIVE JUROR NO. 150: I have not.

8 THE COURT: -- or anything like that?

9 PROSPECTIVE JUROR NO. 350: No.

10 THE COURT: Nothing.

11 PROSPECTIVE JUROR NO. 350: Huh-uh.

12 THE COURT: Okay. Thank you, ma'am. Give the
13 microphone back to the bailiff.

14 Anyone else?

15 All right. I see no other hands.

16 Ladies and gentlemen, from time to time I will confer
17 with counsel either up here at the bench or in the hallway.
18 When I do that, feel free if you want to stand up and stretch
19 in place. I know the chairs are very uncomfortable. Or if you
20 need water, there are pitchers, and just get the bailiff's
21 attention.

22 Counsel, I'll see you in the back hallway, and if
23 you'd exit through that door there.

24 (Pause in the proceedings.)

25 THE COURT: All right. At this time, Badge No. 150,

1 Mr. Abiva, you are excused from these proceedings. You will be
2 receiving a summons for jury service in the future, and the
3 bailiff will direct you from the courtroom. Thank you.

4 Badge No. 161, Mr. Nelson, you are excused from these
5 proceedings; however, you will be receiving a summons for jury
6 service in the future. Thank you, and the bailiff will direct
7 you from the courtroom.

8 Badge No. 170, Mr. Brown, you are excused from these
9 proceedings. You will be receiving another summons for jury
10 service in the future.

11 Badge No. 189, Ms. Jones-Forrester, you are excused
12 from these -- or Dr. Jones-Forrester, you are excused from
13 these proceedings. You will be receiving a summons for jury
14 service in the future. Thank you.

15 Badge No. 192, Ms. Kozmary, you are excused from
16 these proceedings. You will be receiving a summons for jury
17 service in the future.

18 Badge No. 329, Ms. Backlund, you are excused from
19 these proceedings. You will be receiving a summons for jury
20 service in the future.

21 Badge No. 333, Mr. Love, you are excused. Thank you,
22 sir.

23 Badge No. 345, Mr. Ivester, you are excused from
24 these proceedings. You will be receiving a summons for service
25 in the future.

1 PROSPECTIVE JUROR NO. 345: Thank you.

2 THE COURT: Thank you.

3 Badge No. 350, Ms. Rogers, you are excused. Thank
4 you.

5 And at this time, Badge No. 145, Ms. Herbert, I'm
6 going to ask you to go ahead and have a seat in the audience,
7 please.

8 PROSPECTIVE JUROR NO. 145: Okay.

9 MS. LUZAICH: Did you miss one, Judge?

10 THE COURT: Oh, I'm sorry. Counsel, approach.

11 (Conference at the bench not recorded.)

12 THE COURT: Badge 376, Mr. Glenn, you are excused
13 from these proceedings. You'll be receiving a summons at a
14 later date.

15 Badge No. 160, Mr. Guerrero-Vizcarra, if you would
16 please have a seat in the audience.

17 If the court clerk would please call up the next
18 prospective jurors to take the empty chairs in the jury box.

19 THE CLERK: Donald Warren.

20 Jenny Chenh.

21 Meagan Maynard.

22 And, Patricia Lawson.

23 THE COURT: All right. Good morning. Is it
24 Mr. Warren?

25 PROSPECTIVE JUROR NO. 166: Yes.

1 THE COURT: And you thought you might recognize
2 Mr. Ericsson from church; is that correct?

3 PROSPECTIVE JUROR NO. 166: That is correct.

4 THE COURT: And do you think you've seen him recently
5 at church, or would that have been a number of years past?

6 PROSPECTIVE JUROR NO. 166: It -- it was in the past.

7 THE COURT: Okay. And what part of -- have you gone
8 to the same church for a number of years?

9 PROSPECTIVE JUROR NO. 166: No --

10 THE COURT: And by church, I mean the physical
11 location of the church, not the religion.

12 PROSPECTIVE JUROR NO. 166: I've been -- I've moved
13 across the west side of the valley a few different times. So.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 166: There's a chance we could
16 have crossed paths somewhere along the way.

17 THE COURT: Okay. So you've attended various church
18 locations --

19 PROSPECTIVE JUROR NO. 166: Yes.

20 THE COURT: -- is that fair?

21 Okay. But you've been in the same --

22 PROSPECTIVE JUROR NO. 166: (Unintelligible.)

23 THE COURT: -- church meaning religion for --

24 PROSPECTIVE JUROR NO. 166: Yes.

25 THE COURT: -- a number of years?

1 Okay. And is there anything about the fact that you
2 think Mr. Ericsson may have attended the same church or may be
3 a member of the same religion as you are that would cause you
4 to automatically, you know, favor Mr. Ericsson or his client?

5 PROSPECTIVE JUROR NO. 166: No, there isn't.

6 THE COURT: Okay. So you can be fair and
7 impartial --

8 PROSPECTIVE JUROR NO. 166: Yes.

9 THE COURT: -- to both sides?

10 PROSPECTIVE JUROR NO. 166: Yes.

11 THE COURT: Okay. And what do you do for a living,
12 sir?

13 PROSPECTIVE JUROR NO. 166: I'm a staff accountant
14 for a CPA.

15 THE COURT: All right. So are you a CPA or no?

16 PROSPECTIVE JUROR NO. 166: No, I'm not.

17 THE COURT: Okay. You work under a CPA?

18 PROSPECTIVE JUROR NO. 166: Yes, I do.

19 THE COURT: Okay. And are you married? Domestic
20 partner?

21 PROSPECTIVE JUROR NO. 166: Divorced.

22 THE COURT: Or okay. What type of work did your
23 ex-wife do?

24 PROSPECTIVE JUROR NO. 166: She's a chef.

25 THE COURT: Okay. And do you have any children?

1 PROSPECTIVE JUROR NO. 166: One.
2 THE COURT: Grown or still living at --
3 PROSPECTIVE JUROR NO. 166: She's 8 years old.
4 THE COURT: Oh. Okay.
5 PROSPECTIVE JUROR NO. 166: And she's with her mom
6 right now.
7 THE COURT: Okay. All right. Thank you. And if
8 you'd hand the microphone to the gentleman next to you.
9 Good morning, sir. What do you do for a living?
10 PROSPECTIVE JUROR NO. 148: I am a full-time college
11 student right now.
12 THE COURT: All right. Where do you go to school?
13 PROSPECTIVE JUROR NO. 148: UNLV.
14 THE COURT: And what are you studying?
15 PROSPECTIVE JUROR NO. 148: Computer engineering.
16 THE COURT: Okay. And how far along are you in your
17 studies?
18 PROSPECTIVE JUROR NO. 148: I just finished my first
19 year.
20 THE COURT: Okay. And are you working for the summer
21 or anything?
22 PROSPECTIVE JUROR NO. 148: Yeah, a summer job.
23 THE COURT: And what are you doing?
24 PROSPECTIVE JUROR NO. 148: I'm an electrician
25 apprentice at General Republic Electric.

1 THE COURT: Okay. And are you married, domestic
2 partner or significant other?

3 PROSPECTIVE JUROR NO. 148: Single.

4 THE COURT: Nothing. And any children?

5 PROSPECTIVE JUROR NO. 148: No.

6 THE COURT: All right. And if you'd hand the
7 microphone to the young man next to you.

8 Good morning.

9 PROSPECTIVE JUROR NO. 149: Hi.

10 THE COURT: What do you do for living?

11 PROSPECTIVE JUROR NO. 149: I just work part time at
12 In-N-Out Burger -- so the fast-food industry.

13 THE COURT: All right. And are you going to school?
14 Planning --

15 PROSPECTIVE JUROR NO. 149: Yeah. I'm part time at
16 CSN.

17 THE COURT: All right. And what are you studying at
18 CSN?

19 PROSPECTIVE JUROR NO. 149: Just my associate of
20 arts.

21 THE COURT: Okay. And what are you hoping to do with
22 that?

23 PROSPECTIVE JUROR NO. 149: I'm looking to get a job
24 in the casino industry once I turned 21.

25 THE COURT: Okay. And how long have you been a

1 student at CSN?

2 PROSPECTIVE JUROR NO. 149: Just a couple years.

3 THE COURT: And when did you graduate from high

4 school?

5 PROSPECTIVE JUROR NO. 149: 2015.

6 THE COURT: And that was here in town?

7 PROSPECTIVE JUROR NO. 149: Yep.

8 THE COURT: Okay. Are you married, domestic partner?

9 PROSPECTIVE JUROR NO. 149: Just a girlfriend.

10 THE COURT: Okay. What does she do?

11 PROSPECTIVE JUROR NO. 149: She also works with me.

12 THE COURT: Okay. At In-N-Out Burger?

13 PROSPECTIVE JUROR NO. 149: Yep.

14 THE COURT: And any children?

15 PROSPECTIVE JUROR NO. 149: Nope.

16 THE COURT: All right. Thank you. If you'd hand the

17 microphone to the young lady next to you.

18 Good morning. What do you do for a living?

19 PROSPECTIVE JUROR NO. 167: I'm a table game dealer.

20 THE COURT: All right. And do you work on The Strip

21 or downtown?

22 PROSPECTIVE JUROR NO. 167: The Strip.

23 THE COURT: Okay. And are you married, domestic

24 partner or --

25 PROSPECTIVE JUROR NO. 167: Married.

1 THE COURT: And what does your husband do?
2 PROSPECTIVE JUROR NO. 167: He's a dealer also.
3 THE COURT: Okay. And do you have any children?
4 PROSPECTIVE JUROR NO. 167: Yes.
5 THE COURT: How many and the age range?
6 PROSPECTIVE JUROR NO. 167: Two, 14 and 15.
7 THE COURT: All right. Thank you. And if you'd hand
8 the microphone to the young man next to you.
9 Good morning. What do you do for living?
10 PROSPECTIVE JUROR NO. 151: I am a home health care
11 nurse for my grandmother who is disabled.
12 THE COURT: Okay. Do you have any formal training in
13 nursing or CNA or --
14 PROSPECTIVE JUROR NO. 151: I took a three-month
15 course to help her with all of her medical equipment, to
16 understand how to use all of it.
17 THE COURT: Okay. Was that like a CNA course, or
18 what kind of a course was it?
19 PROSPECTIVE JUROR NO. 151: It was the one that she
20 had a home health care nurse beforehand, and I just took the
21 same courses from him.
22 THE COURT: Oh.
23 PROSPECTIVE JUROR NO. 151: And then just kind of
24 took over.
25 THE COURT: Okay. Was it a formal --

1 PROSPECTIVE JUROR NO. 151: No.
2 THE COURT: Okay. He just taught you what to do?
3 PROSPECTIVE JUROR NO. 151: Right.
4 THE COURT: And so you take care of your grandmother?
5 PROSPECTIVE JUROR NO. 151: Uh-huh.
6 THE COURT: In her home. Who's taking care of her
7 now?
8 PROSPECTIVE JUROR NO. 151: My other grandmother who
9 can't be there all the time.
10 THE COURT: Okay. And you look very young. When did
11 you finish high school?
12 PROSPECTIVE JUROR NO. 151: I got my general
13 education diploma this January.
14 THE COURT: Okay. Good for you. And are you
15 married, domestic partner?
16 PROSPECTIVE JUROR NO. 151: I'm single.
17 THE COURT: All right. Any children?
18 PROSPECTIVE JUROR NO. 151: No.
19 THE COURT: All right. Thank you. And if you'd hand
20 the microphone to the lady next to you.
21 Good morning.
22 PROSPECTIVE JUROR NO. 152: Good morning.
23 THE COURT: What do you do for a living?
24 PROSPECTIVE JUROR NO. 152: I'm a teacher.
25 THE COURT: With the Clark County School District?

1 PROSPECTIVE JUROR NO. 152: Yes.
2 THE COURT: And what do you teach?
3 PROSPECTIVE JUROR NO. 152: Second-grade.
4 THE COURT: Okay.
5 PROSPECTIVE JUROR NO. 152: General Ed.
6 THE COURT: So it's all subjects, correct?
7 PROSPECTIVE JUROR NO. 152: Uh-huh.
8 THE COURT: And then are you married, domestic
9 partner, significant other?
10 PROSPECTIVE JUROR NO. 152: Divorced.
11 THE COURT: What does your ex-husband do? What kind
12 of work?
13 PROSPECTIVE JUROR NO. 152: He's a bartender.
14 THE COURT: Okay. Any children?
15 PROSPECTIVE JUROR NO. 152: Yes.
16 THE COURT: How many and what's the age?
17 PROSPECTIVE JUROR NO. 152: One. She's 11.
18 THE COURT: All right. Thank you. If you'd hand the
19 microphone to the gentleman next to you.
20 Good morning. What do you do for a living, sir?
21 PROSPECTIVE JUROR NO. 155: Good morning. I'm a
22 security associate.
23 THE COURT: All right. And do you work for a
24 security company or for a business or --
25 PROSPECTIVE JUROR NO. 155: For a business.

1 THE COURT: Okay. What type of a business?

2 PROSPECTIVE JUROR NO. 155: A hospitality timeshare.

3 THE COURT: Okay. And just briefly, what do you do
4 as a security associate?

5 PROSPECTIVE JUROR NO. 155: I handle calls. I do
6 customer service. Associate is just a term they use instead of
7 officer.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 155: So we could do customer
10 service calls as well --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 155: -- like, answer phones --

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 155: -- monitor the cameras,
15 that sort of thing.

16 THE COURT: Do you -- is this timeshare, is this like
17 a physical timeshare property on The Strip or downtown?

18 PROSPECTIVE JUROR NO. 155: It's off The Strip, yeah.

19 THE COURT: It's off The Strip?

20 PROSPECTIVE JUROR NO. 155: A block east.

21 THE COURT: It's what?

22 PROSPECTIVE JUROR NO. 155: One block east of The
23 Strip.

24 THE COURT: Okay. So are you a uniformed security
25 officer?

1 PROSPECTIVE JUROR NO. 155: Yes, I am.

2 THE COURT: Do you carry a firearm?

3 PROSPECTIVE JUROR NO. 155: No, I don't.

4 THE COURT: Okay. So you have to sometimes respond
5 to what? Calls of disturbances or violence? That kind of
6 thing?

7 PROSPECTIVE JUROR NO. 155: Sure. Anything from
8 domestic to customer calls, such as lost property, any type of
9 incident in the hotel.

10 THE COURT: Okay. How long have you been working as
11 a security officer?

12 PROSPECTIVE JUROR NO. 155: Fourteen years.

13 THE COURT: Okay. All at the same property or have
14 you worked at different properties?

15 PROSPECTIVE JUROR NO. 155: For the same company, but
16 mostly at that one location.

17 THE COURT: Okay. And do you have much interaction
18 with the police? It would be Metro I'm assuming based on your
19 location.

20 PROSPECTIVE JUROR NO. 155: Uh-huh.

21 THE COURT: Do you have much interaction with the
22 police in your job?

23 PROSPECTIVE JUROR NO. 155: Not daily but we do have
24 interactions. There's times that we have to call them.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 155: You know, to make an
2 arrest, that sort of thing.

3 THE COURT: Okay. Have you ever had to come to court
4 and testify as a witness in any kind of a case as a result of
5 something that has transpired on the property?

6 PROSPECTIVE JUROR NO. 155: No.

7 THE COURT: Nothing like that. Do you ever have to
8 fill out voluntary statements or --

9 PROSPECTIVE JUROR NO. 155: Often, yes.

10 THE COURT: Often. Okay.

11 PROSPECTIVE JUROR NO. 155: Uh-huh.

12 THE COURT: All right. And are you married, domestic
13 partner or significant other?

14 PROSPECTIVE JUROR NO. 155: I am married.

15 THE COURT: And what does your wife do?

16 PROSPECTIVE JUROR NO. 155: She's a restaurant
17 manager.

18 THE COURT: Okay. Do you have any children?

19 PROSPECTIVE JUROR NO. 155: No.

20 THE COURT: All right. Thank you.

21 And we'll turn to the gentleman in the corner.

22 And good morning. What do you do for living?

23 PROSPECTIVE JUROR NO. 157: I'm a stay-at-home dad.

24 THE COURT: Okay. And are you married?

25 PROSPECTIVE JUROR NO. 157: Yes.

1 THE COURT: What does your wife do?
2 PROSPECTIVE JUROR NO. 157: A registered nurse.
3 THE COURT: She's an RN. Okay.
4 PROSPECTIVE JUROR NO. 157: Yes.
5 THE COURT: And what kind of a facility does she work
6 for?
7 PROSPECTIVE JUROR NO. 157: Valley Hospital.
8 THE COURT: Oh. She works at Valley Hospital. Okay.
9 And you're a stay-at-home dad. How many kids do you have?
10 PROSPECTIVE JUROR NO. 157: Four.
11 THE COURT: And the age range?
12 PROSPECTIVE JUROR NO. 157: They are 21 to 29. Yeah.
13 THE COURT: 21 to 29?
14 PROSPECTIVE JUROR NO. 157: Yeah.
15 THE COURT: And they're still --
16 PROSPECTIVE JUROR NO. 157: They're all grown up now.
17 THE COURT: Okay. Well, what do you do all day?
18 PROSPECTIVE JUROR NO. 157: Stay at home. Cook.
19 THE COURT: Are any of your children still living at
20 home, or they've all moved out?
21 PROSPECTIVE JUROR NO. 157: One is left then.
22 THE COURT: Okay. And is there any, like, issue with
23 disability or anything like that where you have to provide
24 care?
25 PROSPECTIVE JUROR NO. 157: No.

1 THE COURT: Where are you from originally?
2 PROSPECTIVE JUROR NO. 157: Philippines.
3 THE COURT: Okay. How long have you lived in the
4 United States?
5 PROSPECTIVE JUROR NO. 157: Probably 18 years.
6 THE COURT: 18 years. Okay. Have you ever worked
7 since you've been in the United States, or was your wife
8 working and you took care of --
9 PROSPECTIVE JUROR NO. 157: Probably a year. I
10 worked a year.
11 THE COURT: A year.
12 PROSPECTIVE JUROR NO. 157: And then --
13 THE COURT: That was it?
14 PROSPECTIVE JUROR NO. 157: -- 17 years no job.
15 THE COURT: Okay. What did you do for the year you
16 worked?
17 PROSPECTIVE JUROR NO. 157: I worked at the hospital,
18 too, in the supply department.
19 THE COURT: In the supply department. And where did
20 you live in the Philippines? Where are you from? Manila or --
21 PROSPECTIVE JUROR NO. 157: No, it's in the province.
22 THE COURT: In the province?
23 PROSPECTIVE JUROR NO. 157: Yeah.
24 THE COURT: Okay. All right. Thank you, sir. And
25 if you'd hand the microphone to the lady --

1 Good morning. What do you do for a living?
2 PROSPECTIVE JUROR NO. 158: I'm a restaurant manager.
3 THE COURT: All right. And is that, you know, like a
4 freestanding restaurant, or is it a restaurant in one of the
5 hotel-casinos or --
6 PROSPECTIVE JUROR NO. 158: McDonald's.
7 THE COURT: McDonald's. Okay. And are you married,
8 domestic partner, significant other?
9 PROSPECTIVE JUROR NO. 158: Single.
10 THE COURT: Any children?
11 PROSPECTIVE JUROR NO. 158: Two.
12 THE COURT: And how --
13 PROSPECTIVE JUROR NO. 158: 12 and 19.
14 THE COURT: All right. Thank you. And if you'd hand
15 the microphone to the lady next to you.
16 Good morning.
17 PROSPECTIVE JUROR NO. 168: Hi.
18 THE COURT: What do you do for a living?
19 PROSPECTIVE JUROR NO. 168: Executive assistant,
20 slash, manager.
21 THE COURT: For what kind of a company or business?
22 PROSPECTIVE JUROR NO. 168: A real estate and
23 appraisals.
24 THE COURT: Okay. And how long have you been doing
25 that?

1 PROSPECTIVE JUROR NO. 168: Eleven years.

2 THE COURT: Okay. And are you married? Domestic
3 partner?

4 PROSPECTIVE JUROR NO. 168: I'm divorced, and I have
5 a domestic partner now.

6 THE COURT: All right. And what does your domestic
7 partner do for work?

8 PROSPECTIVE JUROR NO. 168: He's an appraiser.

9 THE COURT: Okay. Does he work for the same company
10 as you do?

11 PROSPECTIVE JUROR NO. 168: Oh, yes.

12 THE COURT: Okay. And do you have any children?

13 PROSPECTIVE JUROR NO. 168: Yes. I have 17, almost
14 18 and 23.

15 THE COURT: Okay. Thank you. And if you'd hand the
16 microphone to the lady next to you.

17 Good morning. What do you do for living?

18 PROSPECTIVE JUROR NO. 171: I work at Quest
19 Diagnostics. I'm an anatomic pathology quality assurance
20 manager.

21 THE COURT: Okay. And do you have any special
22 training or licensing that enables you to do that job, or is it
23 kind of just experience?

24 PROSPECTIVE JUROR NO. 171: A college degree and a
25 board certification --

1 THE COURT: Okay.

2 PROSPECTIVE JUROR NO. 171: -- in cytotechnology.

3 THE COURT: All right.

4 PROSPECTIVE JUROR NO. 171: Cytotechnologist, study
5 of cells. So I look at slides under the microscope.

6 THE COURT: Okay. So do you double check the work of
7 others to make sure their diagnosis is correct? Is that what
8 you're doing?

9 PROSPECTIVE JUROR NO. 171: I do do that, but it's
10 more making sure we're following regulations of --

11 THE COURT: Okay. And are you married, domestic
12 partner or significant other?

13 PROSPECTIVE JUROR NO. 171: Married.

14 THE COURT: And what does your husband do?

15 PROSPECTIVE JUROR NO. 171: He's a project manager
16 for a construction company.

17 THE COURT: Okay. And do you have any children?

18 PROSPECTIVE JUROR NO. 171: Yes, a 6-year-old boy.

19 THE COURT: All right. Thank you. And if you'd hand
20 the microphone to the gentleman next to you.

21 Good morning, sir. What do you do for a living?

22 PROSPECTIVE JUROR NO. 163: I'm retired.

23 THE COURT: From what type of work?

24 PROSPECTIVE JUROR NO. 163: I worked for a national
25 home builder.

1 THE COURT: Okay. Doing what?
2 PROSPECTIVE JUROR NO. 163: Senior construction
3 manager.
4 THE COURT: Okay. And are you married, domestic
5 partner or significant other?
6 PROSPECTIVE JUROR NO. 163: Married.
7 THE COURT: And what does your wife do?
8 PROSPECTIVE JUROR NO. 163: She is the operations
9 manager for a pharmaceutical research facility.
10 THE COURT: Okay. And that's here in town?
11 PROSPECTIVE JUROR NO. 163: Yes.
12 THE COURT: All right. And have you -- do you have
13 any children?
14 PROSPECTIVE JUROR NO. 163: My wife does.
15 THE COURT: Okay. Any that are young enough that are
16 still living in your home?
17 PROSPECTIVE JUROR NO. 163: No. They moved to
18 Portland.
19 THE COURT: Okay. Thank you. And if you'd hand the
20 microphone to the lady next to you.
21 Good morning, ma'am. What do you do for living?
22 PROSPECTIVE JUROR NO. 164: I'm a transportation
23 investigator for the school district.
24 THE COURT: All right. And what is -- what is that
25 job?

1 PROSPECTIVE JUROR NO. 164: I work out with other
2 entities when we have accidents with our buses or situations
3 where we have to respond to broke down buses, student issues,
4 things of that matter.

5 THE COURT: Okay. And how long have you been doing
6 that job?

7 PROSPECTIVE JUROR NO. 164: Going on a year in that
8 position, bus driver with the school district six years, so a
9 total of almost seven.

10 THE COURT: And then as an investigator, do you have
11 any much -- any interaction with the police or --

12 PROSPECTIVE JUROR NO. 164: All the time.

13 THE COURT: Okay. That's if there's an accident?

14 PROSPECTIVE JUROR NO. 164: Uh-huh.

15 THE COURT: You do your own internal investigation --

16 PROSPECTIVE JUROR NO. 164: Yes. I write reports.

17 THE COURT: -- and law enforcement may do their
18 investigation; is that --

19 PROSPECTIVE JUROR NO. 164: Yeah, we work cohesively
20 to -- you know, with our reports and pictures, and if our
21 drivers are cited, we have internal discipline that happens.
22 So I have reports that I write for that.

23 THE COURT: Okay. And you said sometimes there might
24 be issues on the bus. Would that be an issue between students
25 or between the bus driver and a student, that kind of thing?

1 PROSPECTIVE JUROR NO. 164: All of the above.

2 THE COURT: Okay. In the year that you've been doing
3 your job, anything with the bus driver and a student that has
4 resulted in an investigation by law enforcement?

5 PROSPECTIVE JUROR NO. 164: There is. I pull camera
6 footage for the buses. So if need be but depending on if I'm
7 assigned to it to watch it --

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 164: -- it -- we can be
10 summoned for investigative court hearings.

11 THE COURT: Okay. Have you so far ever had to come
12 to court and testify?

13 PROSPECTIVE JUROR NO. 164: Not yet.

14 THE COURT: Okay. And have you in your job had to
15 fill out voluntary statements or made a taped statement or
16 anything like that with the police?

17 PROSPECTIVE JUROR NO. 164: No, not regarding any
18 criminal.

19 THE COURT: Okay. All right. So mostly it's traffic
20 accidents and that kind of thing?

21 PROSPECTIVE JUROR NO. 164: Uh-huh.

22 THE COURT: Any civil cases where you had to be a
23 witness because somebody sued the school district, you know, as
24 a result of an accident or, you know, that the bus hit a car or
25 a student on the bus was injured? Anything like that?

1 PROSPECTIVE JUROR NO. 164: Usually what happens with
2 us is we gather all of our information, write a report. It all
3 gets submitted to our risk management.

4 THE COURT: Uh-huh.

5 PROSPECTIVE JUROR NO. 164: So they deal with that
6 part of it.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 164: But if there is anything
9 regarding, like drivers that we have to investigate for
10 criminal actions, then, yeah, we would be involved.

11 THE COURT: Okay. And are you married, domestic
12 partner or significant other?

13 PROSPECTIVE JUROR NO. 164: Married.

14 THE COURT: And what does your husband do?

15 PROSPECTIVE JUROR NO. 164: He's a pool technician.

16 THE COURT: Okay. And do you have any children?

17 PROSPECTIVE JUROR NO. 164: Two girls, 12 and 9.

18 THE COURT: Okay. Thank you.

19 PROSPECTIVE JUROR NO. 164: Okay.

20 THE COURT: And if you can the microphone to the
21 gentleman next to you.

22 Good morning, sir.

23 PROSPECTIVE JUROR NO. 165: Good morning.

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

25 PROSPECTIVE JUROR NO. 165: I'm a graphic designer.

1 THE COURT: Okay. And are you married, domestic
2 partner or significant other?

3 PROSPECTIVE JUROR NO. 165: Single.

4 THE COURT: Any children?

5 PROSPECTIVE JUROR NO. 165: No.

6 THE COURT: All right. Have any of you ever served
7 as a juror before? By show of hands, do you have any prior
8 jury service?

9 All right. Just one of you.

10 And, sir, with the --

11 Gentleman behind you can give you the microphone.

12 How long ago were you a juror?

13 PROSPECTIVE JUROR NO. 155: Approximately two years
14 ago.

15 THE COURT: And was that here in Clark County?

16 PROSPECTIVE JUROR NO. 155: It was.

17 THE COURT: Do you recall if it was a civil case or a
18 criminal case?

19 PROSPECTIVE JUROR NO. 155: Criminal.

20 THE COURT: All right. And don't tell me what the
21 verdict was, but did the jury in the case reach a verdict?

22 PROSPECTIVE JUROR NO. 155: No.

23 THE COURT: All right. Did you actually go in the
24 back and deliberate?

25 PROSPECTIVE JUROR NO. 155: We did.

1 THE COURT: All right. But you weren't able to reach
2 a verdict?

3 PROSPECTIVE JUROR NO. 155: That is correct.

4 THE COURT: And were you the foreperson of the jury?

5 PROSPECTIVE JUROR NO. 155: No, I wasn't.

6 THE COURT: All right. No one else has ever served
7 as a juror before?

8 (No response.)

9 THE COURT: All right. Have any of you ever been
10 arrested, charged or accused of crime? Any of you ever been
11 arrested, charged or accused of a crime?

12 All right. I see one hand.

13 Yes, ma'am. Tell me about your situation.

14 PROSPECTIVE JUROR NO. 168: Well, I was falsely
15 accused by my ex-husband's girlfriend at the time --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 168: -- who he wound up
18 marrying.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 168: So anyway. It was --
21 I'll make a long story short. It was actually in court. I
22 handed my ex-husband some mail. It was certified mail. So I
23 handed it to him, and she wound up accusing me of, like,
24 hurting her in the face or something crazy, did a false police
25 report, and, like, months later they wound up sending a letter

1 saying that I was being charged.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 168: So I went to the court
4 and did all that stuff, but it was thrown out.

5 THE COURT: Okay. And was that here in Clark County?

6 PROSPECTIVE JUROR NO. 168: Yes.

7 THE COURT: And the incident where you handed the
8 letter, did that occur in family court?

9 PROSPECTIVE JUROR NO. 168: Yes.

10 THE COURT: Okay. And then you got a letter. Was it
11 from the city attorney's office, or was it from the Clark
12 County District Attorney's office? Do you know?

13 PROSPECTIVE JUROR NO. 168: I think it was the
14 district attorney because I had to come here.

15 THE COURT: Okay. To this building. And did you
16 hire a lawyer, or did you just show up by yourself or --

17 PROSPECTIVE JUROR NO. 168: I hired a lawyer.

18 THE COURT: Okay. And you said the case was thrown
19 out.

20 PROSPECTIVE JUROR NO. 168: Well, yeah. It --
21 basically I was told to watch an anger management video and
22 that if I didn't do anything for, like, six months, they were
23 going to just throw it out.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 168: And discharge it, and

1 that's what happened.

2 THE COURT: Okay. And so there was never a trial or
3 anything like that?

4 PROSPECTIVE JUROR NO. 168: No.

5 THE COURT: Okay. And before you got the letter from
6 the district attorney's office, did any police officers try to
7 contact you or interview you or anything like that?

8 PROSPECTIVE JUROR NO. 168: No.

9 THE COURT: Okay. What are your feelings as to how
10 that matter was handled in the system?

11 PROSPECTIVE JUROR NO. 168: Well, I was upset because
12 I was never really even questioned until we got to court, and
13 actually I never was really questioned even in court because it
14 basically got -- you know, I had to keep coming back and keep
15 coming back. And then finally we were supposed to have trial,
16 and then it just never happened. So it was just frustrating
17 that I had to deal with that, and then it was just so long, and
18 so I was that -- I was upset with the system for basically not
19 even talking to me, just throwing a crime at me.

20 THE COURT: Okay. Do you recall who the Judge was?

21 PROSPECTIVE JUROR NO. 168: No.

22 THE COURT: Okay. Because there's Las Vegas
23 Municipal Court and Justice Court in this building. So but you
24 think it was the district attorney's office that sent you --

25 PROSPECTIVE JUROR NO. 168: Yes. I think it was

1 justice.

2 THE COURT: Okay. All right. Now, Ms. Luzaich works
3 for the same office. She works for the Clark County District
4 Attorney's Office. Is there any -- should she be worried that
5 you have bad feelings or anything like that against her office?

6 PROSPECTIVE JUROR NO. 168: No.

7 THE COURT: Okay. All right. Fair enough.

8 Anyone else who's been arrested, charged or accused
9 of a crime?

10 (No response.)

11 THE COURT: I'm going to expand that question and ask
12 if any of you have anyone you're close to -- a member of your
13 family, extremely close friend, a spouse, significant other --
14 who has been arrested, charged or accused of a crime?

15 All right. We'll start with you since you're already
16 holding the microphone.

17 PROSPECTIVE JUROR NO. 168: My son but it was in
18 juvie.

19 THE COURT: Okay. And that was here in Clark County?

20 PROSPECTIVE JUROR NO. 168: Yes.

21 THE COURT: And what was he accused of?

22 PROSPECTIVE JUROR NO. 168: Burglary.

23 THE COURT: Okay. Was it a business burglary or a
24 residential burglary?

25 PROSPECTIVE JUROR NO. 168: No. He was accused of

1 burglarizing his father's house. It was after the divorce --
2 this whole mess.

3 THE COURT: Okay. So his father accused him of
4 burglarizing his house?

5 PROSPECTIVE JUROR NO. 168: Yes.

6 THE COURT: Okay. And the case was prosecuted in
7 juvenile court down there on East Bonanza --

8 PROSPECTIVE JUROR NO. 168: Yes.

9 THE COURT: -- is that right?

10 Okay. And did your -- did you hire a lawyer for your
11 son --

12 PROSPECTIVE JUROR NO. 168: Yes.

13 THE COURT: -- or was the -- you did. Okay. And
14 what happened? Was there a contested hearing, or was the
15 matter resolved? Do you know?

16 PROSPECTIVE JUROR NO. 168: He pled guilty.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 168: And so he was sentenced
19 for, like, six months or whatever in juvie.

20 THE COURT: Okay. So did he -- was he in custody in
21 juvie or was he -- did he have, like, a probation officer -- a
22 juvenile probation officer? Do you know?

23 PROSPECTIVE JUROR NO. 168: He actually was in
24 custody in the juvie jail place.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 168: And then for, like, I
2 think it was about six months, and then after that he had
3 probation for -- I don't remember -- another six months or
4 something.

5 THE COURT: Okay. So he was actually incarcerated on
6 it?

7 PROSPECTIVE JUROR NO. 168: Oh, yeah.

8 THE COURT: And that was -- was that down on East
9 Bonanza, or did he --

10 PROSPECTIVE JUROR NO. 168: Yeah.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 168: The juvie court.

13 THE COURT: Okay. So he was in custody down there on
14 East Bonanza for six months?

15 PROSPECTIVE JUROR NO. 168: Yes.

16 THE COURT: Okay. All right. And what are your
17 feelings about how that case was handled in the system?

18 PROSPECTIVE JUROR NO. 168: I felt it was actually
19 pretty fair.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 168: They had witnesses,
22 questioned him, questioned everybody. I mean, he had got -- he
23 had stolen his father's truck, and they had given him a ticket.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 168: So it was kind of -- and

1 brought it back to the house. So it was kind of hard to not
2 find him not guilty.

3 THE COURT: Okay. And then do you recall what law
4 enforcement agency it was? Was it Las Vegas Metro or Henderson
5 police? North Las Vegas police? Do you recall?

6 PROSPECTIVE JUROR NO. 168: Well, the crime happened
7 in Las Vegas --

8 THE COURT: Okay. So Metro probably.

9 PROSPECTIVE JUROR NO. 168: -- in the Northwest.

10 Yeah.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 168: So they actually -- they
13 interviewed me. They interviewed him, and then they round up
14 his friend had stated he had held a gun that they had stolen.
15 So he ratted my son out, and they all just both went -- went to
16 jail for it.

17 THE COURT: Okay. But you think it was handled
18 fairly overall?

19 PROSPECTIVE JUROR NO. 168: Yeah. I mean, everything
20 was questioned. There was video evidence. You know,
21 everything was -- that was done well.

22 THE COURT: Okay. Did we have another hand?

23 All right. And, ma'am, tell me about your situation.

24 PROSPECTIVE JUROR NO. 164: Okay. So when you were
25 asking about allegations possibly. My ex-husband had called

1 CPS on me. Do you include that?

2 THE COURT: Okay. And was that when you were already
3 split up or divorced?

4 PROSPECTIVE JUROR NO. 164: I was already remarried.
5 My ex-husband had beat me up in front of my children and was
6 arrested on domestic violence.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 164: So the next morning, when
9 he was released from jail, he called CPS on me -- in basically
10 revenge.

11 THE COURT: Okay. And did CPS come out and talk to
12 you?

13 PROSPECTIVE JUROR NO. 164: They did. Uh-huh.

14 THE COURT: All right. Did they talk to your
15 children?

16 PROSPECTIVE JUROR NO. 164: Uh-huh.

17 THE COURT: Is that yes? For the taped record.

18 PROSPECTIVE JUROR NO. 164: Yes.

19 THE COURT: And what was it? What happened with
20 that?

21 PROSPECTIVE JUROR NO. 164: It was just -- what is
22 it? Dismissed or whatever.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 164: I had all my court
25 documents showing from the divorce all the way through all the

1 family court, all of the hearings for child support, all that
2 stuff, all the warrants that he had.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 164: So I cooperated with
5 them. They came out, did an interview and dismissed it. So.

6 THE COURT: And they just closed the case?

7 PROSPECTIVE JUROR NO. 164: Yes.

8 THE COURT: And you never had a go to court --

9 PROSPECTIVE JUROR NO. 164: No.

10 THE COURT: -- or hire a lawyer or anything like
11 that?

12 PROSPECTIVE JUROR NO. 164: No. Uh-huh.

13 THE COURT: Okay. Ladies and gentlemen, we're just
14 going to take a quick recess, and then when we come back, we'll
15 finish up with that question. Let's just go ahead and take a
16 recess till about a little after 11:15, 11:20.

17 During the brief recess, a couple of things. First
18 of all, you're not to discuss the case or anything relating to
19 the case with each other or with anyone else. Anyone else
20 would include members of your family and your friends. You may
21 tell them that you are participating in jury selection for a
22 criminal jury trial, but please do not discuss anything else
23 relating to this matter.

24 Additionally, you're not to read, watch or listen to
25 any reports of or commentaries on the case, any person or

1 subject matter relating to the case. Don't do any independent
2 research by way of the Internet or any other medium. You are
3 not to engage in any kind of social networking on any subject
4 concerning these proceedings. That means until you've been
5 discharged by me you're not to engage in any Twittering or
6 Facebooking on any subject concerning these proceedings, and
7 finally, please don't form or express an opinion on the case.

8 I'd like you all to return to the seats that you're
9 currently sitting in. So please remember where you're sitting.

10 Additionally, court personnel, the attorneys --
11 everyone other than the uniformed bailiffs -- are prohibited
12 from speaking directly with members of the jury and the
13 prospective jurors. So should you see one of us during the
14 break, please don't think that we're being unfriendly or
15 antisocial. We are simply prohibited by the rules of ethics
16 from speaking directly with you. To do so could contaminate
17 your verdict.

18 If you'd all collect your things and follow our
19 bailiff, Officer Hawkes, through the double doors.

20 (Panel of prospective jurors recessed 11:04 a.m.)

21 THE COURT: Okay. We'll take our break.

22 (Proceedings recessed 11:05 a.m. to 11:19 a.m.)

23 (Outside the presence of the panel of prospective jurors.)

24 THE COURT: If everybody's ready, Kenny, bring them
25 back.

1 MR. ERICSSON: We're ready.

2 MS. LUZAICH: When are you -- how long are you going
3 to take for lunch? I don't care when, just --

4 THE COURT: Like maybe an hour and ten minutes.

5 MS. LUZAICH: Okay.

6 THE COURT: Just to get them back through the gate,
7 although who would want to leave the building? I feel bad that
8 they have to walk from the garage in the heat.

9 MS. LUZAICH: The woman that we just talked to,
10 Maynard, she was telling somebody who's not wearing a badge,
11 Oh, I just got put into the box, and she's upset. So I don't
12 know if her boyfriend is here with her.

13 THE COURT: Oh.

14 (Panel of prospective jurors entering 11:21 a.m.)

15 (In the presence of the panel of prospective jurors.)

16 THE COURT: All right. Court is now back in session.
17 The record should reflect the presence, excuse me, of the State
18 through the deputy district attorney, the presence of the
19 defendant and his counsel, the officers of the court and the
20 ladies and gentlemen of the prospective jury panel.

21 And, Ms. Hine, before we took our break, we were
22 talking to you, and you mentioned the situation with CPS. Has
23 anyone close to you been arrested, charged or accused of a
24 crime?

25 PROSPECTIVE JUROR NO. 164: My husband when he was 19

1 was arrested.

2 THE COURT: Your current husband?

3 PROSPECTIVE JUROR NO. 164: Yes.

4 THE COURT: For what?

5 PROSPECTIVE JUROR NO. 164: Possession with intent.

6 THE COURT: Okay. And was that before you knew him?

7 PROSPECTIVE JUROR NO. 164: Yeah.

8 THE COURT: Okay. So he just -- do you know if he
9 was convicted of anything or --

10 PROSPECTIVE JUROR NO. 164: He spent 30 days in jail.

11 THE COURT: Okay. Was the case resolved? Do you
12 know?

13 PROSPECTIVE JUROR NO. 164: I mean, I think it was
14 closed. I mean, as far as any records they're -- they're so
15 old.

16 THE COURT: Okay. All right. Thank you.

17 PROSPECTIVE JUROR NO. 164: Uh-huh.

18 THE COURT: And if you'd hand the microphone to
19 the --

20 And, sir, you raised your hand.

21 PROSPECTIVE JUROR NO. 165: Yes. My sister and
22 brother-in-law were arrested and convicted of -- my
23 brother-in-law was making meth, and --

24 THE COURT: All right. And did that happen here in
25 Clark County?

1 PROSPECTIVE JUROR NO. 165: Yes.
2 THE COURT: Okay. How long ago was that?
3 PROSPECTIVE JUROR NO. 165: Approximately 20 years
4 ago.
5 THE COURT: Okay. And do you know if Metro was the
6 arresting agency?
7 PROSPECTIVE JUROR NO. 165: It was Henderson.
8 THE COURT: Okay.
9 PROSPECTIVE JUROR NO. 165: What happened was my -- I
10 had a younger niece and nephew at the time that called my
11 sister, and my brother-in-law is a Henderson police officer,
12 and he immediately went in there and swooped them out of that
13 situation, and ultimately I got custody. My brother-in-law and
14 sister were convicted. He was making meth in one of those
15 weekly motel --
16 THE COURT: Okay. So you have one brother-in-law
17 who's a Henderson police officer --
18 PROSPECTIVE JUROR NO. 165: Yeah.
19 THE COURT: -- and another brother-in-law who's a --
20 PROSPECTIVE JUROR NO. 165: Correct.
21 THE COURT: -- who was at least a meth cook?
22 PROSPECTIVE JUROR NO. 165: Yes.
23 THE COURT: Okay. And -- and your sister was also
24 arrested?
25 PROSPECTIVE JUROR NO. 165: Yes.

1 THE COURT: Okay. And do you know if that case was
2 resolved, or was there a trial or what happened?

3 PROSPECTIVE JUROR NO. 165: Yeah. They both were
4 sent to prison.

5 THE COURT: Okay. So they both pled guilty as far as
6 you know?

7 PROSPECTIVE JUROR NO. 165: Yeah.

8 THE COURT: Was it a resolution, or did they have a
9 trial in front of a jury?

10 PROSPECTIVE JUROR NO. 165: I don't think -- I think
11 they pled out.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 165: And it -- and they
14 pleaded guilty.

15 THE COURT: Okay. So both of them wound up in prison
16 for some time?

17 PROSPECTIVE JUROR NO. 165: Correct.

18 THE COURT: Some period of time. Okay. And are you
19 still -- are you close with your sister?

20 PROSPECTIVE JUROR NO. 165: My sister has passed
21 away.

22 THE COURT: I'm sorry. Did you ever visit her in
23 prison or write her letters or anything?

24 PROSPECTIVE JUROR NO. 165: Oh, yeah.

25 THE COURT: Okay. Was that just out in North Las

1 Vegas, the women's prison out there?

2 PROSPECTIVE JUROR NO. 165: Yeah. And then he went
3 to Indian Springs.

4 THE COURT: Okay. And did you ever visit with him or
5 correspond with him?

6 PROSPECTIVE JUROR NO. 165: I don't have nothing to
7 do with him.

8 THE COURT: Okay. Any feelings as to how they were
9 treated in the system?

10 PROSPECTIVE JUROR NO. 165: I think ultimately it
11 saved my sister's life. My sister wouldn't have been in that
12 situation if it wasn't for him.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 165: And it put her back --
15 before she passed away, she got her life back on track.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 165: She spent, like, a year
18 and a half in prison. He spent maybe four or -- four to five.

19 THE COURT: Okay. So you feel like at least for your
20 sister it was a good thing, a positive thing?

21 PROSPECTIVE JUROR NO. 165: Yeah. It got her out
22 of -- like I said, she wouldn't have been there if it wasn't
23 for him, and I think it ultimately saved her life at the time,
24 you know.

25 THE COURT: Okay. Did they split up after the

1 criminal case, after they went to prison?

2 PROSPECTIVE JUROR NO. 165: No. She passed away in
3 2002. So.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 165: So they patched things
6 up. He got out of prison before she passed away.

7 THE COURT: Okay. Did he turn his life around, too,
8 after he got out of prison?

9 PROSPECTIVE JUROR NO. 165: Ultimately, yeah.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 165: I haven't had much
12 contact with him for many years, but last I heard he was doing
13 okay.

14 THE COURT: Okay. Anyone else have anyone they're
15 close to that's been arrested, charged or accused of a crime?

16 (No response.)

17 THE COURT: Have any of you ever been the victim of a
18 crime? Anyone ever been the victim of a crime?

19 All right. Yes, ma'am. Ms. Hine.

20 PROSPECTIVE JUROR NO. 164: Do you count domestic
21 violence as --

22 THE COURT: I do.

23 PROSPECTIVE JUROR NO. 164: -- a victim. Okay.

24 THE COURT: All right. So you had mentioned an
25 incident with domestic violence --

1 PROSPECTIVE JUROR NO. 164: Yes.

2 THE COURT: -- and your ex-husband.

3 PROSPECTIVE JUROR NO. 164: Yes.

4 THE COURT: Was there just one incident or more than
5 one?

6 PROSPECTIVE JUROR NO. 164: Only one that was
7 reported, obviously he was arrested for.

8 THE COURT: Okay. Were there other incidents that
9 you didn't report?

10 PROSPECTIVE JUROR NO. 164: Right.

11 THE COURT: Okay. And why not? Why didn't you
12 report those other incidents?

13 PROSPECTIVE JUROR NO. 164: Trying to keep the family
14 together.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 164: Just, you know, not
17 trying to go that route.

18 THE COURT: Okay. And the time he was arrested, were
19 charges filed against him?

20 PROSPECTIVE JUROR NO. 164: Yes. He has his domestic
21 violence charge.

22 THE COURT: Okay. Did you have to go to court and
23 testify, or what happened with the case?

24 PROSPECTIVE JUROR NO. 164: I was summoned to, you
25 know, obviously go. I did not have to testify. I wrote a

1 letter --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 164: -- stating what happened.

4 I have had to go to other court hearings, obviously child
5 support, stuff like that. I have written letters, but I don't
6 want to do that anymore because of issues with him and
7 repercussions. So.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 164: Yeah.

10 THE COURT: So you're afraid of him retaliating? Is
11 that --

12 PROSPECTIVE JUROR NO. 164: Yeah. He's very
13 unpredictable.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 164: Uh-huh.

16 THE COURT: So you have had some -- you've raised the
17 issue of violence in family court --

18 PROSPECTIVE JUROR NO. 164: Yes.

19 THE COURT: -- proceedings, and then the criminal
20 case involving the domestic violence, you never actually had to
21 testify in court?

22 PROSPECTIVE JUROR NO. 164: No, I did not have to get
23 that far.

24 THE COURT: Okay. So he probably pled guilty to
25 something?

1 PROSPECTIVE JUROR NO. 164: He -- yeah, I think he
2 just ended up doing a plea deal thing with them.

3 THE COURT: Okay. But he does have the domestic
4 violence conviction. Is that --

5 PROSPECTIVE JUROR NO. 164: Yes.

6 THE COURT: Okay. Any feelings as to how that
7 domestic violence matter was handled in the system, whether by
8 law enforcement? The Court? The prosecutor? Defense
9 attorney?

10 PROSPECTIVE JUROR NO. 164: He was arrested
11 immediately after it happened.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 164: He spent less than 24
14 hours in jail, but it took a whole year before he was
15 convicted.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 164: I had to get a TPO for
18 six months, and I just really never felt safe with the whole
19 situation.

20 THE COURT: Okay. Was it the kind of thing where
21 they'd have a court date and then it would be continued, or did
22 they just set the court date for the trial way off in advance,
23 or do you have any sense of why it took so long?

24 PROSPECTIVE JUROR NO. 164: It was both.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 164: And then he would push it
2 out because he wouldn't show up with the proper whatever it was
3 because he would always keep -- he's really good at
4 procrastinating and drawing things out. So he would purposely
5 not show up with pictures and ask for another court date, or he
6 didn't have the funds or whatever. So he -- it was just always
7 something, or he wouldn't show up.

8 THE COURT: Okay. And do you feel like he
9 manipulated the system, or do you --

10 PROSPECTIVE JUROR NO. 164: Yeah.

11 THE COURT: -- feel like the Judge maybe should've
12 said, no, we're going forward or --

13 PROSPECTIVE JUROR NO. 164: A little bit of both.

14 THE COURT: -- do you have any feelings on that?
15 Okay.

16 PROSPECTIVE JUROR NO. 164: We've had the same issue
17 in child support court as well.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 164: He just won't show up,
20 and so like right now they've contacted me to ask for
21 whereabouts because he has a warrant for his arrest. So, yeah.

22 THE COURT: Okay. And that's for unpaid child
23 support?

24 PROSPECTIVE JUROR NO. 164: Yeah. Right.

25 THE COURT: Okay. So it sounds like you're a little

1 frustrated with the delays and these --

2 PROSPECTIVE JUROR NO. 164: Most definitely.

3 THE COURT: And that's in both family court and
4 criminal court?

5 PROSPECTIVE JUROR NO. 164: Yes.

6 THE COURT: Okay. Anyone else that's been the victim
7 of a crime?

8 And before you turn the microphone, I have one other
9 question. Did you ever have to seek medical attention for any
10 of the injuries inflicted on you by your ex-husband?

11 PROSPECTIVE JUROR NO. 164: Yes, I had to go to the
12 hospital after it happened. I had a possible concussion, but
13 contusions. I had bruises all over my face.

14 THE COURT: Okay. So you actually went to the
15 emergency room?

16 PROSPECTIVE JUROR NO. 164: Yes, I did.

17 THE COURT: Were you transported by ambulance, or did
18 you --

19 PROSPECTIVE JUROR NO. 164: They wanted to transport
20 me, but I had two -- my two girls there, and they had witnessed
21 it. So I didn't want to leave them in the care of their
22 grandparents. So I waited until he was taken.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 164: And I was released to
25 leave, and then I took myself. I had a neighbor drive me.

1 THE COURT: Okay. But no long term other than maybe
2 no long-term physical effects; is that fair.

3 PROSPECTIVE JUROR NO. 164: No. Uh-huh.

4 THE COURT: And I saw another hand.

5 Yes, ma'am.

6 PROSPECTIVE JUROR NO. 168: I was a victim of
7 identity theft.

8 THE COURT: Okay. Did that happen here in Clark
9 County, or do you know?

10 PROSPECTIVE JUROR NO. 168: Yes.

11 THE COURT: And how did you learn you were the victim
12 of identity theft? What happened?

13 PROSPECTIVE JUROR NO. 168: I wound up getting a
14 letter from I believe it was the post office, and it --
15 basically it said that there was some identity -- there was
16 some mail stolen and things like that. Actually, I think I had
17 it twice because I had one from somebody that I think she
18 was -- it was related to medical. So she had my medical card
19 and my picture ID.

20 THE COURT: Uh-huh.

21 PROSPECTIVE JUROR NO. 168: And I found out that
22 one -- well, I get -- I start getting calls from the --

23 THE COURT: Doctor --

24 PROSPECTIVE JUROR NO. 168: -- credit companies --

25 THE COURT: Oh.

1 PROSPECTIVE JUROR NO. 168: -- saying, you know, you
2 have to pay, and I had never used them, and I'm, like, what the
3 heck is this. So that's how I figured out something was
4 happening. So I then filed a police report, and so eventually
5 this guy had found the copy of my insurance card and my picture
6 ID in a FedEx downtown here, and he mailed it to me, and he
7 said I think you left this here, and it was a picture of
8 somebody else on my -- on my picture.

9 THE COURT: Uh-huh.

10 PROSPECTIVE JUROR NO. 168: So and then of course
11 they had everything, all the medical information. So they had
12 my social, everything. So that's how they did that, and then
13 I -- I eventually found out that they caught her. Everybody
14 that went to that medical center, they were all -- a lot of
15 them were victims. So the police wound up contacting me, and I
16 never had to go to trial or anything.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 168: I think they convicted
19 her. I don't know.

20 THE COURT: Okay. So but you never had to go to
21 court or anything. Were you out any money yourself, or did the
22 credit card companies all make good on it?

23 PROSPECTIVE JUROR NO. 168: Yeah, they all did.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 168: Yeah. I had to -- I had

1 to write something and send it to them, and then they all
2 released me.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 168: But I had another
5 incident where they did mail fraud, and they got into my
6 mailbox and stole a whole bunch of stuff, and I found out
7 because of the post office, and then I guess they had it in a
8 apartment, and the police had raided the apartment and found
9 everybody's mail, so including mine. So I found out about
10 that, too, but I never had to go to court on these.

11 THE COURT: Any feelings as to how law enforcement
12 handled those two situations, whether it was the, I guess, the
13 postal inspector or police department?

14 PROSPECTIVE JUROR NO. 168: Well, I was surprised
15 that they were able to catch them and just how they did it.
16 So, I mean, I thought it was pretty good because I would've
17 never thought that I -- that they would find these people that
18 had done that to me. So I was actually impressed because I
19 really thought we'll never hear --

20 THE COURT: Nothing would ever happen with it.

21 PROSPECTIVE JUROR NO. 168: Yeah. That's what I
22 thought. I'm like, you know, I'll never know what happened or
23 who did this to me, and the other one wasn't, like, that
24 serious either. Well, I shouldn't say that. I mean, I didn't
25 get -- I got affected because I was upset about it.

1 THE COURT: Sure.

2 PROSPECTIVE JUROR NO. 168: They actually wound up
3 getting into my bank account because they had everything. So
4 they put a check in, and then they pulled the money out, and so
5 the --

6 THE COURT: Did your bank make good on that?

7 PROSPECTIVE JUROR NO. 168: Yeah.

8 THE COURT: Okay. So you, yourself, weren't out any
9 money, but it was stressful?

10 PROSPECTIVE JUROR NO. 168: Yeah. It was stressful,
11 but, yeah --

12 THE COURT: Understandable.

13 PROSPECTIVE JUROR NO. 168: -- both times it didn't
14 hurt me financially.

15 THE COURT: Okay. Anyone else that's been the victim
16 of a crime?

17 No one else.

18 All right. I'm going to expand that last question
19 and ask if any of you have anyone close to you, spouse,
20 significant other, very close friend, member of your family who
21 has been the victim of a serious crime.

22 All right. I see one hand. Yes, ma'am.

23 PROSPECTIVE JUROR NO. 152: My mom. She owns a
24 convenience store, and, I mean, she gets robbed all the time.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 152: But a year ago, one of
2 her clerks was shot. So we had to deal with the police and all
3 that.

4 THE COURT: Okay. Was the clerk killed?

5 PROSPECTIVE JUROR NO. 152: No, he wasn't. He
6 survived.

7 THE COURT: Okay. So does your mom -- when the
8 convenience store has been robbed, has your mom actually ever
9 been there and actually been one of the victims of the robbery,
10 or is it employees are robbed, and then she learns about it and
11 has to respond? Do you --

12 PROSPECTIVE JUROR NO. 152: When it's been with a
13 weapon, thankfully she's never been there because it happens
14 overnight.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 152: So it has been her
17 clerks.

18 THE COURT: Okay. How many times, if you know, has
19 her convenience store been robbed?

20 PROSPECTIVE JUROR NO. 152: I don't know. It just
21 got robbed, like, two months ago again.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 152: So it's maybe more than
24 five with the weapon.

25 THE COURT: Okay. And where is that located? You

1 don't have to give me the physical address, but, I mean, is it
2 Las Vegas? North Las Vegas?

3 PROSPECTIVE JUROR NO. 152: East Las Vegas.

4 THE COURT: East Las Vegas. Okay. Now, when the
5 clerk was shot, was anyone ever apprehended in connection with
6 that shooting?

7 PROSPECTIVE JUROR NO. 152: Yes.

8 THE COURT: Okay. Do you know what happened with
9 that case?

10 PROSPECTIVE JUROR NO. 152: They're all juveniles,
11 and I'm not sure up to date, but I know they were in juvie.

12 THE COURT: Okay. And is the clerk okay, or was --

13 PROSPECTIVE JUROR NO. 152: He's got a lot of, like,
14 short-term memory loss and a lot of physical issues now.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 152: Disability.

17 THE COURT: And then the other times your mom's
18 business has been robbed, has anyone ever been caught in
19 connection with those other robberies?

20 PROSPECTIVE JUROR NO. 152: Yes. Most times.

21 THE COURT: Most of the time?

22 PROSPECTIVE JUROR NO. 152: Yeah.

23 THE COURT: Okay. And has your mom had to go to
24 court and testify or --

25 PROSPECTIVE JUROR NO. 152: No.

1 THE COURT: Okay. Do you know what's happened with
2 those cases?

3 PROSPECTIVE JUROR NO. 152: No, I don't.

4 THE COURT: Okay. Has your mom shared with you any
5 feelings or opinions as to how the police have handled
6 investigating these various robberies?

7 PROSPECTIVE JUROR NO. 152: Yes.

8 THE COURT: And what is --

9 PROSPECTIVE JUROR NO. 152: She has very close
10 relationship with Metro.

11 THE COURT: Okay. Does she feel like they do a good
12 job or --

13 PROSPECTIVE JUROR NO. 152: Yes.

14 THE COURT: Okay. Any feelings about the District
15 Attorney's Office that's prosecuted the cases?

16 PROSPECTIVE JUROR NO. 152: Not that I know of.

17 THE COURT: The juvenile division? Adult division?
18 All right. Anyone else who's --

19 Yes, sir, in the back.

20 PROSPECTIVE JUROR NO. 155: My niece suffered an
21 assault and battery at a party about three years ago where she
22 was sucker punched, and the person that did it -- it was a
23 guy -- wasn't initially charged and arrested, but he eventually
24 was, and I think he -- put on probation for it.

25 THE COURT: Okay. Was he an adult or juvenile?

1 PROSPECTIVE JUROR NO. 155: I believe he's -- oh, I
2 think he's probably a juvenile, probably around 19, 20.

3 THE COURT: Okay. So he probably would've -- young,
4 but in the adult system maybe. And then your niece, how old
5 was she when this happened?

6 PROSPECTIVE JUROR NO. 155: Approximately the same
7 age.

8 THE COURT: Okay. Did she have to go to the
9 hospital --

10 PROSPECTIVE JUROR NO. 155: Yes.

11 THE COURT: -- or receive any medical treatment?

12 PROSPECTIVE JUROR NO. 155: Uh-huh.

13 THE COURT: Okay. And did she have any kind of long,
14 you know, prolonged symptoms or treatment or --

15 PROSPECTIVE JUROR NO. 155: Nothing extensive, but it
16 was headaches and bruising initially after it happened.

17 THE COURT: Okay. Did she -- she got hit in the face
18 or hit in the head?

19 PROSPECTIVE JUROR NO. 155: Yeah, right in the face.
20 Uh-huh.

21 THE COURT: Okay. And it sounds like you feel like
22 they maybe delayed a little bit too much with prosecuting the
23 case --

24 PROSPECTIVE JUROR NO. 155: Yeah, they didn't --

25 THE COURT: -- or what are your feelings?

1 PROSPECTIVE JUROR NO. 155: He got off light in my
2 opinion.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 155: He got on probation, and
5 that was it. Nothing else came of it, no restitution, no --
6 nothing like that.

7 THE COURT: Okay. Do you know if he was ordered to
8 pay restitution?

9 PROSPECTIVE JUROR NO. 155: I don't recall that it
10 ever came up.

11 THE COURT: Okay. So you feel like he should've
12 had -- if he got probation, he should've had to do more?

13 PROSPECTIVE JUROR NO. 155: Oh, yeah.

14 THE COURT: Okay. And was there ever a civil case
15 pursued against this person?

16 PROSPECTIVE JUROR NO. 155: Not that I know of.

17 THE COURT: Okay. Anyone else have anyone that
18 they're close to? Yes, the lady in the middle there.

19 PROSPECTIVE JUROR NO. 171: My parents' home was
20 robbed.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 171: Years ago.

23 THE COURT: Was anybody home?

24 PROSPECTIVE JUROR NO. 171: No. My dad came in when
25 they were running out the back.

1 THE COURT: Okay. And was that here in Southern --

2 PROSPECTIVE JUROR NO. 171: Yes.

3 THE COURT: Clark County. How long ago did that
4 happen?

5 PROSPECTIVE JUROR NO. 171: Twenty-five years ago.

6 THE COURT: Okay. So he came in, and there were
7 people still burglarizing?

8 PROSPECTIVE JUROR NO. 171: They were running out the
9 back door.

10 THE COURT: Okay. Did he confront them --

11 PROSPECTIVE JUROR NO. 171: No.

12 THE COURT: -- or did they confront him? Do you --
13 I'm assuming he reported it to law enforcement?

14 PROSPECTIVE JUROR NO. 171: Uh-huh.

15 THE COURT: Do you know if anybody was ever caught?

16 PROSPECTIVE JUROR NO. 171: Not to my knowledge.

17 THE COURT: Okay. Do you know what kind of
18 investigation they did in terms of do you know if there was
19 fingerprinting done or anything like that?

20 PROSPECTIVE JUROR NO. 171: Not a hundred percent
21 sure.

22 THE COURT: Okay. And the lady next to you also
23 raised her hand.

24 PROSPECTIVE JUROR NO. 168: My son was a victim. He
25 was abused by my other son. So I was on both sides.

1 THE COURT: Okay. And when your son was abused, was
2 that physical abuse or sexual abuse?

3 PROSPECTIVE JUROR NO. 168: It was sexual.

4 THE COURT: Okay. How old was your son who was
5 abused at the time?

6 PROSPECTIVE JUROR NO. 168: When -- when I found out,
7 he was like 8.

8 THE COURT: Okay. And did he disclose to you, or how
9 did you find out?

10 PROSPECTIVE JUROR NO. 168: My ex-husband, well, when
11 we were married, walked in and saw -- saw it.

12 THE COURT: Okay. And then your son who was the
13 perpetrator, how old was he?

14 PROSPECTIVE JUROR NO. 168: He was five years older.

15 THE COURT: Okay. So about --

16 PROSPECTIVE JUROR NO. 168: 13.

17 THE COURT: -- 13. All right. And did you -- was
18 law enforcement involved in this?

19 PROSPECTIVE JUROR NO. 168: Yeah. I had to call. I
20 had to call them myself.

21 THE COURT: Okay. And then do you know if your son
22 was prosecuted in the juvenile system?

23 PROSPECTIVE JUROR NO. 168: Yes.

24 THE COURT: And that was here in Clark County?

25 PROSPECTIVE JUROR NO. 168: Yes.

1 THE COURT: Okay. And was there a contested hearing
2 where your other son had to testify, or was the case resolved?
3 Do you know?

4 PROSPECTIVE JUROR NO. 168: My other son pled guilty.

5 THE COURT: Okay. And was he placed on probation, or
6 was he --

7 PROSPECTIVE JUROR NO. 168: No. Actually he went to
8 juvie, and then I -- at the time I was pleading with everybody
9 in the court to have him get rehabbed. So they sent him to
10 Desert Willow.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 168: So he could get help.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 168: And so he was there for,
15 like, a year because it's based on your performance.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 168: And then after that he
18 went to a step-down program for, like, another year, and then
19 was slowly introduced back to our home.

20 THE COURT: Okay. And do you feel like that was
21 effective? The treatment, did that help him?

22 PROSPECTIVE JUROR NO. 168: I do. I mean, not a
23 hundred percent, but a lot better than before.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 168: Because he was having a

1 lot of problems.

2 THE COURT: And has he had any other negative
3 contacts with the justice system?

4 PROSPECTIVE JUROR NO. 168: Yeah. That was the same
5 one that robbed his father.

6 THE COURT: Okay. All right. In terms of the case
7 involving your two sons, how do you feel from both perspectives
8 that was handled in the system?

9 PROSPECTIVE JUROR NO. 168: Well, it was definitely
10 hard to be on both sides, but I felt like it was -- it was
11 handled well. I mean, the police handled it really well,
12 talked to him, interviewed him. It wasn't like too harsh, but
13 it was definitely authoritative. So I felt that was good, and
14 then I was happy that they got him treatment instead of
15 punishing him.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 168: So I was pleased with
18 that, and so it, to me, it seemed like it was really good on
19 that side of it, on my one son. My other son, he got -- he got
20 treatment. They have those court programs that they help them
21 out.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 168: So he got therapy, and he
24 got a lot of help, too.

25 THE COURT: On the victim side?

1 PROSPECTIVE JUROR NO. 168: On the victim side, and
2 the courts help with that as well.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 168: So I saw both sides, and
5 on that I was actually really pleased.

6 THE COURT: Okay. Anyone else that has someone close
7 to them?

8 All right. I see no other hands. That concludes my
9 questions.

10 Ms. Luzaich, you may follow up with any questions you
11 may have for the panel.

12 MS. LUZAICH: Okay. Equipment in the courts are
13 dangerous. Sorry.

14 Good morning, everybody. This is the time that is
15 set for jury selection. What we want, what both sides want is
16 a jury that is going to be fair and impartial to both sides,
17 and unfortunately, because we don't know any of you, the only
18 way we can learn whether or not we believe you would be a good
19 fit for the case is to ask what could be some personal
20 questions, as you've noticed by what the Judge has asked so
21 far.

22 So I don't mean to offend anybody, and if I do ask
23 anything that's offensive, I do apologize in advance, but like
24 I said, all we want are jurors that are going to sit and listen
25 fairly to both sides.

1 We have an interesting panel here today. This is the
2 Socratic method. So if nobody's going to volunteer, just be
3 aware that when I asked questions, I will pick on volunteers if
4 nobody volunteers themselves.

5 So who here knows what it would take to be a good
6 juror? Anybody?

7 Okay. So I'm going to pick on the younger ones who
8 have just recently gotten out of school.

9 Mr. Macko, Badge No. 148. What do you think?
10 What -- what would it take to be a good juror in any kind of
11 case?

12 PROSPECTIVE JUROR NO. 148: You'd obviously have to
13 be telling the truth, like your own opinion. You're not
14 biased.

15 MS. LUZAICH: Okay. Not biased. Do you watch court
16 stuff on TV ever?

17 PROSPECTIVE JUROR NO. 148: Rarely.

18 MS. LUZAICH: Okay. Did you take government in
19 school?

20 PROSPECTIVE JUROR NO. 148: Yes.

21 MS. LUZAICH: Okay. So did you learn a little bit
22 about the court process?

23 PROSPECTIVE JUROR NO. 148: Yeah.

24 MS. LUZAICH: Do you know what a juror does?

25 PROSPECTIVE JUROR NO. 148: Somewhat, yeah.

1 MS. LUZAICH: Okay. Neither going to be --

2 PROSPECTIVE JUROR NO. 148: A little bit, no.

3 MS. LUZAICH: Okay. As a juror, what you're going to
4 do if you're selected is listen to what all of the witnesses
5 have to say, look at any evidence that might be submitted, and
6 then you ultimately have to make a decision. Did the State of
7 Nevada, that's me, did we prove to you beyond a reasonable
8 doubt that the defendant committed the crimes he's charged
9 with? And in order to do that, you're going to listen to a
10 whole lot of witnesses, and one thing that you're going to have
11 to do is evaluate credibility.

12 Have you ever had to do that before? Evaluate the
13 credibility of people.

14 PROSPECTIVE JUROR NO. 148: No.

15 MS. LUZAICH: Is that something that you think that
16 you could try to do?

17 PROSPECTIVE JUROR NO. 148: I could try, yeah.

18 MS. LUZAICH: How might you do that?

19 PROSPECTIVE JUROR NO. 148: Evaluate the credibility?

20 MS. LUZAICH: Yeah. Decide whether or not --

21 PROSPECTIVE JUROR NO. 148: You have to --

22 MS. LUZAICH: -- people are telling the truth
23 basically.

24 PROSPECTIVE JUROR NO. 148: You'd have to listen to
25 both sides of the story, and give your unbiased, you know,

1 option of what happened.

2 MS. LUZAICH: Okay. Is that something that you think
3 that you could do?

4 PROSPECTIVE JUROR NO. 148: Yeah.

5 THE COURT: And I, you know, in life we think well,
6 you know, there's two -- if people are having an argument,
7 there are two sides to the story, but in a criminal case, it's
8 only the State that has the burden of proving the defendant's
9 guilt beyond a reasonable doubt.

10 The defense, as I said already, they don't have to do
11 anything. They don't have to prove they didn't do it. The
12 State has to prove that the defense -- defendant committed the
13 crimes charged, and if they don't prove it beyond a reasonable
14 doubt, he's entitled to a verdict of not guilty. So I just
15 wanted to clear that up, that you don't necessarily hear both
16 sides. Because in a criminal proceeding, it's only the State
17 that has the burden of proving anything, and if, for whatever
18 reason, the jury feels that the State didn't prove it beyond a
19 reasonable doubt, then the correct verdict and the verdict to
20 which a defendant is entitled is not guilty.

21 MS. LUZAICH: You know, can we approach?

22 THE COURT: Sure.

23 (Conference at the bench not recorded.)

24 THE COURT: Is there anybody who has a problem with
25 that concept, that the defense in a criminal case doesn't have

1 to do anything, that under our constitutional system it's the
2 State that has the burden of proving a defendant's guilt beyond
3 a reasonable doubt?

4 All right. I see no hands.

5 Is there anybody who is close either as a friend or a
6 neighbor or a family member with someone who works as a police
7 officer or somebody who works in law enforcement?

8 Okay. We've got a number of hands. So we're going
9 to start with the young man in the front row.

10 And, sir, who do you know that's in law enforcement?

11 PROSPECTIVE JUROR NO. 151: My mother is a
12 dispatcher.

13 THE COURT: Okay. So she works -- she's a 9-1-1
14 dispatcher.

15 PROSPECTIVE JUROR NO. 151: She works for the
16 dispatch of the tribe that I think it's north of here.

17 THE COURT: Okay. She works for the --

18 PROSPECTIVE JUROR NO. 151: For the tribal police.

19 THE COURT: The tribal police. Okay.

20 PROSPECTIVE JUROR NO. 151: Yeah.

21 THE COURT: Is she a member of the tribe or --

22 PROSPECTIVE JUROR NO. 151: Yes.

23 THE COURT: Okay. And that would be the Paiute
24 tribe; is that right?

25 PROSPECTIVE JUROR NO. 151: I believe so.

1 THE COURT: Okay. So is that when something happens
2 on the reservation she would dispatch tribal police?

3 PROSPECTIVE JUROR NO. 151: Yeah, she handles the
4 9-1-1 calls dispatching the police. She does it all by
5 herself.

6 THE COURT: Okay. How long has she done that?

7 PROSPECTIVE JUROR NO. 151: She's been there, I
8 believe, nine months.

9 THE COURT: Okay. What did she do before that?

10 PROSPECTIVE JUROR NO. 151: She was a calls person
11 who called and sold furniture over the phone.

12 THE COURT: Okay. So nothing related to law
13 enforcement?

14 PROSPECTIVE JUROR NO. 151: Not at all.

15 THE COURT: Okay. And I'm guessing then she works
16 closely with tribal police officers?

17 PROSPECTIVE JUROR NO. 151: Yes.

18 THE COURT: Okay. Is it the kind of thing where
19 they, you know, come to your home for the, you know, barbecues
20 and that sort of thing?

21 PROSPECTIVE JUROR NO. 151: Yeah.

22 THE COURT: Okay. Is there anything about the fact
23 that somebody's a police officer that would cause you to
24 automatically give their testimony more weight or credibility,
25 or do you feel like you could keep an open mind and evaluate

1 that just like you would the testimony of anybody else who
2 might be a witness?

3 PROSPECTIVE JUROR NO. 151: I believe so, yes.

4 THE COURT: Okay. And the lady next to you had
5 raised her hand.

6 Yes.

7 PROSPECTIVE JUROR NO. 152: Both my sister and
8 brother-in-law are parole officers for juveniles.

9 THE COURT: Okay. So they work for, if you know, the
10 Division of Youth and Family Services?

11 PROSPECTIVE JUROR NO. 152: I don't. But my
12 brother-in-law is in detention, and my sister is out in the
13 field.

14 THE COURT: Okay. And they work here in Clark County
15 for --

16 PROSPECTIVE JUROR NO. 152: Yes.

17 THE COURT: Okay. How long have they been doing
18 that?

19 PROSPECTIVE JUROR NO. 152: I think about three
20 years, three, four years.

21 THE COURT: All right. And what did they do before
22 that?

23 PROSPECTIVE JUROR NO. 152: I don't know what he did
24 because that's how they met, but my sister helped my mom at the
25 business.

1 THE COURT: Okay. And do they talk about their work
2 very much or --

3 PROSPECTIVE JUROR NO. 152: Yes.

4 THE COURT: Okay. Is there anything about the fact
5 that somebody works in law enforcement that would cause you to
6 automatically believe or give their testimony more credibility,
7 or can you keep an open mind and consider it just like you
8 would the testimony of anybody else?

9 PROSPECTIVE JUROR NO. 152: I have an open mind.

10 THE COURT: Okay. All right. Thank you.

11 And, sir, did you raise your hand?

12 PROSPECTIVE JUROR NO. 155: Yes. I have three
13 uncles, all in the State of New York, that are in law
14 enforcement.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 155: One's a detective with
17 the Nevada State -- I'm sorry New York State Troopers.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 155: And then the other one is
20 a corrections officer for the State of New York.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 155: And then the third one
23 just retired as also a correction officer at the same prison.

24 THE COURT: All right. And was he -- the two
25 corrections officers, they work in the prison system in New

1 York; is that right?

2 PROSPECTIVE JUROR NO. 155: That's correct. Yeah.

3 THE COURT: Okay. And then the detective with the --
4 you said the New York Highway Patrol?

5 PROSPECTIVE JUROR NO. 155: Yeah, the state troopers.

6 THE COURT: Okay. Do you know what kind of crimes
7 he -- I'm sorry, he investigates? Do you know?

8 PROSPECTIVE JUROR NO. 155: Pretty much all of them.
9 He lives in a rural area.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 155: So he does homicides and
12 burglaries and, you know, whatever else there is.

13 THE COURT: Drugs, whatever comes in?

14 PROSPECTIVE JUROR NO. 155: Yes.

15 THE COURT: Okay. And the two that are prison
16 guards, is that -- do you know if they worked at, like, low
17 security, minimum, maximum-security facilities? Do you know?

18 PROSPECTIVE JUROR NO. 155: It's not minimum and it's
19 not maximum. So.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 155: So it's kind of like in
22 a -- I don't know what they call it, like a middle security.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 155: Yeah.

25 THE COURT: Okay. All right. Thank you. And is

1 there anything about the fact that somebody's a police officer
2 that would cause you to automatically believe their testimony
3 or give it more weight or credibility, or can you keep an open
4 mind and consider it just like you would the testimony of
5 anybody else?

6 PROSPECTIVE JUROR NO. 155: I can keep an open mind.

7 THE COURT: All right. Thank you.

8 I saw, I think, the gentlemen behind you.

9 Yes, sir.

10 PROSPECTIVE JUROR NO. 165: Yeah, my brother-in-law
11 was a Henderson police officer.

12 THE COURT: That's right. We talked about that.

13 PROSPECTIVE JUROR NO. 165: He recently retired about
14 a year and a half ago.

15 THE COURT: Okay. What kind of work did he do with
16 the Henderson police?

17 PROSPECTIVE JUROR NO. 165: He did mainly patrol, but
18 I think earlier in his career he was undercover, did some
19 undercover work.

20 THE COURT: Okay. Do you know if that was like vice
21 or narcotics, or do you know?

22 PROSPECTIVE JUROR NO. 165: I think narcotics, but
23 I'm not a hundred percent sure.

24 THE COURT: Okay. Now, is there anything about --
25 same question to you -- the fact that somebody's a police

1 officer that would cause you to automatically believe their
2 testimony, or can you keep an open mind and evaluate it just
3 like you would the testimony --

4 PROSPECTIVE JUROR NO. 165: Keep an open mind.

5 THE COURT: All right. Now, you heard me talking to
6 the young man in the front row about the fact that the State
7 has the burden of proving a defendant's guilt beyond a
8 reasonable doubt. Do you have any problem with that concept?

9 PROSPECTIVE JUROR NO. 165: No, none at all.

10 THE COURT: Okay. And if the State fails to do that,
11 the defendant is entitled to a verdict of not guilty. Any
12 problem with that?

13 PROSPECTIVE JUROR NO. 165: No.

14 THE COURT: Now, let's just say you're selected to
15 serve on the jury and you don't think the State proved it. You
16 vote to acquit. Are you going to have any problem at the -- I
17 don't know -- the Fourth of July family barbecue or whatever
18 telling your brother-in-law who is a retired Henderson police
19 officer, hey, I sat on a jury, and the State didn't prove it?
20 I voted not guilty --

21 PROSPECTIVE JUROR NO. 165: No, not at all. I
22 wouldn't have a problem with that.

23 THE COURT: Nothing about that that's going to hinder
24 you in any way?

25 PROSPECTIVE JUROR NO. 165: No.

1 THE COURT: All right. I saw some other hands.

2 Yes, ma'am.

3 PROSPECTIVE JUROR NO. 164: My -- it's not direct
4 family, but we are very close contact, we hang out quite a bit
5 is my husband's cousin. He's a naval police.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 164: But he just moved back to
8 Vegas, and he's getting ready to go on with Henderson police.

9 THE COURT: Okay. Has he been to the academy yet, or
10 has he been --

11 PROSPECTIVE JUROR NO. 164: He's in the process of
12 all the paperwork to get started.

13 THE COURT: Okay. So he's been hired --

14 PROSPECTIVE JUROR NO. 164: Yeah.

15 THE COURT: -- but he hasn't started yet?

16 PROSPECTIVE JUROR NO. 164: Uh-huh.

17 THE COURT: So as far as you know, he's going to have
18 to do the police academy?

19 PROSPECTIVE JUROR NO. 164: Right.

20 THE COURT: Okay. And you said he was a naval
21 investigator?

22 PROSPECTIVE JUROR NO. 164: A naval police.

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 164: Uh-huh.

25 THE COURT: Where was he based?

1 PROSPECTIVE JUROR NO. 164: In Washington.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 164: Seattle area.

4 THE COURT: And do you know what kind of crimes he
5 investigated?

6 PROSPECTIVE JUROR NO. 164: I think he was mainly
7 patrolling the base.

8 THE COURT: Okay. Did he talk about his work very
9 much with you?

10 PROSPECTIVE JUROR NO. 164: Not too much.

11 THE COURT: Okay. Is there anything about the fact
12 that somebody is a police officer that would cause you to
13 automatically give their -- you know, believe them or give
14 their testimony more weight or credibility?

15 PROSPECTIVE JUROR NO. 164: I feel that they're held
16 to a higher standard of, you know, telling the truth.

17 THE COURT: Okay. Because of their job?

18 PROSPECTIVE JUROR NO. 164: Uh-huh.

19 THE COURT: Is that yes?

20 PROSPECTIVE JUROR NO. 164: Yes.

21 THE COURT: For the record.

22 PROSPECTIVE JUROR NO. 164: Sorry.

23 THE COURT: Do think it's fair though that police
24 officers are like any other people in any other occupation --
25 doctors, lawyers, accountants, you know, dealers -- some are

1 good at their job, and some maybe aren't quite as good at their
2 jobs?

3 PROSPECTIVE JUROR NO. 164: Yes, I agree.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 164: I agree.

6 THE COURT: Okay. Same question I asked the
7 gentleman next to you. You know, do you have any problem with
8 the fact that the State has the burden of proof in this case?

9 PROSPECTIVE JUROR NO. 164: No.

10 THE COURT: And that if the State fails to prove the
11 defendant's guilt beyond a reasonable doubt, he's entitled to a
12 verdict of not guilty?

13 PROSPECTIVE JUROR NO. 164: No, I'm fine with that.

14 THE COURT: Okay. Now, you know the Fourth of July
15 is coming up. Would you have any problem telling your
16 husband's cousin at the next family event, you know, I sat on a
17 jury, and the State didn't prove the defendant's guilt, and I
18 voted not guilty. Would you have any reluctance or difficulty
19 sharing that information with your family member?

20 PROSPECTIVE JUROR NO. 164: No. Huh-uh.

21 THE COURT: Okay. Anyone else that has -- I think
22 we --

23 PROSPECTIVE JUROR NO. 161: I have a cousin who's
24 undercover. I think it's narcotics, but --

25 THE COURT: Okay. Is that here in town?

1 PROSPECTIVE JUROR NO. 161: Yes.
2 THE COURT: Is he with Metro?
3 PROSPECTIVE JUROR NO. 161: Metro, yes.
4 THE COURT: Are you close with this cousin?
5 PROSPECTIVE JUROR NO. 161: A little bit, not --
6 THE COURT: Not -- okay.
7 PROSPECTIVE JUROR NO. 161: Yeah.
8 THE COURT: Does he -- are you close enough where he
9 shares stories about his work with you at all or --
10 PROSPECTIVE JUROR NO. 161: Not really, no.
11 THE COURT: Not really. Anything about the fact that
12 somebody's a police officer that would cause you automatically
13 to give their weight -- I'm sorry, to give their testimony more
14 weight or credibility?
15 PROSPECTIVE JUROR NO. 161: No.
16 THE COURT: Can you keep an open mind and consider it
17 just like you would the testimony of anybody else?
18 PROSPECTIVE JUROR NO. 161: Yes.
19 THE COURT: And I think the lady next to you had
20 raised her hand.
21 PROSPECTIVE JUROR NO. 166: My neighbor is a -- like
22 a, kind of management in the police force.
23 THE COURT: Okay. Is that --
24 PROSPECTIVE JUROR NO. 166: -- in our local area.
25 THE COURT: Is that Metro?

1 PROSPECTIVE JUROR NO. 166: Whatever is in the
2 northwest.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 166: Is that Metro?

5 THE COURT: You're not North Las Vegas though, right?

6 PROSPECTIVE JUROR NO. 166: No.

7 THE COURT: Northwest. Okay. Are you, you know, do
8 you socialize with this neighbor, barbecues, that sort of
9 thing?

10 PROSPECTIVE JUROR NO. 166: No, mostly just say hi --

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 166: -- for like five years.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 166: We've talked a little bit
15 when he used to do undercover work for sexual crimes, children.

16 THE COURT: Okay. So he talked to you a little bit
17 about that?

18 PROSPECTIVE JUROR NO. 166: Yeah. That was, like --
19 that was years ago when he did that.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR NO. 166: And so he'd -- he'd say a
22 couple things, not too much because he keeps that stuff mostly
23 to himself.

24 THE COURT: Okay. And you think now he's in
25 management?

1 PROSPECTIVE JUROR NO. 166: Yeah.

2 THE COURT: And any other hands in the back row?

3 I think the fellow in front of you directly had
4 raised his hand.

5 And, yes.

6 PROSPECTIVE JUROR NO. 149: I just have a couple of
7 close friends who are cops, and then my neighbor's like pretty
8 high up at Metro. I think they're all Metro actually.

9 THE COURT: Okay. Now, your close friends who are
10 police officers, are they people you went to school with or --

11 PROSPECTIVE JUROR NO. 149: They both worked
12 at In-N-Out with me before.

13 THE COURT: Okay. And now they're at Metro, you
14 think?

15 PROSPECTIVE JUROR NO. 149: Yeah, I think so.

16 THE COURT: Okay. So I'm assuming they're relatively
17 new to the police department?

18 PROSPECTIVE JUROR NO. 149: Yeah, within the last --
19 well, one I think has been three or four years, and the last
20 one's been under two years.

21 THE COURT: Okay. Are they still uniform patrol
22 officers?

23 PROSPECTIVE JUROR NO. 149: Yeah. Yeah.

24 THE COURT: Do they talk about their work with you
25 very much?

1 PROSPECTIVE JUROR NO. 149: One does, not like a lot
2 of details, just like he has a lot of stories.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 149: So, yeah.

5 THE COURT: From things that happened when he's --

6 PROSPECTIVE JUROR NO. 149: Yeah.

7 THE COURT: -- out on patrol. Anything about the
8 fact that somebody's a law enforcement officer that would cause
9 you to automatically believe their testimony, or can you
10 consider it, keep an open mind --

11 PROSPECTIVE JUROR NO. 149: I mean, it wouldn't be,
12 like, automatic. Like, I want to believe that they have, like,
13 higher, like, credibility.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 149: But, I mean, I would try
16 to keep an open mind, but that's just the way I see it, to be
17 honest.

18 THE COURT: Okay. They have higher credibility why?
19 Because they've chosen to be police officers or --

20 PROSPECTIVE JUROR NO. 149: Yeah. Because I think
21 that, like, they need to have, I mean, like, or a lot of
22 respect and be, like, reliable --

23 THE COURT: Okay.

24 PROSPECTIVE JUROR NO. 149: -- and that's it,
25 situations like that.

1 THE COURT: Okay. And that's obviously a good
2 attribute to have if you're a police officer?

3 PROSPECTIVE JUROR NO. 149: Yeah. But I wouldn't
4 have any problem telling them about like -- like if the -- if
5 they didn't prove them guilty.

6 THE COURT: Beyond a reasonable doubt?

7 PROSPECTIVE JUROR NO. 149: Yeah.

8 THE COURT: Okay. Do you think it's fair that in
9 policing or law enforcement, just like in any other job some
10 people are better at their jobs, some people are more ethical
11 than other people? Whether it's lawyers, doctors, police
12 officers?

13 PROSPECTIVE JUROR NO. 149: No, I think it's the
14 same. Like there are good cops, and some people aren't as
15 good.

16 THE COURT: Okay. Does anybody else not have that
17 view, that, you know, some police officers are better than
18 other police officers and that you have to evaluate each police
19 officer or detective, whatever the case may be individually?

20 All right. I see -- I see no other hands.

21 Is there anybody -- let me ask this. In our system
22 of justice, a person who is accused of a crime is presumed
23 innocent unless and until proved guilty beyond a reasonable
24 doubt. Is there anybody who has a problem with that concept?
25 Is there anyone who doesn't agree with that basic premise?

1 You look a little confused.

2 PROSPECTIVE JUROR NO. 166: No, I'm fine with it.

3 THE COURT: Okay. All right.

4 I see no hands.

5 Ms. Luzaich, you may resume your questioning of the
6 panel.

7 MS. LUZAICH: All right. How about Mr. Warren, Badge
8 No. 166 (unintelligible). What do you think it would take to
9 make somebody a good juror? What does a good juror need to be?

10 PROSPECTIVE JUROR NO. 166: Someone that's open,
11 listens to both sides of the case, and off the testimonies that
12 are given, can make a correct decision on whether the guy is
13 either guilty or not guilty or something like that. That's the
14 way I would see it.

15 MS. LUZAICH: Okay. People keep talking about, you
16 know, both sides. It is very possible that you're not going to
17 hear two sides of the story.

18 PROSPECTIVE JUROR NO. 166: Right.

19 MS. LUZAICH: Is that okay?

20 PROSPECTIVE JUROR NO. 166: That's okay with me.

21 MS. LUZAICH: I'm the only one in this building that
22 has the burden of proof. I have to prove the case. They don't
23 have to do anything. I mean --

24 PROSPECTIVE JUROR NO. 166: Okay.

25 MS. LUZAICH: -- Mr. Ericsson can sit there and, you

1 know, do his child's homework if he wants, but that's okay with
2 you, right?

3 PROSPECTIVE JUROR NO. 166: Yeah.

4 MS. LUZAICH: I have to do all the proving?

5 PROSPECTIVE JUROR NO. 166: Yes.

6 MS. LUZAICH: Okay. So if you don't hear a second
7 side, can you still keep an open mind and hold me to my burden?

8 PROSPECTIVE JUROR NO. 166: Yes, you can.

9 MS. LUZAICH: And you can?

10 PROSPECTIVE JUROR NO. 166: Yes, I can. Yes, I can.

11 MS. LUZAICH: Okay. Well, would you consider
12 yourself to be a fair and open-minded person?

13 PROSPECTIVE JUROR NO. 166: Yes, I am.

14 MS. LUZAICH: Do you have any experience, or do you
15 know anybody that has any experience with being in a, like,
16 really scary situation?

17 PROSPECTIVE JUROR NO. 166: I do not.

18 MS. LUZAICH: Nobody. Okay.

19 PROSPECTIVE JUROR NO. 166: No.

20 MS. LUZAICH: Does anybody -- has anybody themselves
21 been in a really scary situation before?

22 Like, Ms. Garcia, you talked about your mom's, you
23 know, clerks and stuff.

24 Has anybody been -- and I'm sorry.

25 Ms. Hine you were. Okay. Ms. Hine, for just a

1 second, and I know this is not pleasant to talk about.

2 PROSPECTIVE JUROR NO. 164: No.

3 MS. LUZAICH: So I'm sorry. But you talked about
4 there was one time that it was reported, but there were other
5 times that the situation occurred. Was there ever a weapon
6 used?

7 PROSPECTIVE JUROR NO. 164: Objects in the house.

8 MS. LUZAICH: For example?

9 PROSPECTIVE JUROR NO. 164: A chair, keyboard being
10 thrown at me, shoved up against the wall into furniture, things
11 like that.

12 MS. LUZAICH: Okay. You were scared?

13 PROSPECTIVE JUROR NO. 164: Yeah, of course.

14 MS. LUZAICH: But you didn't call the police
15 sometimes?

16 PROSPECTIVE JUROR NO. 164: No, I didn't at those
17 times.

18 MS. LUZAICH: You said keeping the family peace.

19 PROSPECTIVE JUROR NO. 164: Based off of at the time
20 of religious, you know, trying not to make the situation worse.
21 I was very much into, you know, the way I was living with my
22 religion. So I was trying to keep the peace and keep the
23 family together and all that good stuff.

24 MS. LUZAICH: Okay. Was it hard to talk about what
25 happened?

1 PROSPECTIVE JUROR NO. 164: It was just kept to
2 myself and maybe a couple of friends that were close to me, but
3 the family really didn't know about it. Yeah, it was kept
4 pretty private.

5 MS. LUZAICH: The one time that you did report it,
6 you had to give a statement to police?

7 PROSPECTIVE JUROR NO. 164: Uh-huh.

8 MS. LUZAICH: Is that a yes?

9 PROSPECTIVE JUROR NO. 164: Yes. I'm sorry.

10 MS. LUZAICH: Sorry. The court recorders -- there's
11 a no-button, yes-button, no huh-uh-button. And did they ask
12 you to describe everything that happened?

13 PROSPECTIVE JUROR NO. 164: Yeah. I had to write a
14 statement when we went to the criminal court case, and I had to
15 write, you know, like a victim statement of what occurred.

16 MS. LUZAICH: Right. But the night that it happened,
17 you were upset about what occurred?

18 PROSPECTIVE JUROR NO. 164: I had just -- I called
19 the police, and they came and arrested him, so based off of
20 what I had told them I didn't have to write anything at that
21 time.

22 MS. LUZAICH: Nothing at all?

23 PROSPECTIVE JUROR NO. 164: Huh-uh.

24 MS. LUZAICH: Was it hard to talk about it that night
25 while you were upset?

1 PROSPECTIVE JUROR NO. 164: Oh, yeah.

2 MS. LUZAICH: Did you find that later it was easier,
3 maybe a little bit to talk about?

4 PROSPECTIVE JUROR NO. 164: No. It was still -- it
5 was still really hard.

6 MS. LUZAICH: Did you find yourself maybe not
7 describing everything that occurred while you were upset? Does
8 that make sense?

9 PROSPECTIVE JUROR NO. 164: No, I described
10 everything that occurred.

11 MS. LUZAICH: And were you able to describe
12 everything?

13 PROSPECTIVE JUROR NO. 164: Oh, yeah. Uh-huh.

14 MS. LUZAICH: Who else? Anybody else been in a scary
15 situation?

16 Mr. Macko, Badge No. 148. What kind of scary
17 situation were you in?

18 PROSPECTIVE JUROR NO. 148: I was at the park one
19 night with my girlfriend a while ago, my ex-girlfriend, and
20 there was a lot of males fighting in the parking lot, and we
21 were sitting in our car, and we were about to leave, and after
22 a couple of seconds there were shots going off, and actually my
23 truck got shot.

24 MS. LUZAICH: That's pretty scary.

25 PROSPECTIVE JUROR NO. 148: Yeah.

1 MS. LUZAICH: Did you talk to the police about that?

2 PROSPECTIVE JUROR NO. 148: Afterwards, yes.

3 MS. LUZAICH: Did they give you the opportunity to
4 like to -- like, tell me everything that happened?

5 PROSPECTIVE JUROR NO. 148: Yeah, I wrote a statement
6 and talked to them and everything.

7 MS. LUZAICH: Did you find that you were able to get
8 every piece of information in your statement, or did you later
9 realize that, oh, maybe I forgot to say something?

10 PROSPECTIVE JUROR NO. 148: Most of it. Later on it
11 kind of came back to me a little bit more.

12 MS. LUZAICH: When you had time to --

13 PROSPECTIVE JUROR NO. 148: Yeah, like process
14 everything because it was quite scary, you know.

15 MS. LUZAICH: Yeah. Did you find that you were
16 focused on anything in particular while it was happening?

17 PROSPECTIVE JUROR NO. 148: Just getting out of there
18 as fast as I could, you know, and staying safe.

19 MS. LUZAICH: And you said that your car was
20 actually --

21 PROSPECTIVE JUROR NO. 148: Yeah, I have a bullet
22 hole in my car, yeah.

23 MS. LUZAICH: But neither one of you were hurt?

24 PROSPECTIVE JUROR NO. 148: No.

25 MS. LUZAICH: Well, that's fortunate. Did you ever

1 have to go to court because of that?

2 PROSPECTIVE JUROR NO. 148: No.

3 MS. LUZAICH: Were people actually arrested that
4 night?

5 PROSPECTIVE JUROR NO. 148: I have no idea.

6 MS. LUZAICH: Did you ever follow up, try to follow
7 up?

8 PROSPECTIVE JUROR NO. 148: For the most part a
9 little bit. I mean, they had posted a video of them actually
10 doing it online, and it got taken down, and we found it, and we
11 showed it to the police, and that's all the last thing I heard
12 of it.

13 MS. LUZAICH: Did later did you and your girlfriend
14 talk about what had occurred?

15 PROSPECTIVE JUROR NO. 148: A little bit but for the
16 most part we are both there, you know, so not much.

17 MS. LUZAICH: Yeah. So you didn't like kind of
18 compare stories?

19 PROSPECTIVE JUROR NO. 148: Well, right after, yeah,
20 but not after that, no.

21 MS. LUZAICH: As you compared stories right after,
22 did you find that your description of the incident wasn't
23 exactly the same?

24 PROSPECTIVE JUROR NO. 148: Not a hundred percent
25 exactly, but for the most part, yeah.

1 MS. LUZAICH: Right. But there were little
2 differences?

3 PROSPECTIVE JUROR NO. 148: Yeah.

4 MS. LUZAICH: Did that surprise you?

5 PROSPECTIVE JUROR NO. 148: No.

6 MS. LUZAICH: Okay. Is there anybody who has been in
7 a situation where they were with somebody, but perceived it
8 differently?

9 Okay. Let me ask that in a different way. Is there
10 anybody who thinks that that would be unusual for two people to
11 view one incident and perceive it differently?

12 Mr. Bohac.

13 PROSPECTIVE JUROR NO. 151: Yes. I would think --

14 MS. LUZAICH: Badge number, sorry, 151. What would
15 you think about that?

16 PROSPECTIVE JUROR NO. 151: I would think, no,
17 because it depends completely on your experiences.

18 MS. LUZAICH: And when you say you would think no, no
19 you don't think that's odd?

20 PROSPECTIVE JUROR NO. 151: So if it was a situation,
21 if I was sitting in a car with my girlfriend and my car was
22 shot, and it was different that way, and her story was
23 different than mine, of course we were both scared. So we're
24 not going to remember everything the same.

25 MS. LUZAICH: Okay. So that makes sense to you.

1 PROSPECTIVE JUROR NO. 151: Yeah.

2 MS. LUZAICH: Do you think also that maybe two people
3 who view the same incident find different things about that
4 incident important to them?

5 PROSPECTIVE JUROR NO. 151: Yes. And I think that
6 does based on your experience. So if nobody was shot from
7 this, then I would say it's important. Your perspective is
8 keeping yourself safe. So both of you are just -- you're
9 grateful that you're both alive, didn't get hurt, but on the
10 same side, if somebody was hurt, you would be more focused on
11 what happened to that rather than what's happening around you
12 or what happened to you.

13 MS. LUZAICH: Okay. You've got a pretty good head on
14 your shoulders. How long have you been out of school?

15 PROSPECTIVE JUROR NO. 151: Two years.

16 MS. LUZAICH: You mentioned that while you're taking
17 care of your grandmother you had to take a course to do that?

18 PROSPECTIVE JUROR NO. 151: It was training with the
19 person who was taking care of her to know how to take care of
20 her.

21 MS. LUZAICH: Oh.

22 PROSPECTIVE JUROR NO. 151: Because she could not pay
23 for him anymore. So she needed someone to pay for that.

24 MS. LUZAICH: Can I ask you what is her disability?

25 PROSPECTIVE JUROR NO. 151: She broke her hip and her

1 femur. So she has movement impairment.

2 MS. LUZAICH: Okay. What do you do for her?

3 PROSPECTIVE JUROR NO. 151: I help her go to the
4 bathroom, shower, wake up and go to bed. Usually everything
5 else she's more independent now.

6 MS. LUZAICH: Uh-huh. Is she getting better every
7 day, like --

8 PROSPECTIVE JUROR NO. 151: She's getting better but
9 it's getting in and out of things that's the hard thing.

10 MS. LUZAICH: Okay. Is there going to come a time
11 that she's going to be okay and won't need your help anymore?

12 PROSPECTIVE JUROR NO. 151: Later on down the road
13 hopefully.

14 MS. LUZAICH: I mean like weeks, months, years?

15 PROSPECTIVE JUROR NO. 151: Probably a couple years.

16 MS. LUZAICH: What are you going to do when you don't
17 take care of grandma anymore?

18 PROSPECTIVE JUROR NO. 151: I want to be in
19 agriculture.

20 MS. LUZAICH: Are you going to go to school for that?

21 PROSPECTIVE JUROR NO. 151: Yes.

22 MS. LUZAICH: Okay. Who's taking care of grandma
23 while you're here?

24 PROSPECTIVE JUROR NO. 151: My -- well, she's my
25 great-grandmother. My grandmother, and she's over there just

1 while I'm here.

2 MS. LUZAICH: Just while you're here. Okay. Now,
3 this trial could go into next week. What happens if you are
4 selected to sit as a juror?

5 PROSPECTIVE JUROR NO. 151: I would have to find a
6 different avenue for that, for my grandmother to have care
7 while I'm here.

8 MS. LUZAICH: Is there another avenue available?

9 PROSPECTIVE JUROR NO. 151: Hopefully I'll be able to
10 find one if I'm selected.

11 MS. LUZAICH: Okay. But you understand this is
12 important.

13 PROSPECTIVE JUROR NO. 151: Correct.

14 MS. LUZAICH: So you would try?

15 PROSPECTIVE JUROR NO. 151: Oh, yeah.

16 MS. LUZAICH: Okay. Thank you.

17 Mr. Winn, what do you think about what -- Badge No.
18 163 -- what do you think about what Mr. Bohac and I were just
19 talking about? Two different people watch one incident yet
20 they don't describe it the same?

21 PROSPECTIVE JUROR NO. 163: It happens all the time.

22 MS. LUZAICH: Well, what might cause that in your
23 mind?

24 PROSPECTIVE JUROR NO. 163: Perception. In a moment
25 of anxiety, what you perceive what you see, what they think

1 they see, you compare notes. While it's 80 percent on point
2 maybe, the other 20 percent could be, well, gee, I think I saw
3 this. Well, no, you know, because my wife and I witnessed a
4 car accident, and for the most part we were on point, but it's,
5 like, gee, I think I saw this. Well, no, I think I saw this.

6 MS. LUZAICH: And because the two of you saw or
7 described something different, you wouldn't say that either one
8 of you was lying, correct?

9 PROSPECTIVE JUROR NO. 163: No, it's just what we
10 saw.

11 MS. LUZAICH: In your mind is there a difference
12 between -- well, okay. If you each saw -- described something
13 different, is one of you necessarily mistaken?

14 PROSPECTIVE JUROR NO. 163: No. No. It's -- it's
15 not a right or wrong. It's just what you perceive.

16 MS. LUZAICH: Different people perceive things
17 differently. Would you agree with that?

18 PROSPECTIVE JUROR NO. 163: Absolutely.

19 MS. LUZAICH: Does anybody have an issue with that?
20 Would anybody disagree with that? Different people perceive
21 things differently?

22 Would you also agree that you perceive things based
23 upon your own makeup, you know, what it is about you that makes
24 you you?

25 PROSPECTIVE JUROR NO. 164: I don't know that I can

1 say that. It's -- it's either I saw it or I didn't. It's not
2 an internal. It's a recognition.

3 MS. LUZAICH: Okay. Anybody else have an opinion
4 about that?

5 Ms. Lawson, Badge No. 171, what do you think about
6 that?

7 PROSPECTIVE JUROR NO. 171: I think what he said. Is
8 that what you mean? Well, that's his opinion, and I think
9 people will react differently based on stress, and, like you
10 said, what they've experienced in the past and how they process
11 things.

12 MS. LUZAICH: Uh-huh.

13 PROSPECTIVE JUROR NO. 171: Kind of their makeup.

14 MS. LUZAICH: Some people are either more or less
15 educated. Some people are more or less street savvy. Would
16 you agree with that?

17 PROSPECTIVE JUROR NO. 171: Yes.

18 MS. LUZAICH: And is all of that something that in
19 your mind enters into how you might perceive things?

20 PROSPECTIVE JUROR NO. 171: Yes.

21 MS. LUZAICH: I'm going to go sideways for a minute,
22 too. What do you think makes somebody a good juror, or what do
23 you think would make a good juror?

24 PROSPECTIVE JUROR NO. 171: Having an open mind,
25 listening to all of the facts and, you know, analyzing it and

1 coming up with your -- your opinion.

2 MS. LUZAICH: Would you consider yourself to be an
3 open-minded person?

4 PROSPECTIVE JUROR NO. 171: Yes.

5 MS. LUZAICH: Some people are really good at speaking
6 in public. Some people are terrible. Where would you put
7 yourself in that scheme of things.

8 PROSPECTIVE JUROR NO. 171: I've gotten better. I
9 used to be petrified, but --

10 MS. LUZAICH: Are you somebody that can express your
11 opinion when you feel like you need to?

12 PROSPECTIVE JUROR NO. 171: Usually.

13 MS. LUZAICH: Okay. And not everybody does. There's
14 nothing wrong with that, of course. Let's say you are selected
15 as a juror in this case. You go back in the deliberation room
16 and you and the other jurors are talking about what you have
17 seen. It comes time to take a vote. Eleven of them feel one
18 way. You feel the other way. It doesn't matter which, just
19 you feel the other way. How would you handle that?

20 PROSPECTIVE JUROR NO. 171: I would stay with my --
21 how I felt. If I was the only one, I would still voice my
22 opinion.

23 MS. LUZAICH: Okay. Would you try and explain to
24 them why you think they are mistaken?

25 PROSPECTIVE JUROR NO. 171: Yes. I mean, I would

1 present the facts and how I feel and why I have that opinion.

2 MS. LUZAICH: Will you keep an open mind and listen
3 to what they have to say?

4 PROSPECTIVE JUROR NO. 171: Yes.

5 MS. LUZAICH: Now, is it possible if they were able
6 to point to something that either you misheard or didn't hear,
7 is it possible that you could change your mind?

8 PROSPECTIVE JUROR NO. 171: Yes.

9 MS. LUZAICH: But if you're sure, will you stick to
10 your guns?

11 PROSPECTIVE JUROR NO. 171: Yes.

12 MS. LUZAICH: You won't change your mind just to
13 change your mind?

14 PROSPECTIVE JUROR NO. 171: No.

15 MS. LUZAICH: Thank you.

16 Different people react to the same set of
17 circumstances differently. Would anybody disagree with that?
18 Anybody ever see somebody laugh at a funeral? Different
19 reactions are different.

20 Ms. Maynard, you're kind of going hmm. Badge No.
21 168, I think. I have the worst handwriting ever.

22 PROSPECTIVE JUROR NO. 168: Yes.

23 MS. LUZAICH: What do you think about that?
24 Different people react differently to the same set of
25 circumstances?

1 PROSPECTIVE JUROR NO. 168: I agree just from my
2 life, watching different people, my own experience of reacting
3 differently, definitely people's emotions, their life history,
4 what they've gone through, their experiences, all that has a
5 play in their reaction, and I've never been in the room where
6 everybody's reacted the same. There's always somebody that
7 reacts differently.

8 MS. LUZAICH: And is that something that you'll take
9 into consideration when you evaluate the testimony of
10 witnesses?

11 PROSPECTIVE JUROR NO. 168: Oh, of course.

12 MS. LUZAICH: Okay. You seem to have a really varied
13 experience with the criminal justice system. Based on
14 everything that you have observed personally, do you think the
15 system works?

16 PROSPECTIVE JUROR NO. 168: I wouldn't say a hundred
17 percent, but -- but I see that it does work in a lot of
18 circumstances. I feel like it works probably a little more
19 than it doesn't work, but I don't think it works a hundred
20 percent.

21 MS. LUZAICH: Okay. Does anything work a hundred
22 percent?

23 PROSPECTIVE JUROR NO. 168: No, absolutely not, and
24 I'm not a black-and-white thinker. So I know there's always
25 gray.

1 MS. LUZAICH: Okay. Are you somebody who expresses
2 their opinions easily?

3 PROSPECTIVE JUROR NO. 168: Yeah. I'm from New York.

4 MS. LUZAICH: (Unintelligible.)

5 PROSPECTIVE JUROR NO. 168: So in the city. So
6 pretty much New Yorkers are usually a little opinionated.

7 MS. LUZAICH: They're very opinionated. I too am
8 from New York.

9 PROSPECTIVE JUROR NO. 168: Yes.

10 MS. LUZAICH: What brought you here?

11 PROSPECTIVE JUROR NO. 168: I left at 17 from high
12 school, and I hated the cold, and I wound up in Southern
13 California first and then wound up over here because it was
14 cheaper than Southern California.

15 MS. LUZAICH: Very true.

16 PROSPECTIVE JUROR NO. 168: And I've been here a very
17 long time.

18 MS. LUZAICH: You had talked a little bit about the
19 situation where your ex-husband's new girlfriend, slash, wife
20 accused you. You said that time had gone by, and all of a
21 sudden you got a letter. Do you think that something else
22 should've happened before that?

23 PROSPECTIVE JUROR NO. 168: Well, yeah. I feel like
24 I should have been questioned by police or even the district
25 attorney. I feel like I just got kind of summoned without even

1 hearing my side and accused. So I was shocked that nobody came
2 and asked me what happened, and it's kind of funny because I
3 had also filed the restraining order against her. We both had
4 one against each other because of threats that she made. So it
5 was just the way it turned around on me was just -- I wasn't
6 happy with that part of it, and I just was shocked that -- that
7 I got a -- that I got a letter, and that was how I got brought
8 into court.

9 MS. LUZAICH: You said that it was in justice court
10 that you had to go to?

11 PROSPECTIVE JUROR NO. 168: Criminal. It was
12 criminal.

13 MS. LUZAICH: Right. But --

14 PROSPECTIVE JUROR NO. 168: Oh, here, yeah.

15 MS. LUZAICH: There's court in the city, and court in
16 the county.

17 PROSPECTIVE JUROR NO. 168: It was here.

18 MS. LUZAICH: They're both in this building.

19 PROSPECTIVE JUROR NO. 168: Oh.

20 MS. LUZAICH: You know, and the Judge asked you a
21 little bit. If it was in justice court, somebody from my
22 office would have been the one handling the prosecution. I
23 don't think I do that kind of stuff. So it was probably not
24 me, but you're not going to hold that against me, are you?

25 PROSPECTIVE JUROR NO. 168: No, of course not.

1 MS. LUZAICH: And, you know, lawyers ask silly
2 question sometimes.

3 PROSPECTIVE JUROR NO. 168: Yeah.

4 MS. LUZAICH: You won't hold it against the State of
5 Nevada that you think that your case should have been handled
6 better. I mean, you could just keep that outside of your --

7 PROSPECTIVE JUROR NO. 168: Well, yes, because I saw
8 it work at the same time with, you know, my children and with
9 seeing other people, circumstances. So, no, it's for me is --
10 I'm not biased.

11 MS. LUZAICH: Okay. Good. Thank you. You said that
12 your neighbor is a -- you think he's in management at Metro,
13 that he used to work undercover with kids sex investigation.
14 Who -- who's your neighbor?

15 PROSPECTIVE JUROR NO. 168: Troy is his first name.
16 I don't even know his --

17 MS. LUZAICH: (Unintelligible.)

18 PROSPECTIVE JUROR NO. 168: That -- I think that's
19 probably right.

20 MS. LUZAICH: Would he talk to you about the actual
21 investigations that he did or just kind of general --

22 PROSPECTIVE JUROR NO. 168: He didn't give me, like,
23 too specifics. Like he might tell me what happened, but of
24 course he wouldn't give me names or anything like that, but
25 because I had run into a sex offender that was after my

1 children. So I wound up talking to him, and he told me some
2 stories. So.

3 MS. LUZAICH: Okay. And I'm sorry. Did you say a
4 sex offender was trying to get your children?

5 PROSPECTIVE JUROR NO. 168: Yeah, trying to groom,
6 groom my children, and I didn't realize it.

7 MS. LUZAICH: How? How were -- how was the person
8 doing that? Like computer or in person?

9 PROSPECTIVE JUROR NO. 168: No, it was in person. It
10 was in church, and he was doing it with a lot of children, but
11 I didn't really realize. He was in youth groups, and he tried
12 to run them, and he acted like he was caring, and we found out.
13 One of my friends looked it up, and found out he was a sex
14 offender, but he actually was, like, asking to take my kids out
15 and take them to church and asking if my kids would sleep over,
16 and they were in the pool playing. So, like, and because I had
17 the experience from both sides of my children, I understand the
18 grooming and the sex offenders. So I -- he got -- he totally
19 was trying that.

20 MS. LUZAICH: And you talked to your neighbor about
21 that?

22 PROSPECTIVE JUROR NO. 168: I did.

23 MS. LUZAICH: And did he cause an investigation to --

24 PROSPECTIVE JUROR NO. 168: No. Because there wasn't
25 really anything that he had done, you know, that -- the offense

1 was done years ago, and so the current offense -- it was the
2 iPhone -- was offensive. They weren't criminal. So he
3 couldn't press charges.

4 MS. LUZAICH: Okay. But you kept your kids away from
5 him?

6 PROSPECTIVE JUROR NO. 168: Oh, yeah, totally.

7 MS. LUZAICH: Thank you very much.

8 Ms. Chenh, Badge No. 167, what do you think about
9 different people react differently to the same set of
10 circumstances?

11 PROSPECTIVE JUROR NO. 167: I'm sorry. I don't know
12 how to explain it.

13 MS. LUZAICH: You don't know how to explain what?

14 PROSPECTIVE JUROR NO. 167: It's really --
15 (unintelligible) communication is just basic. It's okay, not,
16 like --

17 MS. LUZAICH: Do you have a hard time with English?

18 PROSPECTIVE JUROR NO. 167: Yes.

19 MS. LUZAICH: For the last couple of hours that we've
20 been sitting here, have you understood most of what's been
21 going on?

22 PROSPECTIVE JUROR NO. 167: Not about the case. I'm
23 not really understand, but just a -- some, yeah.

24 MS. LUZAICH: Okay. You said that you deal table
25 games?

1 PROSPECTIVE JUROR NO. 167: Yeah.
2 MS. LUZAICH: Which game do you deal?
3 PROSPECTIVE JUROR NO. 167: All the game, like
4 blackjack, baccarat.
5 MS. LUZAICH: How long have you lived here?
6 PROSPECTIVE JUROR NO. 167: 19 years.
7 MS. LUZAICH: Okay.
8 THE COURT: Where are you from originally?
9 PROSPECTIVE JUROR NO. 167: Vietnam.
10 THE COURT: And you said you'd been here 19 years?
11 PROSPECTIVE JUROR NO. 167: In Vegas.
12 THE COURT: Okay. How long in the United States?
13 PROSPECTIVE JUROR NO. 167: 37 years.
14 THE COURT: Okay. And did you go to school at all
15 here in the United States?
16 PROSPECTIVE JUROR NO. 167: Yeah, just high school,
17 not --
18 THE COURT: You went to high school?
19 PROSPECTIVE JUROR NO. 167: Yeah. No college.
20 THE COURT: Okay. And did you go to high school here
21 in Las Vegas or --
22 PROSPECTIVE JUROR NO. 167: California.
23 THE COURT: In California. Did you graduate from
24 high school?
25 PROSPECTIVE JUROR NO. 167: Yes.

1 THE COURT: Okay. So you received a high school
2 diploma?

3 PROSPECTIVE JUROR NO. 167: Yes.

4 THE COURT: And then did you move here to Las Vegas
5 after high school?

6 PROSPECTIVE JUROR NO. 167: No.

7 THE COURT: What did you do when you graduated from
8 high school?

9 PROSPECTIVE JUROR NO. 167: I work.

10 THE COURT: Doing what?

11 PROSPECTIVE JUROR NO. 167: Like -- it's like a
12 warehouse.

13 THE COURT: In a warehouse?

14 PROSPECTIVE JUROR NO. 167: Yeah.

15 THE COURT: And then I think Ms. Luzaich may have
16 asked this, and if she did I apologize. What game do you deal?

17 PROSPECTIVE JUROR NO. 167: Table, like blackjack,
18 baccarat.

19 THE COURT: Okay. So you had to go to dealer school,
20 I'm assuming?

21 PROSPECTIVE JUROR NO. 167: Yes.

22 THE COURT: Other than high school and dealer school,
23 did you go to any other school here in the United States?

24 PROSPECTIVE JUROR NO. 167: No.

25 THE COURT: Okay. That was it. All right.

1 I'm sorry, Ms. Luzaich. I interrupted.

2 MS. LUZAICH: Oh, no, no. Thank you.

3 THE COURT: You may proceed.

4 MS. LUZAICH: Ms. Chenh, we're going to hear from
5 some expert witnesses in this case that are going to talk about
6 DNA and fingerprints. Are you going to be able to follow that
7 testimony?

8 PROSPECTIVE JUROR NO. 167: I guess.

9 MS. LUZAICH: Okay. I asked you a few minutes ago
10 about your opinion on whether or not you think different people
11 react differently to the same set of circumstances. Did you
12 understand what I meant when I asked that?

13 PROSPECTIVE JUROR NO. 167: Um --

14 MS. LUZAICH: And I'm sorry. I mean no disrespect.

15 PROSPECTIVE JUROR NO. 167: Well, I don't know how I
16 say it. So.

17 MS. LUZAICH: Do you have a harder time speaking than
18 you do understanding?

19 PROSPECTIVE JUROR NO. 167: Yeah.

20 MS. LUZAICH: Or communicating than speaking?

21 PROSPECTIVE JUROR NO. 167: Yeah. Uh-huh.

22 MS. LUZAICH: You understand what I say. You just
23 don't how to explain it to me?

24 PROSPECTIVE JUROR NO. 167: Yeah. I'm -- yeah, just
25 can't explain. Yeah. I understand what you say.

1 MS. LUZAICH: Okay. Do you think -- well, you have
2 two kids that are 14 and 15; is that right?

3 PROSPECTIVE JUROR NO. 167: Yeah.

4 MS. LUZAICH: Do you ever have to resolve disputes or
5 arguments between them?

6 PROSPECTIVE JUROR NO. 167: No.

7 MS. LUZAICH: Never? They never fight.

8 PROSPECTIVE JUROR NO. 167: They always talk back,
9 but we talk in Chinese.

10 MS. LUZAICH: Okay. Have you ever been faced with a
11 situation where, you know, one of them hit the other one, and
12 the other one -- and says they didn't or something like that?

13 PROSPECTIVE JUROR NO. 167: Yeah.

14 MS. LUZAICH: Or one of them takes something of the
15 others, and the other one gets mad about that?

16 PROSPECTIVE JUROR NO. 167: (No audible response.)

17 MS. LUZAICH: How do you resolve that? How do you
18 handle that?

19 PROSPECTIVE JUROR NO. 167: I usually yell at them.

20 MS. LUZAICH: Okay. If you -- if you don't know
21 which one of them did something wrong, how would you handle
22 that?

23 PROSPECTIVE JUROR NO. 167: I just say don't do it.
24 Yeah.

25 THE COURT: So you speak Chinese in the home?

1 PROSPECTIVE JUROR NO. 167: Yeah.
2 THE COURT: And but you're from Vietnam?
3 PROSPECTIVE JUROR NO. 167: Yeah.
4 THE COURT: Is your husband Chinese?
5 PROSPECTIVE JUROR NO. 167: Yes.
6 THE COURT: Okay. So when you came from Vietnam, did
7 you come to the United States speaking both Chinese and
8 Vietnamese?
9 PROSPECTIVE JUROR NO. 167: No. Because my parents
10 are Chinese.
11 THE COURT: Okay. So they spoke Chinese in the home?
12 PROSPECTIVE JUROR NO. 167: Yeah.
13 THE COURT: And did you speak Vietnamese and --
14 PROSPECTIVE JUROR NO. 167: No.
15 THE COURT: Just Chinese?
16 PROSPECTIVE JUROR NO. 167: Just Chinese.
17 THE COURT: I see. And then your husband is also
18 Chinese speaking?
19 PROSPECTIVE JUROR NO. 167: Yes.
20 THE COURT: And your kids speak Chinese?
21 PROSPECTIVE JUROR NO. 167: Yes.
22 THE COURT: And I'm assuming they speak English, too,
23 because --
24 PROSPECTIVE JUROR NO. 167: Yeah.
25 THE COURT: -- they're in school?

1 PROSPECTIVE JUROR NO. 167: Uh-huh. Uh-huh.
2 THE COURT: Okay. Thank you. I just wanted to clear
3 that up.
4 Go on, Ms. Luzaich.
5 MS. LUZAICH: Thank you.
6 Mr. Osorio, how are you?
7 PROSPECTIVE JUROR NO. 157: Yes.
8 MS. LUZAICH: 157. What do you think about that?
9 Two people react differently or different people react
10 differently to the same set of circumstances.
11 PROSPECTIVE JUROR NO. 157: I agree.
12 MS. LUZAICH: You agree.
13 PROSPECTIVE JUROR NO. 157: Yeah.
14 MS. LUZAICH: Why might that be?
15 PROSPECTIVE JUROR NO. 157: Because if you're scared
16 you act differently.
17 MS. LUZAICH: Okay. Do you think that people are
18 also different just based on how they were raised?
19 PROSPECTIVE JUROR NO. 157: Yes.
20 MS. LUZAICH: And is that something that might cause
21 them to react to certain circumstances?
22 PROSPECTIVE JUROR NO. 157: Yes.
23 MS. LUZAICH: Okay. You mentioned that you are a --
24 you have been a stay-at-home dad?
25 PROSPECTIVE JUROR NO. 157: Yes, ma'am.

1 MS. LUZAICH: Once your kids stopped going to -- or
2 stopped needing a dad at home, you didn't work after that?

3 PROSPECTIVE JUROR NO. 157: No. I -- there's no need
4 for me to work. My wife told me to just stay at home.

5 MS. LUZAICH: Okay. Do you have hobbies?

6 PROSPECTIVE JUROR NO. 157: Going to the casino, I
7 guess.

8 MS. LUZAICH: Okay. Fair enough. Do you like to
9 gamble?

10 PROSPECTIVE JUROR NO. 157: A little bit.

11 MS. LUZAICH: Yeah. What do you play?

12 PROSPECTIVE JUROR NO. 157: Just a Blackjack and Pai
13 Gow.

14 MS. LUZAICH: Do you do it on The Strip? Do you go
15 to the casinos on The Strip?

16 PROSPECTIVE JUROR NO. 157: No. No, just a local
17 casino.

18 MS. LUZAICH: Near the house?

19 PROSPECTIVE JUROR NO. 157: Yes.

20 MS. LUZAICH: You have how many kids? Four kids?

21 PROSPECTIVE JUROR NO. 157: Yes.

22 MS. LUZAICH: What do your kids do for a living?

23 PROSPECTIVE JUROR NO. 157: My oldest is a registered
24 nurse.

25 MS. LUZAICH: Like his mom or daughter?

1 PROSPECTIVE JUROR NO. 157: Yes. Yes.
2 MS. LUZAICH: Sorry.
3 PROSPECTIVE JUROR NO. 157: And then my second one is
4 working at a restaurant, a cook. My third one is in medical
5 school, and the last one is graduating next year as a teacher.
6 MS. LUZAICH: Okay. Which one still lives at home?
7 PROSPECTIVE JUROR NO. 157: The one going to UNLV.
8 MS. LUZAICH: Okay. And studying -- is that the
9 one --
10 PROSPECTIVE JUROR NO. 157: Education. Yeah.
11 MS. LUZAICH: -- in medical school?
12 PROSPECTIVE JUROR NO. 157: Education.
13 MS. LUZAICH: Oh, education.
14 PROSPECTIVE JUROR NO. 157: Yeah.
15 MS. LUZAICH: So you said your wife is a registered
16 nurse at Valley Hospital?
17 PROSPECTIVE JUROR NO. 157: Yes.
18 MS. LUZAICH: Where -- what kind of nurse? Like,
19 what does she do?
20 PROSPECTIVE JUROR NO. 157: ICU.
21 MS. LUZAICH: Is that what she's always done?
22 PROSPECTIVE JUROR NO. 157: Yes.
23 MS. LUZAICH: Does she talk to you about work at
24 home?
25 PROSPECTIVE JUROR NO. 157: A little bit, yeah.

1 MS. LUZAICH: A little bit about her patients and
2 what she does?

3 PROSPECTIVE JUROR NO. 157: Yes.

4 MS. LUZAICH: What about your child that's a nurse?
5 What does -- what does that --

6 PROSPECTIVE JUROR NO. 157: No. No.

7 MS. LUZAICH: You don't know?

8 PROSPECTIVE JUROR NO. 157: No.

9 MS. LUZAICH: There's going to be a nurse that is
10 going to come into this trial and testify. Now, you know
11 you're not allowed to talk to your wife about the trial, right?

12 PROSPECTIVE JUROR NO. 157: Yes.

13 MS. LUZAICH: Okay. So you won't go home and ask
14 your wife, hey, this is what the nurse said. What do you
15 think?

16 PROSPECTIVE JUROR NO. 157: Probably I'll ask her.

17 MS. LUZAICH: Okay. Now, the Judge has said you're
18 not allowed to do that. Okay. You got to promise us that you
19 won't -- you won't do that.

20 PROSPECTIVE JUROR NO. 157: Okay. Okay.

21 MS. LUZAICH: Can you promise us that you won't do
22 that?

23 PROSPECTIVE JUROR NO. 157: Yes.

24 MS. LUZAICH: And then can you really not do it?

25 PROSPECTIVE JUROR NO. 157: Yes.

1 MS. LUZAICH: You can tell her all about it after the
2 trial is done. Do you think that you will listen to the nurse
3 any differently than any of the other witnesses because your
4 wife is a nurse?

5 PROSPECTIVE JUROR NO. 157: No. No.

6 MS. LUZAICH: You'll just listen to what she has to
7 say?

8 PROSPECTIVE JUROR NO. 157: Yes. Uh-huh.

9 MS. LUZAICH: Just the same as you will all the other
10 witnesses?

11 PROSPECTIVE JUROR NO. 157: Yes.

12 MS. LUZAICH: Okay. You're not having fun talking to
13 me, are you?

14 PROSPECTIVE JUROR NO. 157: Not really.

15 MS. LUZAICH: That's okay. The honesty is good. Are
16 you somebody that can express their opinion in a room full of
17 people that you don't know?

18 PROSPECTIVE JUROR NO. 157: I guess not.

19 MS. LUZAICH: Can you try?

20 PROSPECTIVE JUROR NO. 157: Yeah. I think I'm the
21 same as Ms. Chenh, not very --

22 MS. LUZAICH: Ms. Chenh.

23 PROSPECTIVE JUROR NO. 157: -- not very good in
24 expressing himself.

25 MS. LUZAICH: Okay. Do you speak another language

1 besides English?

2 PROSPECTIVE JUROR NO. 157: Yeah. We speak Tagalog
3 at home.

4 MS. LUZAICH: Okay. Do you understand everything
5 that I'm saying?

6 PROSPECTIVE JUROR NO. 157: Yeah. Yeah.

7 MS. LUZAICH: I mean, it sure sounds like you do.

8 PROSPECTIVE JUROR NO. 157: Yes.

9 MS. LUZAICH: Is it difficult for you to just
10 express --

11 PROSPECTIVE JUROR NO. 157: Yes.

12 MS. LUZAICH: -- what you want?

13 PROSPECTIVE JUROR NO. 157: Yes.

14 MS. LUZAICH: Okay. Will you try to do it if you're
15 selected, back in the jury deliberation room?

16 PROSPECTIVE JUROR NO. 157: I'll try.

17 MS. LUZAICH: Okay. So just like I asked Ms. Lawson
18 earlier, if you were back in the deliberation room, and you're
19 talking to the other jurors and 11 of them feel one way and you
20 feel the other way, how are you going to handle that?

21 PROSPECTIVE JUROR NO. 157: I stick to my decision.

22 MS. LUZAICH: Okay. So if you're right, you're going
23 to stick to your guns?

24 PROSPECTIVE JUROR NO. 157: Probably I listen to them
25 too, but I'll stick to my guns.

1 MS. LUZAICH: Okay. You'll listen to what they have
2 to say?

3 PROSPECTIVE JUROR NO. 157: Yes.

4 MS. LUZAICH: And if maybe they're able to point
5 something out that you missed, is it possible that you could
6 change your mind?

7 PROSPECTIVE JUROR NO. 157: Oh, yeah. Yes.

8 MS. LUZAICH: But you won't change your mind just to
9 change it?

10 PROSPECTIVE JUROR NO. 157: Yes.

11 MS. LUZAICH: And if it's Friday and it's five to
12 5:00 and everybody wants to go home, you won't change it just
13 because of that, will you? If you're sure you're right, you'll
14 still stick to your guns?

15 PROSPECTIVE JUROR NO. 157: I want to go home.

16 MS. LUZAICH: Okay. All right. And you know what,
17 there are no wrong answers here. There are only honest
18 answers, and that's okay.

19 PROSPECTIVE JUROR NO. 157: Thank you.

20 MS. LUZAICH: Thank you. Ms. Lugo, Badge No. 158,
21 what do you think about different people perceive the same
22 event differently? Is that possible in your mind?

23 PROSPECTIVE JUROR NO. 158: It is possible.

24 MS. LUZAICH: And is that something that you could
25 understand?

1 PROSPECTIVE JUROR NO. 158: Yes.

2 MS. LUZAICH: And they have happened to you in the
3 past?

4 PROSPECTIVE JUROR NO. 158: You know, running a
5 restaurant you deal with a lot of different people, and
6 different people, you know, things can make this way for me.
7 It depends on the culture, and we got to understand, you know,
8 everybody's different. Something for me is normal. For the
9 other person it can be not normal.

10 MS. LUZAICH: Because people are different, that's
11 why they perceive things the way they do?

12 PROSPECTIVE JUROR NO. 158: Perceive things
13 differently. Correct.

14 MS. LUZAICH: Okay. So as a manager at McDonald's, I
15 bet you have to resolve a lot of disputes?

16 PROSPECTIVE JUROR NO. 158: Yes.

17 MS. LUZAICH: On a daily basis. How do you go about
18 doing that?

19 PROSPECTIVE JUROR NO. 158: Through the years, you
20 know, I started with McDonald's since I was 18. I be -- I've
21 been learning a lot of stuff. They sent us to a school for
22 that, too because you have to be able to understand people
23 because you work with them every single day. Everybody has
24 situations, and sometimes we think, you know, like they
25 leave -- they have to leave problems outside, but the reality

1 of the matter they don't. So dealing with people you have to
2 balance yourself and be fair, open mind, and in the end, you
3 have to, like, work with both.

4 I mean, and when it comes to the performance, nothing
5 you can do, but sometimes the situation you really have to put
6 your thoughts together and make a good decision, you know.
7 Because at the end of the day, they're your people.

8 MS. LUZAICH: Okay. And all those skills that you've
9 learned over these years, will you use those skills when you're
10 evaluating the --

11 PROSPECTIVE JUROR NO. 158: Of course.

12 MS. LUZAICH: -- evidence here?

13 PROSPECTIVE JUROR NO. 158: Yes.

14 MS. LUZAICH: Okay. Do you think that you would be a
15 good juror?

16 PROSPECTIVE JUROR NO. 158: I think I will, yeah.
17 Because, you know, I'm not the type of person that I
18 overreacting. I like to listen and not come out with a
19 conclusion, like just because, you know. I will be myself, and
20 nothing change that, you know.

21 MS. LUZAICH: Okay. You all haven't heard the
22 necessarily the charges yet. Some of the charges you're going
23 to hear about our first-degree kidnapping with use of a deadly
24 weapon, sexual assault with use of a deadly weapon, assault
25 with use of a deadly weapon. There's a shotgun involved. Is

1 there anything that you are expecting to see in a trial like
2 that, Ms. Lugo?

3 PROSPECTIVE JUROR NO. 158: Evidence.

4 MS. LUZAICH: Okay. And in your mind, what is
5 evidence?

6 PROSPECTIVE JUROR NO. 158: (No response.)

7 MS. LUZAICH: Do you have to be able to reach out and
8 touch evidence?

9 PROSPECTIVE JUROR NO. 158: Not necessarily.

10 MS. LUZAICH: Okay.

11 PROSPECTIVE JUROR NO. 158: But, I mean, it has to be
12 something, like, it -- it will convince me, you know, that it
13 was -- what it is a case to pursue.

14 MS. LUZAICH: Okay. Does there have to be -- I mean,
15 can you -- can you listen to testimony, listen to what people
16 have to say --

17 PROSPECTIVE JUROR NO. 158: Uh-huh.

18 MS. LUZAICH: -- and if you believe them, can that be
19 enough to convince you potentially?

20 PROSPECTIVE JUROR NO. 158: I would say 80 percent,
21 yeah.

22 MS. LUZAICH: Okay. So you need more than just what
23 people are going to say?

24 PROSPECTIVE JUROR NO. 158: Uh-huh. Yeah.

25 MS. LUZAICH: Why?

1 PROSPECTIVE JUROR NO. 158: Because you have to be
2 neutral. You know, like, you know, sometimes things might look
3 like, you know, but does the final decision or -- that's what
4 it is, but, I mean, it can be a small pieces. It can be
5 detailed. It can be something, you know, like you have to
6 really deep analyze it to find out, you know, because I don't
7 know. It's tricky sometimes.

8 MS. LUZAICH: Okay. The Judge is going to read the
9 law to you at the end of the case, you know, all the --
10 statutes, the law, everything that you've got to follow, and
11 she's going to describe for you what beyond a reasonable doubt
12 means.

13 PROSPECTIVE JUROR NO. 158: Uh-huh.

14 MS. LUZAICH: Are you going to follow the law that
15 the Judge reads?

16 PROSPECTIVE JUROR NO. 158: Yeah, I will because, you
17 know, that's why they're the Judge, and we have to stick on the
18 law.

19 MS. LUZAICH: Okay.

20 PROSPECTIVE JUROR NO. 158: You know, we cannot just
21 come up with something on our own, you know.

22 MS. LUZAICH: Of course. You're not going to hold me
23 to a higher burden than the Judge tells you --

24 PROSPECTIVE JUROR NO. 158: Exactly. No.

25 MS. LUZAICH: No?

1 PROSPECTIVE JUROR NO. 158: No.

2 MS. LUZAICH: Okay. Just checking.

3 Mr. Coulombe -- did I get that right? 149. Nobody
4 ever gets my name right. So I always try to get people's names
5 right. What do you think about that? The Judge is going to --
6 well, is there anything that you're expecting to see?

7 PROSPECTIVE JUROR NO. 149: Nothing in particular.

8 MS. LUZAICH: Nothing?

9 PROSPECTIVE JUROR NO. 149: No.

10 MS. LUZAICH: The Judge is, like I said, going to
11 read the law to you. What if there's a law that you don't
12 agree with?

13 PROSPECTIVE JUROR NO. 149: I'm not sure. Like, I
14 have to be in the situation I guess.

15 MS. LUZAICH: Okay. Well, I mean, you're going to
16 swear an oath to uphold the law, right?

17 PROSPECTIVE JUROR NO. 149: Yeah.

18 MS. LUZAICH: If you don't agree with one of the
19 laws, one of the rules that the Judge reads to you, will you
20 follow it anyway?

21 PROSPECTIVE JUROR NO. 149: Yeah.

22 MS. LUZAICH: Are you sure?

23 PROSPECTIVE JUROR NO. 149: Yes, I would.

24 MS. LUZAICH: Okay. You recently, I assume, took
25 government in school?

1 PROSPECTIVE JUROR NO. 149: Yeah.
2 MS. LUZAICH: Did you learn much about the courts?
3 PROSPECTIVE JUROR NO. 149: A little bit.
4 MS. LUZAICH: Obviously it's been a long time since I
5 took government.
6 PROSPECTIVE JUROR NO. 149: I mean, it's only been a
7 few years, but, I mean, I don't remember everything.
8 MS. LUZAICH: Uh-huh. Do you watch court stuff on
9 TV?
10 PROSPECTIVE JUROR NO. 149: Never.
11 MS. LUZAICH: Not at all?
12 PROSPECTIVE JUROR NO. 149: None that I -- yeah.
13 MS. LUZAICH: How about CSI? Do you watch CSI?
14 PROSPECTIVE JUROR NO. 149: No.
15 MS. LUZAICH: Not at all?
16 PROSPECTIVE JUROR NO. 149: No.
17 MS. LUZAICH: What do you watch?
18 PROSPECTIVE JUROR NO. 149: A lot of other stuff.
19 MS. LUZAICH: Okay.
20 THE COURT: Sports?
21 PROSPECTIVE JUROR NO. 149: Yeah.
22 MS. LUZAICH: Of course. You mentioned that you've
23 got some friends at Metro.
24 PROSPECTIVE JUROR NO. 149: Uh-huh.
25 MS. LUZAICH: Is that a yes?

1 PROSPECTIVE JUROR NO. 149: Yeah.

2 MS. LUZAICH: Just the court recorder, like I said,
3 yes-button, no-button, no uh-huh-button. They talk to you a
4 little bit about what they do?

5 PROSPECTIVE JUROR NO. 149: One of them does because
6 I am closer with him. He's my brother's, like, really close
7 friend, so, but nothing, like, specific, just like stories.

8 MS. LUZAICH: For example?

9 PROSPECTIVE JUROR NO. 149: Just, like -- like, calls
10 he got from someone, like, somebody somewhere being robbed and
11 being connected to another robbing that happened, like, in the
12 past in the same place, just stuff like that, but I can't
13 remember anything. He doesn't tell me any names, any -- the
14 actual place.

15 MS. LUZAICH: All right. No. Of course, not. Just
16 situations?

17 PROSPECTIVE JUROR NO. 149: Yeah, situations.

18 MS. LUZAICH: So, for example, I showed up out at
19 this robbery case, or, for example, I showed up at this
20 domestic violence call, that kind of thing?

21 PROSPECTIVE JUROR NO. 149: Yeah.

22 MS. LUZAICH: Does he make it sound exciting?

23 PROSPECTIVE JUROR NO. 149: Yeah. I mean, he's
24 young, wants it to be fun. I'm sure it is. I'm sure it's also
25 scary at the same time.

1 MS. LUZAICH: That was my next question.
2 PROSPECTIVE JUROR NO. 149: Yeah.
3 MS. LUZAICH: Does he ever talk about, you know, hey,
4 I put my life on the line every day?
5 PROSPECTIVE JUROR NO. 149: Not as much.
6 MS. LUZAICH: No?
7 PROSPECTIVE JUROR NO. 149: Like it's there when it's
8 like a, like, a bad story, but.
9 MS. LUZAICH: Okay. He obviously has to carry a
10 weapon, right?
11 PROSPECTIVE JUROR NO. 149: Yes.
12 MS. LUZAICH: Do you have any experience with guns?
13 PROSPECTIVE JUROR NO. 149: No, I do not.
14 MS. LUZAICH: Do you have any friends other than your
15 police officer friends that have experience with guns?
16 PROSPECTIVE JUROR NO. 149: My brother, his
17 girlfriend, like her family are all -- they all have their own,
18 I guess, weapons.
19 MS. LUZAICH: For what purpose?
20 PROSPECTIVE JUROR NO. 149: Just, I guess, it makes
21 them feel safer. They have their CCW.
22 MS. LUZAICH: So for protection --
23 PROSPECTIVE JUROR NO. 149: Yeah, for protection.
24 MS. LUZAICH: -- (unintelligible) hunting.
25 PROSPECTIVE JUROR NO. 149: Yeah, nothing like that,

1 just for protection. They feel better about it.

2 MS. LUZAICH: And how do you feel about that?

3 PROSPECTIVE JUROR NO. 149: I mean, I would, too.

4 They're trying to get me -- he wants to take me, like, shooting
5 one time, but I still haven't gone, but, I mean, I'm not
6 opposed to it. I believe if someone, like, wants to feel
7 safer, and they want to go through that process, then they can.

8 MS. LUZAICH: Okay. So keeping a gun for protection
9 is a good thing. What about another reason?

10 PROSPECTIVE JUROR NO. 149: Like, for hunting or for,
11 like, are you talking about, like, (unintelligible) --

12 MS. LUZAICH: (Unintelligible) bad purposes.

13 PROSPECTIVE JUROR NO. 149: Bad purposes, no, that's
14 not a good thing.

15 MS. LUZAICH: Okay.

16 PROSPECTIVE JUROR NO. 149: Obviously I don't support
17 that.

18 MS. LUZAICH: Okay. Do you think you would be a good
19 juror?

20 PROSPECTIVE JUROR NO. 149: Yeah, I do.

21 MS. LUZAICH: Why?

22 PROSPECTIVE JUROR NO. 149: Just because, I mean, I
23 do my best to listen to both sides. Like sometimes it's hard,
24 and I feel like, I mean, I wouldn't want to miss any evidence,
25 and I'd try to keep an open mind, but, I mean, honestly I

1 can't -- I've never done it before, and I wouldn't be able to
2 tell you a hundred percent.

3 MS. LUZAICH: Will you try?

4 PROSPECTIVE JUROR NO. 149: I would try, yes.

5 MS. LUZAICH: All that matters.

6 Is there anybody here who has feelings against guns,
7 who thinks that people shouldn't have guns?

8 Oh, not one person.

9 Who here does have guns?

10 Lots of people. Okay. Mr. Meacham, 155, why do you
11 have a gun?

12 PROSPECTIVE JUROR NO. 155: For home defense.

13 MS. LUZAICH: Home protection?

14 PROSPECTIVE JUROR NO. 155: Yes.

15 MS. LUZAICH: Did you go to a class or anything to
16 learn how to use it?

17 PROSPECTIVE JUROR NO. 155: No, I didn't, but I do
18 know how to use them.

19 MS. LUZAICH: You know how to use them because --

20 PROSPECTIVE JUROR NO. 155: I've been to the shooting
21 target. My dad was a former U.S. Army, he taught me when I was
22 young -- a young age. When I bought my own place, I decided I
23 wanted, you know, something for home defense, and I bought one
24 handgun at the time, and then I bought another one since.

25 MS. LUZAICH: Okay. And then you said your dad had

1 the experience. Did he teach you how to use it?

2 PROSPECTIVE JUROR NO. 155: He did. He showed me how
3 to use them.

4 MS. LUZAICH: Okay. Did he teach you that you should
5 always keep it locked up?

6 PROSPECTIVE JUROR NO. 155: He did, yeah.

7 MS. LUZAICH: And do you keep it locked up?

8 PROSPECTIVE JUROR NO. 155: Not always, no.

9 MS. LUZAICH: Do you have kids?

10 PROSPECTIVE JUROR NO. 155: When I sleep I have it,
11 you know, where I can reach it if I need it.

12 MS. LUZAICH: Do have kids?

13 PROSPECTIVE JUROR NO. 155: I do not.

14 MS. LUZAICH: And you said when you sleep you keep it
15 where you can reach it.

16 PROSPECTIVE JUROR NO. 155: Yes, if I need it. You
17 know, it's, like, if someone broke into the house and I heard
18 it, I wouldn't want to have to go find my lockbox, open it up.
19 If I go on vacation, of course, I'm going to lock it up.

20 MS. LUZAICH: Thank you very much.

21 Mr. Sullivan, did you say you have a gun as well?

22 PROSPECTIVE JUROR NO. 165: Oh, no, I don't.

23 MS. LUZAICH: You do not, Mr. Sullivan, 165. Why do
24 you not?

25 PROSPECTIVE JUROR NO. 165: I don't know. I've shot

1 guns before. My friends always have guns. I've been skeet
2 shooting, but I don't own my own gun. I've been actually
3 thinking about it to be honest with you, but I haven't gone
4 through with it yet.

5 MS. LUZAICH: But it's not any kind of philosophical,
6 moral or religious reason that you don't have a gun?

7 PROSPECTIVE JUROR NO. 165: Oh, not at all. No.

8 MS. LUZAICH: And do you think that it's okay to have
9 guns for home protection?

10 PROSPECTIVE JUROR NO. 165: Absolutely.

11 MS. LUZAICH: And your friends that have guns, do
12 they keep them locked up?

13 PROSPECTIVE JUROR NO. 165: It's kind of, like, what
14 he had said. It's -- yeah, they have a safe, but they'll leave
15 it out at night, you know, to grab it easily in case something
16 happens.

17 MS. LUZAICH: Okay. You talked a little bit about
18 your sister and brother-in-law and their issue. Because of
19 what they went through and your family I assume went through
20 because of them, do you have strong feelings about drugs?

21 PROSPECTIVE JUROR NO. 165: Yes.

22 MS. LUZAICH: About people who use drugs?

23 PROSPECTIVE JUROR NO. 165: I have my opinion, yeah.
24 Uh-huh.

25 MS. LUZAICH: And that is?

1 PROSPECTIVE JUROR NO. 165: Well, obviously I believe
2 it's a sickness if you're a drug abuser, but I look at it more
3 along those lines.

4 MS. LUZAICH: When you say that it's a sickness, is
5 it something that you can overcome --

6 PROSPECTIVE JUROR NO. 165: Oh, yeah.

7 MS. LUZAICH: -- in your mind?

8 PROSPECTIVE JUROR NO. 165: Uh-huh.

9 MS. LUZAICH: Is that a yes?

10 PROSPECTIVE JUROR NO. 165: Yes. Oh, yes. Yes.

11 MS. LUZAICH: Remember yes-button, no-button.

12 PROSPECTIVE JUROR NO. 165: Yes.

13 MS. LUZAICH: Sorry. Do you think that based on what
14 you've seen is there a difference between users of, like,
15 things like methamphetamine and possibly marijuana?

16 PROSPECTIVE JUROR NO. 165: I think it's a harder
17 road obviously. Meth is a lot different than marijuana. I
18 know people who do marijuana.

19 MS. LUZAICH: Like friends --

20 PROSPECTIVE JUROR NO. 165: Uh-huh.

21 MS. LUZAICH: -- or just acquaintances.

22 PROSPECTIVE JUROR NO. 165: Friends.

23 MS. LUZAICH: And do you have a problem with that
24 necessarily?

25 PROSPECTIVE JUROR NO. 165: No, I don't. I don't do

1 it myself, but I don't have a problem with it.

2 MS. LUZAICH: Okay. So if somebody were to come in
3 here and talk to you about the fact that maybe they used
4 marijuana or something else, can you listen to that person
5 objectively?

6 PROSPECTIVE JUROR NO. 165: Yes.

7 MS. LUZAICH: You won't say, hey, you smoked pot, or
8 you've used drugs. I can't believe anything you say because of
9 that?

10 PROSPECTIVE JUROR NO. 165: Oh, not at all. I
11 wouldn't think that way.

12 MS. LUZAICH: Okay. Thank you. Oh, and you said
13 that your brother-in-law retired from Henderson.

14 PROSPECTIVE JUROR NO. 165: Yeah.

15 MS. LUZAICH: And he was undercover for a bit?

16 PROSPECTIVE JUROR NO. 165: Early in his career he
17 was undercover. I remember when he had to get, like, a little
18 piercing up here and all kinds of stuff. I think it was in the
19 drug narcotics section doing some -- I don't know all the
20 details. He wouldn't tell me, but --

21 MS. LUZAICH: Uh-huh. Okay. So you and he are
22 friendly?

23 PROSPECTIVE JUROR NO. 165: Uh-huh.

24 MS. LUZAICH: Pretty close?

25 PROSPECTIVE JUROR NO. 165: Yeah.

1 MS. LUZAICH: But he wouldn't give you details about
2 things that --

3 PROSPECTIVE JUROR NO. 165: Oh, on occasion. I've
4 known him for 25 years, you know, but he's told stories over
5 the years, you know, different things, nothing, you know, in
6 great detail, but, you know, he -- you know, like suicides he's
7 had to -- I think those were the ones that impacted him the
8 most.

9 MS. LUZAICH: Did he ever work robberies or sexual
10 assaults that you know?

11 PROSPECTIVE JUROR NO. 165: I'm sure robberies, but I
12 don't know about sexual assaults.

13 MS. LUZAICH: Did he ever talk to you about
14 robberies?

15 PROSPECTIVE JUROR NO. 165: No.

16 MS. LUZAICH: The Judge asked you this I know, but
17 simply because he's a police officer isn't going to view the
18 way you -- or affect the way you view any police officers that
19 come testify, correct?

20 PROSPECTIVE JUROR NO. 165: No.

21 MS. LUZAICH: And you'll evaluate their testimony the
22 same as you would any other witness?

23 PROSPECTIVE JUROR NO. 165: Absolutely.

24 MS. LUZAICH: Thank you.

25 PROSPECTIVE JUROR NO. 165: Uh-huh.

1 MS. LUZAICH: Ms. Hine, 164, you said you have a gun?
2 PROSPECTIVE JUROR NO. 164: I have four.
3 MS. LUZAICH: Okay. Why?
4 PROSPECTIVE JUROR NO. 164: Well, when I left my
5 ex-husband, I was, number one, single mom with two girls. So I
6 was nervous being on my own, and so I got one, my first one,
7 and then I've collected throughout the last five years, and I
8 do have my CCW.
9 MS. LUZAICH: So protection?
10 PROSPECTIVE JUROR NO. 164: Yeah.
11 MS. LUZAICH: Pretty much.
12 PROSPECTIVE JUROR NO. 164: Uh-huh.
13 MS. LUZAICH: Not for an illicit purpose?
14 PROSPECTIVE JUROR NO. 164: Unless it's needed. My
15 life or my kids.
16 MS. LUZAICH: That's still protection.
17 PROSPECTIVE JUROR NO. 164: It'll be -- yeah.
18 MS. LUZAICH: So you have no problem with people who
19 have guns for protection?
20 PROSPECTIVE JUROR NO. 164: No.
21 MS. LUZAICH: What do you think about people who have
22 guns for other reasons, illicit purposes?
23 PROSPECTIVE JUROR NO. 164: They shouldn't have them.
24 MS. LUZAICH: And you said you have a CCW?
25 PROSPECTIVE JUROR NO. 164: Uh-huh.

1 MS. LUZAICH: So is that a yes?
2 PROSPECTIVE JUROR NO. 164: Yes.
3 MS. LUZAICH: So you went through a class, learned
4 how to use it --
5 PROSPECTIVE JUROR NO. 164: Yes --
6 MS. LUZAICH: -- stuff like that?
7 PROSPECTIVE JUROR NO. 164: -- and just did a
8 renewal, too.
9 MS. LUZAICH: And are your guns locked up?
10 PROSPECTIVE JUROR NO. 164: Yes.
11 MS. LUZAICH: What about your kids? Did you teach
12 them --
13 PROSPECTIVE JUROR NO. 164: They go to the gun range
14 with me, and I teach them. They do shoot.
15 MS. LUZAICH: And they learned gun safety and --
16 PROSPECTIVE JUROR NO. 164: Yes.
17 MS. LUZAICH: That's very important --
18 PROSPECTIVE JUROR NO. 164: Yes. I want them to know
19 in case they come across a friend or a gun that's in somebody
20 else's house, and they know how to disarm it.
21 MS. LUZAICH: Okay. Thank you.
22 PROSPECTIVE JUROR NO. 164: Uh-huh.
23 MS. LUZAICH: Mr. Winn, did you say that you have a
24 gun?
25 PROSPECTIVE JUROR NO. 163: 28.

1 MS. LUZAICH: Not that you're counting. For what
2 purpose?

3 PROSPECTIVE JUROR NO. 163: I'm a gun collector. I
4 belong to a gun club, competition shooting, home defense.

5 MS. LUZAICH: And because you do all of that you went
6 to a class to learn how to use guns --

7 PROSPECTIVE JUROR NO. 163: I do have a CCW.

8 MS. LUZAICH: Okay. And do you keep your guns all
9 locked up?

10 PROSPECTIVE JUROR NO. 163: No, I do not.

11 MS. LUZAICH: Um --

12 PROSPECTIVE JUROR NO. 163: The ones for home defense
13 are not locked up.

14 MS. LUZAICH: Are there children in your home?

15 PROSPECTIVE JUROR NO. 163: No.

16 MR. ERICSSON: Your Honor, may we approach?

17 THE COURT: Sure.

18 (Conference at the bench not recorded.)

19 MS. LUZAICH: Okay. Who does not have guns?

20 Ms. Garcia-Hatton, 152, why?

21 PROSPECTIVE JUROR NO. 152: Just financial reasons,
22 but I've been wanting to get one.

23 MS. LUZAICH: Okay.

24 PROSPECTIVE JUROR NO. 152: But just financially
25 right now it's not a priority.

1 MS. LUZAICH: Okay. And to get one, you would get
2 one for home protection?

3 PROSPECTIVE JUROR NO. 152: Yes.

4 MS. LUZAICH: Okay. But there's nobody here who for
5 whatever reason is morally opposed to people who have guns?

6 People are kind of nodding their heads, no.

7 Is there anybody here who has any strong opinions or
8 feelings about people who use drugs?

9 Mr. Bohac, 151.

10 PROSPECTIVE JUROR NO. 151: My father used to be a
11 meth cook and he worked with the cartels. So I've had my
12 experience of being scared, running. Like, it's just not
13 something that I personally think is good.

14 MS. LUZAICH: Okay. Drugs are never good.

15 PROSPECTIVE JUROR NO. 151: Right.

16 MS. LUZAICH: I'm here to tell you that. When you
17 said that he was a meth cook and ran with the cartels, was he
18 prosecuted?

19 PROSPECTIVE JUROR NO. 151: He was.

20 MS. LUZAICH: When the Judge asked if you knew
21 anybody that was accused of a crime --

22 PROSPECTIVE JUROR NO. 151: I don't like to talk
23 about my dad.

24 MS. LUZAICH: Oh, I'm sorry. Just very quickly,
25 quickly. Because of the experience that you had -- well, he

1 was prosecuted?

2 PROSPECTIVE JUROR NO. 151: Uh-huh.

3 MS. LUZAICH: Do you think that the police and the
4 court system acted appropriately?

5 PROSPECTIVE JUROR NO. 151: Oh, yeah.

6 MS. LUZAICH: Okay. So you have no bad feelings
7 towards police --

8 PROSPECTIVE JUROR NO. 151: No.

9 MS. LUZAICH: -- towards prosecutors, towards the
10 court because of that?

11 PROSPECTIVE JUROR NO. 151: Not at all.

12 MS. LUZAICH: Because of all of that, clearly you
13 don't like drugs. Can you listen to somebody who says that
14 maybe they have used drugs and evaluate that person's testimony
15 objectively?

16 PROSPECTIVE JUROR NO. 151: Yes.

17 MS. LUZAICH: You won't listen to what that person
18 has to say and say I can't believe anything you say simply
19 because you've used drugs?

20 PROSPECTIVE JUROR NO. 151: Correct.

21 MS. LUZAICH: Will you give that person a fair
22 chance?

23 PROSPECTIVE JUROR NO. 151: Yes.

24 MS. LUZAICH: Okay. Thank you.

25 Anybody else strong feelings about drugs? People who

1 use drugs? Anything at all?

2 (No response.)

3 MS. LUZAICH: Mr. Macko, 148, you have any friends
4 who use -- have used drugs?

5 PROSPECTIVE JUROR NO. 148: My brother-in-law has his
6 card, his --

7 MS. LUZAICH: Marijuana card?

8 PROSPECTIVE JUROR NO. 148: Yeah.

9 MS. LUZAICH: What do you think about that? Is that
10 a good thing? A bad thing?

11 PROSPECTIVE JUROR NO. 148: It's his choice. I'm
12 neutral about it. I mean, if he wants to use, he can. It's
13 legal now. So, you know, I don't have any.

14 MS. LUZAICH: What about when it was not legal?

15 PROSPECTIVE JUROR NO. 148: I don't know. I mean,
16 obviously they shouldn't be doing it because it's illegal, but,
17 you know, if they choose to do it, that's their choice.

18 MS. LUZAICH: Okay. So if somebody comes in here and
19 talks about the fact that they have been using, can you listen
20 to that person objectively?

21 PROSPECTIVE JUROR NO. 148: Yeah.

22 MS. LUZAICH: You won't say I can't believe anything
23 you have to say simply because you have used drugs?

24 PROSPECTIVE JUROR NO. 148: No. I'll listen to them.

25 MS. LUZAICH: Okay. Thank you. Does anybody know

1 anybody that has been the victim of any kind of sexual offense?
2 A couple of people.

3 Okay. Ms. Maynard, we talked about your kids,
4 Maynard, Badge No. -- I'm trying to do so good for the court
5 recorder -- 168. But your -- your son did not have to testify;
6 is that correct?

7 PROSPECTIVE JUROR NO. 168: No.

8 MS. LUZAICH: And that was a good thing for you,
9 right?

10 PROSPECTIVE JUROR NO. 168: Definitely.

11 MS. LUZAICH: And you feel that the Court treated
12 both of your kids fairly?

13 PROSPECTIVE JUROR NO. 168: Yes, definitely.

14 MS. LUZAICH: Okay. Thank you.

15 Who else? Somebody --

16 Ms. Garcia-Hatton, 152.

17 PROSPECTIVE JUROR NO. 152: Yes. My best friend's
18 children, all three of them were molested by one of her kid's
19 father.

20 MS. LUZAICH: A kid's father. Was that ever
21 reported?

22 PROSPECTIVE JUROR NO. 152: Yes. This happened a
23 year ago.

24 MS. LUZAICH: Oh. Is it ongoing right now in court?

25 PROSPECTIVE JUROR NO. 152: Yes, I think. I think

1 they have a court date set. I'm not sure when, but yeah, it's
2 ongoing.

3 MS. LUZAICH: And when you say a court date is set,
4 in cases there are two different hearings. There's a probable
5 cause at preliminary hearing and then a trial, which is where
6 we are right now. Do you know if they're closer to trial or
7 closer to that early hearing?

8 PROSPECTIVE JUROR NO. 152: I honestly don't know. I
9 know he is -- he is in jail because all the evidence came back
10 positive. So they're just waiting I think for trial to convict
11 him or --

12 MS. LUZAICH: So do you know have any of the kids had
13 to testify?

14 PROSPECTIVE JUROR NO. 152: No, not yet. Well, they
15 did talk to the detective, but they haven't testified in court.

16 MS. LUZAICH: So they interviewed?

17 PROSPECTIVE JUROR NO. 152: Uh-huh.

18 MS. LUZAICH: And that -- is that a yes?

19 PROSPECTIVE JUROR NO. 152: Yes.

20 MS. LUZAICH: And that's all?

21 PROSPECTIVE JUROR NO. 152: Yes.

22 MS. LUZAICH: Okay. Thank you.

23 Anybody else know somebody who's been a victim of a
24 sexual offense?

25 Ms. Hine.

1 PROSPECTIVE JUROR NO. 164: I didn't know we were
2 getting all this kind of personal, but my husband was sexually
3 abused when he was a child.

4 MS. LUZAICH: Do you know if it was reported?

5 PROSPECTIVE JUROR NO. 164: No. My husband never
6 reported it.

7 MS. LUZAICH: Okay. Thank you.

8 Does anybody think that it would be embarrassing to
9 come into a room full of strangers and have to talk about
10 something like that?

11 A couple of people are nodding their heads.

12 Mr. Sullivan, tell me about that.

13 PROSPECTIVE JUROR NO. 165: Well, it's personal. So
14 I'm sure that it's uncomfortable for the person, especially if
15 you get any kind of graphic detail.

16 MS. LUZAICH: And do you think that that
17 embarrassment might affect the way somebody appears maybe on
18 the witness stand?

19 PROSPECTIVE JUROR NO. 165: I'm sure it could be very
20 emotional.

21 MS. LUZAICH: Okay. Earlier I asked if anybody was
22 expecting anything. You say you expect it could be very
23 emotional. Do you think it has to be very emotional?

24 PROSPECTIVE JUROR NO. 165: No. It goes back to
25 perception question. It's all how people view it, how it

1 affected them, what was their focus, how directly did it affect
2 that person.

3 MS. LUZAICH: So if somebody comes in here and talks
4 about it, but is not emotional, how -- how are you going to
5 evaluate that?

6 PROSPECTIVE JUROR NO. 165: People handle things in
7 different ways. Some people already went through that portion
8 of it and are not as emotional about it since it's been -- it
9 sounds like it's a couple years now since that happened. Maybe
10 they're not as emotional about it at this moment, but they were
11 then.

12 MS. LUZAICH: Do you think different things may upset
13 an individual?

14 PROSPECTIVE JUROR NO. 165: Sure. I'm sure certain
15 things could trigger an emotional event.

16 MS. LUZAICH: Or something might upset them more than
17 that even?

18 PROSPECTIVE JUROR NO. 165: Uh-huh.

19 MS. LUZAICH: Is that a yes?

20 PROSPECTIVE JUROR NO. 165: Yes. Sorry.

21 MS. LUZAICH: Mr. Winn, 163, what do you think about
22 that? Might it be embarrassing to talk about that in a room
23 full of strangers?

24 PROSPECTIVE JUROR NO. 163: Yeah, I think it would be
25 very difficult.

1 MS. LUZAICH: Are you expecting to see anything now
2 that you know that that is going to happen?

3 PROSPECTIVE JUROR NO. 163: My expectation is
4 neutral. It's all going to be up to the individual and how
5 they perceive themselves today, their ability to be
6 communicative about their personal experience. I have no
7 preconceived notion how someone's going to communicate what
8 happened to them.

9 MS. LUZAICH: But do you agree that different people
10 communicate their experiences differently as well?

11 PROSPECTIVE JUROR NO. 163: Just like every one of us
12 is explaining things different to you today.

13 MS. LUZAICH: You're very articulate. Would you
14 agree that not everybody is as articulate as you are?

15 PROSPECTIVE JUROR NO. 163: Absolutely.

16 MS. LUZAICH: And is that something that you'll also
17 take into consideration?

18 PROSPECTIVE JUROR NO. 163: Absolutely.

19 MS. LUZAICH: Ms. Lawson, what about yourself? Badge
20 No. 171. Do you think that that might be embarrassing to talk
21 about?

22 PROSPECTIVE JUROR NO. 171: Yes.

23 MS. LUZAICH: Do think that somebody is necessarily
24 going to get emotional when they talk about that?

25 PROSPECTIVE JUROR NO. 171: Not necessarily.

1 MS. LUZAICH: And is that okay in your mind?
2 PROSPECTIVE JUROR NO. 171: Yes. Uh-huh.
3 MS. LUZAICH: Are you expecting to see anything in
4 this trial?
5 PROSPECTIVE JUROR NO. 171: Probably some emotional
6 things. I don't know.
7 MS. LUZAICH: What if you don't see any emotion
8 whatsoever?
9 PROSPECTIVE JUROR NO. 171: That's fine. I'm just
10 going to listen to, you know, the case and, I mean, time's
11 passed and everybody handles things differently.
12 MS. LUZAICH: Okay. Do you watch *CSI*?
13 PROSPECTIVE JUROR NO. 171: If I'm at my mom's. She
14 is addicted to it, but --
15 MS. LUZAICH: Oh, is she?
16 PROSPECTIVE JUROR NO. 171: -- not -- I don't watch a
17 lot of TV, but I've seen it, but -- Mark Harmon's cute. Just
18 kidding. Is that -- is that.
19 MS. LUZAICH: Is that *NCIS*?
20 PROSPECTIVE JUROR NO. 171: *NCIS*, one of those.
21 MS. LUZAICH: Okay. So that's when you watch with
22 your mom?
23 PROSPECTIVE JUROR NO. 171: Yeah.
24 MS. LUZAICH: Okay. Who in here watches *CSI*?
25 Oh, I was going to say there has to be somebody.

1 Ms. Maynard, you watch *CSI*?

2 PROSPECTIVE JUROR NO. 168: Not all the time, but if
3 it's on at that time, then I do. I mean --

4 MS. LUZAICH: There are a bunch of different *CSIs*.
5 Which one do you watch?

6 PROSPECTIVE JUROR NO. 168: I've watched all
7 different ones. I don't -- I'm not, like, religious about
8 always watching it, but if it's on, that actually draws my
9 attention, and the court issues, all that just gets my
10 interest. So if it's on, I'll watch it, but I won't, like, run
11 to the TV to watch it.

12 MS. LUZAICH: Okay. Would it surprise you to know
13 that *CSI* is fake?

14 PROSPECTIVE JUROR NO. 168: No. It's acting. It's
15 drama.

16 MS. LUZAICH: It's scripted.

17 PROSPECTIVE JUROR NO. 168: Definitely.

18 MS. LUZAICH: Mr. Macko, you're laughing.

19 Would anybody here be surprised to know that *CSI* is
20 fake? None of those things happen in real life. Would anybody
21 be surprised?

22 Mr. Warren, you don't look happy about that. Do you
23 watch *CSI* ever?

24 PROSPECTIVE JUROR NO. 166: No, I do not watch *CSI*.
25 (Unintelligible) me and a friend of mine were watching it when

1 it first came out a long time ago, and they had a case on
2 there, and he goes, Nope, that's not how they do it so right
3 then you knew.

4 MS. LUZAICH: Okay. So you know it's not real?

5 PROSPECTIVE JUROR NO. 166: Yeah, right then I knew.

6 MS. LUZAICH: Is anybody expecting any of those wild
7 and crazy things that we see on *CSI* to come out in our trial?

8 Okay. Nobody is saying yes.

9 Sorry. My handwriting is awful, and I'm trying to
10 read it.

11 Ms. Garcia-Hatton, No. 152, your mom owns the
12 convenience store. Is it one store or multiple?

13 PROSPECTIVE JUROR NO. 152: She has one.

14 MS. LUZAICH: Does she ever work there, or did she
15 just own it?

16 PROSPECTIVE JUROR NO. 152: She works there.

17 MS. LUZAICH: Often? I mean, does she have, like --

18 PROSPECTIVE JUROR NO. 152: She's there every day.

19 MS. LUZAICH: Oh, she is. Okay.

20 PROSPECTIVE JUROR NO. 152: She's in charge. I mean,
21 she does the paperwork and cash, but she has the clerks who run
22 the front. She's in the back.

23 MS. LUZAICH: Has she ever been the one that's been
24 robbed, held up in the --

25 PROSPECTIVE JUROR NO. 152: She's been robbed, but

1 nothing happened to her thankfully.

2 MS. LUZAICH: That's very fortunate.

3 PROSPECTIVE JUROR NO. 152: Yes.

4 MS. LUZAICH: Has she ever been robbed at weapon
5 point? At gunpoint --

6 PROSPECTIVE JUROR NO. 152: Not knifepoint, yeah.

7 MS. LUZAICH: Knifepoint?

8 PROSPECTIVE JUROR NO. 152: Yes.

9 MS. LUZAICH: Did the police ever catch the person
10 who did that?

11 PROSPECTIVE JUROR NO. 152: Yes.

12 MS. LUZAICH: Did she ever have to go to court to
13 testify?

14 PROSPECTIVE JUROR NO. 152: No, she didn't.

15 MS. LUZAICH: Is that the only time that she had
16 reported one to herself where it was actually somebody --

17 PROSPECTIVE JUROR NO. 152: With a weapon yes, but, I
18 mean, she gets robbed all the time, I mean, without weapons.
19 So cops come all the time.

20 MS. LUZAICH: The clerk that was shot recently, you
21 said that somebody was caught?

22 PROSPECTIVE JUROR NO. 152: Yes.

23 MS. LUZAICH: Did the clerk have to go to court to
24 testify?

25 PROSPECTIVE JUROR NO. 152: I don't know.

1 MS. LUZAICH: Do you follow that at all or --

2 PROSPECTIVE JUROR NO. 152: No, just when it
3 happened, but I actually just talked to my mom about it the
4 other day, and she hasn't kept up with the family or anything.
5 They caught the -- they were all a group of juveniles, and
6 that's all I know.

7 MS. LUZAICH: Okay. Is there anybody who for
8 whatever reason cannot sit in judgment of somebody? Moral?
9 Philosophical? Religious? Any reason whatever? Because what
10 you have to do as a juror is listen to all of the evidence, the
11 testimony and decide whether or not the State of Nevada has
12 proven its case beyond a reasonable doubt. Is there anybody
13 who for whatever reason cannot sit in judgment?

14 Seeing no hands.

15 Mr. Bohac, if you were me representing the State of
16 Nevada, would you want you as a juror in this case?

17 PROSPECTIVE JUROR NO. 151: Me knowing myself?

18 MS. LUZAICH: Uh-huh. Knowing everything you know
19 about yourself.

20 PROSPECTIVE JUROR NO. 151: Yeah.

21 MS. LUZAICH: Why?

22 PROSPECTIVE JUROR NO. 151: I feel like I can be
23 impartial and listen to what you would have to say based on the
24 case.

25 MS. LUZAICH: Okay. And I'm sorry to bring up your

1 age again, but you are a little younger than some of the other
2 jurors. So if you're in the back and everybody else is older
3 and you're younger, you're still going to be able to express
4 your opinion, right?

5 PROSPECTIVE JUROR NO. 151: Absolutely.

6 MS. LUZAICH: Okay. You won't let them kind of beat
7 you down?

8 PROSPECTIVE JUROR NO. 151: Oh, no.

9 MS. LUZAICH: But if you were able to -- or if they
10 were able to point to something that maybe you missed, would
11 you possibly change your mind?

12 PROSPECTIVE JUROR NO. 151: It depends on what they
13 pointed out, but it's a possibility.

14 MS. LUZAICH: It's possible, but if you're sure
15 you're right, you're going to stick to your guns?

16 PROSPECTIVE JUROR NO. 151: If I'm sure, I'll let
17 everyone else know I'm sure and stick to what I know.

18 MS. LUZAICH: Okay. Thank you.

19 Mr. Coulombe, sorry, you, too are also a little
20 young. Are you going to be able to hold your own back there if
21 all the other jurors are older?

22 PROSPECTIVE JUROR NO. 149: Yes.

23 MS. LUZAICH: Stick to your guns if you're sure
24 you're right?

25 PROSPECTIVE JUROR NO. 149: Yes.

1 MS. LUZAICH: And if it's 11 to 1, it's five to
2 5:00 on Friday, you're the one, you're not going to change your
3 mind just because you want to go home?

4 PROSPECTIVE JUROR NO. 149: Yes.

5 MS. LUZAICH: Okay. So if you were me and you
6 represented the State of Nevada, would you want you as a juror
7 in this case?

8 PROSPECTIVE JUROR NO. 149: Yes.

9 MS. LUZAICH: Why?

10 PROSPECTIVE JUROR NO. 149: I mean, I can try to keep
11 an open mind. That's about it. Like --

12 MS. LUZAICH: Okay. That's fair enough.

13 And then, Mr. Macko, you knew it was coming to you
14 next.

15 PROSPECTIVE JUROR NO. 148: Uh-huh.

16 MS. LUZAICH: If the other 11 are older than you, are
17 you going to be able to hold your own back there?

18 PROSPECTIVE JUROR NO. 148: Of course.

19 MS. LUZAICH: So if you were me representing the
20 State of Nevada, would you want you as a juror in this case?

21 PROSPECTIVE JUROR NO. 148: Yes.

22 MS. LUZAICH: Why?

23 PROSPECTIVE JUROR NO. 148: Because I'm an honest
24 person. I'm impartial, and I look at things how they are, and
25 that's how I make my judgments. There's no bias.

1 MS. LUZAICH: Okay. Thank you.

2 And just because I don't want everybody to think that
3 I discriminate based on age, Mr. Warren, if you were me
4 representing the State of Nevada, would you want you as a juror
5 in this case?

6 PROSPECTIVE JUROR NO. 166: Yes, I would.

7 MS. LUZAICH: Why?

8 PROSPECTIVE JUROR NO. 166: Because I am impartial,
9 and I do have an open mind for what you are presenting.

10 MS. LUZAICH: Okay. So if somebody comes in here and
11 talks about the fact that they may have been using drugs at
12 some point in time, can you listen to that person
13 objectively --

14 PROSPECTIVE JUROR NO. 166: Yes, I can.

15 MS. LUZAICH: -- and give that person a fair chance?

16 PROSPECTIVE JUROR NO. 166: Yes, I can.

17 MS. LUZAICH: Okay. Thank you.

18 And then, finally, Mr. Osorio.

19 PROSPECTIVE JUROR NO. 157: Yes.

20 MS. LUZAICH: If you were me representing the State
21 of Nevada, would you want you as a juror in this case?

22 PROSPECTIVE JUROR NO. 157: Yes.

23 MS. LUZAICH: Why?

24 PROSPECTIVE JUROR NO. 157: Pretty much -- pretty
25 much the same with them. I'm not biased. I'm open-minded.

1 MS. LUZAICH: Okay. You're going to keep your open
2 mind until you hear everything that's presented in this case?

3 PROSPECTIVE JUROR NO. 157: Yes.

4 MS. LUZAICH: Thank you.

5 So, everybody, if you listen to the facts of this
6 case, the witnesses, the evidence, and if you were convinced
7 that the State proved its case beyond a reasonable doubt, is
8 there anybody who could not say the word guilty? Is there
9 anybody --

10 Ms. Hine.

11 PROSPECTIVE JUROR NO. 164: I just have a question.

12 MS. LUZAICH: Sure.

13 PROSPECTIVE JUROR NO. 164: Like, I don't really feel
14 like I want to be responsible for somebody's conviction. So --

15 MS. LUZAICH: Okay. Here, can we pass the mic down.

16 You don't want to be responsible for somebody's
17 conviction.

18 PROSPECTIVE JUROR NO. 164: No.

19 MS. LUZAICH: Well, first why?

20 PROSPECTIVE JUROR NO. 164: Just I feel that's left
21 to the man upstairs. Like, I don't want to be involved.

22 MS. LUZAICH: Okay. Well, here now, remember this.

23 PROSPECTIVE JUROR NO. 164: Yeah.

24 MS. LUZAICH: That you're going to go back there, and
25 it's not just you. There are going to be 12 of you who are

1 making a -- you know, who are talking about it and forming
2 opinions and ultimately coming down with a verdict.

3 PROSPECTIVE JUROR NO. 164: Uh-huh.

4 MS. LUZAICH: So all you're going to do, if you're
5 selected, is decide did the State prove the case beyond a
6 reasonable doubt. I mean, that's literally all you have to do.

7 PROSPECTIVE JUROR NO. 164: Uh-huh. I just would
8 rather have a neutral stand on it. Like, I don't -- I don't --
9 I'm not one way or the other just because of my personal
10 experiences with abuse and stuff like that. I just don't want
11 to deal with it. That's my opinion on it.

12 MS. LUZAICH: Well, I understand that, but, I mean,
13 you recognize that one of the rights that we have and
14 responsibilities that we have as citizens here is to sit on
15 juries to vote and -- do you vote?

16 PROSPECTIVE JUROR NO. 164: No.

17 MS. LUZAICH: Really?

18 PROSPECTIVE JUROR NO. 164: Huh-uh.

19 MS. LUZAICH: How come?

20 PROSPECTIVE JUROR NO. 164: The way I was brought up
21 religiously. I just never have gotten involved with politics.

22 MS. LUZAICH: Does your not wanting to sit in
23 judgment have --

24 PROSPECTIVE JUROR NO. 164: Religious factors.

25 MS. LUZAICH: -- religious grounding --

1 PROSPECTIVE JUROR NO. 164: Yeah.

2 MS. LUZAICH: -- or --

3 PROSPECTIVE JUROR NO. 164: Yeah.

4 MS. LUZAICH: Okay. Well, thank you.

5 Anybody else who couldn't say the word guilty if they
6 were -- if they were convinced beyond a reasonable doubt that
7 the defendant committed the crimes he was charged with?

8 (No response.)

9 MS. LUZAICH: Thank you.

10 Can we approach?

11 THE COURT: Sure.

12 (Conference at the bench not recorded.)

13 THE COURT: We're going to go ahead and excuse you
14 from this department. There are 32 departments in this
15 building. Some of -- about half are doing civil cases. You
16 might be better suited for that type of a case, that doesn't
17 involve guilty or not guilty as a battle between individuals or
18 corporations. So I'm going to excuse you from these
19 proceedings.

20 PROSPECTIVE JUROR NO. 164: Thank you.

21 THE COURT: Ladies and gentlemen, the rest of us are
22 going to take our lunch break. We will be in recess for the
23 lunch break until 2:10.

24 During the lunch break you are reminded that you're
25 not to discuss the case or anything relating to the case with

1 each other or with anyone else. You're not to read, watch or
2 listen to any reports of or commentaries on the case, person or
3 subject matter relating to the case. Do not do any independent
4 research by way of the Internet or any other medium. Do not
5 engage in any social networking like Facebook or Twitter on any
6 subject concerning these proceedings, and please do not form or
7 express an opinion on the case.

8 When you go into the hallway, our bailiff, Officer
9 Hawkes, will give you direction on where to meet after the
10 lunch break. Also, if you have any questions about where to
11 eat for lunch or anything like that, please address Officer
12 Hawkes in the hallway. Also, once again, I'm going to ask you
13 all to return to the same chairs where you're seated. So
14 please remember where you're seated so you can sit there again.

15 If everyone would please collect your things and
16 follow Officer Hawkes through the double doors, we'll see you
17 back after the lunch break.

18 (Panel of prospective jurors recessed 1:08 p.m.)

19 THE COURT: Do you have a lot of questions?

20 MR. ERICSSON: You know what, it really depends on
21 how they respond.

22 THE COURT: Okay.

23 MR. ERICSSON: I would imagine a half hour.

24 THE COURT: And you were passing the rest of the
25 panel for cause, correct?

1 MS. LUZAICH: Yeah.

2 THE COURT: Okay. So your -- I was assuming you were
3 done and -- okay. We'll put up the next one in order. I'll
4 question her.

5 And then you can question whoever is up.

6 And then, Mr. Ericsson, you can do the 14.

7 MR. ERICSSON: Okay.

8 MS. LUZAICH: Okay.

9 MR. ERICSSON: And I'm sorry, what time are we
10 supposed to be back? I wasn't --

11 THE COURT: 2:10.

12 MR. ERICSSON: 2:10.

13 MS. LUZAICH: What time are you going to start
14 tomorrow, Judge? Do you know?

15 THE COURT: You know, our criminal calendar isn't
16 that long. So hopefully 10:30, 10:45.

17 MS. LUZAICH: Okay.

18 THE COURT: Probably closer to 10:45.

19 MS. LUZAICH: Thank you.

20 (Proceedings recessed 1:10 p.m. to 2:15 p.m.)

21 (Panel of prospective jurors entering 2:16 p.m.)

22 MS. LUZAICH: Okay. Can we approach?

23 THE COURT: Sure.

24 (Conference at the bench not recorded.)

25 THE COURT: All right. Court is now back in session.

1 The record should reflect the presence of the State, the
2 defendant and his counsel, the officers of the court, and the
3 ladies and gentlemen of the prospective jury panel.

4 Everyone can be seated.

5 And if the court clerk would please call up the next
6 prospective juror.

7 THE CLERK: Sihan Chen.

8 PROSPECTIVE JUROR NO. 172: Yes.

9 THE CLERK: If you could come sit in that empty seat
10 in the back row, please.

11 PROSPECTIVE JUROR NO. 172: Got it.

12 THE COURT: Counsel, approach.

13 (Conference at the bench not recorded.)

14 THE COURT: Good afternoon. Is it Mr. Chen?

15 PROSPECTIVE JUROR NO. 172: Good afternoon.

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

17 PROSPECTIVE JUROR NO. 172: I -- I don't do anything
18 for a living for now. I just recently graduated.

19 THE COURT: From?

20 PROSPECTIVE JUROR NO. 172: From UC Santa Barbara.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 172: Yes.

23 THE COURT: And what were you studying at UC Santa
24 Barbara?

25 PROSPECTIVE JUROR NO. 172: I studied economics and

1 accounting there.

2 THE COURT: Okay. And are you looking for work, or
3 are you going to graduate school, or what's the plan?

4 PROSPECTIVE JUROR NO. 172: I'm taking CPA exams
5 right now.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 172: And I just started
8 looking for jobs June. So, yeah.

9 THE COURT: Okay. So you hope to work as a CPA I'm
10 assuming?

11 PROSPECTIVE JUROR NO. 172: Yes.

12 THE COURT: Okay. And how many of the -- what is it?
13 Four exams or five exams?

14 PROSPECTIVE JUROR NO. 172: It was total four exams.
15 Yes.

16 THE COURT: Okay. Have you completed all the exams
17 yet?

18 PROSPECTIVE JUROR NO. 172: I passed two, and I just
19 completed the next two. I'm just waiting on the grades.

20 THE COURT: Okay. And are you married, domestic
21 partner, significant other?

22 PROSPECTIVE JUROR NO. 172: No, I'm not married, and
23 I'm single.

24 THE COURT: Any children?

25 PROSPECTIVE JUROR NO. 172: No.

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

2 PROSPECTIVE JUROR NO. 172: It was -- I came to the
3 room, but I wasn't, like, selected last time. So, yeah.

4 THE COURT: Okay. And have you or anyone close to
5 you ever been arrested, charged or accused of a crime?

6 PROSPECTIVE JUROR NO. 172: Nope, negative.

7 THE COURT: What about the victim of a crime? Have
8 you been the victim of a crime ever?

9 PROSPECTIVE JUROR NO. 172: Nope.

10 THE COURT: And has anyone close to you been the
11 victim of a crime?

12 PROSPECTIVE JUROR NO. 172: No.

13 THE COURT: Okay. You heard, I'm assuming, us
14 talking about the State -- the fact that the State has the
15 burden of proving the defendant's guilt beyond a reasonable
16 doubt. Do you have any problem with that concept or with
17 holding the State to that burden?

18 PROSPECTIVE JUROR NO. 172: I don't think I have any
19 problems with that. Yeah.

20 THE COURT: Did you hear either me or Ms. Luzaich ask
21 any of the other jurors a question that you thought you'd have
22 to raise your hand and respond to in the affirmative if you
23 were sitting up here in the box?

24 PROSPECTIVE JUROR NO. 172: Not in particularly.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 172: And I -- and I agree with
2 a lot of the questions that she asked about, like, perceptions,
3 how people receive perception differently.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 172: Yeah.

6 THE COURT: Do you have any close friends or family
7 that have ever worked in law enforcement?

8 PROSPECTIVE JUROR NO. 172: Nope.

9 THE COURT: Nothing. Okay.

10 PROSPECTIVE JUROR NO. 172: Nothing, yeah.

11 THE COURT: Are you from here originally? Is that
12 why you're here since --

13 PROSPECTIVE JUROR NO. 172: No. I was -- I was born
14 in China, and at my age of 15 I moved to Las Vegas.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 172: And I went to Durango
17 High School. Yeah.

18 THE COURT: Okay. Do you feel like you're the kind
19 of person that would make a good juror?

20 PROSPECTIVE JUROR NO. 172: I would like to think so,
21 yeah.

22 THE COURT: Okay. And what qualities or attributes
23 do you have that you feel would make you a good juror?

24 PROSPECTIVE JUROR NO. 172: I think I'm fair, and as
25 long as there's sufficient appropriate avenues presented to

1 prove that it's beyond the reasonable doubt, then -- then I
2 would. That would prove. It's more based on, like, evidence
3 provided than my opinions.

4 THE COURT: Okay. I have no other questions.

5 Ms. Luzaich.

6 MS. LUZAICH: Thank you.

7 Good afternoon, Mr. Chen.

8 PROSPECTIVE JUROR NO. 172: Good afternoon.

9 MS. LUZAICH: You said you agreed with most of my
10 questions about perception.

11 PROSPECTIVE JUROR NO. 172: Yes.

12 MS. LUZAICH: So you can see how two different people
13 can watch or see an event and maybe describe it differently or
14 perceive it differently?

15 PROSPECTIVE JUROR NO. 172: Yes.

16 MS. LUZAICH: And you think that different people
17 might react differently to the same set of circumstances?

18 PROSPECTIVE JUROR NO. 172: Yes.

19 MS. LUZAICH: And you don't have a problem with that?

20 PROSPECTIVE JUROR NO. 172: No. Yeah.

21 MS. LUZAICH: Do you have any opinions one way or
22 another about people who use drugs?

23 PROSPECTIVE JUROR NO. 172: No.

24 MS. LUZAICH: So you can listen to somebody who has
25 used drugs --

1 PROSPECTIVE JUROR NO. 172: Yes.
2 MS. LUZAICH: -- and still evaluate them objectively?
3 PROSPECTIVE JUROR NO. 172: Yes.
4 MS. LUZAICH: Do you have any opinions about guns?
5 PROSPECTIVE JUROR NO. 172: No, not -- I don't have
6 any strong opinion about guns.
7 MS. LUZAICH: Do you have a gun?
8 PROSPECTIVE JUROR NO. 172: No, I don't.
9 MS. LUZAICH: Because?
10 PROSPECTIVE JUROR NO. 172: Because I -- because I
11 don't -- I don't think it's necessary at this point in my life.
12 It's --
13 MS. LUZAICH: You don't want one?
14 PROSPECTIVE JUROR NO. 172: And I don't want to run
15 into other situations. It's very less likely anything could
16 happen, but I think it would be a good idea to have one in the
17 future just to be, you know, precautions.
18 MS. LUZAICH: For protection?
19 PROSPECTIVE JUROR NO. 172: Yes, for protection.
20 Yes.
21 MS. LUZAICH: Okay. Do you think that it is
22 potentially embarrassing to talk about having been sexually
23 abused or assaulted?
24 PROSPECTIVE JUROR NO. 172: Yes, I would like to
25 think so.

1 MS. LUZAICH: Is that something that you would take
2 into consideration when somebody testifies?

3 PROSPECTIVE JUROR NO. 172: No, I don't think so
4 because people describe it differently, and it doesn't have to
5 be to describe it in a very emotional way to, you know, to show
6 that it's real. It's really up to the person how -- how she
7 feels or how he feels. Yeah.

8 MS. LUZAICH: Okay. Are you expecting anything in
9 particular in this trial?

10 PROSPECTIVE JUROR NO. 172: Not really, but since you
11 asked, I would like to think that there might be some evidence
12 or witness, like, come up and relate it to those question.
13 That's what I'm expecting.

14 MS. LUZAICH: Okay. You're definitely going to hear
15 from a lot of witnesses.

16 PROSPECTIVE JUROR NO. 172: Okay.

17 MS. LUZAICH: Or people who are testifying, providing
18 testimony. Do you think that, in your opinion, does there have
19 to be something that you can touch?

20 PROSPECTIVE JUROR NO. 172: No, as long as it can be
21 proved, and as long as the evidence is -- has credibilities.
22 So then, yeah, it doesn't have to be touched.

23 MS. LUZAICH: When you say evidence has credibility,
24 you mean witnesses? People have credibility?

25 PROSPECTIVE JUROR NO. 172: People or -- or the -- or

1 the institution providing the evidence. For example, if you
2 said it's a third-party, third-party confirmation a third-party
3 provided compared to some evidence that is provided from --
4 from, you know, from myself.

5 MS. LUZAICH: Oh, okay.

6 PROSPECTIVE JUROR NO. 172: So that's what I mean.
7 Yeah.

8 MS. LUZAICH: Okay. Do you watch *CSI* or any of those
9 shows?

10 PROSPECTIVE JUROR NO. 172: No, I don't.

11 MS. LUZAICH: Okay. So you wouldn't be surprised or
12 offended to learn that *CSI* --

13 PROSPECTIVE JUROR NO. 172: No.

14 MS. LUZAICH: -- is fake?

15 PROSPECTIVE JUROR NO. 172: Not at all.

16 MS. LUZAICH: Okay. And this is actually for
17 everybody. Is there anybody who thinks that if somebody does
18 something foolish, something that you or I might not do that
19 they're not entitled to the same protection of the law as you
20 and I are?

21 What do you think about that, Mr. Chen?

22 PROSPECTIVE JUROR NO. 172: I think they're all
23 entitled to the rights or the law. If he did something stupid
24 back then, it doesn't -- it doesn't mean that she shouldn't
25 deserve the equal rights or, you know. So.

1 MS. LUZAICH: Okay. Mr. Bohac, what do you think
2 about that?

3 PROSPECTIVE JUROR NO. 151: I think everybody should
4 be treated fairly dependent on circumstances shouldn't really
5 matter.

6 MS. LUZAICH: Okay. Thank you.

7 And then, Ms. Lugo, if somebody commits a crime on
8 Tuesday, on Thursday can they still be the victim of a crime?

9 PROSPECTIVE JUROR NO. 158: Yes, until they don't
10 prove that whatever wrong.

11 MS. LUZAICH: I'm sorry?

12 You know, can you send the microphone down.

13 PROSPECTIVE JUROR NO. 158: I will say, yes, until
14 they prove he's guilty or not.

15 MS. LUZAICH: Okay. Let's just say, for example, on
16 Tuesday Susie commits a crime, and she's going to get, you
17 know, her whatever. On Thursday, if someone does something bad
18 to Susie, can she be the victim?

19 PROSPECTIVE JUROR NO. 158: She can --

20 MS. LUZAICH: Can she come to court and can you
21 listen to her despite the fact that she did something bad
22 earlier?

23 PROSPECTIVE JUROR NO. 158: Yeah, I will because
24 there's going to be two cases.

25 MS. LUZAICH: Two separate --

1 PROSPECTIVE JUROR NO. 158: She's a victim, two
2 separate cases.

3 MS. LUZAICH: -- situations?

4 PROSPECTIVE JUROR NO. 158: Situations.

5 MS. LUZAICH: Okay. So if somebody commits a crime,
6 they're still entitled to the same protection under the law as
7 you and I are?

8 PROSPECTIVE JUROR NO. 158: A right, yes.

9 MS. LUZAICH: Does anybody disagree with that?

10 Thank you.

11 Judge, I would pass the panel for cause.

12 THE COURT: Counsel, approach, please.

13 (Conference at the bench not recorded.)

14 THE COURT: All right. Thank you, Ms. Luzaich.

15 Mr. Ericsson, you may question the panel.

16 MR. ERICSSON: Thank you, Your Honor.

17 Good afternoon, ladies and gentlemen. I hope that
18 you're still hanging in there as far as not being too tired. I
19 know it's already been a long process, and I'm going to be
20 asking a bunch of questions, just as Ms. Luzaich did.

21 And one of the things that is interesting about being
22 in jury trials is there's a lot on the line in these cases, but
23 there's also times where there'll be levity. There'll be
24 laughing. There'll be joking about things, but I want to begin
25 prefacing my questions by emphasizing that this is a critically

1 important proceeding that you may be asked to participate in.

2 And Ms. Luzaich, she asked a lot of questions looking
3 for people who she thinks can be fair to the State. Obviously
4 I am representing Mr. Elam, and my interests and his are to
5 find people who can be fair to the defense, and I obviously
6 don't know what's in your hearts, what's in your minds. We can
7 only ask that you be truthful. As was indicated a number of
8 times, there is no wrong answer other than an answer that is
9 not truthful.

10 There are people who can be perfectly good
11 witnesses -- jurors on a civil case, and they just don't have
12 the mindset or the background to be the proper type of person
13 for a jury on a criminal case. There are people who have had
14 experiences in their past that would make them -- it would be
15 very difficult to be unbiased towards somebody who has been
16 accused of a crime.

17 I'm going to go through a number of questions kind of
18 related to that, and you've -- you've sworn under oath that you
19 will tell the truth, and I just ask you that you do that. If
20 there are things that I ask about that make you think of
21 something else that is related, I would hope that you would
22 bring that up so that both sides can have a fair jury for this
23 very important trial.

24 There have been a lot of questions asked about
25 perception, and whether two people can be involved and perceive

1 the same event and have different perceptions of what happened,
2 and I think most of you agree that that certainly can happen
3 and that they both can be telling what they think is the truth.

4 I want to ask you though about this, this spin on
5 this. I have a 16-year-old son who was -- had his learner's
6 permit. He was driving. My wife was a passenger, and they
7 were at an intersection, and there was a car crash in front of
8 them, and they pulled over, and they waited for the cops to
9 come, and they filled out statements about what they had seen.

10 And that night I asked my son, you know, what had
11 happened and what he had written down, and they were at an
12 intersection where the speed limit was 30 miles an hour each
13 direction, and he said, dad, that car was going so fast. He
14 was going, like, a hundred miles an hour, and I said, Did you
15 write down that the car was going a hundred miles an hour, and
16 he said, yeah, it was flying, and my wife, who's been driving,
17 like, 25 years longer than the young man with the learner's
18 permit, she had estimated that the speed was 45 in the 30, and
19 that's what she had written down.

20 My question to you is would you all agree that
21 although people can have different perceptions, that it's
22 certainly possible that one person is wrong even though they
23 truly believe that what they said is correct, and one person is
24 closer to the actual truth? Does everybody agree with that
25 concept?

1 Do you understand and agree that people can get up on
2 the stand and testify to something that they in their heart
3 think -- think is true, but they are simply incorrect about
4 their perceptions? Does that make sense to everybody?

5 Okay. The -- one of the things that you're going
6 to -- and I don't like to bring this up because it's -- it's a
7 difficult situation. Obviously, Mr. Elam, he's an African
8 American, and there are some people due to whatever
9 experiences, upbringing, that they view other races differently
10 than those that they're more used to, and I need to ask each of
11 you is there anything in your background that would cause you
12 to have difficulties in being completely fair and unbiased
13 towards Mr. Elam who's an African American?

14 And as I ask that, I know that that's a very
15 difficult question to answer in the affirmative in a group
16 setting like this, but we all know that some people carry that,
17 and if you do, there's no judgment from me, but we need to know
18 that so that we can have jurors who are appropriate for this
19 type of case? Is there anybody here that would hold it against
20 Mr. Elam based on -- or hold -- let me rephrase the question.
21 Anybody who feels that they might be biased against Mr. Elam
22 because of his race?

23 Okay. There were a number of questions asked about
24 testimony from police officers, and I want to specifically
25 start with -- and I'm not sure how to pronounce your last name.

1 PROSPECTIVE JUROR NO. 149: Coulombe.

2 MR. ERICSSON: How do you pronounce it?

3 PROSPECTIVE JUROR NO. 149: Coulombe.

4 MR. ERICSSON: Can we get you the -- it's right in
5 front of -- behind you.

6 PROSPECTIVE JUROR NO. 149: Yeah, it's Coulombe.

7 MR. ERICSSON: Coulombe. Thank you.

8 PROSPECTIVE JUROR NO. 149: Yeah. It's French. So
9 it's complicated.

10 MR. ERICSSON: So you indicated that you've got
11 several friends who serve on the police department?

12 PROSPECTIVE JUROR NO. 149: Yes.

13 MR. ERICSSON: I think you indicated three. And when
14 you were talking about evaluating police officer testimony, and
15 I wrote this down. If I misquote you, correct me, but I think
16 you had said that you think that police should be held to
17 higher credibility.

18 PROSPECTIVE JUROR NO. 149: I don't think that's true
19 for everyone. I just, like, personally, like, I want to think
20 that. Like, I mean, just, like, because they're cops, like, I
21 just feel as if they, like, should have higher credibility.
22 I'm not saying that's the case all the time.

23 MR. ERICSSON: Okay. Okay. And I just want to, you
24 know, make sure that I understand kind of where you're -- so if
25 someone gets up on the stand to testify, and they're in a

1 uniform, and they're working for the police department, would
2 you hold that person's testimony in a higher regard based on
3 the position that they hold versus a lay witness?

4 PROSPECTIVE JUROR NO. 149: I mean, not really, no.

5 MR. ERICSSON: Okay. And explain your thought
6 process.

7 PROSPECTIVE JUROR NO. 149: Yeah. I just feel, like,
8 I honestly would a little bit, but I wouldn't, like -- it
9 wouldn't be, like, a deciding factor for me, and I would
10 definitely listen to both sides. It's just, like, if a cop's
11 up there, then you -- I don't know. I just feel as if -- I'm
12 just being honest.

13 MR. ERICSSON: And that's all we're asking for. Let
14 me -- I'm going to ask more questions about that, but there are
15 some people who have had bad experiences with police officers
16 who, you know, come in and say if it's a police officer, I'm
17 less likely to believe them because, you know, my background.
18 I've had bad experiences, and then certainly there are --

19 PROSPECTIVE JUROR NO. 149: Yeah, it's all about
20 experience.

21 MR. ERICSSON: Right. There are lots of people who
22 have had good, nothing but positive experiences with police.
23 They've helped them, and -- and they would evaluate their
24 testimony differently. Because they -- because of their
25 position, they believe that they would be more likely to be

1 truthful. There's nothing wrong with either position or --

2 PROSPECTIVE JUROR NO. 149: Yeah.

3 MR. ERICSSON: -- but when we're determining who is
4 appropriate to sit on a jury, it is relevant, okay.

5 PROSPECTIVE JUROR NO. 149: Yeah, no, I agree.

6 MR. ERICSSON: And just be as truthful as you can.
7 Do you feel that you would hold a police officer's testimony in
8 higher regard because of his or her position --

9 PROSPECTIVE JUROR NO. 149: I would say, yes, like a
10 tiny bit.

11 MR. ERICSSON: Okay. And I appreciate -- appreciate
12 your answer.

13 PROSPECTIVE JUROR NO. 149: No problem.

14 MR. ERICSSON: And this is -- you're going to hear
15 from a lot of police, well, not a lot, but a number of police
16 officers in this case. Is there anybody else who has the same
17 feeling, that they would because of the person's position hold
18 the testimony of a police officer in higher regard because of
19 his or her position?

20 PROSPECTIVE JUROR NO. 172: I think I would, too. I
21 mean just because he is a police officer, that would lend him
22 more credibility than the other, but I believe that it's an
23 immaterial amount, but it would be considered. I mean, it's
24 the fact that he's a police, that he lends a little bit more
25 credibility, but I don't think that's going to impact our

1 judgment, you know, saying that because he's a police officer,
2 so everything he does is right, and that is not correct. Yeah.

3 MR. ERICSSON: Okay. And for the record, it's
4 Mr. Chen --

5 PROSPECTIVE JUROR NO. 172: Yes.

6 MR. ERICSSON: -- who is now speaking. So if it came
7 down to there were two people telling you conflicting things,
8 and one was a police officer and the other wasn't, all other
9 things being equal, would you hold the police officer's
10 testimony in a higher regard?

11 PROSPECTIVE JUROR NO. 172: If everything else equal
12 then, yes, but I would certainly have the doubts about -- about
13 the things because I can't just purely conclude, make the
14 conclusion because, you know, I need some sort of proof to make
15 that judgment.

16 MR. ERICSSON: So is it accurate just you would
17 evaluate everything to determine that?

18 PROSPECTIVE JUROR NO. 172: Right.

19 MR. ERICSSON: But --

20 PROSPECTIVE JUROR NO. 172: But not based -- based on
21 purely because he is officer.

22 MR. ERICSSON: Right. Okay.

23 And I'll ask that hypothetical of the rest of the
24 panel. If you have two witnesses and one's a police officer,
25 the other is not, all the other factors in your evaluation are

1 the same about their testimony, would any others of you hold
2 the police officer's testimony in a higher regard?

3 It's Mr. Bohac, right?

4 PROSPECTIVE JUROR NO. 151: Bohac, yes. I think it
5 completely depends on the evidence because one person can say
6 one thing. Another person can say something else. Whether
7 they have the credibility or not. It depends on what the
8 evidence is to support what they are saying.

9 MR. ERICSSON: Okay.

10 PROSPECTIVE JUROR NO. 151: So I don't believe they
11 would have more credibility, but I think they have more
12 opportunities to be credible, to build the notion that they are
13 credible.

14 MR. ERICSSON: Okay. So with that are you saying
15 that when you're evaluating the testimony of a police officer
16 you would also be evaluating his or her experience and things
17 like that --

18 PROSPECTIVE JUROR NO. 151: Correct.

19 MR. ERICSSON: -- as you're determining the
20 credibility or lack of credibility of the testimony?

21 PROSPECTIVE JUROR NO. 151: Correct.

22 MR. ERICSSON: Would you all agree that there are
23 cases where the police have a good-faith belief that they have
24 the correct suspect, but they are mistaken? Is everybody
25 comfortable with that? That police officers can make mistakes

1 based on information that's given to them from other witnesses
2 and that they can arrest people for crimes that they did not
3 commit? Is everybody completely comfortable and in agreement
4 with that?

5 Ms. Lawson, can we get the microphone to you. So I
6 believe that you indicated that you have a cousin who works for
7 the Las Vegas Metropolitan Police Department?

8 PROSPECTIVE JUROR NO. 171: Yes.

9 MR. ERICSSON: And it sounds like you have a somewhat
10 close relationship with him or her?

11 PROSPECTIVE JUROR NO. 171: When we were younger much
12 closer, but since he is working with Metro not really.

13 MR. ERICSSON: Okay.

14 PROSPECTIVE JUROR NO. 171: I mean, I see him
15 occasionally, but not -- we're not very close.

16 MR. ERICSSON: Okay. And this question has been
17 asked of others, and if it's been asked of you, I apologize,
18 but one of the concerns is that if people have close or just
19 family members or friends who work for the police department
20 that it would be difficult or uncomfortable if they were to
21 later be in a conversation and indicate that they found
22 somebody not guilty of a serious crime. Tell me what your
23 thoughts are if you were to determine that the State has not
24 met its burden of proof and you were to vote for a not guilty
25 verdict in this case and how that would be with interacting

1 with your family?

2 PROSPECTIVE JUROR NO. 171: There would be no issues.

3 MR. ERICSSON: Okay. And why is that? Explain that
4 to me.

5 PROSPECTIVE JUROR NO. 171: It's based on what I
6 learned, the evidence I saw and what I believe to be true, and
7 it's my judgment. It's my decision. So regardless of what
8 they may think or, you know, if -- I would think they would be
9 upset that I didn't side with the State or whatever. That
10 would not influence me.

11 MR. ERICSSON: Okay.

12 PROSPECTIVE JUROR NO. 171: In my decision.

13 MR. ERICSSON: Thank you. Ms. Lugo.

14 Can you pass the microphone (unintelligible)?

15 Have you been a victim or there at -- at your store
16 during a robbery attempt?

17 PROSPECTIVE JUROR NO. 158: Fortunately, no. No. I
18 never see any. No. Luckily, no.

19 MR. ERICSSON: Okay. Did you say unfortunately, no?

20 PROSPECTIVE JUROR NO. 158: No. I said,
21 "Fortunately, no".

22 MR. ERICSSON: Oh. "Fortunately, no." Okay. Okay.
23 Very good.

24 I think a few of you have indicated that in your past
25 you've been accused of things that you didn't do. Does

1 everybody agree that sometimes people have motivations to come
2 up with a -- allegations of criminal conduct where the crime
3 did not occur? Is everybody comfortable with that? That
4 they -- that just because somebody comes in and says that a
5 crime occurred will you all carefully analyze all of the
6 evidence, the testimony as well as the physical evidence, to
7 determine whether or not you believe the State has met its
8 burden?

9 The last general question I have is the reverse of
10 what Ms. Luzaich asked you about being a proper jury -- or
11 juror for the State. Again, I don't know what's in your
12 hearts, but do each of you feel that you -- if you were sitting
13 at the defense table that you would be comfortable with
14 somebody with your life experience and background sitting as a
15 juror on this case?

16 And if I can either get an affirmative nod of the
17 head or a shake of the head no. So I'll ask of all of you as a
18 group. Do each of you feel that if you were sitting at the
19 defense table you would be comfortable with you sitting as a
20 juror on this case?

21 Everyone is nodding their head except for Ms. Chenh.

22 And if I can ask you a few questions. How are you
23 doing this afternoon?

24 PROSPECTIVE JUROR NO. 167: Good.

25 MR. ERICSSON: Good. As you are thinking about

1 possibly being selected to serve as a juror on this case, how
2 do you feel about that?

3 PROSPECTIVE JUROR NO. 167: Well, it's better that
4 you have a chance later because I don't want involved in the
5 case that I don't understand.

6 MR. ERICSSON: And I appreciate that answer. It
7 seems to me that you understand most of what's going on in
8 here.

9 PROSPECTIVE JUROR NO. 167: Uh-huh.

10 MR. ERICSSON: But is it accurate to say that there
11 are some things that are maybe legal language that you don't
12 follow?

13 PROSPECTIVE JUROR NO. 167: Like, the legal case I
14 don't really know about it. Yeah.

15 MR. ERICSSON: Okay. Hold that microphone for one
16 moment.

17 PROSPECTIVE JUROR NO. 158: Can I answer.

18 MR. ERICSSON: Yes. Do you want to respond?

19 PROSPECTIVE JUROR NO. 158: The same thing happened
20 to me. You know, like -- like this kind of conversations.
21 It's easy to hold it, but I would say, you know, like, for
22 example, for, like, those terminologies that you guys use or,
23 like, doctors use or, like, because of the higher speaking
24 language, I don't think I'm comfortable with that too. So
25 that's how I feel.

1 THE COURT: Has anybody used a word -- words today
2 that you didn't understand?

3 PROSPECTIVE JUROR NO. 158: Not today. I'm just
4 thinking, you know, maybe when the case going, you know,
5 like --

6 THE COURT: Because we're not looking for 14 lawyers
7 who will automatically know all the legal terms that somebody
8 might -- might use.

9 PROSPECTIVE JUROR NO. 158: That's the only concern
10 that I have, you know, the terminologies that I never hear
11 before because, you know, English is not my first language.

12 THE COURT: Right.

13 PROSPECTIVE JUROR NO. 158: I mean, I understand a
14 lot, and I speak a lot, but I'm saying, you know --

15 THE COURT: Right --

16 PROSPECTIVE JUROR NO. 158: -- when it goes something
17 higher --

18 THE COURT: Right.

19 PROSPECTIVE JUROR NO. 158: I don't know if I'm going
20 to be able to catch it.

21 THE COURT: Well let me tell you this. Jurors are
22 permitted to ask questions of the witnesses. So if a witness
23 were to use a word that maybe you did not understand, would you
24 promise me that you'd write down the question?

25 PROSPECTIVE JUROR NO. 158: Oh, sure.

1 THE COURT: What did you mean by that?
2 PROSPECTIVE JUROR NO. 158: Yeah.
3 THE COURT: Or I don't know that word.
4 PROSPECTIVE JUROR NO. 158: Okay. If that's the -- I
5 mean, (unintelligible) for myself, I won't do it.
6 THE COURT: All right. Go on, Mr. Ericsson.
7 MR. ERICSSON: Thank you, Your Honor. May we
8 approach?
9 THE COURT: Sure.
10 (Conference at the bench not recorded.)
11 THE COURT: Ms. Chenh in Seat 4, we're going to go
12 ahead and excuse you from these proceedings. All right. Thank
13 you.
14 MR. ERICSSON: Thank you.
15 THE COURT: Counsel, approach.
16 MR. ERICSSON: Sorry.
17 MS. LUZAICH: Sure.
18 (Conference at the bench not recorded.)
19 THE COURT: All right. Subject to our conversation
20 at the bench, pass for cause?
21 MR. ERICSSON: Yes, Your Honor. Thank you.
22 THE COURT: All right. Thank you, Mr. Ericsson.
23 And if the court clerk would please call up the next
24 prospective juror.
25 THE CLERK: Gary Anderson.

1 THE COURT: Good afternoon.
2 PROSPECTIVE JUROR NO. 174: Hi.
3 THE COURT: What do you do for a living?
4 PROSPECTIVE JUROR NO. 174: Computer programmer.
5 THE COURT: All right. And do you just program on
6 your own, or do you work for a business or --
7 PROSPECTIVE JUROR NO. 174: I work for an
8 entertainment company, casinos.
9 THE COURT: Okay. And are you married, domestic
10 partner or significant other?
11 PROSPECTIVE JUROR NO. 174: I live with my
12 girlfriend.
13 THE COURT: What does she do?
14 PROSPECTIVE JUROR NO. 174: She works with healthcare
15 insurance.
16 THE COURT: Okay. And do you -- what does she do,
17 sell insurance, or is she an adjustor or a claims adjustor --
18 PROSPECTIVE JUROR NO. 174: She deals with the
19 denials when people get done with their benefits and -- lots of
20 different things that they have to keep legal in line when
21 they're dealing with benefits and denial benefits and things
22 like that.
23 THE COURT: Okay. And then do you have any children?
24 PROSPECTIVE JUROR NO. 174: No.
25 THE COURT: Have you ever been a juror before?

1 PROSPECTIVE JUROR NO. 174: No.

2 THE COURT: Have you or anyone close to you ever been
3 arrested, charged or accused of a crime?

4 PROSPECTIVE JUROR NO. 174: Not that I can think of.

5 THE COURT: Okay. I saw you thinking there. What
6 about the victim of a crime? Have you been the victim of a
7 crime, or has someone close to you been the victim of a serious
8 crime?

9 PROSPECTIVE JUROR NO. 174: I had my car broken into
10 a couple times at the train station when I left it there and
11 lived in New York.

12 THE COURT: Okay. Back when you lived in New York?

13 PROSPECTIVE JUROR NO. 174: Yeah.

14 THE COURT: Okay. And they what, broke people --
15 somebody broke into it and stole property --

16 PROSPECTIVE JUROR NO. 174: Yes.

17 THE COURT: -- from inside your car?

18 PROSPECTIVE JUROR NO. 174: Yeah.

19 THE COURT: Did you report that to the police?

20 PROSPECTIVE JUROR NO. 174: I think I did.

21 THE COURT: Uh-huh.

22 PROSPECTIVE JUROR NO. 174: I called the insurance
23 company. There wasn't much they could do about it.

24 THE COURT: Uh-huh.

25 PROSPECTIVE JUROR NO. 174: And after the second time

1 I decided to move because I didn't feel that safe there.

2 THE COURT: So you moved from New York here to Clark
3 County?

4 PROSPECTIVE JUROR NO. 174: To New Jersey at the
5 time.

6 THE COURT: Okay. Now, you've heard me, I'm sure,
7 talking to some of the other prospective jurors about the fact
8 that the State has the burden of proving the defendant's guilt
9 beyond a reasonable doubt. Do you have any problems or issues
10 with that concept?

11 PROSPECTIVE JUROR NO. 174: No.

12 THE COURT: Okay. Any problem holding the State to
13 that burden and voting not guilty if they fail to meet it?

14 PROSPECTIVE JUROR NO. 174: No.

15 THE COURT: Conversely, any issues with voting guilty
16 if you feel after due consideration and deliberation that they
17 have met their burden of proof?

18 PROSPECTIVE JUROR NO. 174: No.

19 THE COURT: Did you hear me, Ms. Luzaich or
20 Mr. Ericsson ask any of the other jurors a question that you
21 thought as you sat in the audience, oh, if I were up there, I'd
22 have to raise my hand and answer that question?

23 PROSPECTIVE JUROR NO. 174: Yeah, like about people
24 who use drugs.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR NO. 174: That kind of thing. I
2 grew up in an alcoholic family, and I just kind of have a
3 personal thing against people kind of about -- who use drugs,
4 and until a couple years ago, I didn't quite realize it, and I
5 lived up in California, went to a party with some people, and
6 they were doing the vaping and stuff like that, and I just real
7 had a negative reaction to that, and I realized I just -- that
8 kind of thing, it's just I think less of people who use
9 recreational drugs.

10 THE COURT: Okay. Okay. And is that the same for
11 people who use alcohol or use alcohol excessively?

12 PROSPECTIVE JUROR NO. 174: Excessively, yeah, I
13 would say so.

14 THE COURT: But not, like --

15 PROSPECTIVE JUROR NO. 174: But in general no.

16 THE COURT: Okay. Do you own firearms?

17 PROSPECTIVE JUROR NO. 174: Yes.

18 THE COURT: Many firearms or --

19 PROSPECTIVE JUROR NO. 174: One.

20 THE COURT: One. Is that for home protection or
21 hunting or sport or --

22 PROSPECTIVE JUROR NO. 174: Home protection.

23 THE COURT: Okay. And any friends or family in law
24 enforcement?

25 PROSPECTIVE JUROR NO. 174: No.

1 THE COURT: No one. Okay.

2 PROSPECTIVE JUROR NO. 174: I used to be a
3 correctional officer many years ago just part-time.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 174: But other than that, no.

6 THE COURT: Where was that that you worked as a
7 correctional officer?

8 PROSPECTIVE JUROR NO. 174: At the time it was called
9 Purdy Treatment Center for Women.

10 THE COURT: Okay.

11 PROSPECTIVE JUROR NO. 174: It was the Washington
12 State Women's Correctional Center.

13 THE COURT: All right. And was that like the prison?

14 PROSPECTIVE JUROR NO. 174: Yes.

15 THE COURT: It was post trial, correct?

16 PROSPECTIVE JUROR NO. 174: Yes, it's --

17 THE COURT: They'd already been convicted.

18 PROSPECTIVE JUROR NO. 174: -- real prison. Yes.

19 THE COURT: Okay. And how long did you do that for?

20 PROSPECTIVE JUROR NO. 174: Oh, not long, like about
21 six months. It was -- I had graduated from college. It was a
22 two weeks on, two weeks off. People on training relief, I
23 would take their jobs so I'd work in the units. I'd work in
24 max. I'd do this and that.

25 THE COURT: Okay. I don't have any other questions

1 for you, but Ms. Luzaich can follow up.

2 MS. LUZAICH: Thank you.

3 Hi, Mr. Anderson.

4 PROSPECTIVE JUROR NO. 174: Hi.

5 MS. LUZAICH: You said that because of the experience
6 that you had growing up that if somebody is using recreational
7 drugs you think less of them?

8 PROSPECTIVE JUROR NO. 174: Yeah, I think so.

9 MS. LUZAICH: Is that how you would --

10 PROSPECTIVE JUROR NO. 174: Yes. Yeah.

11 MS. LUZAICH: Do you mean that if somebody comes into
12 court and testifies and says that they have used illegal drugs
13 that you're automatically going to disbelieve what they say?

14 PROSPECTIVE JUROR NO. 174: Yeah, I think I would
15 tend to be unbiased in that way.

16 THE COURT: Do you mean biased?

17 PROSPECTIVE JUROR NO. 174: Yeah. Sorry. That is
18 what I meant. I would have a bias there.

19 THE COURT: Let me ask you this. Do you think that
20 people who use drugs can also be truthful?

21 PROSPECTIVE JUROR NO. 174: Yes.

22 THE COURT: Do you think that drug use can impact a
23 person's ability to perceive and recall events?

24 PROSPECTIVE JUROR NO. 174: I think it can, yes.

25 THE COURT: Go on, Ms. Luzaich. Sorry.

1 MS. LUZAICH: I would challenge.

2 THE COURT: All right. I'll see counsel up here.

3 (Conference at the bench not recorded.)

4 THE COURT: Let me ask you this: if someone were to
5 testify as a witness in this case and indicate in their
6 testimony, or you learned through other evidence that that
7 person was a user of recreational drugs, would you
8 automatically disbelieve that person's testimony, or could you
9 consider it with an open mind and weigh the drug use as one of
10 other factors in determining that person's credibility?

11 PROSPECTIVE JUROR NO. 174: I would listen to what
12 they had to say.

13 THE COURT: Okay. Would you automatically discredit
14 it, or, like I said, could you -- could you consider the drug
15 use and other factors to determine whether or not it was
16 credible?

17 PROSPECTIVE JUROR NO. 174: I would --

18 THE COURT: Or not credible.

19 PROSPECTIVE JUROR NO. 174: Yeah, I would take into
20 account the drug use in determining the credibility of it.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 174: But I would listen to
23 what they had to say.

24 THE COURT: Okay. Thank you.

25 Mr. Ericsson.

1 Oh, did you have follow up, Ms. Luzaich?

2 MS. LUZAICH: Yeah.

3 THE COURT: Sure.

4 MS. LUZAICH: Thank you.

5 No, not to beat a dead horse or anything, so it's
6 possible that you could accept what that person has to say. Is
7 that what you mean?

8 PROSPECTIVE JUROR NO. 174: It's possible, but I
9 wouldn't be unbiased.

10 MS. LUZAICH: Okay. You're biased --

11 PROSPECTIVE JUROR NO. 174: Right. Yeah.

12 MS. LUZAICH: -- but it's, I mean, like, everything
13 is possible, I guess, one would say.

14 PROSPECTIVE JUROR NO. 174: Yeah.

15 MS. LUZAICH: If you were --

16 PROSPECTIVE JUROR NO. 174: It's hard for me to say
17 definitely one-way or the other.

18 MS. LUZAICH: Okay. You know, like I said, there are
19 no wrong answers here, only honest answers. So I appreciate
20 that. If you were me representing the State of Nevada, would
21 you want you, knowing what you know about yourself, to sit on
22 this jury?

23 PROSPECTIVE JUROR NO. 174: Maybe not.

24 MS. LUZAICH: Okay. And like I said --

25 PROSPECTIVE JUROR NO. 174: Just because of some of

1 the issues here.

2 MS. LUZAICH: I appreciate your honesty. Thank you
3 very much.

4 THE COURT: Mr. Ericsson, you may question the
5 witness -- I'm sorry, juror.

6 MR. ERICSSON: You're almost done, I think. But let
7 me just follow up that when you say possibly not being
8 comfortable if you were a prosecutor and having you sit on this
9 jury, are there things other than that you would have some
10 negative evaluation of someone who is using illegal drugs and
11 evaluating their testimony?

12 PROSPECTIVE JUROR NO. 174: Not any other than I've
13 said, but then there was the other issue about the sexual stuff
14 that it was mentioned before because, like, I know people who
15 have been sexually assaulted, and I have some memories of my
16 own of similar things like that. So when I started hearing
17 them talking about that I just really got -- really started
18 getting tweaked about that.

19 MR. ERICSSON: Okay. So is it fair to say that in
20 your heart you feel that this isn't the proper type of case for
21 you to sit as a juror?

22 PROSPECTIVE JUROR NO. 174: Probably not. Yeah.

23 MR. ERICSSON: Okay. Thank you.

24 PROSPECTIVE JUROR NO. 174: Yeah.

25 THE COURT: Submitted?

1 MR. ERICSSON: Yes, Your Honor.

2 THE COURT: All right. We're going to go ahead and
3 excuse you from this proceedings. As you already heard, there
4 are 32 departments. A little over half of them probably are in
5 civil session. So you may be reassigned to a department
6 handling a civil matter.

7 PROSPECTIVE JUROR NO. 174: All right. Thank you,
8 Your Honor.

9 THE COURT: All right. Thank you.

10 And if the court clerk would please call up the next
11 prospective juror.

12 THE CLERK: Mike -- Michael Wasinger.

13 THE COURT: Good afternoon. What do you do for a
14 living?

15 PROSPECTIVE JUROR NO. 175: I'm the Assistant Vice
16 President of Internal Communications at Credit One Bank.

17 THE COURT: And are you married, domestic partner --

18 PROSPECTIVE JUROR NO. 175: Domestic partner.

19 THE COURT: And what does that person do?

20 PROSPECTIVE JUROR NO. 175: He is a purchaser at
21 Clark County School District.

22 THE COURT: Okay. And do you have any children?

23 PROSPECTIVE JUROR NO. 175: No.

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

25 PROSPECTIVE JUROR NO. 175: No.

1 THE COURT: Have you or anyone close to you ever been
2 arrested, charged, or accused of a crime?

3 PROSPECTIVE JUROR NO. 175: Yes.

4 THE COURT: Okay. Tell me about that.

5 PROSPECTIVE JUROR NO. 175: In my early 20s I was
6 arrested for suspicion of driving under the influence.

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 175: And I sought legal
9 counsel and plead to a lesser charge.

10 THE COURT: All right. Was that here in Clark
11 County?

12 PROSPECTIVE JUROR NO. 175: No. It was in Kansas
13 City, Missouri.

14 THE COURT: All right. And so you had a plea
15 negotiation in the case, and what did you plead to, a reckless
16 or something like that?

17 PROSPECTIVE JUROR NO. 175: Yes.

18 THE COURT: Okay. Any feeling as to how you were
19 treated in the system, whether it was law enforcement, the
20 prosecutor, the judge?

21 PROSPECTIVE JUROR NO. 175: Not really. Everything
22 was --

23 THE COURT: It was fair?

24 PROSPECTIVE JUROR NO. 175: -- fair and fine. Yes.

25 THE COURT: Anything else -- anything involving a

1 family member or close friend, close -- person close to you?

2 PROSPECTIVE JUROR NO. 175: No.

3 THE COURT: Have you ever been the victim of a crime?

4 PROSPECTIVE JUROR NO. 175: No.

5 THE COURT: Has someone close to you been the victim
6 of a serious crime?

7 PROSPECTIVE JUROR NO. 175: No.

8 THE COURT: Did you hear any of us -- me, Ms. Luzaich
9 or Mr. Ericsson -- ask any of the other potential jurors a
10 question that as you sat in the audience you thought I'll have
11 to raise my hand on that one if I were sitting in the box?

12 PROSPECTIVE JUROR NO. 175: No, I did not.

13 THE COURT: Nothing. Do you have any friends or
14 family who work in law enforcement?

15 PROSPECTIVE JUROR NO. 175: No, I do not.

16 THE COURT: Nothing. All right. Do you feel like
17 you're the type of person who would make a good juror?

18 PROSPECTIVE JUROR NO. 175: Yes, I do.

19 THE COURT: And tell me why?

20 PROSPECTIVE JUROR NO. 175: I believe I'm fair,
21 impartial, basic understanding of responsibilities of the
22 court.

23 THE COURT: Okay. So can you keep an open mind if
24 you're selected in this case until you've heard all of the
25 evidence presented?

1 PROSPECTIVE JUROR NO. 175: I believe so.
2 THE COURT: All Right. Thank you.
3 Ms. Luzaich.
4 MS. LUZAICH: Thank you.
5 Good afternoon.
6 PROSPECTIVE JUROR NO. 175: Hi.
7 MS. LUZAICH: Do you have any strong opinions about
8 drugs, people who use drugs?
9 PROSPECTIVE JUROR NO. 175: No strong opinions, no.
10 MS. LUZAICH: Mild opinions?
11 PROSPECTIVE JUROR NO. 175: Mild opinions, but
12 nothing as severe as the previous gentleman.
13 MS. LUZAICH: So if you hear from an individual who
14 says that she has used drugs in the past, can you just listen
15 to her testimony objectively and evaluate it the same as you
16 would any other witness?
17 PROSPECTIVE JUROR NO. 175: I believe so. Yes.
18 MS. LUZAICH: And, I mean, obviously you'd take that
19 into consideration?
20 PROSPECTIVE JUROR NO. 175: Correct.
21 MS. LUZAICH: But you don't discard what she has to
22 say simply because of that?
23 PROSPECTIVE JUROR NO. 175: I would not discard
24 simply on that basis.
25 MS. LUZAICH: Do you think that somebody who does

1 something foolish, something you or I might not do, is still
2 entitled to the same protection under that law that you and I
3 are?

4 PROSPECTIVE JUROR NO. 175: Absolutely.

5 MS. LUZAICH: Do you have any opinions -- strong
6 opinions -- about guns, people who own guns or have guns?

7 PROSPECTIVE JUROR NO. 175: No.

8 MS. LUZAICH: Do you have a gun?

9 PROSPECTIVE JUROR NO. 175: We have guns in our
10 household, yes.

11 MS. LUZAICH: For protection?

12 PROSPECTIVE JUROR NO. 175: And hunting, yes.

13 MS. LUZAICH: Would you agree that different people
14 perceive things differently?

15 PROSPECTIVE JUROR NO. 175: Yes.

16 MS. LUZAICH: And that's something that you would
17 take into consideration?

18 PROSPECTIVE JUROR NO. 175: Yes.

19 MS. LUZAICH: And different people react differently
20 to a particular set of circumstances?

21 PROSPECTIVE JUROR NO. 175: Correct.

22 MS. LUZAICH: So if an individual gets up there and
23 testifies and does not react the way that you think your sister
24 or your mother or your second cousin might have, you're not
25 going to automatically discount that person's testimony?

1 PROSPECTIVE JUROR NO. 175: Correct.

2 MS. LUZAICH: If you were me, would you want you as a
3 juror in this case?

4 PROSPECTIVE JUROR NO. 175: I believe so.

5 MS. LUZAICH: Thank you.

6 Pass for cause.

7 THE COURT: Mr. Ericsson.

8 MR. ERICSSON: Thank you, Your Honor.

9 Good afternoon, sir.

10 PROSPECTIVE JUROR NO. 175: Good afternoon.

11 MR. ERICSSON: I apologize. I know you said your
12 title, but I didn't catch it. What kind of work do you do?

13 PROSPECTIVE JUROR NO. 175: Internal communications.

14 MR. ERICSSON: And what does generally that mean?

15 PROSPECTIVE JUROR NO. 175: Communicating to and for
16 employees of an organization.

17 MR. ERICSSON: Okay. And what's the highest level of
18 education you have?

19 PROSPECTIVE JUROR NO. 175: I have a master's degree.

20 MR. ERICSSON: Okay. And what's that in?

21 PROSPECTIVE JUROR NO. 175: I have an MBA in --
22 emphasis in marketing.

23 MR. ERICSSON: Okay. You've obviously been here for
24 a long time sitting through all these questions, and we're now,
25 you know, coming towards the end, but all of the others have

1 been asked lots of questions, and I -- I want to focus on a few
2 things, but if you can kind of help me understand how you would
3 perceive us at the defense table having somebody like you
4 sitting as a juror. So are you completely comfortable with the
5 constitutional right that Mr. Elam has to have a jury that at
6 this stage presumes that he is innocent?

7 PROSPECTIVE JUROR NO. 175: I am comfortable with
8 that, yes.

9 MR. ERICSSON: And tell me what's your -- why is
10 that? Why do you think that is appropriate?

11 PROSPECTIVE JUROR NO. 175: I mean, I have a basic
12 fundamental agreement with the constitution and the rights set
13 forth, you know, that we're all entitled to the same rights
14 as -- being innocent until proven guilty.

15 MR. ERICSSON: Okay. What are your feelings about
16 testimony from law enforcement officers, and how would you
17 evaluate their testimony?

18 PROSPECTIVE JUROR NO. 175: I mean, I believe I'd
19 evaluate it the same as I'd evaluate other testimony given the,
20 you know, whatever the, you know, the basis of what they're
21 saying, and I can't really say with past experience, but I
22 believe that I would hold them to the same level of
23 credibility.

24 MR. ERICSSON: Okay. So is it accurate to say that
25 because they're a law enforcement officer their position would

1 not cause you to give them more weight for their testimony than
2 a layperson?

3 PROSPECTIVE JUROR NO. 175: Perhaps. I mean, similar
4 to what some of the other folks have said, you know, you would
5 have a slight initial reaction to want to give them more
6 credibility because they are a member of law enforcement, but
7 not ultimately, and that would be the only thing.

8 MR. ERICSSON: Okay. And I want to then focus on
9 that.

10 PROSPECTIVE JUROR NO. 175: Okay.

11 MR. ERICSSON: Why is it that you feel that you would
12 initially give them -- their testimony more weight because of
13 their position in law enforcement?

14 PROSPECTIVE JUROR NO. 175: You know, I believe that
15 for the most part law enforcement is here to serve and protect,
16 and my experiences have always been relatively positive with
17 law enforcement.

18 MR. ERICSSON: Okay.

19 PROSPECTIVE JUROR NO. 175: In terms of doing the
20 right thing and things like that.

21 MR. ERICSSON: Okay. So then because of their
22 position they would start out on a higher credibility level
23 that a non law enforcement witness?

24 PROSPECTIVE JUROR NO. 175: That's fair to say.
25 Yes.

1 MR. ERICSSON: Okay. Your Honor, I would challenge
2 him for cause.

3 THE COURT: Counsel approach.

4 (Conference at bench not recorded)

5 THE COURT: Anything else, Mr. Ericsson?

6 MR. ERICSSON: No, Your Honor. Thank you.

7 THE COURT: All right. State, you may exercise your
8 first challenge.

9 MS. LUZAICH: Thank you, Your Honor. The State would
10 thank and ask the Court to excuse Juror Badge No. 148, Mr.
11 Macko. Thanks.

12 THE COURT: Sir, thank you for being here and your
13 willingness to serve as a juror. You are excused at this time.

14 And if the clerk would please call up the next
15 prospective juror.

16 THE CLERK: Amber Baldwin.

17 THE COURT: Good afternoon, Ms. Baldwin.

18 PROSPECTIVE JUROR NO. 176: Hello.

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

20 PROSPECTIVE JUROR NO. 176: I'm a teacher.

21 THE COURT: With the Clark County School District?

22 PROSPECTIVE JUROR NO. 176: Yes.

23 THE COURT: And what grade level so you teach?

24 PROSPECTIVE JUROR NO. 176: Third grade.

25 THE COURT: And that's kind of all subjects?

1 PROSPECTIVE JUROR NO. 176: Yes.
2 THE COURT: Okay. And are you married, domestic
3 partners, significant --
4 PROSPECTIVE JUROR NO. 176: Single.
5 THE COURT: None of the above.
6 PROSPECTIVE JUROR NO. 176: Correct.
7 THE COURT: Any children?
8 PROSPECTIVE JUROR NO. 176: No.
9 THE COURT: Have you ever been a juror before?
10 PROSPECTIVE JUROR NO. 176: A couple years ago.
11 THE COURT: Okay.
12 PROSPECTIVE JUROR NO. 176: Yes.
13 THE COURT: And was that here in Clark County?
14 PROSPECTIVE JUROR NO. 176: Yes.
15 THE COURT: Okay. Do you recall if it was a civil
16 case or a criminal case?
17 PROSPECTIVE JUROR NO. 176: I believe it was a civil
18 case.
19 THE COURT: Okay. So it was a lawsuit between --
20 PROSPECTIVE JUROR NO. 176: Uh-huh.
21 THE COURT: Do you recall what it was about?
22 PROSPECTIVE JUROR NO. 176: I want to say it was a
23 traffic incident.
24 THE COURT: Okay. Somebody was hurt in a traffic
25 accident?

1 PROSPECTIVE JUROR NO. 176: Uh-huh. Yes.

2 THE COURT: Okay. And don't tell me what the verdict
3 was, but did the jury in that case reach a verdict?

4 PROSPECTIVE JUROR NO. 176: No.

5 THE COURT: Did you go in the back and deliberate?

6 PROSPECTIVE JUROR NO. 176: No.

7 THE COURT: Okay. What happened? Was the case
8 resolved?

9 PROSPECTIVE JUROR NO. 176: Yes. It was, like,
10 dismissed after a couple of days.

11 THE COURT: Okay. So what, the judge or the bailiff
12 said --

13 PROSPECTIVE JUROR NO. 176: Correct.

14 THE COURT: -- oh, you guys can go home now?

15 PROSPECTIVE JUROR NO. 176: Yes.

16 THE COURT: Okay. And have you or anyone close to
17 you ever been arrested, charged or accused of a crime?

18 PROSPECTIVE JUROR NO. 176: No.

19 THE COURT: How about the victim of a crime?

20 PROSPECTIVE JUROR NO. 176: No.

21 THE COURT: Have you ever been the victim of a crime?
22 Nothing?

23 PROSPECTIVE JUROR NO. 176: No.

24 THE COURT: What about someone close to you?

25 PROSPECTIVE JUROR NO. 176: No.

1 THE COURT: No. Okay. Did you hear me or the
2 lawyers ask any of the other jurors a question that, as you sat
3 in the audience, you thought, oh, I'd have to answer that one
4 if I were sitting up in the jury box?

5 PROSPECTIVE JUROR NO. 176: When you talked about the
6 drug use and --

7 THE COURT: Okay.

8 PROSPECTIVE JUROR NO. 176: -- the alcohol use.

9 THE COURT: Okay. What are your feelings about that?

10 PROSPECTIVE JUROR NO. 176: I'm kind of, just because
11 of my religious beliefs, a little apprehensive about that kind
12 of behavior and what happens.

13 THE COURT: Okay. Have you in your own personal life
14 experienced a close friend or family member who has had an
15 issue or problem with drugs or alcohol?

16 PROSPECTIVE JUROR NO. 176: Yes.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 176: I had a family member.

19 THE COURT: Okay. Do you feel that just because
20 somebody uses drugs or alcohol that they're automatically not
21 credible, or do you believe that somebody could be telling the
22 truth even if they're an alcohol or drug abuser?

23 PROSPECTIVE JUROR NO. 176: Uh-huh.

24 THE COURT: What are your feelings on that?

25 PROSPECTIVE JUROR NO. 176: I feel that they're more

1 not credible.

2 THE COURT: Okay. Do you feel they're always not
3 credible or sometimes might be credible and sometimes might not
4 be?

5 PROSPECTIVE JUROR NO. 176: Uh-huh. Sometimes might
6 not be.

7 THE COURT: Okay. All right. Is that one of the
8 factors that you can consider among other factors to determine
9 whether or not somebody is a credible witness?

10 PROSPECTIVE JUROR NO. 176: Possibly.

11 THE COURT: Okay. What do you mean possibly?

12 PROSPECTIVE JUROR NO. 176: I would have to hear the
13 other evidence and circumstances.

14 THE COURT: Okay. All right. So kind of look to see
15 whether their testimony is corroborated by other evidence. Is
16 that something you would look to?

17 PROSPECTIVE JUROR NO. 176: Correct.

18 THE COURT: All right. Do you feel like you're the
19 kind of person who would make a good juror?

20 PROSPECTIVE JUROR NO. 176: I do. Yeah
21 (unintelligible).

22 THE COURT: Okay. Can you tell me why? What
23 qualities do you have that would make you a good juror?

24 PROSPECTIVE JUROR NO. 176: I would listen to the
25 evidence and outweigh the evidence.

1 THE COURT: Okay. All right. Ms. Luzaich, you may
2 follow up.

3 MS. LUZAICH: Thank you.

4 Good afternoon, Ms. Baldwin.

5 PROSPECTIVE JUROR NO. 176: Good afternoon.

6 MS. LUZAICH: You mentioned that your religious
7 beliefs cause you apprehension when talking about people and
8 their drug and alcohol habits?

9 PROSPECTIVE JUROR NO. 176: Correct.

10 MS. LUZAICH: And I mean no disrespect when I say
11 this, but how does your religious beliefs play into it?

12 PROSPECTIVE JUROR NO. 176: Just because I don't
13 believe in, you know, taking drugs and alcohol and things like
14 that. So I might be a little bit more, you know, leery of
15 their testimony if I heard that.

16 MS. LUZAICH: Okay. Do you think that -- Mr.
17 Anderson, when he was sitting here earlier, he said that he
18 would be biased --

19 PROSPECTIVE JUROR NO. 176: Uh-huh.

20 MS. LUZAICH: -- that he couldn't be objective when
21 he listens to somebody who is going to talk about using
22 alcohol, drugs -- actually his was drugs, not alcohol.

23 PROSPECTIVE JUROR NO. 176: Okay.

24 MS. LUZAICH: Do you think that you might feel the
25 same way?

1 PROSPECTIVE JUROR NO. 176: I might.

2 MS. LUZAICH: Okay. Do your religious beliefs also
3 kind of inhibit your ability to sit in judgment of somebody?

4 PROSPECTIVE JUROR NO. 176: Inhibit my ability,
5 possibly. Yes. Uh-huh.

6 MS. LUZAICH: Some people just can't sit in judgment.
7 Some can. Some can't. And if you're one of those, we just
8 need to know. That's all.

9 PROSPECTIVE JUROR NO. 176: Uh-huh.

10 MS. LUZAICH: You think?

11 PROSPECTIVE JUROR NO. 176: I think so.

12 MS. LUZAICH: Okay. Thank you very much.

13 THE COURT: And, you know, sometimes when we say
14 judgment, the jury doesn't impose the sentence.

15 PROSPECTIVE JUROR NO. 176: Right. Correct.

16 THE COURT: That's the job of the Court if, and only
17 if, the jury finds the defendant guilty. The job of the jury
18 is to listen to the evidence --

19 PROSPECTIVE JUROR NO. 176: Correct.

20 THE COURT: -- listen to the instructions on the law
21 which I give at the conclusion of the case, and then decide
22 whether or not the State has met it's burden of proof, whether
23 they've proven the defendant committed the crimes charged
24 beyond a reasonable doubt. Do you think you would be able to
25 do that?

1 PROSPECTIVE JUROR NO. 176: Possibly.

2 THE COURT: Okay. When you say possibly, where do
3 you feel --

4 PROSPECTIVE JUROR NO. 176: I just --

5 THE COURT: -- or what do you feel you'd have trouble
6 doing or wouldn't be able to do?

7 PROSPECTIVE JUROR NO. 176: I mean, it kind of
8 depends on, like, what they were doing. I don't know if --
9 what they were involved in, and if it's something, like,
10 criminal or illegal, I don't know. I would tend to kind of
11 veer away from that or be more -- I don't know -- maybe -- I
12 don't want to say judgmental, but possibly judgmental.

13 THE COURT: Okay. So you feel that because of your
14 religious beliefs you might actually judge the person more
15 harshly than somebody who didn't share your religious beliefs?

16 PROSPECTIVE JUROR NO. 176: Uh-huh. Yes.

17 THE COURT: Okay. And again, the function of the
18 jury isn't to pronounce sentence. It's just to determine
19 whether or not the State has proven the defendant's guilt
20 beyond a reasonable doubt.

21 PROSPECTIVE JUROR NO. 176: Correct.

22 THE COURT: How do you feel that your religious
23 beliefs could impact your ability to do that?

24 PROSPECTIVE JUROR NO. 176: Well, I would listen to
25 the testimony and try to come up with a fair enough verdict

1 that I -- a fair verdict listening to the evidence.

2 THE COURT: Okay. Mr. Ericsson.

3 MR. ERICSSON: Good afternoon, ma'am.

4 PROSPECTIVE JUROR NO. 176: Good afternoon.

5 MR. ERICSSON: I want to go back to one of the
6 earlier questions and just confirm this. You indicated that
7 you thought that you could be a good juror on this type of a
8 case; is that right?

9 PROSPECTIVE JUROR NO. 176: I would try my best.
10 Yes.

11 MR. ERICSSON: Okay. Kind of a standard question
12 that both sides ask, do you feel that if you were Ms. Luzaich
13 at the prosecution table or here at the defense table that you
14 would be comfortable with somebody with your mindset and
15 background sitting as a juror on this case?

16 PROSPECTIVE JUROR NO. 176: Yes. I guess.

17 MR. ERICSSON: Okay. And I can tell you're thinking.
18 You kind of hesitated in your response. Explain your answer.

19 PROSPECTIVE JUROR NO. 176: I think I would be fair
20 listening to the evidence.

21 MR. ERICSSON: Okay. What type of college degree do
22 you have? What did you study in college?

23 PROSPECTIVE JUROR NO. 176: I have a master's in
24 education.

25 MR. ERICSSON: Okay. And what was your undergrad

1 degree in?

2 PROSPECTIVE JUROR NO. 176: It was in communications.

3 MR. ERICSSON: Okay. One of the things that the
4 Judge may tell you in the instructions is that in the United
5 States we all have a constitutional right to testify at a trial
6 if we want to or to not testify if we are charged with a crime,
7 if we choose. Would you be comfortable if Mr. Elam decided not
8 to testify in this trial? Would you hold that against him?

9 PROSPECTIVE JUROR NO. 176: No.

10 MR. ERICSSON: Okay. So you're comfortable with the
11 constitutional right that we have to not testify and that a
12 jury cannot use that decision against the person?

13 PROSPECTIVE JUROR NO. 176: Yes.

14 MR. ERICSSON: Okay. What are your thoughts about
15 evaluating law enforcement testimony?

16 PROSPECTIVE JUROR NO. 176: I would listen to the
17 evidence and see how it's presented. I think I could be fair.

18 MR. ERICSSON: Okay. So do you hold the belief that
19 police officers are like all of us, that they can make mistakes
20 and they can be correct?

21 PROSPECTIVE JUROR NO. 176: Sure.

22 MR. ERICSSON: And do you feel that you would be able
23 to evaluate their testimony like any other witness that might
24 take the stand?

25 PROSPECTIVE JUROR NO. 176: Yes.

1 MR. ERICSSON: Okay. Great. Thank you very much.
2 Pass for cause.
3 THE COURT: All right. Thank you. Defense's first.
4 MR. ERICSSON: Your Honor, the defense would thank
5 and excuse Juror 171, Patricia Lawson.
6 THE COURT: Ms. Lawson, thank you very much for being
7 here and your willingness to serve as a juror.
8 PROSPECTIVE JUROR NO. 171: Thank you.
9 THE COURT: You are excused at this time.
10 And if the clerk would please call up the next
11 prospective juror.
12 THE CLERK: Cody Roper.
13 THE COURT: Good afternoon. What do you do for a
14 living?
15 PROSPECTIVE JUROR NO. 177: I work for Community
16 Ambulance.
17 THE COURT: What do you do for them?
18 PROSPECTIVE JUROR NO. 177: I'm an EMT.
19 THE COURT: All right. And are you married, domestic
20 partner, significant other?
21 PROSPECTIVE JUROR NO. 177: Single.
22 THE COURT: All right. Any children?
23 PROSPECTIVE JUROR NO. 177: No.
24 THE COURT: How long have you been working as an EMT?
25 PROSPECTIVE JUROR NO. 177: One month.

1 THE COURT: Okay. What did you do before that?

2 PROSPECTIVE JUROR NO. 177: I worked for a company
3 called Rocky Research.

4 THE COURT: And what did you do with them?

5 PROSPECTIVE JUROR NO. 177: I was a technician. They
6 work under government contract. So --

7 THE COURT: All right. In the one month you've
8 worked as an EMT, have you had to respond to any crimes, or has
9 it been mainly, like, heart attacks and car accidents and that
10 sort of thing?

11 PROSPECTIVE JUROR NO. 177: More medical.

12 THE COURT: All medical?

13 PROSPECTIVE JUROR NO. 177: Mostly, yeah.

14 THE COURT: Okay. Any interaction or much
15 interaction with the police at all?

16 PROSPECTIVE JUROR NO. 177: Yeah.

17 THE COURT: Under what kinds of circumstances?

18 PROSPECTIVE JUROR NO. 177: A lot of Legal 2000s.

19 THE COURT: Okay. And you said no children?

20 PROSPECTIVE JUROR NO. 177: No children.

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

22 PROSPECTIVE JUROR NO. 177: No.

23 THE COURT: Have you are anyone close to you ever
24 been arrested, charged or accused of a crime?

25 PROSPECTIVE JUROR NO. 177: No.

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

3 PROSPECTIVE JUROR NO. 177: No.

4 THE COURT: All right. Has anyone close to you been
5 the victim of a serious crime?

6 PROSPECTIVE JUROR NO. 177: No.

7 THE COURT: Do you have any friends or family who
8 work or have worked in law enforcement?

9 PROSPECTIVE JUROR NO. 177: No.

10 THE COURT: Did you hear any of us ask -- me, Mr.
11 Ericsson, Ms. Luzaich -- a question of any of the other jurors
12 that you thought, oh, I'd have to raise my hand and respond in
13 the affirmative to that question?

14 PROSPECTIVE JUROR NO. 177: Well, the one thing that
15 I'm concerned about is that I work nights.

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 177: And they asked if I would
18 be a good juror, and my thing is I'm dead tired right now.

19 THE COURT: Right.

20 PROSPECTIVE JUROR NO. 177: I worked all night last
21 night. I've been up since 11:00 yesterday. So --

22 THE COURT: Yeah. We ask --

23 PROSPECTIVE JUROR NO. 177: -- I'm worried about
24 coming here and being -- I mean, I'm out of it right now.

25 THE COURT: Right.

1 PROSPECTIVE JUROR NO. 177: I'm tired.

2 THE COURT: Well, just like the people who work day
3 shift can't go to work when they're here as jurors --

4 PROSPECTIVE JUROR NO. 177: Yeah.

5 THE COURT: -- we ask that the people who work swing
6 and graveyard not go to work to the extent that they'll be
7 tired because obviously we need jurors who can pay attention.

8 PROSPECTIVE JUROR NO. 177: Yeah.

9 THE COURT: -- and make this a priority.

10 PROSPECTIVE JUROR NO. 177: Well, if I can, I would
11 like to work, you know.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 177: So if -- I will work if.

14 THE COURT: Right.

15 PROSPECTIVE JUROR NO. 177: -- if the hours --

16 THE COURT: Right. But just so you know, your
17 employer does -- he doesn't -- your employer doesn't have to
18 pay you.

19 PROSPECTIVE JUROR NO. 177: Yeah (unintelligible).

20 THE COURT: But they do have to excuse you for jury
21 service. Any other concerns about serving as a juror other
22 than missing work?

23 PROSPECTIVE JUROR NO. 177: No.

24 THE COURT: All right. Do you feel like you're the
25 kind of person who would make a good juror?

1 PROSPECTIVE JUROR NO. 177: Yeah.

2 THE COURT: And tell me why that is.

3 PROSPECTIVE JUROR NO. 177: I'm pretty good at
4 sitting and listening.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 177: I sit back and listen to
7 both sides.

8 THE COURT: All right. And you understand again that
9 the defense doesn't have to present any evidence or call any
10 witnesses?

11 PROSPECTIVE JUROR NO. 177: Yeah. And I'm not too
12 familiar with this whole setting.

13 THE COURT: Okay.

14 PROSPECTIVE JUROR NO. 177: So that was one question
15 I had was --

16 THE COURT: Okay. The reason for that is the State
17 has the burden of proving the defendant's guilt beyond a
18 reasonable doubt. The defense doesn't have to prove anything,
19 and since the defense doesn't have to prove anything, they
20 don't have to call any witnesses. So even if the defendant's
21 attorney does nothing and the State doesn't prove the
22 defendant's guilt beyond a reasonable doubt, so if you listen
23 to the evidence, you listen to the instructions on the law, you
24 go in the back and you talk about it and weigh everything and
25 you feel like, you know what, it wasn't credible or I -- they

1 just didn't prove it beyond a reasonable doubt for whatever
2 reason, the defendant's entitled to a verdict of not guilty
3 regardless of what they present or do not present. Are you
4 comfortable with that --

5 PROSPECTIVE JUROR NO. 177: Yeah.

6 THE COURT: -- constitutional right? Constitutional
7 protection?

8 PROSPECTIVE JUROR NO. 177: Yeah.

9 THE COURT: All right. Ms. Luzaich, you may follow
10 up with this prospective juror.

11 MS. LUZAICH: Thank you.

12 So do you still -- if you sit as a juror in this
13 case, do you still intend to go to work, like, tonight?
14 Tomorrow night?

15 PROSPECTIVE JUROR NO. 177: Oh, yeah. Yeah.

16 MS. LUZAICH: How are you going to listen?

17 PROSPECTIVE JUROR NO. 177: I mean, I'll be all
18 right.

19 THE COURT: What if we tell you you can't go to work?

20 PROSPECTIVE JUROR NO. 177: I mean, can you do that?

21 MS. LUZAICH: Is it a problem for you to not go to
22 work?

23 PROSPECTIVE JUROR NO. 177: I mean, financially I
24 would like to go to work. I mean, it's --

25 MS. LUZAICH: Would you not get paid if you didn't

1 go?

2 PROSPECTIVE JUROR NO. 177: No.

3 THE COURT: Do you know whether or not you'll get
4 paid?

5 PROSPECTIVE JUROR NO. 177: No, I'm not sure.

6 THE COURT: Some employers do pay for so many days of
7 jury service.

8 PROSPECTIVE JUROR NO. 177: Uh-huh.

9 THE COURT: Do you whether your employer pays or
10 doesn't pay?

11 PROSPECTIVE JUROR NO. 177: I do not, no.

12 THE COURT: Okay. So you didn't talk to them about
13 that before you came in today?

14 PROSPECTIVE JUROR NO. 177: No. No. I just told
15 them I was coming because I came straight from work so I got
16 off early, but --

17 THE COURT: I see. And you work, what? The
18 graveyard shift?

19 PROSPECTIVE JUROR NO. 177: Well, yeah. I was
20 working EDC all weekend this weekend and load in. So --

21 THE COURT: Was that overtime and everything because
22 of that?

23 PROSPECTIVE JUROR NO. 177: Yeah, it was. Yeah, I
24 got 85 hours this week.

25 THE COURT: Kay. 85 hours?

1 PROSPECTIVE JUROR NO. 177: Yeah.

2 THE COURT: No wonder you're tired.

3 PROSPECTIVE JUROR NO. 177: Yeah.

4 THE COURT: What days and what shift do you normally
5 work?

6 PROSPECTIVE JUROR NO. 177: Well, I'm -- well, it's
7 weird because I'm part time, but I can pick up as many shifts
8 as I want.

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 177: So this week I'm working
11 the 7:00 to 7:00 and the 4:00 to 4:00 throughout the week.

12 THE COURT: Okay. What's your normal shift if you
13 don't pick up extra time?

14 PROSPECTIVE JUROR NO. 177: It's not really a normal
15 shift. You just put your name in and bid for shifts basically.

16 THE COURT: Okay. So you don't have a steady time?

17 PROSPECTIVE JUROR NO. 177: No. I just know my
18 schedule for this week.

19 THE COURT: Okay. Go on, Ms. Luzaich.

20 MS. LUZAICH: So when would you work today?

21 PROSPECTIVE JUROR NO. 177: I'm off today. I work --
22 actually, I work tomorrow 7:00 to 7:00, and the day after I
23 work 4:00 p.m. to 4:00 a.m.

24 MS. LUZAICH: So tomorrow would be 7:00 a.m.?

25 PROSPECTIVE JUROR NO. 177: Yeah. Tomorrow is the